Mason County
Subdivision Regulations

Approved and Accepted by
Mason County Commissioners Court

Date: 11-14-2022

INTRODUCTION

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

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

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

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

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Chapter 1
GENERAL AND ADMINISTRATIVE PROVISIONS

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

THE STATE OF TEXAS, COUNTY OF MASON, IN THE COMMISSIONERS COURT OF MASON COUNTY, TEXAS, this 14 day of November, 2022:

WHEREAS: The Commissioners Court finds it is in the best interest of Mason County to establish and update its standards and specifications for the development of subdivisions of land, as defined by Chapter 232, Texas Local Government Code, including for the provision of utilities, the construction of roads and drainage, the provision of drinking water, the disposal of waste-water, and development within the floodplain; and,

WHEREAS: These regulations are enacted to implement the powers granted to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code, Chapter 232 (granting counties authority to adopt and enforce subdivision regulations and to require plat approval); Texas Local Government Code, Chapter 233, Subchapter B, (granting counties authority to establish building set-back lines on the public roads); Texas Local Government Code, Chapter 242 (governing the power of counties to regulate subdivisions within the extraterritorial jurisdiction of municipalities); Texas Transportation Code, Chapter 251 (granting counties general control over all roads, highways and bridges); Texas Health and Safety Code, Chapter 364 (authorizing counties to cooperate with other entities for the safe and economical collection, transportation, and disposal of solid waste); Texas Health and Safety Code, Chapter 366 (granting counties authority to adopt standards for on-site sewerage facilities); Texas Water Code, Chapter 16 (granting counties authority to set standards for the provision of water, sewage, and waste-water disposal, and construction within floodplains and to guide development of future development to minimize damage caused by floods); and Texas Water Code, Chapter 26 (governing water quality control). These statutes, listed here as illustrative and not exclusive grants of authority, empower the County to enact certain subdivision rules and regulations and to provide for their administration, enforcement, and amendment; and,

WHEREAS: The Commissioners Court is empowered to formulate these regulations by the foregoing authorities, and the Commissioners Court has favorably received and voted on these regulations in order to preserve and protect the resources, public health and private property interests of the citizens of Mason County; and,

WHEREAS: Following public notice, investigation, and public hearing, the Commissioners Court declares these regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF MASON COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE ADOPTED:

1.1. Authority

a. Notwithstanding any provision to the contrary, these regulations apply to any subdivision of land in Mason County which divides the tract into two or more parts to lay out:

1. A subdivision of the tract, including an addition;

2. Lots; or

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

b. A division of a tract to which these regulations apply includes any division regardless of whether it is made by using a metes and bounds description, or any description of less than the whole tract, in a deed of conveyance, executory contract, or by using any other method to transfer title.

c. A division of a tract to which these regulations apply includes any division to lay out lots within the tract, regardless of whether there is a change of ownership of any part of the tract.

d. Existing private roads and easements that do not conform to the fifty (50') feet road requirement in the County subdivision regulations shall not be considered as ingress/egress to subdivisions; right-of-way that have been dedicated to the public shall remain under private maintenance unless accepted by the county for maintenance. A 'driveway' that is owned or used in common with other tracts is a private road.

1.2. Plat and application required

a. A developer must present an application in compliance with these regulations to the Commissioners Court for approval, unless the subdivision is exempt by state law, these regulations, or by an act of the Commissioners Court in response to a request for a discretionary exemption.

b. Unless otherwise exempt, no subdivided land may be sold or conveyed until the developer:

1. Has received approval of an application; and,

2. Has filed for record an approved plat of the subdivision with the Mason County Clerk's Office.

c. A utility may not provide utility services, including water, sewer, gas, and electric services, to property within a subdivision, unless the developer or owner provides the utility with a copy of a certificate of approval or a certificate of exemption from the Commissioners Court to confirm compliance with these regulations.

d. If a subdivision is located within the extraterritorial jurisdiction of a municipality, the developer is responsible for complying with the applicable regulations of the municipality, and the

provisions of any applicable inter-local agreements between the County and the municipality. Generally, in cases where the County and a municipality have regulations that differ, the more stringent regulations will control. See Exhibit N.

e. Each developer must submit a written, affirmative acknowledgement of the requirements of this section with their application.

1.3. General exceptions to these regulations

Pursuant to Section 232.0015, Texas Local Government Code, the platting requirements set forth in this subdivision regulation do not apply to the following divisions of land, so long as the property was not previously platted.

a. A division of a tract of land into agricultural tracts is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts of the tract; and,

2. The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, "Agriculture use" means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner.

3. If a tract described by this exemption ceases to be used primarily for said "Agricultural use", the requirements of these regulations will apply.

b. A division of a tract of land into family tracts is exempt if:

1. Each of the parts 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 of the Texas Government Code.

c. A division of land into tracts larger than 10 acres is exempt if:

1. All of the divided tracts are more than ten (10) acres in area; and,

2. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

d. A division of land resulting in all tracts of 25 acres or larger is exempt from the platting and road building requirements.

e. A division of a tract of land into veterans' tracts is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. All the lots are sold to veterans through the Veterans' Land Board program.

f. A division of a tract of land into public tracts is exempt if:

1. The land is owned by 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,

2. The subdivision does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

g. A division of a tract of land into public floodplain tracts is exempt if:

1. The owner of the land is a political subdivision of the state; and,

2. The land is situated in a floodplain; and,

3. All of the divided tracts are sold to adjoining landowners.

h. A division of a tract of land into a tract for future development is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. One new part is to be retained by the owner, and the other new part is to be transferred to a developer who will further subdivide the tract subject to these regulations.

i. A division of a tract of land into partitioned tracts is exempt if:

1. The owners do not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. All parts of the subdivided tract are transferred to persons who owned an undivided interest in the original tract.

3. Any further subdivision of a partitioned tract must comply with these regulations.

j. Creating a tract containing a minimum one (1) acre of land solely for the purpose of obtaining financing, provided that possession and primary beneficial ownership of the entire parent tract remain unified.

k. The combination of tracts under common ownership into one larger tract of land.

l. The land being divided is inherited property between heirs by action in probate, and the heirs are related to the testator within the third degree of consanguinity or affinity.

1.4 Use of Firearms, Bows, and Arrows

Regarding the use of firearms, bows, and arrows in certain subdivisions, the following standards are adopted and approved pursuant to Chapter 235.020-045 of the Texas Local Government Code:

a. To promote public safety, the Commissioners Court hereby prohibits the discharge of firearms on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the Commissioners Court to require the registration of firearms or air guns.

b. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C Misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B Misdemeanor.

c. To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C Misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section the offense is a Class B Misdemeanor.

1.5. Subdivision names

The name of a subdivision may not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within the County, and may not be so similar in spelling or pronunciation to the name of any existing subdivision in the County as to cause confusion, unless the subdivision is contiguous to an existing subdivision and is an additional phase of that development.

1.6. Conflict of laws

a. These regulations supersede any prior regulations of subdivisions adopted by the Commissioners Court.

b. If any other rule or regulation adopted under the authority of proper legal jurisdiction is in conflict with these regulations, the most stringent rules will apply.

c. These regulations will not be interpreted to permit actions which would otherwise be prohibited by another valid County regulation which has not been superseded by these regulations.

1.7. Severability

If any part or provision of these regulations, or any application of these regulations, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment will be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment will have been rendered and will not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these regulations without any such invalidated part, provision, or application.

1.8. Agents

Whenever an act is required by any person or entity under these regulations, that act may be performed by an agent of that person or entity.

1.9. Effective date

a. These regulations apply to all subdivisions which are made subsequent to the effective date of these regulations or to current subdivisions that have not been granted exemptions per section 1.2 of these regulations.

b. Any subdivision existing prior to the effective date of these regulations, whether or not a plat of the subdivision has been filed in the records of the County, and for which the owner or owners of lots within said subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the subdivision, must comply with these regulations.

1.10. Definitions

The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

1. **Application**—A plat application for subdivision approval under these regulations, which must include a complete plat, a survey, and all other materials and information detailing infrastructure (including utilities, drainage structures, and roads) to be constructed within a subdivision, to be submitted by a developer with their application as required by these regulations, and as published in the application checklist as required by the Commissioners Court, which may be amended and republished from time to time, and is attached to these regulations as Appendix A.

2. **Commissioners Court**--The Commissioners Court of Mason County, Texas.

3. **Precinct Commissioner**--The County Commissioner representing the precinct in which a majority of a subdivision is situated.

4. **County**--Mason County, Texas.

5. **Developer**--Any owner of land in the County who proposes to divide the land so as to constitute a subdivision of any kind.

6. **Plat application**--All documents required to comply with these regulations. See, at a minimum, Appendix A.

7. **Drinking water**--All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

8. **Engineer**--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

9. **LGC** – Local Government Code, Texas State Statutes

10. **Lot**—A lot is ordinarily one of several contiguous pieces of land of which a block is composed. Real property is commonly described in terms of lot and block number on recorded maps and plats.

11. **Lot Frontage**—That portion of any platted lot adjacent and adjoining a public or private street.

12. **Non-public water system**--Any water system supplying water for domestic purposes which is not a public water system.

13. OSSF--On-site sewage facilities as that term is defined in rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.

14. Petition for road maintenance--A petition filed with the Commissioners Court by a developer or property owner to accept a private road for public maintenance by the County.

15. Platted--Recorded in the Official Plat Records of Mason County, Texas.

16. Private road/driveway — A surface which permits ingress/egress to a particular lot or tract from a public road or street, and used for ingress and egress by the owners of the lot or tract or their invitees, whether the ownership or license of the property upon which the private driveway sits is in fee simple or by easement or use agreement. A private driveway, as defined herein, is not a road or street for the purposes of these regulations, but any entrance from a public road under county maintenance will conform to the minimum dimensions required by this regulation, and shall not provide access to another lot or tract not adjoining the public road. A drive way that is owned or used in common with other tracts is a private road.

17. Public water system--A system for the provision to the public of drinking water through pipes or other constructed conveyances. Such a system must have at least 15 service connections or serve at least 25 individuals at least
60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems
with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total
25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual is deemed to be served by a water system if they live or work in a place to which drinking water is supplied from the system.

18. Purchaser--Includes purchasers of land by a deed of conveyance, an executory contract, or by using any other method to transfer title to real property.

19. Retail public utility--Any entity meeting the definition of a retail public utility as defined in Section 13.002, Texas Water Code.

20. **Sewerage facilities**--The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these regulations.

21. Street -- Any thoroughfare which affords the principle means of access between various land use activities and/or dwellings

22. Subdivision -- The act of dividing a larger parcel of real estate into smaller parcels or lots.

23. TAC--Texas Administrative Code, as compiled by the Texas Secretary of State.

24. TCEQ--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

25. Water facilities--Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of drinking water.

Chapter 2
Minimum Standards for Water and Sewage Service

2.1. Scope of standards

The establishment of any subdivision with two or more lots where the water supply and sewer services do not meet the minimum standards of these regulations is prohibited.

2.2. Water Availability Requirements

a. General: These Water Availability Requirements are adopted pursuant to Section 35.019 of the Texas Water Code and Section 232.0031 of the Local Government Code. The Mason County Commissioners Court determined that the adoption of Water Availability Requirements are necessary to prevent current and future water use in Mason County from exceeding a safe and sustainable yield. These water Availability Requirements apply to all applications for approval of a plat for a Subdivision wholly or partially within Mason County, **except for the following situations**.

1. All tracts that are exempt from Platting under the platting exemptions stated herein;

2. Replats and Amending Plats that do not increase the number lots within the subdivision; and

3. Subdivisions that have one producing well on each lot provided that well log report for every well is furnished to the County and to prospective buyers of each lot.

b. **Before any subdivision plat is approved, the developer must establish to the reasonable satisfaction of the Commissioners Court that an adequate quantity and quality of ground water, or water from surface water sources which meet the standards established by the TCEQ, exists to support the development and occupation of the subdivision. Any person fulfilling the requirement set forth herein shall be deemed to have satisfied these Water Availability Requirements. Failure to satisfy the requirements shall result in the rejection of a subdivision plat.**

2.3. Water facilities development

a. A subdivision must provide for an adequate supply of drinking water, either by connecting to an existing public water system, establishing a new public water system, drilling individual wells, or through any other non-public water system in accordance with these regulations.

b. Developers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility. The agreement must:

1. Provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the subdivision.

2. Reflect that the developer will pay the costs associated with connection to the public water system so that service is available to each lot or tract within the subdivision upon completion of construction of the water facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.

c. Where there is no existing retail public utility to provide adequate drinking water to a subdivision, a developer may provide drinking water by establishing a retail public utility and obtaining a certificate of convenience and necessity from the Texas Public Utility Commission and complying with the requirements of Subchapter C, Chapter 341, Texas Health and Safety Code and as defined by current rules and regulations of the TCEQ 30 TAC Chapter 290.

1.If the public or community water system will have more than fifteen (15) connections, the developer shall present documentation to the Commissioners court showing that the requirements as specified in Section 2.3 (c) of these Water Availability Requirements have been met. In addition, a letter or other document from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division, shall be supplied approving the business plan and the plans and specifications for the proposed water system. If the proposed water system will have fewer than fifteen (15) connections, the developer shall present a letter showing the developer has reviewed the plans and specifications for the proposed system, along with any technical data required in subsection 2.3 (c) of these Water Availability Requirements and finds the proposed system adequate for its intended use.

2. If the developer proposed to utilize an existing public or community water system, the developer shall present to the Commissioners Court in satisfaction of these requirements a copy of the executed agreement between the developer and the owner of such existing system for such water. If the total number of connections served by the existing public or community water system as defined above is more than fifteen (15), including the additional lots, the developer shall present a letter from TCEQ's Rate Analysis and Plana Review Team, Water Utilities Division, stating that the existing water system has sufficient capacity

to service the additional connections. In addition, the developer shall present to the Commissioners Court documentation which shows that subsection 2.3(c) of these Water Availability Requirements have been met.

3. All subdivision plats which satisfy the Water Availability Requirements by utilizing a new or existing public or community water system shall, by deed restricting or other legal means, prohibit the drilling of new individual wells within such subdivision.

d. Where individual wells or other non-public water systems are proposed for the supply of drinking water to a subdivision, the developer must include in their plat application a groundwater availability study that complies with the requirements of 30 TAC Chapter 230, or in such other rules as may be published by TCEQ, and certifies the long-term quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision for a term of not less than 30 years. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC, Sections 290.104, 290.106, 290.108 and 290.109, either: without any treatment to the water; or, with treatment by an identified and commercially available water treatment system. The requirements of this section may be certified by an engineer, or by a water well driller licensed in Texas and in good standing pursuant to Chapter 1901, Texas Occupations Code.

e. Water Availability Certification. If the developer proposes groundwater as the primary source of water for the tracts in a subdivision, whether by individual private or community wells, the following requirements shall be met:

1. Projected Water Demand Estimates as specified in TCEQ Groundwater Availability Certification of Platting, Ch. 230.6

2. General Groundwater Resource Information as specified in TCEQ Ch. 230.7.

3. Aquifer Testing as specified in TCEQ Ch. 230.2(2); Aquifer testing is a test involving the withdrawal of measured quantities of water from or in addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. Bail and slug test are not considered to be aquifer tests. The require aquifer testing parameters shall be as specified in TCEQ Ch. 230.8 Obtaining Site-Specific Groundwater Data.

4. Determination of Groundwater Quality as specified in TCEQ Ch. 230.9

5. Determination of Groundwater Availability as specified in TCEQ Ch. 231.10.32

6. Any well drilled in a subdivision must comply with current rules and requirements of the HUWCD No.1 and Texas Water Code Chapter 36.

7. Groundwater Availability Determination Conditions, as specified in TCEQ Ch. 230.11(b). The assumptions and uncertainties that are inherent in the determination of groundwater availability should be clearly identified. These conditions must be identified to adequately define the basis for the availability and usability statements. This basis may include, but are not limited to uncontrollable and unknown factors, such as:

A. Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the subdivision or any other factor that cannot be predicted that would affect the storage of water in the aquifer.
B. Long-term impacts to the aquifer based on climatic variations.
C. Future impacts to use able groundwater due to unforeseen or unpredictable contamination.

f. The conveyance of drinking water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method of supplying drinking water, except on an emergency basis. **Absence of a water system meeting the standards of these regulations due to the negligence of the developer does not constitute an emergency.**

2.4. Wastewater disposal

a. A subdivision must provide for adequate sewage and wastewater disposal, either by connecting to a public sewage disposal system, connecting to a privately owned sewage disposal system, or allowing purchasers to install OSSF which are compliant with TCEQ rules and these regulations. If OSSF systems are to be utilized, the Plat must bear a notation that all such systems must comply with TCEQ regulations.

b. Developers who propose to dispose of wastewater by connecting to existing sewerage facilities operated by a retail public utility must provide a certificate from the utility that:

1. Provides that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the subdivision for a minimum of 30 years.

2. Reflects that the developer will pay the costs associated with connection to the sewerage system so that service is available to each lot or tract within the subdivision upon completion of construction of the sewerage facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.

c. Developers who propose to establish a sewerage system must obtain a permit to dispose of wastes from TCEQ in accordance with 30 TAC Chapter 305 and obtain approval from TCEQ of engineering planning materials for such systems under 30 TAC Chapter 317.

d. Sewerage facilities for the disposal of sewage in an amount no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

e. Sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

f. The Mason County Permitting Officer, or another authorized agent of TCEQ, must:

1. Review proposals for OSSF;

2. Make inspections of such systems as necessary to ensure adequate service for a subdivision; and,

3. Certify that a plat application is in compliance with all applicable state statutes and TCEQ rules.

g. **In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems within a subdivision, except on an emergency basis not to exceed thirty-days (30) in duration. Absence of a waste disposal system meeting the standards of these regulations due to the negligence of the developer or owner does not constitute an emergency.**

2.5. Greywater systems for sludge and reuse of treated wastewater

a. Any plat application including the provision of sewage collection, treatment, and disposal which includes greywater reuse must meet minimum criteria of 30 TAC Chapter 210, and any other applicable rules published by TCEQ.

b. Any proposal for on-site sewage disposal which includes provisions for greywater use must meet the minimum criteria of 30 TAC Chapter 285, and any other applicable rules published by TCEQ.

c. The disposal of sludge from water treatment and sewerage facilities must meet the criteria of 30 TAC Chapter 312 and Chapter 317, and any other applicable rules published by TCEQ.

2.6. Public utility easements

A developer must provide for utility service within a subdivision, with utility easements of no less than twenty (20) feet to be provided, however adjoining lots may share the utility easement, with ten (10) feet shown on the plat for each lot.

2.7. Public utility easements and fire-fighting standards.

a. If water is provided to a subdivision by a public water system with adequate water capacity to support fire hydrants or filler plugs, and such fire hydrants or filler plugs must have a proper hose connection every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction.

b. If fire hydrants or filler plugs are proposed to be installed in a subdivision in a plat application, the application must include a certificate from the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

c. All fire hydrants shall provide sufficient fire flow to meet International Fire Code requirements (as per the latest edition in effect at the time of application).

d. Pursuant to §232.109 Local Government Code, if fire hydrants are not to be provided, a subdivision of fewer than 50 lots suitable for residential housing shall provide fire suppression facilities of not less than 2, 500 gallons of water storage, or if more than 50 lots suitable for residential housing shall provide fire suppression facilities of not less than 2,500 gallons of water storage with a centralized water system, or 5,000 gallons of water storage without a centralized water system.

2.8. Housing density

a. A subdivision that will rely upon OSSF and water wells must comply with TCEQ regulations and state law regarding the density of housing units.

b. If OSSF or water wells or both are included in a plat application, the developer must provide with the application a statement that the subdivision complies with TCEQ density requirements or limitations.

c. Lot sizes are established as follows: Minimum of 5 acres per lot with individual water wells.

d. Lots less than 5 acres require a public water system.

Chapter 3
Minimum Standards for Roads and Streets

3.1. General requirements

a. Each platted lot within a subdivision shall have a minimum of two-hundred (200') feet of lot frontage.

b. A developer shall establish a building set-back line of fifty-feet (50') from the edge of a public road, and twenty-five (25) feet from all other lot lines.

c. All streets, roads, and alleys must be constructed in conformity with the construction standards set out in these regulations.

d. All material used in constructing roads and streets must be inspected and approved by a designated consultant or representative.

e. No utility lines may be placed under a road or street except at 90-degree angles, installed before the subgrade is in place, and cased at a depth of no less than thirty- six (36") inches below drainage ditches. Any other crossing must be bored and cased beneath a road or street.

f. The actual right-of-way for streets is fifty (50') feet in width. Alleys must not be less than twenty (20') nor more than thirty-five (35') feet in width. Entire right-of-way shall be selectively cleared of brush, tree, and other detritus and disposed of by developer.

g. All permanent dead-end or cul-de-sac roads or streets must have a turn-a-round with a right-of-way diameter of not less than one hundred forty (140') feet with a radius of sixty-five (65') feet of improved surface with a minimum of six (6") inches of compacted rock.

3.2. Intersections

a. Roads and streets must be designed and constructed so as to intersect with each other at ninety (90°) degree angles.

b. Where the terrain makes it impossible to design and construct roads and streets to intersect at ninety-degree (90°) angles, the developer may file a petition for a variance contemporaneously with the submission of the application. Said petition will state concisely why the condition of the terrain makes it impossible to comply with this regulation.

c. The Commissioners Court must rule on said petition in its order granting or denying authorization of the application.

3.3. Location of roads and streets

a. Where streets of an existing subdivision end at the property line, any new subdivision which is intended to utilize connecting roads and streets in the existing subdivision must be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.

b. When possible, roads and streets must be designed and constructed so as to permit the continuation or extension of said roads and streets in other subdivisions in the future.

c. No streets, roads, or alleys may be constructed across dams or embankments used for purpose of holding water, unless approved by Commissioners Court as a variance.

3.4. Plat Approval is Not Acceptance of roads and streets for public maintenance

a. **Approval of a developer's application does not mean that the Commissioners Court accepts any roads or streets within the subdivision for maintenance by the County. The decision to accept one or more roads or streets within a subdivision will be made only upon a petition for road maintenance and a separate order entered of record by the Commissioners Court.**

b. No petition for road maintenance will be considered any earlier than after two (2) years have elapsed from the date of completion of construction of the roads and streets of a subdivision, said date to be certified by the Commissioners Court.

c. A petition for road maintenance may be made by a developer or by the owners of a majority of the lots or tracts within a subdivision.

d. The Commissioners Court may grant a petition for road maintenance and accept one or more of the roads and streets of the subdivision upon a finding that the roads and streets to be taken into the County maintenance program serve a public purpose greater than the private benefit realized by persons living within the subdivision. Typically, subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting streets that provide efficient interconnectivity with existing County or State maintained roads.

e. An application must contain a certificate stating that the developer understands that approval of the application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets. (Appendix I)

3.5. Subgrade and flexible base

a. All roads and streets must be constructed with a stabilized **subgrade**. The subgrade material and type shall be provided by a geotechnical engineer at the expense of the developer. Subgrade under all roads and streets must meet or exceed the following minimum requirements.

1. Subgrade must be grubbed to a depth of twelve (12") inches and cleared of large rocks and roots.

2. Subgrade must be watered, bladed, and compacted to a depth of six (6") inches before any flexible base material is placed upon it.

3. Subgrade must be at least thirty-two (32') feet wide.

b. All roads and streets must have a **flexible base.**

1. Acceptable Base Material shall be in accordance with Item 247 of Texas Department of Transportation (TxDOT) Standard Specifications for Flexible Base Materials, Grade 1-2 or Grade 5. Minor variations from these requirements may be permitted by the County Consultant where local conditions permit. Examples are limestone or sandstone rock or caliche.

2. The flexible base must have a minimum thickness compacted to six (6") inches compacted and be at least twenty-six (26') feet wide

3. The base must be meet recommendations of independent geotechnical engineering analysis at the expense of the developer.

3.6. Surface Materials

a. An applicant for a subdivision with interior roads providing access must propose **gravel** roads with the following minimum specifications:

1. Have required sub-grade and flexible base.

2. Have roadbed of not less than six (6") inches granite gravel or other suitable gravel compacted with moisture to four (4") inches.

3. Driving road-bed of not less than twenty (20') feet in width.

b. All **paved** surfaces shall be designed by an independent geotechnical engineer at the expense of the developer and shall adhere to the following general standards:

1. Paved roads must have a traveled road-bed width of not less than twenty (20') feet having required sub-grade and flexible base, twenty-one (21') feet wide prime coat, and be paved with either:

ii. Hot mix (oil sand, D-mix, etc.) of asphaltic nature (2.5" minimum thickness); or,

ii. A rock base with AC-5 or similar sealcoat surface treatment (double surface treatment minimum); or,

iii. A combination of these.

2. After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt properly to the satisfaction of the authorized County Consultant.

c. All roads and streets constructed with Portland Cement (P.C.) **concrete** shall adhere to the recommendations of an independent geotechnical engineer at the expense of the developer. At a minimum all P.C. concrete shall adhere to the following:

1. All concrete shall be seven (7") inches uniform thickness, with #4 bars at 18" O.C.E.W.

2. Concrete shall be 4,000 PSI

3. Concrete pavement shall adhere to TxDOT Specifications.

3.7. Road crown

The center line of the improved surface of each road and street must have a minimum elevation of 2% minimum cross slope from the elevation (1/2" for each foot) of the edge of said road or street, unless otherwise designed by an engineer when necessitated by terrain.

3.8. Seep areas

a. Seep areas must be marked by visual inspection made by the County Consultant and the developer during the pre-application meeting.

b. Seep areas must be drained to a depth of a least eighteen (18") inches below subgrade elevation by use of subsurface drainage.

c. After seep areas are drained, the subgrade is to be compacted as described in these regulations.

3.9. Street names, signage, and dedication

a. All roads and streets must be named and marked by the developer in compliance with these regulations, the Mason County addressing protocols, and the regulations of the regional 9-1-1 network managed by the Concho Valley Council of Governments ("CVCOG").

b. The application must include a certificate from Mason Central Appraisal District confirming the private road names reserved for roads laid out in the subdivision.

c. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices, and approved by the County Consultant.

d. A developer must dedicate any new roads, streets, rights-of-way, alleys, or easements, in the manner required by law to set aside such roads, streets, rights-of- way, alleys, or easements to public use, and for the private use of owners of lots in the subdivision.

3.10. Roadway Ditches

Ditches intended for parallel drainage shall be designed to accommodate runoff to be expected at five (5) year frequency. On grades of more than three (3%) percent, in friable soils, erosion control by sodding and/or seeding or by properly designed checks of concrete, stone or sod blocks shall be included.

3.11 Roadway Culverts

Cross drainage culverts shall be designed for runoff to be expected at five (5) year frequency, may be either standard reinforced concrete pipe, corrugated galvanized metal pipes, reinforced concrete boxes, or other material currently approved for this purpose by the Texas Department of Transportation. Regardless of material, each culvert shall be capable of sustaining H-15- Highway Loading. No box culvert shall be smaller than two (2') feet in either waterway height or depth. No pipe structure shall have waterway area of less than one and six tenths (1.6) square feet.

3.12. Side Road or Entrance Culverts

No culvert shall be installed at any entrance to private property except by individual permit issued by the authority of the County Consultant in whose precinct the installation is proposed, except that entrances from a State maintained road or highway shall be as directed by the proper State authority. Base material comparable to that on the roadway shall be placed between the right of way line and the edge of the pavement by the owner or developer. No entrance culvert shall be less than thirty (30') feet in length with waterway of not less than one and six tenths (1.6) square feet and shall be designed for runoff of five (5) year frequency. Culvert ends shall be encased in concrete riprap so as to provide a 6:1 sloped safety end treatment. The safety end treatment shall have no vertical component.

3.13. Bridges

All bridges shall be designed by a Registered Professional Engineer for ten (10) year frequency of storm and with not less than one foot six inches freeboard for drift collection. Bridges shall be founded and protected by riprap to withstand floods of twenty-five (25) year frequency.

3.14. Overflow Section Requirements

In general, the Commissioners Court will, on individual economic consideration, approve the installation of overflow sections. Such consideration will adjudge the probable frequency and depth of overflow, the traffic potential and the nature of the tributary area. The following conditions are considered suitable for the installation of overflow sections:

a. Drainage courses having no defined channel where channel construction would possible develop liability for diversion or concentration of runoff.

b. Streams having a defined channel for normal flow and usual runoff with a wide floodplain covered by infrequent storms.

c. Stream crossings where traffic potential does not economically warrant bridge construction.

3.15. Overflow Section Specifications

Under conditions (a) above, the roadway gradient should conform as nearly as feasible with natural ground slopes and no culvert should be installed, nor should roadway ditches be constructed. For conditions (b) and (c) above, the overflow structure shall be designed by a Registered Professional Engineer within the following limitations:

a. The section shall be of reinforced concrete not less than five (5") inches in thickness and containing not less than five (5) sacks of Portland Cement (3000 psi compressive strength at 28 days) per cubic yard of finished concrete; shall extend horizontally between high water elevations calculated for five (5) year frequency; and shall be anchored with toe structures with a minimum vertical depth of eighteen (18") inches or dowelled into rock for a minimum depth of twelve (12") inches on a maximum twenty-four (24) inch spacing.

b. Drainage waterways adequate for storms of five (5) year frequency shall be provided, with the additional requirement that the finished grade at the low point of the roadway shall be no higher than three feet above the flow line of the stream or one-half the depth of the ravine section, whichever is lower.

c. Reinforcement shall be not less than No. 4 bars placed fourteen inches on center both longitudinally and transversely. Laps, if required, shall be not less than fifteen (15") inches and shall be staggered in position. Laps or splices at the crown line will not be acceptable.

d. The crown width of overflow sections shall be not less than three (3') feet wider than the approach pavement or surface.

3.16. Inspections

Proposed roads and drainage will be inspected by the authorized County Consultant representative of the Commissioners Court at the following stages of development:

a. On receipt of formal notice that subdivision of lands is proposed, a site inspection will be conducted to evaluate the conceptual plans and validate preliminary determinations of road routing and classification.

b. When right of way has been cleared for grading, location and size of drainage structures will be reviewed and verified. Any special grading sections will be established at this time.

c. When grading is complete and subgrade is prepared for receipt of base material.

d. During placement of base material when the material being delivered will be sampled and tested for conformity with quality and grading requirements.

e. After base material has been completed and finished for the prime coat.

f. When prime coat is cured and before placement of the wearing surface.

g. Such other inspections as might be considered necessary for unforeseen conditions.

h. A final in-depth inspection of the completed work as a prerequisite for recommending acceptance of the work and release of the surety.

i. Interim maintenance and condition inspections during a period of one (1) year following tentative acceptance of the work by the Commissioners Court. Interim maintenance activities shall include such items as drainage correction and refinement, spilled concrete, mud and debris on road, damage from previously unknown springs, pumping of pavement, unraveling of pavement, etc. Maintenance of drainage improvements shall include removing debris, re-grading eroded areas, resodding eroded areas and the installation of additional concrete riprap where designated by the County Consultant to permanently prevent erosion. The owner/developer shall notify the County Consultant of the pending completion of each phase of work in order that inspections may be conducted without delaying the progress of the work.

3.17. Cattle Guards

The County Consultant located may authorize the installation of cattle guards when considered essential to the public safety. When permitted, a cattle guard shall be not less than six (6') feet in length, measured along the center line of the road, and of width not less than two (2') feet greater than the width of the roadway. Deck members shall be either weldable steel tubing two and three-eighths (2 3/8") inches outside diameter or re-layer rails weighing not less than seventy (70) pounds per yard. Oil field tubing is not acceptable. Support members shall be structural steel shapes of size and section adequate for H-15 loading with twenty-five (25%) percent impact allowance. Support sections shall be spaced not more than thirty-one (31") inches for tubing decks or forty-eight (48") inches for rail decks. Units may be prefabricated or welded in place provided fastenings to the masonry foundation are arranged for easy removal for cleanout. The supporting masonry shall extend to firm foundation or shall be designed as an open flume with ends closed, except where the structure serves as a drainage structure. Closed end structures shall be provided with pit drainage.

3.18. Summary of Minimum Dimensions

Minimum Linear Grade	.3%
Right of Way width	50 feet
Maximum Grade on Roadside Ditch	10%
Subgrade Width	32 feet
Subgrade Thickness	8 inches (compacted)
Flex Base Width	26 feet
Base Course Thickness	6 inches (compacted)
Prime Coat Width	21 feet
Travel Surface Width	24 feet
Travel Surface Thickness	4" compacted gravel, 2.5" hot mix asphalt, 1" chip seal
Shoulder Width	6 feet
Culvert Length (Square Crossing)	38 feet
Culvert Length (Lot access)	30 feet
Culvert Size	round min.18" diameter (>1.6 ft^2), square min. 2 feet X 2 feet
Bridge Roadway Width	24 feet
Overflow Section Roadway Width	23 feet
Cattle Guards (if permitted)	22 feet

Chapter 4
Minimum Standards for Drainage

4.1. General requirements

a. Lots in a subdivision must be graded so that surface drainage from the lots will flow to drainage courses as directly as possible.

b. Drainage water from roads and streets must flow to defined drainage courses as directly as possible.

c. Traveled portion of roads and streets may not be used as drainage courses.

d. Blocking or altering the natural flow of water, constructing improvements in the area of a drainage easement, or filling in floodways within a subdivision are all prohibited.

e. The location, dimension, description, and flow lines of existing drainage structures and proposed drainage structures to be installed within a subdivision must be shown on the drainage plan, including existing topography of the subdivision by use of contour lines.

f. If the drainage plan indicates that a lot or lots within a subdivision may not drain, the Commissioners Court may reject the application.

g. A subdivision must not alter the flow of surface water to the detriment of any adjacent landowner, and must, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed within the subdivision for the purpose of diffusing runoff.

4.2. Drainage ditches and structures

a. All roads and streets without curbs and gutters must have drainage ditches adjacent to and running parallel to said roads and streets. Said drainage ditches must have a minimum depth sufficient to convey the 10-yr frequency flow with three (3") inches of freeboard. All ditches shall have a minimum slope of 0.2% or 0.1% if paved.

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

c. Each tract or lot within a subdivision must have at least one permanent entrance entry from a road or street within the subdivision for a private drive, including sufficient drainage structures where necessary in conformity with the requirement of this regulation.

d. Permanent water velocity dissipaters must be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion for any road or street constructed as a water crossing, and where specifically designated by the Commissioners Court.

e. Open drainage channels and ditches must be constructed with a proper cross slope grade and alignment which will facilitate proper functioning without destruction velocities of drainage waters.

f. Any construction within the right-of-way of a road maintained by the County must be approved prior to construction by the Mason County Commissioners Court.

4.3. Drainage easements

a. A developer must dedicate drainage easements of adequate size to permit drainage and flood control for all lands whose natural drainage runs through the subdivision, to allow for future maintenance of such drainage easements within the subdivision Mason County is not responsible for maintenance of drainage easements within the subdivision. All drainage easements shall have a minimum width of 30-ft or sufficiently wide to fully contain the 25-yr frequency flow (whichever is greater). Any detention/retention facility shall also be contained within a drainage easement. All drainage easements shall be dedicated to the public and shall be maintained by the property owners and/or HOAs. A note on the plat stating who will maintain these easements will be required.

b. Reference to drainage easements must be included in each instrument of conveyance from a developer to a purchaser.

Chapter 5
Applications for Subdivision Approval

5.1. Pre-application meeting

The Developer shall request in writing a meeting with the County Consultant in sufficient time to allow a meeting with a developer at least fifteen (15) days prior to submission of an application to the Commissioners Court, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

5.2. Applications for subdivision approval

a. Before a subdivision is approved under these regulations, the developer must file an application with the Commissioners Court, including a plat, a survey, and all other documentation or other information listed in Appendix A, or as may be amended and republished from time to time.

b. Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood plan, provide a statement of compliance with street construction standards, and state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

c. If a developer submits an application to the Commissioners Court that does not include all of the documentation or other information required by these regulations, the Commissioners Court must notify the developer of the missing documents or other information, not later than the 10th business day after the date the Commissioners Court receives the incomplete application. The Commissioners Court must allow a developer reasonable time to submit the missing documents or other information.

d. An application is considered complete when all documentation or other information listed in Appendix A is received.

e. Acceptance by the Commissioners Court of a completed application will not be construed as approval of the documentation or other information.

5.3. Plat application

a. A developer must submit a plat application including detailed documentation of all infrastructure to be constructed in a subdivision, including plans, drawings, and statements of the estimated costs to make each category of proposed improvements (i.e. water, wastewater, drainage, roads, etc.).

b. All engineering plans submitted as part of a plat application must bear the signed and dated seal of a professional engineer registered in the State of Texas.

c. A plat application must discuss the availability and methodology of providing drinking water, sewerage, and electrical service to each individual lot within a subdivision,

d. A plat application must include a construction schedule for each significant element of construction, including the start dates and completion dates.

e. Where water, sewerage, and electricity are to be provided by an existing public utility, the developer must submit an executed public utility certificate.

5.4. Oversight

a. A developer, by submitting an application, acknowledges the authority of the County and state agencies to lawfully enter and inspect the subdivision property for purposes of execution of their statutory duties and the enforcement of these regulations.

b. Any inspection of a subdivision will not release the developer from any obligation to comply with these regulations.

c. The Commissioners Court may refuse to approve or authorize any application, unless such application meets the full requirements as set forth in these regulations.

5.5. Application fees

a. All application fees due to the County for the filing of an application must be paid to Mason County contemporaneously with the submission of the application.

a. All recording fees due to the County after the approval of an application must be paid to the County Clerk within ten (10) days of approval of the application.

b. See Appendix L.

Chapter 6
Plat Requirements

6.1. Subdivision plat requirements

a. A plat depicting the subdivision must be submitted with each application.

b. A plat must contain, at a minimum, the following information on the face of the plat, or attached to the plat by referenced addendum:

1. Name and mailing address of the developer.
2. Name of the subdivision.
3. North arrow.
4. Vicinity map showing the subdivision in relation to major roads, towns, and cities.
5. A description of the exterior boundary of the subdivision by metes and bounds, which locates the subdivision with respect to a corner of the original survey of which it is a part ("corner of the original survey" refers to a properly monumented survey point as determined by the surveyor suitable to recognition as the original corner of the tract being subdivided by commonly accepted surveying practice).
6. Total area/acreage within the subdivision.
7. Total number of lots within the subdivision.
8. Area/acreage of roads, including:
   - A. Length of roads.
   - B. Street right-of-way widths.

9. The area/acreage of each lot.

10. The bearing and distance for each lot boundary line.

11. Areas dedicated for public use.

12. Rights-of-way or easements, including all alleys, drainage easements, and utility easements.

13. Road names for all roads or streets.

14. Lot numbers arranged in a systematic order and shown on the plat in a distinct and legible manner.

c. The survey must contain, at a minimum, the following information on the face of the survey or attached to the survey by referenced addendum:

1. The real property records index information (instrument number or volume and page) and names of all current owners of property contiguous to the subdivision.

2. The location of all existing permanent, man-made structures within the subdivision, including houses, barns, shacks, other buildings and structures, fences, walls, ponds and stock tanks.

3. All major topographic features on or adjacent to the property as well as elevation contours at no greater than ten-foot (10') intervals if in a floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain.

4. The approximate location of all wells, water, oil, and natural gas, when such wells are either visible and apparent or reflected in the applicable public records (whether maintained by the Texas Railroad Commission, TCEQ, or in the Official Public Records of Mason County). If public records reflect that a well is capped or plugged, that information must be included as well.

6.2. Registered professional land surveyor

a. The plat must be prepared from a survey made on the ground by, or under the direct supervision of, a registered professional land surveyor, and their certificate to that effect must appear on the plat.

b. The land surveying firm's name and license number, address, and telephone number must be listed on the plat.

6.3. Plat scale and filing

a. Plats must be based on a scale of not more than one (1") inch equals two hundred (200') feet. A plat must be drawn on paper measuring eighteen (18") inches by twenty-four (24") inches to be filed in the Mason County Plat Book.

b. If two or more pages are needed to depict a plat, a key (may be drawn to larger scale) showing the entire area much be drown on the first page and each page must be numbered in a way as to note its location within the set.

c. A developer must submit the following plat:

1. Three full size copies on bond paper for filing within the County Clerk's records and for use by the Mason Central Appraisal District.

2. Six (6) reduced size (not to scale) copies of the plat submitted with the application to be used by the Commissioners Court.

6.4 Digital map

a. An application must include a digital map that is compatible with mapping systems that geo-references the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Texas Natural Resources Code.

b. A digital map required under this subchapter may be required only in a format widely used by common geographic information system software. A digital map in a format that is accepted by the Mason Central Appraisal District at the time of the application will be suitable for compliance with this subchapter.

c. A developer is exempt from the requirements of this subchapter if they submit with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subchapter was not reasonably accessible.

Chapter 7
Application Approval Procedure

7.1. Approval procedure

a. The Commissioners Court must approve, approve with conditions, or disapprove an application not later than the 30th day after the date the completed application is received by the Commissioners Court.

b. An application is deemed approved by the Commissioners Court without conditions unless the application is disapproved within 30 days. This 30-day period may be extended for a period not to exceed 30 days, if, not later than the 20th day after the date a completed application is received:

1. Such extension is requested in writing by the developer and approved by the

Commissioners Court; and

2. Extension applies only to a decision wholly within the control of the Commissioners Court.

c. If the Commissioners Court fails to timely approve, approve with conditions, or disapprove an application as required by these regulations:

1. The application is granted by operation of law; and

2. The developer may apply to a District Court having jurisdiction for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the application's approval.

d. The Commissioners Court may not require a developer to waive the time limits or approval procedures contained in this chapter.

7.2. Conditional approval or disapproval

a. If the Commissioners Court conditionally approves or disapproves an application, it must provide the developer a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

b. Each condition or reason specified in the written statement may not be arbitrary, and must include a citation to the provision of these regulations, or another statute or order, that is the basis for the conditional approval or disapproval.

7.3. Response to conditional approval or disapproval

a. After the conditional approval or disapproval of an application, the developer may submit to the Commissioners Court a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.

b. The Commissioners Court may not establish a deadline for a developer to submit their response.

7.4. Approval or disapproval after response

a. If the Commissioners Court receives a response to a conditional approval or disapproval pursuant to 232.0027 Texas Local Government Code, it must determine whether to approve or disapprove the developer's previously conditionally approved or disapproved application not later than the 15th day after the date the response was submitted.

b. If the Commissioners Court receives a response to a conditional approval or disapproval, the application will be approved if:

1. The response adequately addresses each condition for the conditional approval or each reason for the disapproval; and,

2. The Commissioners Court does not disapprove the application on or before the 15th day after the date the response was submitted and in accordance with Section 232.0026, Texas Local Government Code.

c. If the Commissioners Court conditionally approves or disapproves an application following the submission of a response by a developer, the Commissioners Court:

1. Must comply with Section 232.0026 Texas Local Government Code; and

2. May disapprove the application only for a specific condition or reason provided to the developer for the original application under Section 232.0026, Texas Local Government Code.

7.5. Deadlines for completion of construction

a. The Commissioners Court may specify that construction of infrastructure must be started and completed within a reasonable time after the approval of an application.

b. A deadline for completion may not exceed twenty-four (24) months and must be specified by the Commissioners Court in its order granting or denying an application.

Chapter 8
Financial Guarantees

8.1. Financial guarantees for the construction of improvements

a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of construction of all of the improvements to be constructed per the plat application. Generally, this consists of (but is not necessarily limited to) roadways, signage, drainage, temporary erosion control, permanent stabilization, and public utilities. A required financial guarantee may be by bond, letter of credit, or deposit of cash for 100% of the estimated cost of construction estimated by the engineer. All engineering estimates shall be itemized, showing item number, specification, description, quantity, unit price, and total price. All engineering estimates shall be sealed by a registered engineer in the State of Texas.

b. A bond that is submitted for a financial guarantee must meet the following requirements:

1. The bond must be payable to the County Judge of the County, or the Judge's successor in office, in their official capacity.

2. The bond must be executed with sureties as may be approved by the Commissioners Court. The County will establish criteria for acceptability of the surety companies issuing bonds, including but not limited to:

A. Registration with the Secretary of State and be authorization to do business in Texas;

B. Authorization to issue bonds in the amount required by the Commissioners Court; and,

C. Being listed as a surety company in the most current United States Department of Treasury Circular 570.

3. The bond must be conditioned upon construction or installation of the improvements established in an approved plat application, and upon construction of facilities within the time stated in the plat application, or within any extension of time granted by the Commissioners Court.

c. A letter of credit that is submitted for a financial guarantee must meet the following requirements:

1. A letter of credit submitted as a financial guarantee for combined amounts less than $250,000 must be from a bank or savings and loan which meets the following qualifications:

A. Bank qualifications:

i. Must be federally insured; and

ii. Total assets of at least $25 million.

B. Savings and loan association qualifications:

i. Must be federally insured; and,

ii. Tangible capital must be at least 1.5% of total assets if total assets are greater than $25 million; or tangible capital must be at least 3.0% of total assets if total assets are less than $25 million.

2. Any letter of credit submitted as a financial guarantee for combined amounts greater than $250,000 must be from a bank or savings and loan which meets the following qualifications.

A. Bank qualifications:

i. Must be federally insured;

ii. Total assets must be at least $75 million and primary capital must be at least 7.0% of total assets.

B. Savings and loan association qualifications:

i. Must be federally insured;

ii. Tangible capital must be at least 3.0% of total assets if total assets are greater than $75 million; or tangible capital must be at least 5.0% of total assets if total assets are less than $75 million.

d. In the event any or all of the streets, roads, drainage and drainage structures, or other infrastructure within a subdivision as constructed by the developer should fail to meet the requirements of the plat application, the unfinished improvements may be completed at the cost and expense of obligees on the financial guarantee as provided.

e. Should there be any deficiency or failure to comply with these regulations, or should any guaranteed construction not be completed prior to the construction deadline, if any, the Commissioners Court will notify the developer of such deficiency or failure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the Commissioners Court may declare the bond or surety forfeited and order any active construction operations suspended. The Commissioners Court reserves the right to complete the work by means most advantageous to the citizens of the County and the ultimate owners of the subdivision, utilizing any or all of the financial guarantee as may be necessary to accomplish such completion.

f. A financial guarantee for construction of improvements will 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 established in the plat application has been completed to the satisfaction of the County Consultant.

1. In the event progress and final inspections indicate no departure from these regulations, the County Consultant will certify completion to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

2. It is the responsibility of a developer to advise the County Consultant of the status of construction prior to expiration of any construction deadline.

8.2. Financial guarantees for maintenance

a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of maintenance of some or all of the improvements to be constructed per the plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash.

b. The conditions of a financial security for maintenance will be that the developer guarantees to maintain, to the satisfaction of the County Consultant, all of the streets, roads, drainage structures and drainage ditches and channels as described in the plat application, in a good state of repair for a period of two (2) years from the date of official release of construction security.

1. The responsibility for maintenance of roads includes the repair of such items as drainage, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc.

2. The responsibility for maintenance of the drainage improvements includes removing debris, resodding eroded areas, and the installation of additional concrete riprap where designated by the County Consultant.

c. The County Consultant will make periodic inspections of infrastructure construction for which maintenance security is held during the period of liability covered by the security. In the event any or all of the infrastructure construction are not being maintained in a good state of repair, the County Consultant will notify the developer in writing and, if after a reasonable time, the developer should fail or refuse to repair said items, such improvements will be maintained at the cost and expense of obligees on the financial guarantee for maintenance.

d. In the event progress and final inspections indicate no departure from these regulations, the County Consultant will certify completion of the term of maintenance by the developer to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

8.3. Bond Extensions

a. Where good cause exists, the Commissioners Court may extend the deadline for completion of construction for additional periods of time not to exceed six (6) months.

b. The Commissioners Court may grant an extension to the deadline for completion of construction if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.

c. No extension may be granted for construction secured pursuant to these regulations unless the developer provides additional security to cover the extended period of time.

Chapter 9
Revision and Cancellation of Plats

9.1. Petition for plat revision

a. A developer or an owner of property within a platted subdivision (referred to in this Chapter as "petitioner"), may submit an application to revise all or a portion of the existing plat, unless prohibited by restrictive covenants or plat notes filed pursuant to these regulations.

1. A developer may apply for a revision to any part of their subdivision.

2. An owner of property within a platted subdivision may apply for a revision affecting their portion of the subdivision.

b. Petitioners must submit the following to the Commissioners Court:

1. Copies of the proposed revised plat, conforming in all respects to the requirements of these regulations; or, if submitted by a private homeowner who is not the developer of the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment.

2. A statement explaining why the proposed revision is being sought.

3. A certificate that the petitioner has complied with the requirements of Section 232.009, Texas Local Government Code.

4. A filing fee, as specified in Appendix L, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.

c. After a petition for revision or cancellation of a plat is filed with the Commissioners Court, the Commissioners Court must publish a notice of the application in a newspaper of general circulation in the County.

1. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application for revision or cancellation and to hear protests of same.

2. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting.

d. If all or part of a subdivision is owned by persons other than a developer, the Commissioners Court must also give notice to each of those owners by certified or registered mail, return receipt requested, at their address within the subdivision. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts.

e. If the Commissioners Court determines that a requested revision to a plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the above notice requirements will not apply to the petition and the applicant will:

1. Provide written notice of the petition to the owners of the lots that are within 200 feet of the subdivision plat to be revised, at the mailing addresses for those owners as maintained by the Mason Central Appraisal District; and,

2. The applicant will provide appropriate notice of the petition to the County, who will post notice of the petition continuously on the County website for at least 30 days preceding the date of the meeting to consider the petition for revision or cancellation until the day after the meeting.

f. During a regular term of the Commissioners Court, the Commissioners Court must permit the revision of a subdivision plat if it is shown to the Commissioners Court that:

1. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or,

2. Each owner whose rights may be interfered with has agreed to the revision.

g. If a petitioner obtains unanimous written consent from all owners of the property within a subdivision agreeing to the proposed amendment, the necessity for notice under this subchapter are waived.

9.2. Petition for cancellation of subdivision

a. A developer or an owner of a portion of a subdivision may petition the Commissioners Court for permission to cancel all or part of a subdivision.

b. A petition for cancellation must show that the cancellation of all or part of the subdivision will not interfere with the established rights of any person who owns any part of the subdivision or that the other owners agree to the cancellation.

c. A filing fee, as specified in Appendix L, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.

d. Notice of an application for cancellation must be published by the County in a newspaper of general circulation within the County one day each week for at least three (3) consecutive weeks. 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.

e. The review and authorization of a petition for the cancellation of a plat by the Commissioners Court will be conducted as specified in Section 232.008, Texas Local Government Code.

9.3. Approval of petition

a. The Commissioners Court may approve a petition to revise or cancel a subdivision upon finding that the revision or cancellation will not interfere with the established rights of any owner of any part of the subdivision, or that each owner whose rights may be interfered has agreed to the revision; and that the plat as revised conforms to the requirements of these regulations.

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

9.4. Vacating plat

a. A developer may vacate a plat at any time before any lot in the subdivision is sold to a purchaser. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original plat.

1. If any lots or tracts in the subdivision have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of all parts of the subdivision.

2. The County Clerk will write legibly on a vacated plat the word "Vacated" and enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

b. On the execution and recording of a vacating instrument, the vacated plat has no effect.

9.5. Amending plat by owners

a. The Commissioners Court may approve an amended subdivision plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amended plat is signed by the developer or owner of the subject property, and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat.

2. To add a course or distance that was omitted on the preceding plat.

3. To correct an error in a real property description shown on the preceding plat.

4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.

5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.

6. To correct any other type of scrivener or clerical error or omission in the plat previously approved pursuant to these regulations, including lot numbers, acreage, street numbers, and identification of adjacent recorded plats.

7. To correct an error in courses and distances of lot lines between two adjacent lots if:

A. Both lot owners join in the petition for amending the plat;

B. Neither lot is abolished;

C. The amendment does not attempt to remove recorded covenants or restrictions; and,

D. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

9. To relocate one or more lot lines between one or more adjacent lots if:

A. The owners of all those lots join in the petition for amending the plat;

B. The amendment does not attempt to remove recorded covenants or restrictions; and,

C. The amendment does not increase the number of lots.

10. To replat one or more lots adjacent to an existing road or street if:

A. The owners of all those lots join in the petition for amending the plat;

B. The amendment does not attempt to remove recorded covenants or restrictions;

C. The amendment does not increase the number of lots; and,

D. The amendment does not create or require the creation of a new road or street, or make necessary the extension of utility facilities.

b. Notice, a hearing, and the approval of other owners of property within a subdivision are not required for the approval and issuance of an amended plat.

c. Corrections under this subchapter may be made by a surveyor by filing a certificate of correction in the Official Public Records.

Chapter 10
Variance

10.1. Conditions of Variance

a. The Commissioners Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

1. Any person who wishes to receive a variance may apply to the Commissioners Court with a written list of, and a detailed justification for, each variance requested.

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

b. In approving a variance, the Commissioners Court may prescribe conditions that it deems necessary or desirable to protect the public interest. In making their findings, the Commissioners Court will take into account the nature of the proposed use of the land involved and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

c. No variance will be granted unless the Commissioners Court finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive the applicant of the reasonable use of their land; and,

2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and,

3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

d. Variances may be granted only when in harmony with the general purposes of intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, will not be deemed to constitute hardship.

e. The findings of the Commissioners Court regarding a requested variance, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is considered.

Chapter 11
Enforcement

11.1. Terms of enforcement

a. **No part of any subdivision may be sold or transferred until the plat is approved and recorded, and all these regulations have been complied with in full.**

b. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner or developer provides the utility with a copy of a certificate of county approval of subdivision to demonstrate compliance with these regulations.

c. The Commissioners Court may institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations, or the other standards referred to herein. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and criminal penalties in the enforcement of these rules and regulations.

d. If deeds, contracts of sale, transfers of title, or other transactions dealing with real property in the County do not comply with these regulations, the Commissioners Court may notify the transacting parties to comply with these regulations. In the event the notified party refuses to comply with the requirements of these regulations, the Commissioners Court may take appropriate action to obtain compliance.

e. Any person violating any provisions of these regulations will be guilty of a Class B misdemeanor, and each act of the violation will constitute a separate offense.

11.2. Required disclosures

a. The following notations, to be printed in a bold font, in not less than 14-point type, shall be noted on the plat, and included within all instruments of conveyance from a developer to a purchaser for any part of a subdivision:

> **Approval of the subdivision plat for filing does not indicate any agreement or understanding that Mason County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.**

b. Where a lot or tract in a subdivision is to be served by a private OSSF, an instrument of conveyance for that lot or tract from a developer must bear the following notations in bold, 14-point type:

> **"Mason County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision."**
>
> **"All OSSF systems must comply with regulations published by TCEQ."**

c. Where a lot in a subdivision is to be served by a private water supply, an instrument of conveyance or that lot or tract from a developer must bear the following notation in bold, 14-point type:

> **"Mason County makes no representation or guarantee as to the quality or quantity of water, or that a present or future adequate water supply exists, or that said water is suitable for human consumption or will be available within this subdivision."**

Passed and approved by Mason County Commissioners Court this 14 day of November, 2022.

Commissioner, Pct. 1

Commissioner, Pct. 2

Commissioner, Pct. 3

Commissioner, Pct. 4

County Judge

County Clerk

FILED at 4:05 P M
11-16, 2022
PAM BEAM, Clerk
Court, Mason County, Texas
By Pam Beam

Appendix A

SUBDIVISION APPLICATION CHECKLIST

The following tasks must be completed by the developer prior to filing any application for subdivision approval:

Date:

_____ Meet with the County Consultant at least 15 days prior to the date of filing the application at the subdivision property, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

_____ Check the proposed subdivision name for conflicts.

_____ A plat of the proposed subdivision in compliance with these regulations.

_____ Six (6) reduced size (not to scale) copies of the plat.

_____ A digital map or a certificate regarding the availability of a digital map.

_____ A signed receipt from the Mason Central Appraisal District for a copy of the plat and digital map, if any, delivered in compliance with these regulations.

_____ A survey of the proposed subdivision in compliance with these regulations.

_____ A certificate from the surveyor who prepared the plat and survey.

_____ A description by the developer of the manner and means of providing drinking water, sewerage, roads, electricity, and drainage structures.

_____ All engineering specifications, drawings, models, calculations, and plans for infrastructure to be constructed comprising a plat application in compliance with these regulations.

_____ A certificate from each engineer confirming compliance of their specifications, plans, and drawings.

_____ A letter from Mason Central Appraisal District confirming the private road names reserved for roads laid out in the subdivision.

_____ Tax certificates confirming that no property taxes are due and unpaid for the subdivision.

_____ A certificate from the developer confirming that approval of the application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

_____ If OSSF is included in the plat application, a certificate from the Mason County OSSF Officer stating that the plans comply with applicable TCEQ rules, including housing density requirements.

_____ If fire hydrants or filler plugs are included in a plat application, a certificate from

the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

_____ A plat of the subdivision showing the area/acreage of each lot or tract.

_____ Availability of water and sewage service.

_____ Compliance with set-back lines.

_____ Dedication of all necessary utility easements.

_____ Confirm the installation of culverts in compliance with the County ordinance on culverts.

_____ A drainage plan that shows sufficient topographic information adequate to demonstrate that the proposed subdivision will adequately drain and that any proposed development will not alter the natural flow of water to adjoining properties.

_____ All fees due to the County for the filing of an application must be paid to Mason County contemporaneously with the submission of the application.

After an application is approved, the developer must:

_____ File a plat of the proposed subdivision in compliance with these regulations within 12 months of approval.

_____ Deliver a copy of the approved plat to CVCOG.

_____ Meet with the County Consultant to review all materials used in constructing roads in the subdivision.

_____ Ensure that the work described in the plat application is completed in a good and workmanlike manner, in accordance with these regulations, the plat application, and any conditions of the order approving the application.

_____ Advise the County Consultant of the status of construction prior to expiration of any construction deadline.

_____ All recording fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

_____ Submit proof of any required financial security to the County Consultant no later than thirty (30) days after the approval of the application.

Appendix B

CERTIFICATE OF DEVELOPER

Subdivision Name: _____

Lots or Tracts to be revised: _____

Applicant: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement)

IF A 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.

_____
Applicant

THE STATE OF TEXAS §
COUNTY OF MASON §

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 they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ _____, 20___.

_____
Notary Public, State of Texas

Appendix C

REVISION TO PLAT

Subdivision Name: _____

Lots or Tracts to be revised: _____

Petitioner: _____

Petitioner's Mailing Address: _____

Petitioner's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement, Appendix L)

IF A 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.

_____
Petitioner

THE STATE OF TEXAS §
COUNTY OF MASON §

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 they executed the same for the purposes and consideration of therein stated.

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

_____
Notary Public, State of Texas

APPROVED BY THE COMMISSIONERS COURT ON THE _____ **_____, 20____.**

_____ _____
County Judge **County Clerk**

Appendix D

LIENHOLDER'S ACKNOWLEDGEMENT OF PLAT REVISION

Lienholder: _____

Lienholder is the holder of a lien against the property described within the Revision to Plat, said lien being evidenced by instrument of record at Instrument No.: _____, of the Real Property Records of Mason County, Texas, do hereby in all things subordinate to said Revision of Plat said lien. Lienholder hereby confirms that it is the present owner of said lien and have not assigned the same nor any part thereof.

_____
Signatory on behalf of Lienholder

THE STATE OF TEXAS §
COUNTY OF MASON §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known by me to be the person with authority to execute this instrument on behalf of _____("Lienholder") whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

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

_____
Notary Public, State of Texas

Appendix E

LIENHOLDER'S RATIFICATION OF PLAT

STATE OF TEXAS §

COUNTY OF MASON §

Whereas, _____, acting by and through the undersigned, its duly authorized agent, holds a lien on the property shown hereon as secured by a Deed of Trust recorded in Instrument No. _____ of the Official Public Records of Mason County, Texas, does hereby ratify all dedications and provisions of this plat as shown.

_____

Banker's name, title

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared _____, known to me to be the person and officer whose name is subscribed above, and that they are authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

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

_____

Notary Public, State of Texas

Appendix F

CERTIFICATE OF DEDICATION BY DEVELOPER
(When the developer is an individual)

KNOW ALL MEN BY THESE PRESENT, that I, _____, ("Developer") am the developer of certain real property ("the Property"), being _____acres of land out of the _____ Survey, Mason County, Texas, as conveyed by deed dated _____, and recorded as Instrument No.:_____, in the Real Property Records of Mason County, Texas.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

I DO HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall 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___.

_____
Developer

THE STATE OF TEXAS §
COUNTY OF MASON §

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 they executed the same for the purposes and consideration of therein stated.

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

_____
Notary Public, State of Texas

Appendix G

CERTIFICATE OF DEDICATION BY DEVELOPER
(When developer is a corporation or other legal entity)

KNOW ALL MEN BY THESE PRESENT, that _____, ("Developer") is an entity organized and existing under the laws of the State of Texas, with its registered office located at _____, and is the developer of certain real property ("the Property"), being _____ acres of land out of the _____Survey, in Mason County, Texas, as conveyed by deed dated _____ and recorded as Instrument No.:_____, in the Real Property Records of Mason County.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

DEVELOPER DOES HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall 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 "developer of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

IN WITNESS WHEREOF Developer has caused this certificate to be executed by _____, duly authorized to act on behalf of Developer, this the _____day of _____, 20_____.

_____
Signatory for Developer

THE STATE OF TEXAS §
COUNTY OF MASON §

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 _____("Developer") 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 _____, 20_____.

_____
Notary Public, State of Texas

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR

Subdivision Name: _____

OSSF Inspector's Name: _____

OSSF Inspector's License No.:_____

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 reviewed the On-Site Sewage Facilities in the plat application for the Subdivision, and the same complies with the related requirements of the Mason County Subdivision Regulations and rules published by TCEQ.

_____ _____

OSSF Inspector Date

Appendix I

CERTIFICATE OF PRIVATE ROAD MAINTENANCE
(When roads are to be maintained as Private Roads)

Subdivision Name: _____

"Upon approval of the plat of the subdivision by the Commissioners Court of Mason County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the developer, then of subsequent owners of the subdivision, and will not be the responsibility of Mason County."

_____ _____
Developer Date

Appendix J

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

Subdivision Name: _____

Developer: _____

County Road: _____

I, County Consultant, _____ Mason County, Texas, authorize _____ hereinafter called the Developer, to construct an access driveway within the County road right of way abutting the County Road; subject to the following terms:

A. The Developer is responsible for the culvert costs and installation.

B. All construction and materials shall be subject to inspection and approval by the Precinct Commissioner.

C. 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 Consultant.

D. Developer 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.

E. Developer shall not erect any sign on, or extending over, any portion of the County Road right of way.

F. Entrances must be constructed in such a way as to keep obstructions from being present in the right of way.

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

H. 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.

I. Developer will contact the County Consultant at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

_____ _____

County Consultant Date

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.

_____ _____

Developer Date

Appendix K

Bond/Financial Guarantee Letter

County of *Mason*

KNOW ALL BY THESE PRESENTS:

[Name of principal], of *[address of principal]*, as principal (the "contractor"), and *[name of surety]*, a Texas corporation admitted to do business in Texas as a surety, as surety, are bound to *Mason County,* as obligee ("the County"), in the amount of $*[dollar amount of bond]*, for the payment of which contractor and surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

The conditions of the above bond are as follows: on *[date of original contract]*, contractor entered into a Subdivision Application with County for *[description of work]* for the sum of $*[dollar amount of contract price]*.

Under the terms of the specifications for the work, contractor is required to give a bond equal to *[100 percentage of bond]*% of the amount of the projected cost of improvements to the real property within the subdivision to protect the County against the result of faulty materials or workmanship for a period of *[number of months]* months after completion and acceptance of the work.

For the reasons recited above, and in consideration of the mutual covenants of the parties, the parties agree as follows:

If the contractor shall for a period of twenty-four (24) months from and after the date of completion and acceptance of the work by the County, replace defects arising in the work, whether resulting from defective materials or defective workmanship, the above obligation is void; otherwise it will remain in full force and effect.

Principal:
[Name of subcontractor]
By:

_____
[Name of subcontractor's authorized representative]

Surety:
[Name of surety]
By:

_____
[Name of surety's authorized representative]

Subscribed and sworn to before me on _____day of _____.

_____
[Notary information per statute]

Appendix L

SUBDIVISION DEVELOPMENT FEES

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

Application Fees:

Subdivision Initial Plat	$3000.00 + $100.00 per lot
Subdivision Replat	$1000.00 + $100.00 per lot

Recording Fees:

Subdivision Initial Plat:	$1000.00
Subdivision Replat	$500.00

Appendix M

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS §
COUNTY OF MASON §

I, _____, County Judge of Mason County, Texas, do hereby certify that on the _____day of _____, 2_____, the Commissioners Court of Mason County, Texas, passed an Order authorizing the filing for record of the plat of _____, a subdivision of Mason County, Texas, that said Order has been duly entered in the minutes of the said Court in _____, and that the plat of the subdivision has been recorded at Glide _____, in the Plat Records of Mason County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE this the _____day of _____, 20___.

_____
County Judge, Mason County, Texas

Attest:

County Clerk _____

Appendix N

AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE MUNICIPALITY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE MUNICIPALITY

This Agreement is made by and between the City of Mason, a municipality located within Mason County, Texas (hereinafter "the City") and Mason County, a political subdivision of the State of Texas (hereinafter "the County"), as required by Section 242.001 of the Texas Local Government code.

WHEREAS, the regulation of subdivisions of property is a governmental function as set forth in Chapters 212 and 232 of the Texas Local Government Code; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has statutory authority to adopt rules governing plats and subdivisions of land both within the limits and in the extraterritorial jurisdiction of the municipality; and

WHEREAS, pursuant to Chapter 232 of the Texas Local Government Code, the county has statutory authority to adopt rules governing plats and subdivisions of land in the areas of the county lying outside the limits of a municipality, including the area within the extraterritorial jurisdiction of a municipality; and

WHEREAS, Chapter 242 of the Texas Local Government Code prohibits requiring a person who intends to subdivide land within the extraterritorial jurisdiction of a municipality to submit plats to and obtain related permits from both the municipality and the county; and

WHEREAS, Chapter 242 of the Texas Local Government Code further requires counties and municipalities to execute a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction;

The parties to this Agreement hereby agree as follows:

AGREEMENT

1.1 The County and the City agree that the City is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction (ETJ) of the City.

1.2 In consideration of this agreement, the City agrees that it will provide the County with a copy of all current rules and regulations applicable to subdivision of property within the City's extraterritorial jurisdiction, and further agrees that, if it amends any rule of regulation pertaining to subdivisions of property within its extraterritorial jurisdiction, it will provide a copy of the amended rule or regulation to the County. Proposed developments may be subject to additional county subdivision requirements.

1.3 In further consideration of this agreement, the City agrees that if it receives any application or request for variance or exception to a rule or regulation applicable subdivision of property within its extraterritorial jurisdiction, it **will give** notice of the application or request to the County and provide the County and opportunity to comment on the application or request before consideration of the application or request.

1.4 As required by Section 242.002 of the Local Government Code, the City agrees to notify the County of any expansion or reduction in the City's extraterritorial jurisdiction;

1.5 The City specifically agrees that because it desires to have the authority to regulate subdivisions within the ETJ of the City, the authority to do so is adequate consideration for the performance of its obligations under this agreement.

1.6 The County agrees that because it does not desire the responsibility of regulating subdivision development within the ETJ, being relieved of this responsibility is adequate consideration for its relinquishing of any statutory right to do so.

1.7 This agreement does not extend the liability of the parties. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

TERM Of AGREEMENT

The term of this agreement is for one year from the date of execution, after which the agreement will renew automatically for another term unless terminated. Either party to this agreement may terminate the agreement at the encl of any term without cause by notifying the other party no later than 45 days prior to the end of the term. However, both parties understand and agree that the right to terminate this agreement does not avoid the statutory duty of the County and City to have a written agreement, providing for subdivision regulation within the City's extraterritorial jurisdiction.

IN WITNESS WHEREOF, the governing bodies of both the County and the City have approved and adopted this Agreement and have caused this Agreement to be executed. It shall become effective upon the date that both parties have signed this Agreement.

AGREED to and **ADOPTED by** the Commissioners Court of Mason County, Texas on the 12 day of August, 2022.

day of

Bill Goad, County Judge

Attest:

AGREED to and **ADOPTED** by City Commission of the City of Mason, on the 8 day of July, 2002.

(Signature lost in conversion from PDF to Word.)

Connie Stockbridge, Mayor

Attest: