

GOLIAD COUNTY SUBDIVISION REGULATIONS

Article I.

Purpose

1.1 The Commissioners Court of Goliad County has the authority to regulate the subdivision process pursuant to Texas Local Government Code, §232.001 et. seq., as amended;

1.2 These rules have been established for the orderly development of Goliad County, Texas, outside of the jurisdiction of municipalities. Further, they are established to provide policies and procedures to:

- (a) guide and assist in the preparations of subdivision plat requirements;
- (b) preserve and protect the environment for the public;
- (c) aid in providing for the general health, safety and welfare of the public;
- (d) provide guidance on construction and inspection of water wells and sewage disposal systems; and further,
- (e) these rules are established to provide submission procedures for preliminary plats and recordation of plats to aid the County in further development.
 - (i) For an area in the municipality's extraterritorial jurisdiction, a plat may not be filed with the County Clerk without the approval of the municipality first.
 - (ii) In the extraterritorial jurisdiction of a municipality, the municipality may regulate subdivisions under the statutes applicable to municipalities, and the County may regulate subdivisions under statutes applicable to counties. If a municipal regulation conflicts with County regulation, the more stringent provisions prevail.
- (f) A division of a tract under this subsection includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (g) In accordance with Local Government Code §232.0015, a subdivision plat is not required if the owner of a tract of land divides the tract into two or more parts and does not lay out 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;

1.3 The Commissioners Court of Goliad County has the authority and obligation to exercise general control over roads, bridges and related drainage structures and

developments in Goliad County and to prevent the county road system from being burdened with substandard streets or roads in the future;

1.4 The Commissioners Court of Goliad County has considered the potential pollution, nuisance and injury to public health that could be caused by the use of private sewage facilities within the county and has adopted this Regulation to abate or prevent the potential pollution, nuisance or injury to public health and groundwater;

1.5 The Commissioners Court of Goliad County, following public notice and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purpose and goals enumerated above.

Article II. Definition of Terms

2.1 Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot the gross square footage within the Lot shall be used, provided any area within a roadway easement shall be excluded.

2.2 Arterial Streets or Road – 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:

- (a) Streets or roads that will serve vehicular traffic beyond the limits of the subdivision; and/or, connect one collector or arterial with one or more collectors or arterials.
- (b) Streets or roads that are existing county roads, and carry a numerical designation.

2.3 Certificate of Convenience and Necessity (CCN) – The authorization granted under Chapter 13 Subchapter G of the Texas Water Code, as amended, for Goliad Water Supply Corporation to provide water and/or sewer utility service within a defined territory. As of the date of the adoption by Commissioners Court of this subdivision ordinance the Goliad Water Supply Corporation had been issued one certificate number 13028. It is the intent of Commissioners Court that all CCN, when issued, will apply.

2.4 Collector Streets or Roads – Collector streets or roads are those that connect arterial streets or roads with local streets or roads.

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

2.6 Drainage Easement – An easement on the downstream lot of any drainage pipes, road culverts or storm sewers under any road in the subdivision, the purpose of which is to allow the county to enter said lot and maintain and/or remove dirt if the drainage pipes, road culverts or storm sewers water flow is restricted.

2.7 Developer – Persons, corporations, organizations, governmental or governmental subdivision or agency, estates, trust, partnerships, associates, incorporations or other entities, which undertake the activities covered by these regulations.

2.8 Final Plat – A map or drawing of a proposed subdivision 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 § 3.3.

2.9 Local Streets or Roads – Local streets or roads are those that principally provide direct access to lots within a subdivision.

2.10 Major Highway or Road – All roads maintained by the Texas Department of Transportation are considered a major highway or road.

2.11 Minimum Requirements – Requirements when defined as minimum shall be the minimum acceptable requirements. The county due to issues pertaining to each unique subdivision may increase such requirements.

2.12 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 within the subdivision. This can also refer to the owner’s surveyor, engineer, attorney, or planner who has been given written authority to represent the owner.

2.13 Parent Tract – The original tract prior to any division.

2.14 Precinct Commissioner – All references in the Regulations to a “Precinct Commissioner” shall be construed to refer to the Goliad 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 each of the affected Precinct Commissioners.

2.15 Preliminary Plat – A map or drawing of a proposed subdivision meeting the requirements of §3.2.

2.16 Resident/Residence – One or more family members, as defined in Texas Family Code §71.003, living under one roof.

2.17 Street or Road – The terms “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 6.

2.18 Subdivision – The division of a tract of land situated within Goliad County and outside the corporate limits of any municipality into two or more to lay out: (i) a

subdivision of the tract, including an addition; (ii) lots; or (iii) 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.

It is the intent of the Commissioners Court of Goliad County that the term “subdivision” be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

Article III. Platting Procedure

3.1 The preliminary and final platting procedure for subdivisions within Goliad County will be as follows:

- (a) Prior to any subdivision of and any official submittal of a plat for review, the Owner shall set a meeting with the Precinct Commissioner and a Registered Engineer or Registered Professional Surveyor of the State of Texas. The Owner shall present a preliminary plat showing the street alignments and the lots. The Precinct Commissioner, Registered Engineer or Registered Surveyor will provide general comments and requirements to the Owner. Based upon these comments and requirements, the Owner or his representative will submit five (5) copies of the revised preliminary plat of the subdivision to the Precinct Commissioner’s office and the Registered Engineer or Registered Surveyor.
- (b) The Precinct Commissioner and Registered Engineer or Registered Surveyor will review the plat for compliance with the Goliad County Subdivision Regulations.
- (c) The Precinct Commissioner and Registered Engineer or Registered Surveyor will return his comments and recommendations to the Owner or his agent.
- (d) The Owner will address the comments and recommendations and set a meeting with the Precinct Commissioner and Registered Engineer or Registered Surveyor to resolve the comments.
- (e) The Precinct Commissioner will request placement of the plat on the Commissioners’ Court agenda for approval if all comments have been addressed or placement of a variance request on the Commissioners’ Court agenda.
- (f) 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 approval of the city before approval by the Goliad County Commissioners’ Court.

3.2 The preliminary plat shall be drawn to a scale of one hundred (100) feet to one (1) inch or larger and shall include the following:

- (a) Proposed name of the recorded subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within Goliad County.
- (b) Acreage and number of lots within the subdivision.
- (c) A transmittal letter containing the name, address, telephone number and fax number for the subdivision owner.
- (d) Names of contiguous recorded subdivisions and the owners of contiguous parcels of unsplit land, and whether or not contiguous properties are platted.
- (e) Date of preparation, scale of plat and north arrow.
- (f) Vicinity sketch map that shall show the relation of the subdivision to well known streets, railroad, and water courses in all directions to a distance of at least one (1) mile.
- (g) Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2) percent, which can be obtained/available from public sources. Topographical information is required for final plat.
- (h) Tangent lengths, centerline radii, names and right-of-way dimensions for all proposed and existing roads and streets. Names of all proposed roads or streets shall not have the same spelling or be pronounced similar to the name of any other street located within Goliad County unless such proposed road or street is an extension of an existing road or street, in which case it shall be named the same as the existing road or street.
- (i) Proposed easements, existing easements and detention ponds.
- (j) Proposed approximate property line dimensions.
- (k) A statement whether the property is in the extraterritorial jurisdiction (ETJ) of a city or not.
- (l) Draft copy of the "to be recorded" subdivision deed restrictions applicable to lots within the subdivision, if proposed by the owner.
- (m) If lots front up on a U.S. Highway or upon a State Highway, letter of authorization from the appropriate highway official, authorizing private driveway(s) from lot(s) onto the highway.
- (n) Approval of a Preliminary Plat by the County Commissioners' Court shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. Conditional approval by the Court of a preliminary plat shall not constitute approval of the final plat, automatic or otherwise.

3.3 Since the county must approve or reject the submission within 60 days, it is the obligation of the owner or developer to submit information, provide notices, and schedule hearings in adequate time to permit proper review by the County. If this is not done, the submission will be rejected and a new application must be filed. Every final plat submission must include all of the following:

- (a) Owners and any lien holder's dedication, and restrictions if any duly acknowledged in the manner required for acknowledgement of deeds. The landowners shall dedicate the fee ownership in the land for street, drainage and utility purposes. (See "Street or Road" definition, §2.15). Right-of-way easements for widening roadways or improving drainage must be accomplished by a plat note as found in Appendix A.1, Plat Notes, placing the burden of maintaining the property upon the landowner until a road or drainage improvements are actually constructed on the property.
- (b) A plat note as found in Appendix A.3 stating that dedication of all public roadways and easements shall be accomplished free of liens. Any required release of liens shall be provided to the Commissioners' Court.
- (c) Perimeter field notes certified by a Registered Professional Land Surveyor. All lot and block monumentations will be set by a Registered Professional Surveyor before recordation of the plat.
- (d) All lots must have assigned to them the EMS address from Golden Crescent.
- (e) All easements of record and those that are visible and apparent that have a designated route shall be shown on the plat. The owner and/or developer will be responsible for coordinating with all utility providers so that the location(s) of all public utility easements are shown on the final plat.
- (f) The plat shall have a statement indicating if all or any portion of the property falls within a flood hazard boundary area as identified on the most current Goliad County Flood Hazard Boundary Map (FHBM) published by the Federal Emergency Management Agency.
- (g) A plat note as found in Appendix A.4 for Commissioners' Court approval, including authorization for the County Clerk to file the plat for record as found in Appendix A.5. These notes are to be located in the lower right hand corner of the last sheet of the plat.
- (h) A statement of the total length of all streets in the proposed subdivision.
- (i) Approval of the incorporated city when the subdivision is within the extraterritorial jurisdiction (ETJ) of that city. The owner must obtain approval by the city before approval by Commissioners' Court.
- (j) A letter of serviceability from the Goliad County Water Supply Corporation or entity providing water service, or if no service is available within 300 feet of the subdivision the Owner shall provide documentation prepared by an engineer registered to practice in this state, certifying that adequate groundwater is available for the subdivision and that lots are suitable for private wells.
- (k) A person may not file for record or have recorded in the County Clerk's office a plat or replat of a subdivision of real property unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property.
- (l) A statement from the owner acknowledging that it is the responsibility of the owner, not the County, to assure compliance with the provision of all applicable state, federal, and local laws and regulations relating to the

environment. This shall be part of the owner's dedication statement on the face of the plat.

- (m) Certification by an engineer registered to practice in this state under his or her professional seal that all engineering for roads and drainage within the subdivision have been completed in compliance with these Regulations (including the Engineering Guidelines incorporated as Appendix B) and with all generally accepted engineering standards. Engineering functions and testing expenses are the responsibility of the Owner. The Owner may defer this certification by meeting the security requirements of §5.2 or §5.3.
- (n) A signature block as found in Appendix A.6 on the plat for approval by the Goliad County Health and Environmental Department, showing that they have examined the plat and that the plat is in compliance with the Goliad County Private Sewage Facility Regulations, Construction Standards for On Site Sewage Facility Regulations (TCEQ). The Goliad County Environmental Service Agent, prior to final plat approval, must sign this signature block. This signature block must be incorporated into the plat during the draft stage.
- (o) It is the responsibility of the Owner to assure that the proposed name of the subdivision and all road and street names are not duplicated. The Owner shall check with the County Clerk's records for verification.

3.4 Until the owner meets every subdivision requirement, no approval shall be granted by the Commissioners' Court with regard or concern to any subdivision.

3.5 At least one week before the date of the Commissioners' Court meeting for final plat approval, the owner shall submit to the County Clerk the original plat and one identical copy. The final plat shall be drawn in permanent ink on reproducible film sheets eighteen (18") inches wide and twenty-four (24") inches long, with margins of not less than one (1) inch on all sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger. Where more than one sheet is necessary to accommodate the entire area, an index showing the entire subdivision at an appropriate scale shall be attached to the plat. The County Judge's approval and the County Clerk's approval shall be located on the last plat page on the lower right hand corner with the County Clerk's approval being last.

3.6 Following final approval of the subdivision, the County Clerk will record the plat in the Plat Records of Goliad County, Texas, at the Owner's expense, and return the copy to the owner with approval and recording information. The Clerk will retain the original of the plat for the county's files.

3.7 Unless the preliminary plat approval is followed by a final plat approval within one year, the preliminary plat lapses and the subdivision must be resubmitted for approval.

3.8 The final plat must be recorded within three (3) months of approval by the Goliad County Commissioners' Court. The Commissioners' Court may grant a single three (3) month extension.

3.9 Lots within a subdivision shall not be offered for sale or sold until approval has been given by Commissioners' Court to the final plat for the subdivision and the plat has been recorded with the County Clerk.

Article IV. Resubdivisions

4.1 Once the owner of an existing lot or lots in a legally platted subdivision has followed the procedure as found in §3.1 and 3.3, the owner of an existing lot or lots in a legally platted subdivision may initiate a resubdivision by notifying the Precinct Commissioner. The Commissioner will place the plat on a Commissioners' Court agenda in order to set a public hearing on the proposed resubdivision.

4.2 The person proposing the resubdivision must publish notice of the hearing in a local newspaper of general circulation, at private expense. Notice of public hearing signs shall be placed next to all adjacent streets. The signs will be placed on 300-foot intervals. Whoever places the signs will be required to verify in writing at the public hearing that the signs remained in place during the previous 21 days. This will give other owners within the subdivision the opportunity to assert any legal claims against the proposed subdivision.

4.3 A proposed plat meeting the requirements of these Regulations must be submitted to the Court, prior to the public hearing, signed by each owner (including lien-holders) of the property to be resubdivided. The owners of property elsewhere in the subdivision need not give specific written consent.

4.4 If the Court finds after the public hearing that the resubdivision will affect no established legal rights, it will enter its order partially vacating the original plat and approving the plat of the resubdivision. If the Court finds that the resubdivision will affect established legal rights, it shall not approve the resubdivision without the consent of all affect parties.

4.5 A public hearing will not be required if a public hearing for the proposed resubdivision was held by a municipality in Goliad County.

Article V. Road Construction

5.1 Minimum Street or Road Standard - To protect the public interest, the Commissioners' Court of Goliad County hereby decrees under the provision of Chapter 232, Local Government Code, that the owner of any tract of land that desires to obtain approval of a subdivision plat for recording a plat in the county records shall construct all

streets, roads and drainage in said subdivision to the standards and specifications set forth by the Goliad Commissioners Court.

- (a) Right of Way: All roads and streets shall be built on a minimum right of way of not less than 60 feet in width. Dead end streets shall have a cul-de-sac with a minimum right-of-way radius of 60 feet (minimum road bed radius to be 60 feet) with "Dead End" or "No Outlet" street signs posted, to accommodate the turn around of school buses. Any required right-of-way for drainage ditches to adequately control surface water in or out of the subdivision must be provided to satisfy local conditions.
- (b) Grading: The grading of all road and or streets shall be completed to a minimum width of 20 feet of finished road-way with side ditches of ample width and depth to provide satisfactory drainage for local conditions.
- (c) Surfacing:
 - (1) Caliche base shall be not less than 5 inches in depth after compaction and not less than 22 feet in width.
 - (2) Said caliche base shall be watered and compacted in accordance with recognized and customary practices.
 - (3) One coat of AC-5 at .30 gallon per square yard with 5/8" topping rock rolled, 2nd coat of AC-5 at .30 gallon per square yard with 3/8" topping rock rolled not less than 20 feet in width.

5.2 Subdividers or developers, his agent or assigns, shall notify the County Commissioner in the precinct where the road is being constructed, at each phase of the road construction before starting the next phase, thereby allowing the County Commissioner time to inspect each phase of construction.

5.3 The owner of the tract must execute a bond; the owner must do so before subdividing the tract unless an alternative financial guarantee is provided under § 5.4. The bond must:

- (a) be payable to the county judge or any successor;
- (b) be in an amount of \$12.50 for every linear foot of roads and streets in subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;
- (c) be executed by a company authorized to do business as a surety in this state;
- (d) be conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed:
 - (i) in accordance with the specifications adopted by the court; and
 - (ii) within a reasonable time set by the court.

5.4 In lieu of the bond an owner may deposit cash, an unconditional letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

- (a) If a letter of credit is used, it must:
 - (i) list as the sole beneficiary the County Judge or any successor; and
 - (ii) be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision:
 - (A) in accordance with the specifications adopted by the commissioners court; and
 - (B) within a reasonable time set by the court.

5.5 The developer may request partial reduction of the security requirement upon approval by the County Commissioners' Court, upon partial completion of construction of said road and/or drainage.

5.6 If landscaping and/or irrigation are proposed within the right-of-way, the owner shall create a body (home owners association, neighborhood association, etc.) that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance.

5.7 Once the construction has been completed and the Precinct Commissioner has approved the construction, the Owner shall file with the County Clerk a set of "As Built" plans to be attached and recorded with the original plat. These plans are to show the improvements as they were actually built.

5.8 All postal mailboxes shall meet current U.S. Postal Service and Texas Department of Transportation standards.

5.9 By accepting a subdivision plat for filing, the Commissioners' Court does not thereby accept the streets in the subdivision for ownership or maintenance by the county. The owner or owners of the platted lots are responsible for maintenance of all streets or roads within the subdivision until such time as the construction of the roads have been accepted by the Commissioners' Court into the county road system.

5.10 The County will not accept a road for maintenance without the following preconditions:

- (a) A dedication for the public use of an easement or fee interest in the entire roadway to Goliad County.
- (b) Written certification from an engineer registered to practice in this state that the road was constructed in accordance with the road and drainage standards and specifications set forth by the Goliad County Commissioners' Court in effect when the subdivision was legally platted (or has been upgraded to those standards). If the subdivision where the road is located was never platted, it must meet the current guidelines.
- (c) Written certification from an engineer registered to practice in this state that the road is currently in compliance with the applicable guidelines. The cost of any improvements, maintenance, or repairs required to reach

that standard shall be borne by the developer or current landowners, not by the County.

5.11 The enforcement of plat restrictions is the responsibility of the developer and other owners in the subdivision.

5.12 The County will assume no responsibility for drainage ways in the subdivision, other than those running on or along the streets and roads, once said streets and roads are accepted by the County. Maintenance and liability of landscaped areas within the right-of-way will be the responsibility of the developer, the neighborhood association or other owner entity.

Article VI. Private Roads

6.1 If a developer wishes to create a subdivision utilizing private roads, it must meet the following requirements:

- (a) The roads must meet all county road standards, except where specific variance has been granted by the Commissioners' Court for adequate cause in each case.
- (b) The subdivision plat and restrictions must contain a statement that Goliad County will never accept or maintain the roads unless they meet the county standards in effect on the date of acceptance.
- (c) The subdivision plat must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance.
- (d) The plat must contain a requirement that every deed contain notice to the grantee that all roads and streets are private, that the owners will be perpetually liable for maintenance, that the county will never accept it for maintenance, and that the quality of the roads and streets affect access by public services such as police, fire and EMS.
- (e) All arterial and major collector streets must be dedicated to the public and constructed to county standards. Other streets will be dedicated to the homeowners association for the use of the property owners, their assigns and successors, and emergency response individuals.
- (f) The owner and/or developer will place a sign at the entrance of the subdivision clearly stating that the roads are private roads.
- (g) The owner and/or developer will form a homeowners association with assessment authority. Membership in the association will be mandatory for each lot owner of the private subdivision. The association will be responsible for the maintenance of the roads in the subdivision.
- (h) Any owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box and a letter of approval for all the affected emergency response agencies stating their approval of full time access to the subdivision.

**Section VII.
Drainage and Flood Control**

7.1 Stormwater Runoff Discharges – Stormwater runoff from any proposed development may not be released onto adjacent property owners or into any county drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. Discharge calculations shall be based on fully developed conditions. The Precinct Commissioner may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.

- (a) Incentive for lots Five Acres or larger – If all Lots in a subdivision are five acres or larger and restricted by plat note limiting future development to one single family residence per Lot, then such subdivision shall be deemed to be in compliance with this §7.1 and no additional materials need to be submitted to demonstrate compliance to the Precinct Commissioner.

7.2 Sizing of Drainage Facilities – All drainage facilities for residential (single family or duplex residences) subdivisions including ditches, drainage pipes, street curbs, gutter inlets, driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm, based upon the classification of Permitted Street affected by the drainage structure, as set forth below:

<u>Classification of Street Affected by Drainage Structure</u>	<u>Storm Frequency</u>
Local Street	10 year
Collector	25 year
Arterial	25 year

- (a) Incentive for lots Five Acres or larger – Notwithstanding the preceding requirements, all drainage structures affecting Local Streets or Collectors may be designed based on a five-year storm frequency if all Lots in the subdivision are 5 acres or larger and restricted by plat note limiting future developments to one single family residence per Lot and the design of such drainage structures is approved by the Precinct Commissioner. All drainage construction will, however, be subject to the remainder of this Article 7.
- (b) Drainage Facilities for Other Subdivisions – For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to 25-year storm event calculations.

7.3 Conveyance of 100-Year Storm Frequency Flows – In addition to 7.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100 year frequency storm within defined right-of-way. Said drainage ditches throughout subdivision shall be constructed between road bed and private property line. The drainage ditch must be backsloped.

7.4 Completion of Drainage System Prior to Acceptance of Road Maintenance – No streets will be accepted for maintenance by the County until all drainage structures, including drain pipes for all driveways constructed as of the acceptance date, have been (i) installed by the Owner or occupant(s) of the Lot(s) and (ii) inspected and approved by the Precinct Commissioner.

7.5 Maximum Headwater Elevation for Drainage Crossings – All roads, culverts underneath roads, and bridges shall be designed so that stormwater runoff from the frequency storm event designated below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than 6 inches above the roadway crown elevation, based upon the classification of Permitted Street affected by the drainage structure:

<u>Classification of Street Affected by Drainage Structure</u>	<u>Storm Frequency</u>
Local Street or Road	25 year
Collector Street or Road	25 year
Arterial Street or Road	100 year

- (a) Incentive for lots Five Acres or larger – Notwithstanding the preceding requirements, all Local Streets or Collector Streets, and culverts underneath such roads, may be designed based on a ten-year storm frequency if all Lots in the subdivision are five acres or larger and restricted by plat note limiting future development to one single family residence per Lot and the design of such drainage structures is approved by the Precinct Commissioner. All drainage construction will, however, be subject to the remainder of this Article 7. This incentive shall not apply to bridges.
- (b) A permanent depth gauge shall be placed at all road crossings where the 100 year frequency flow or lesser frequency is anticipated to flow over the road surface. The Commissioners Court may require installation of gates or warning devices at all or some of such locations.
- (c) All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.
- (d) This §7.5 does not apply to driveway culverts.

7.6 Drainage Design Methodology – Computations by a registered professional engineer to support all drainage designs shall be submitted to the Precinct Commissioner for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

- (a) All computations of flood plains, culverts, channels, etc. shall be based on fully developed upstream conditions.

7.7 Easements –

- (a) All downstream lots of any drainage pipes, road culverts or storm sewers shall grant to the County a drainage easement. The dimensions of said easement will be determined by the Commissioners.
- (b) All flood plains and concentrated flows for the 100 year storm frequency shall be contained within a dedicated drainage easement or right-of-way, however, studied floodplains may be defined with base flood elevations and established regulatory floodway boundaries without the use of drainage easements.
- (c) Development will be allowed within the flood plain or within a drainage easement only on a case by case basis, and in any event any structures constructed within the flood plain must be above the base floor elevation. No development whatsoever will be permitted in the floodway.

Section VIII. Building Setbacks

8.1 The setback line on major highways and roads is set at 50 feet from the edge of the right-of-way.

8.2 The setback line on all public roads other than major highways and roads is set at a minimal of 25 feet from the edge of the right-of-way.

Section IX. Variances

9.1 The Goliad County Commissioners’ Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules.

9.2 Any person who wishes to receive a variance should apply to the Precinct Commissioner, who will place it on the agenda of the Court and present it with his or her recommendations whether the variance should be granted.

9.3 The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

**Section X.
Penalties**

10.1 Section 232.005 of the Texas Local Government Code provides for the enforcement of the state subdivision laws of these Regulations.

10.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the attached appendices. That offense is a Class B Misdemeanor (punishable by a \$2000 fine and up to six (6) months in jail).

10.3 Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.

10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to recover damages.

**Section XI.
Application Fee**

11.1 An application fee of \$200.00 paid to the County Clerk's office once the final plat is put on the Commissioner's Court agenda for approval. Once approved by Commissioners Court there will be an additional fee required by the County Clerk's office, to be determined by the Clerk, to file the approved plat with the deed records.

**Section XII.
Savings Clause**

12.1 If any specific section of these regulations be deemed unenforceable and/or void, said determination will have no adverse effect on the enforceability of the Goliad County Subdivision Regulation as a whole.

**Section XIII.
Appendix**

13.1 Appendix's "A", "B" and "C" are incorporated into this regulation, as if fully set for verbatim, and has the same force and affect as the main body of this regulation.

AND IT IS SO ORDERED, PASSED AND APPROVED THIS _____
DAY OF _____, _____.

Goliad County Judge

ATTEST:

Goliad County Clerk

APPENDIX A
Plat Notes

A 1. Road Widening Easements

A 1.1 Right-of-way easements for widening roadways or improving drainage shall be maintained by the landowner until a road or drainage improvements are actually constructed on the property. The County has the right at any time to take possession of any road widening easement for the construction, improvement or maintenance of the adjacent road.

A 2. Owner's Responsibility

A 2.1 In approving this plat the Commissioner's Court of Goliad County, Texas, it is understood that the building of all streets, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed in the subdivision is the responsibility of the owners of the tract of land covered by this plat in accordance with the plan and specifications prescribed by the Commissioner's Court of Goliad County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or to construct any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets.

A 2.2 The County assumes no responsibility for the accuracy of representations by other parties in this plat. It is further understood that the owners of the tract of land covered by this plat must install at their own expense all traffic control devices and signage that may be required before the streets in the subdivision are finally accepted for maintenance by the County.

A 3. Certificate of Ownership and Dedication

A 3.1 The following statement shall be placed on the final plat of all subdivisions:

STATE OF TEXAS

COUNTY OF GOLIAD

I (or We), (Name of owner or owners), owner (or owners) of the property subdivided in the above and foregoing map of the (Name of Subdivision), do hereby make subdivision of said property, according to the lines, streets, lots, parks, and easements therein shown, and designate said subdivision as (Name of Subdivision), in the (Name of Survey) Survey, Goliad County, Texas; and dedicate to public use, as such, the streets, parks and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets dedicated, or occasioned by the alteration of the surface of any portion of streets to conform to such grades; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land dedicated.

A 3.2 The following statement is to be used where there is a lien against the property, or a separate instrument may be filed:

I (or We), (Name of mortgage or names of mortgages), owner and holder (or owners and holders) of a lien (or liens) against the above described property, said lien (or liens) being evidenced by an instrument of record in Volume _____, Page _____, of the Official Records of Goliad County, Texas, do hereby in all things subordinate to said subdivision and dedication said lien (or liens), and I (or we) hereby confirm that I am (or we are) the present owners (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

A 3.3 The following paragraph is not required except when there are to be overhead lines in easements:

There is also dedication for utilities an unobstructed aerial easement five (5) feet wide from a plan twenty (20) feet above the ground upward located adjacent to all easements shown hereon.

A 3.4 The following statement shall be placed on the final plat of all subdivisions:

FURTHER, I (or We), do hereby dedicate forever to the public a strip of land ten (10) feet wide on each side of the center line of any and all gullies, ravines, draws, sloughs, or natural drainage courses located in said subdivision, as easements for drainage purposes, giving Goliad County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or maintaining work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Goliad County and any citizen thereof, by injunction, as follows:

- 2. The drainage of septic tanks into road, street, and other public ditches, either directly or indirectly, is strictly prohibited.*
- 2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet. Culverts or bridges must be used for driveways and/or walks.*

A 3.5 The following statement shall be placed on the final plat of all subdivisions:

I (or We) hereby covenant and agree that all lots within the boundaries of this subdivision are for single family residential purposes unless otherwise noted.

A 3.6 The following statement shall be placed on the final plat of all subdivisions where a city sanitary sewer system is not to be installed along with the development of the subdivision prior to the occupancy of any lot or building site in the subdivision:

I (or We) hereby covenant and agree with Goliad County and/or any property owner that no dwelling unit shall be constructed and/or that now dwelling unit shall be constructed and/or occupied on any lot before a sanitary sewer system or septic tank system meeting the approval of the County and State Health authorities shall first have been extended to the lot, plot or site.

A 3.7 The following statement may be placed on the final plat of all subdivisions to be used as a dedication clause preventing rear driveway access to any street and side driveway to a major street:

I (or We) hereby covenant and agree with Goliad County that lots backing or siding on (name of street or highway) shall not have direct driveway access to said street.

A 3.8 The following statement shall be placed on the final plat of all subdivisions:

WITNESS my (or our) hand in Goliad County, Texas this _____ day of _____, 20_____.

(Signature of Owner or Owners)

STATE OF TEXAS

COUNTY OF GOLIAD

BEFORE ME, the undersigned authority, on this day, personally appeared (Name of owner or name of owners), known to me to be the person (or persons) whose name (or names) is (or are) subscribed to the foregoing instrument, and acknowledge to me that he (or they) executed the same for the purposes and considerations therein set forth. (If a husband and wife join in the dedication, the following form should be added:) and the same said (Name of wife), having been examined by me privately and apart from her husband and having the same fully explained to her by me, acknowledged said instrument to be her act and deed, and that she had willingly signed the same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20_____.

Notary Public

A 3.9 The following statement shall be placed on the final plat of all subdivisions:

CERTIFICATE OF REGISTERED ENGINEER

This is to certify that I, (Name of Engineer), a Registered Engineer (or Registered Professional Surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block covers, angle points and points of curve

A 3.12 The following statement shall be placed on the final plat of all subdivisions:

Based upon the representations of the engineer or surveyor whose seal is affixed hereto, and after review of the plat as represented by the said engineer or surveyor, I find that this plat complies with the requirements of flood plain regulations and on-site sewerage facility regulations. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. Goliad County disclaims any responsibility to any member of the public for independent verification of the representations, factual or otherwise, contained in this plat and the documents associated within it.

*(Name of Current Director)
Director, Environmental Services
Goliad County, Texas*

Date

APPENDIX B

Engineering Guidelines

B 1. Lot Size

B 1.1 Minimum lot size shall be two acres with a minimum paved street frontage of 150' for lots that have an individual water well and individual on-site sewage system. Drainage easements and road widening easements are to be excluded from the two-acre calculation. There shall be a 100-foot radius between the well and any on-site sewage system drain field. The Goliad County or other federal, state, or local laws or regulations may impose further lot restrictions.

B 1.2 Minimum one acre lots with a minimum paved street frontage of 150' a lot must have central water system provided by the Goliad County Water Supply Corporation or some other entity.

B 2. Road Alignments

B 2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for construction road or bridges.

B 2.2 When two (2) or more arterial streets are in a subdivision, cross-streets at a maximum spacing of 1,500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.

B 2.3 Dead end streets shall have a cul-de-sac with a minimum right-of-way radius of 60 feet (minimum road bed radius to be 60 foot) with "Dead End" or "No Outlet" street signs, at private expense, placed under the street name sign.

B 2.4 The County may require an internal street system that minimizes road cuts to existing County or other public roadways.

B 3. Minimum Road Requirements

B 3.1 As of date of the submission of the plat application, the minimum road requirements of a subdivision shall be of the same standard as those imposed upon Goliad County concerning the construction of streets and roads with a similar amount of traffic.

B 4. Street Names and Markers

B 4.1 All streets and roads to be dedicated to the public with a subdivision shall be named. The street names shall be displayed on standard intersection street markers erected by the owner, at private expense, at each street intersection. All houses shall be

numbered, as approved by the Goliad County 9-1-1 coordinator and/or the Commissioners' Court designated authority.

B 4.2 Traffic control signs (such as stop, yield, and speed limit signs) as approved by the Commissioners' Court, shall be installed, at private expense, by the owner and or developer of the subdivision, at all intersections. 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 and the construction costs shall be included in the security. The placement of these signs shall be shown in the construction plans.

B 4.3 The speed limit shall be set by the Goliad County Commissioners' Court.

B 4.4 The streets or roads in any subdivision will not be accepted for final maintenance by the Commissioners' Court until all of the aforesaid requirements and conditions regarding street names, street signs and traffic control signs have been complied with.

B 4.5 A street name sign shall be placed, at owner's expense, at the end of all streets that are proposed to be extended at some time in the future. The sign will state the following: "Future Extension of <name of street>."

B 5. Water and/or Sewer Utility Service

B 5.1 At the time of adoption of this subdivision ordinance the Goliad County Water Supply Corporation had been issued one CCN, certificate number 13028, which covered a certain defined territory. The Goliad Water Supply Corporation is responsible for providing water and/or sewer utilities within the defined territory. The developer of the subdivision must determine if the subdivision falls within the defined territory and if so deal with the Goliad County Water Supply Corporation for water and/or sewer utilities.

B 5.2 If and when the Goliad County Water Supply Corporation should obtain another CCN from the Texas Commission on Environmental Quality, the developer of the subdivision must determine if the subdivision falls within the defined territory of the new CCN and if so, deal with the Goliad County Water Supply Corporation for water and/or sewer utilities.

B 5.3 Goliad County is not responsible or obligated to provide water and/or sewer utilities to any subdivision in the County.

EXHIBIT C

C 1. Applicability: This exhibit is applicable only if the water supply for a proposed residential subdivision is based on a groundwater supply, including individual water wells on individual lots. If expansion of an existing public water supply system or installation of a new public water supply system is to be the proposed method of water distribution for the proposed residential subdivision, site-specific groundwater data shall be developed under the requirements of Texas Administrative Code (TAC), Title 30, Part 1, Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems) and the information developed in meeting these requirements shall be attached to the form required in TAC, Title 30, Part I, Chapter 230.3 (relating to Certification of Groundwater Availability for Platting).

C 2. Purpose and Goal of Rules: The purpose, intent, and goal of this exhibit is to provide a general indication to individual purchasers of property within a covered subdivision of the anticipated quantity and quality of available water. Additionally, these regulations strive to protect and preserve the groundwater resources within Goliad County.

C 3. Regulating Authority: Goliad County Groundwater Conservation District (GCGCD) is the authority that will provide data to show that groundwater of sufficient quantity is available for the proposed subdivision. Water quality varies throughout the county and will need to be addressed on a per site basis using data from area wells and with test wells.

C 4. Groundwater Availability:

C 4.1 Definition: Groundwater availability shall be defined as the amount of groundwater available to a proposed platted subdivision, at full build-out, to maintain the central Gulf Coast Aquifer in a sustainable (do no harm) condition as noted in the GCGCD Management Plan.

C 4.2 Preparing the availability report: A developer of a platted proposed residential subdivision may be required to furnish a Groundwater Availability Report (GAR) to the Goliad County Commissioner's Court (GCCC). The representations of the GAR will need to comply with the rules of GCGCD. The developer is to work with GCGCD in the preparation of this GAR. GCGCD will review the proposed plat and make recommendations as to well location and spacing, will provide groundwater availability based on total county consumption, will provide any existing data in the immediate area of the proposed residential subdivision as to water depths based on well logs and document any known quality issues. Depending on the size and density of the proposed subdivision, it may be necessary for the developer, at his cost, to engage the services of water engineering experts and to drill test wells to confirm the availability of adequate, good quality groundwater.

C 4.3 Protection of groundwater: All reasonably necessary precautions shall be taken during construction of test and production wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other water) if encountered, is sealed off and confined to the zone(s) of origin. Test and production wells shall be cased and cemented per current groundwater conservation rules and regulations for a residential well.

C 5. Exemptions: A subdivision of land may be exempted from preparing a Groundwater Availability Report (GAR) if it can be shown that:

1. Sufficient data as determined by GCGCD and approved by the GCGCD exists from information on adjacent or like properties in the same area, or
2. The well or wells have been approved by GCGCD, or
3. The subdivision's water source is supplied solely from surface water or rainwater catchments.

C 6. Density and Number of Lots: For a subdivision with lots utilizing a single private well and septic system, lots shall be no less than two (2) acres in size. Using a groundwater recharge of two (2) inches per year, and an average consumption of 500 to 600 gallons of water per day for a private residence, the minimum subdivision density at full build-out including roads, easements, etc., is to be four (4) acres.

C 7. Water Conservation: The specifications of the residential subdivision are to include the current recommended per capita water use. GCGCD will supply this data. Per capita water use may also be specified in a water well operating permit issued by GCGCD.

C 8. Approval Criteria: GCCC will not approve a final plat for a subdivision falling under the requirements of this exhibit unless a GAR, if required, has been reviewed and accepted by GCGCD. It must be the reasonable conclusion of the report that the fully developed subdivision will have water currently available of sufficient amount and quality using the aforementioned assumptions in IV (A). The submitted GAR must contain at a minimum the following information summarized on the attached form of the latest revision:

1. Size of subdivision including total acres and proposed number of tracts
2. Number of test wells drilled, including dry holes.
3. Number of wells pump tested
4. Well locations by physical address/description and GPS coordinates
5. Well logs including static water levels
6. Elevation above mean sea level at the well sites
7. Well yields in gallons per minute from the pump test
8. Water quality results from an approved laboratory for each test well

Neither Goliad County Commissioner's Court nor GCGCD make any guarantees or warranties based upon GARs as to the availability of water and/or of its quality now, or in the future, to prospective buyers of the properties within the subject subdivision.

C 9. Well Accessibility: Test wells shall remain available for GCGCD inspection for a minimum of 60 days after the receipted date of the GAR by GCGCD. Upon final approval of the GAR by GCGCD and GCCC, test wells may be offered for sale in conjunction with tract sales within the platted subdivision.