



**BRAZORIA COUNTY  
SUBDIVISION REGULATIONS**

**ADOPTED October 24, 2006**

**By Commissioners Court Order No. 49**

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**BRAZORIA COUNTY SUBDIVISION REGULATIONS  
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**ARTICLE 1  
STATUTORY AUTHORIZATION, FINDING OF FACT  
AND PURPOSE AND INTENT**

**SECTION A. TITLE**

This Order shall be known as the "Brazoria County Subdivision Regulations." As a short title, these Regulations shall be known and may be cited as, the "Subdivision Regulations."

**SECTION B. PURPOSE AND INTENT**

It is the purpose of these Subdivision Regulations to help promote, protect and improve the public health, safety, comfort, convenience, prosperity and general welfare of the citizens of Brazoria County. Similarly, it is the intention of these Subdivision Regulations to *SECURE*:

1. The establishment of standards of subdivision design which will encourage the development of sound and economically stable communities, and the creation of healthful living environments, including drainage, water treatment and distribution, and sewage treatment and disposal;
2. The efficient, adequate and economic supply of utilities and services to new land development;
3. The provision of safe and convenient traffic circulation, both vehicular and pedestrian, in new land development;
4. Accurate land records for the convenience and protection of the public and for adequate identification and permanent location for real estate boundaries and those structures erected pursuant to these Subdivision Regulations; and
5. Equitable handling of all subdivision plats by providing uniform procedures and standards applicable to both the subdivider and the County.

AND TO *PREVENT*:

1. Hazards due to flooding; and
2. Hazards due to inadequate traffic management and congestion.

**SECTION C. AUTHORITY**

These Subdivision Regulations have been prepared and are adopted under authority of Chapter 232, Local Government Code.

**SECTION D. JURISDICTION AND APPLICATION**

The regulations established herein shall be applicable to all unincorporated areas of Brazoria County, Texas, and shall be construed to be minimum requirements. They may also apply to any municipality in Brazoria County that elects to use them.

*Encompassed in this County are other entities which may have other regulations applicable to developing land which include, but are not limited to, cities located within Brazoria County, drainage districts created by the Texas Legislature and the Brazoria County Groundwater Conservation District. The State Legislature has created seven drainage districts in Brazoria County. It is the property owner and/or developer’s responsibility to determine which drainage district, if any, the property is located and obtain that particular drainage district’s rules and regulations. Please be advised that the drainage districts and the Brazoria County Groundwater Conservation District are not a part of the County of Brazoria and are operated under their own commissioners and board.*

Brazoria County recognizes extra-territorial jurisdictions (E.T.J.) for all incorporated areas of the County. Each city’s E.T.J. boundaries are determined by the following chart.

<b>Population</b>	<b>Distance</b>
Less than 5,000	One Half (1/2) Miles
5,000 – 25,000	One (1) Mile
25,000 - 50,000	Two (2) Miles
50,000 - 100,000	Three and One-Half (3-1/2) Miles
100,000 - or More	Five (5) Miles

Many of the municipalities’ E.T.J. are governed by the subdivision regulations of the individual municipality. It is the property owner and/or developer’s responsibility to determine if the tract lies within a city’s E.T.J. and to determine if that city enforces its authority for subdividing/platting within its E.T.J. These incorporated areas may insist that their road standards be used for construction, as long as they are more stringent than County requirements. However, such roads, if dedicated to the public, shall be ultimately maintained by the County and therefore the County shall review plans for those roads and their construction.

Within the jurisdiction of these Subdivision Regulations, except as hereinbefore and hereinafter provided, no subdivision shall be made, platted, or recorded, nor shall any building permit be issued, unless such subdivision meets all requirements of these Subdivision Regulations and has been approved in accordance with the requirements as hereinafter provided. Further, no subdivision street will be accepted for maintenance unless that street exists in a platted subdivision.

## **SECTION E. LEGAL STATUS**

**Severability** - It is the intention of these Subdivision Regulations that the sections, paragraphs, sentences, clauses and phrases of these Subdivision Regulations are severable; and if any section, paragraph, sentence, clause or phrase of these Subdivision Regulations shall be declared void, ineffective or unconstitutional by a valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases hereof, since the same would have been enacted by this Court without the incorporation herein of any such unconstitutional section, paragraph, sentence, clause or phrase.

**Effective Date** - These Subdivision Regulations and any provisions herein contained shall supersede all previous applicable resolutions and policies and shall take effect and be enforced from and after their adoption by the Court, by proper resolution.

## **ARTICLE 2 DEFINITIONS**

Except where specific definitions are used within a specific article or section of these Subdivision Regulations for the purpose of such sections, the following terms, phrases, words and their derivation shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "used for" shall include the meaning "designed for." These definitions may be regulatory on their face. The words "shall" and "will" are mandatory and the word "may" is permissive. Definitions not expressly authorized herein are to be considered in accordance with customary usage in engineering practices.

**ALLEYS** – a road or street provided to serve as a secondary access to a business, commercial, industrial, and/or residential areas, for the purpose of service access, off-street loading, unloading and/or parking consistent with and adequate for the uses permissible on the property.

**APPLICATION** – a form submitted to the County Engineer for the purpose of subdividing land (i.e. application for final plat approval, application for small subdivision and application for variance, etc.)

**BENCHMARK** – a land surveyor's mark made on a stationary object of previously determined position and elevation and used as a reference point in tidal observations and surveys.

**BLOCK** - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, and any other definite barrier or boundary of a city, town or village.

**BUILDING** - any structure designed or built for the support, enclosure, shelter, or protection of persons or property.

**BUILDING LINE/SETBACK LINE** – a line established, in general, parallel to the property line. No building or structure may be permitted in the area between the building line and the street right-of-way.

**CERTIFICATE OF OWNERSHIP** - either (1) an opinion of an attorney at law based upon an examination of an abstract or title, showing that the person submitting a plat for approval is the owner(s) of the real estate included in said proposed plat; or (2) the certificate of an abstract company or title insurance company licensed to do business in the State of Texas, certifying that the property owner and/or developer submitting a plat for approval, is the owner or the legal representative of the owner of the tract included in said proposed plat. Such opinion of attorney or certificate of an abstract or title insurance company shall show the names of all persons or entities holding recorded liens on said real estate.

**CLERK** - the County Clerk of Brazoria County.

**COMPREHENSIVE PLAN** - the plans, or parts thereof, prepared and adopted by the Court for guiding the County's future physical development in regard to transportation, public facilities, utilities and other physical needs. This includes, but is not limited to, the Thoroughfare Plan, Mobility Plan, Drainage Criteria Manual, and any other regulation, ordinance, plan, study, code, and/or order approved/accepted and added to the comprehensive plan added by the Commissioners' Court.

**COUNTY** – land area within the jurisdictional boundaries of Brazoria County not in a municipality; or, Brazoria County, the governmental entity established pursuant to Texas Local Government Code § 71.001.

**COUNTY ENGINEER** - the County Engineer of Brazoria County or his duly authorized representative. The County Engineer may issue certificates as required by these rules subject to general policies of the Commissioners Court or to specific orders of the Court.

**COURT** - the Commissioners Court of Brazoria County, Texas.

**CUL-DE-SAC STREETS** - local streets having only one (1) open end providing access to another street; the closed end provides a turn around circle for vehicles.

**DEAD END STREET** – a road that has no outlet, without a cul-de-sac.

**DEVELOPER (SUBDIVIDER)** – a property owner or authorized agent proposing to divide land so as to constitute a subdivision according to the terms and provisions of the subdivision rules.

**DEVELOPER'S ENGINEER** - an engineer, registered in Texas, engaged by the property owner and/or developer to prepare engineering plans and to certify required construction.

**DEVELOPMENT CONTROLS** – these Subdivision Regulations, Building Permit Regulations, Fire Code, On-Site Sewage Facility Permitting, Drainage Criteria Regulations, and Manufactured Home Ordinance, etc., and any other ordinances/regulations adopted or used by Brazoria County with respect to development.

**DISTRICT ATTORNEY** – an Assistant Criminal District Attorney designated by the Criminal District Attorney assigned to the Brazoria County District Attorney’s Office, Civil Division to assist in implementing these Subdivision Regulations.

**DWELLING** - a building or portion thereof designed or used primarily for residential occupancy.

**EASEMENT** – right given by the owner of a parcel of land to another person, the general public, a public agency, or private corporation for the specific and limited use of that parcel. It usually constitutes a privilege or right-of-use or enjoyment granted on, above, under, or across a particular tract of land by one owner to another.

**ENGINEER** - a qualified person registered and currently licensed to practice civil engineering in the State of Texas.

**ENVIRONMENTAL DEPARTMENT** – the Brazoria County Environmental Health Department.

**E.T.J.** - abbreviation for “extraterritorial jurisdiction.” See below definition.

**EXTRATERRITORIAL JURISDICTION (E.T.J.)** – the unincorporated territory extending beyond the city limits of a city as set forth by Chapter 42.021, Local Government Code. The unincorporated area which is contiguous to the corporate boundaries of the municipality and which is located as follows:

- within 1/2 mile of those boundaries in the case of a municipality with fewer than 5,000 inhabitants;
- within 1 mile of those boundaries in the case of municipality with 5,000 to 24,999 inhabitants;
- within 2 miles of those boundaries in the case of municipality with 25,000 to 49,999 inhabitants;
- within 3½ miles of those boundaries in the case of municipality with 50,000 to 99,999 inhabitants; or
- within 5 miles of those boundaries in the case of municipality with 100,000 or more inhabitants.

**F.E.M.A.** – the Federal Emergency Management Administration.

**FLOOD PLAIN ADMINISTRATOR** – enforces the building regulations established pursuant to the Federal Emergency Management Administration regulations and the Texas Water Code for the benefit of Brazoria County.

**FOUNDATION** – lowest level of a residence whether it is a masonry slab, or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the residential structure rests or will rest.

**FRONTAGE** - the length of the property lines of lots, or tracts of land abutting a public street, road, highway or undeveloped right-of-way.

**GRADE** – the slope or inclination of a feature with respect to the horizontal, generally expressed by stating vertical rise or fall as a percentage of the horizontal distance. This term is generally used in these Subdivision Regulations to describe the slope of planes, ridges, and inverts found on roads, ditches, ponds, and unimproved land.

**GROUNDWATER** – subsurface water occurring in soils and geologic formation that are fully saturated either year-round or on a seasonal or intermittent basis.

**GROUNDWATER CERTIFICATE** – a certificate and/or letter from the Brazoria County Groundwater Conservation District granting a water permit or notification that no permit is required.

**GREEN SPACE** - any public or private land that would serve as an area to provide relaxation or recreation to all residents within a specific subdivision. Green space may be used for active or passive activities. It may be an open field, and may or may not have improvements such as benches, shade structures, playground equipment, or trails located within the boundaries of the property.

**HAMMERHEAD ROAD** – local streets having only one (1) open end providing access to another street; the closed end being a “T”-shaped turnaround adequate for vehicular turn around.

**IMPROVEMENTS** - may include, but are not limited to, street pavement, curbs and gutters, sidewalks, alley pavements, walkway pavements, watermains, water systems, sanitary sewers, storm sewers or drains, or facilities that efficiently manage the flow of storm water runoff in the subdivision and coordinate subdivision drainage with the general storm drainage pattern for the area, street name signs, landscaping, permanent reference monuments (P.R.M.'s), permanent control points (P.C.P.'s), or any other improvement required by the Court.

**JOINT USE AGREEMENT** - a letter from the utility company stating that they have no objection to the proposed road crossing their easement. If the utility company operates a pipeline within the easement, the letter shall further state that the pipeline either meets the requirements in Article 7, Section I – Pipeline Crossing -- or has been adjusted to meet these requirements.

**LAND SURVEYOR** - a surveyor registered under Chapter 1071, Texas Occupation Code, who is in good standing with the Texas State Board of Professional Land Surveying.

**LOT** - a portion of a surface of land contained within property lines of a specific area, including land within easements and building setback lines of said area, but excluding any land within a street right-of-way. The word "lot" includes the words "plot," "parcel" or "tract."

Corner Lot - a lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street.

Double Frontage Lot - a lot having two (2) or more of its non-adjoining property lines abutting upon a street or streets.

**LOT DEPTH** - the average horizontal distance between the front and rear property lines of a lot.

**LOT WIDTH** - the distance, measured along the building setback lines, between the two (2) side property lines of a lot.

**M.S.L.** – “mean sea level.”

**MUNICIPALITY** - any incorporated city or town.

**M.U.T.C.D.** – the Texas Manual of Uniform Traffic Control Devices.

**O.S.S.F.** – “on-site sewage facility.”

**P.C.P.** – “permanent control point” which shall be a secondary horizontal control monument and shall be a 1/2-inch iron rod (24 inches long) set flush on centerline of pavement (if flexible base) or "x" mark (concrete pavement).

**PERSON** – an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, organization, limited liability company or any other entity recognized by Texas law.

**PLAN** -

Preliminary Plan - the first official submission of a subdivision scheme to the County Engineer which consists of an application and drawing showing general lot and street layout and other pertinent features of a proposed subdivision for the purpose of discussion prior to the formal subdivision platting process.

Sketch - an informal drawing prepared by the property owner and/or developer or authorized agent requesting a variance indicating the general lot and street layout, and pertinent features of a proposed subdivision highlighting the variance being requested for the purpose of discussion prior to the formal variance application.

**PLAT** - a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the Clerk’s records and containing accurate and detailed engineering data, dimensions, and dedicatory statements and certificates.

Preliminary Plat – preliminary map or drawing of a proposed subdivision with sufficient detail to fully describe or convey the full intent of the proposed subdivision including, but not limited to, thoroughfares, local and interior streets.

Final Plat – the final map or drawing completed to the specifications of this Ordinance with all necessary dedications, approvals, and requirements for recording with the Clerk’s Office as an official document.

**PRIVATE ROAD / PUBLIC ROAD EQUIVALENT** – private road constructed to current public road standards with regular maintenance.

**P.R.M.** - “permanent reference monument,” such monument can be (1) a one-half inch iron rod at least 24 inches long; **or** (2) a 1½ inch diameter metal pipe at least 24 inches long. The monument shall be encased in a solid block of concrete or set in natural bedrock. Said block

shall be a minimum of 6 inches in diameter and extending at least 18 inches below the top of the monument; **or** (3) a concrete monument 4 inches by at least 24 inches long with the reference marked thereon. A metal cap marker with the reference marked thereon shall bear the registration of the land surveyor certifying the plat of record and the letters P.R.M. shall be placed in the top of the monument.

**PROPERTY OWNER** - an individual, partnership, corporation, or other legal entity recognized by Texas law, or agent thereof, which undertakes the activities covered by these Subdivision Regulations. The term "property owner and/or developer" includes "subdivider," "owner," "builder," etc., even though the person and their precise interests may vary at different project stages.

**RECONFIGURE** - the process of taking two (2) or more tracts and changing the geometric size and shape of the tracts into the same number or fewer tracts of adequate size (as required by state and local regulations), frontage, and shape.

**RIGHT-OF-WAY** – a dedication of land to be used generally for streets, alleys, drainage, canals, lakes, or other public uses, wherein the owner gives up his rights to the property.

**RURAL** – minimum lot size is one (1) acre or more.

**SEWAGE SYSTEM** – a system for collection, treatment and disposal of sewage, whether said system is a wastewater treatment plant permitted by the Texas Commission on Environmental Quality (T.C.E.Q.) or an on-site sewage facility (O.S.S.F.) permitted by the Environmental Department or the T.C.E.Q.

**SMALL SUBDIVISION** – A parcel of land divided into four (4) or fewer parts and meeting the requirements set out in Article 4, Section D.

#### **STREET CLASSIFICATIONS -**

**Minor and Major Arterials** - the first rank in the classification of streets and used primarily for the movement of vehicles and secondarily for providing vehicular access to adjoining properties. When access to adjoining properties is permitted, it is to serve several properties, rather than permitting each property owner to have his private driveway access point. Characteristics are given in Article 6.

**Major Collectors** - the second rank in the classification of streets, and used more for the movement of vehicles than for providing access to adjacent properties. Characteristics are given in Article 6.

**Residential Local and Residential Collector** - the third rank in the classification of streets, and used primarily for providing access to adjacent individual properties. Local streets can be subclassified into four (4) types:

1. **Continuing Streets** - local streets having two (2) open ends with each end generally connecting with different streets.

2. Marginal Access Streets - local streets generally having two (2) or more open ends, and property fronts on only one (1) side of the street (the other side is parallel and adjacent to a higher classification street arterials).
3. Loop Streets - local streets having two (2) open ends, each end connecting with the same street.
4. Half Streets – a street, generally parallel and adjacent to the boundary line of a tract, having a lesser width than required for a full width of the type involved. It is contemplated that a parallel half street adjoining this roadway will be constructed subsequently.

**SUBDIVIDER** – see “property owner” and “developer” in these definitions.

**SUBDIVISION** - the division of any tract of land, situated outside the corporate limits of any city located in Brazoria County, Texas, into two (2) or more parts, for the purpose of laying out a subdivision of any tract of land, including an addition, creation of lots, or the laying out of streets, alleys, squares, or parks, or other portions intended for 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.

**T.C.E.Q.** – the Texas Commission on Environmental Quality.

**THOROUGHFARE** – a minor or major arterial that is on the Brazoria County Thoroughfare Plan, which may presently exist or is to be built in the future.

**THOROUGHFARE PLAN** - the most recent Brazoria County Thoroughfare Plan adopted by the Commissioners Court.

**TRACT** – a specified parcel of land.

**TxDOT** – the Texas Department of Transportation.

**URBAN** – lot size is less than one (1) acre.

**UTILITY** – a person, as defined herein, engaged in this State in the:

1. production, generation, transmission, distribution, sales, or furnishing of electric power;
2. transportation, conveyance, distribution, sales through a local distribution system of natural or other gas for domestic, commercial, industrial, or other use;
3. ownership, management, operation, leasing or controlling of a pipeline for the transmission, conveyance, distribution, delivery, or sale of natural or other gas, natural gas liquids, crude oil or petroleum products to other pipeline companies, refineries, local distribution systems, municipalities, or industrial consumers;
4. conveyance, transmission, or receiving communications over a telephone system and providing telephone or telegraph service to others including fiber optic, cable, or any other telecommunication technology implemented;
5. production, transmission, distribution, or sale of steam or water;
6. operation of a railroad; and/or
7. the provision of sewer service to others.

**VARIANCE** – is a grant of relief to a person from the requirements of these Subdivision Regulations when specific enforcement would result in unnecessary hardship. A variance permits construction or development in a manner otherwise prohibited by these Subdivision Regulations.

**WALKING TRAIL** - an improved 4 feet-wide minimum path, consisting of a material conducive to walking, running, strolling, or cycling. Crushed granite, concrete, and asphalt are considered appropriate surface materials for walking trails. Dirt or sod trails will not be considered improved trails.

**WATER SYSTEM** – a system for the supply of potable water, whether said system is publicly-owned, community-owned, or privately-owned.

### **ARTICLE 3 CIRCUMSTANCES REQUIRING PLATTING AND APPROVAL**

#### **SECTION A. PLATTING REQUIRED**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.001.*

A property owner and/or developer is required to abide by these Subdivision Regulations and the Local Government Code, Chapter 232 and prepare and file a plat when the following occurs:

1. The property owner and/or developer owns a tract of land located outside the limits of a municipality; and
2. Divides the tract into two (2) or more parts to layout:
  - a. a subdivision, including an addition, or
  - b. lots; or
  - c. 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.

A division of a tract includes a division made by using a metes-and-bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey the property, or by using any other method which divides the tract into two (2) or more parcels.

#### **SECTION B. COUNTY APPROVAL REQUIRED**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.002.*

**Approval** - The Court must approve, by an order entered in the minutes of the Court, a plat as required under Article 4 of these Subdivision Regulations.

**Disapproval** - The Court may refuse to approve a plat if:

1. It does not meet the requirements prescribed by these Subdivision Regulations or the Texas Local Government Code, Chapter 232; **or**
2. If any bond required by these Subdivision Regulations or the Texas Local Government Code, Chapter 232, is not filed with the County.

**ARTICLE 4  
PROCEDURE FOR SUBDIVIDING LAND**

The purpose of this section is to establish a systematic procedure in preparing, reviewing and approving subdivision plans and plats.

Transmittal Letters – All submissions made to the County Engineer’s Office must be accompanied by a transmittal letter giving the purpose of the submission such as: for information only, preliminary or final review, the name and location of the project, and the controlling jurisdiction such as city, E.T.J., or County. A listing of all enclosed documents and drawings must be included.

**SECTION A. PRE-APPLICATION PROCEDURE**

Before any preliminary work is prepared, the property owner and/or developer of any land within the County should obtain a copy of these Subdivision Regulations and become familiar with the various provisions and requirements. This should help avoid heavy expenditures of time, effort, and money, only to find that costly changes are required by the County Engineer to make the plans conform to these requirements.

Plans shall be submitted to the County Engineer before the tract is subdivided establishing more than one (1) lot, any street, alley, easement or public right-of-ways or before any building, street, drainage, or utility construction is begun.

**SECTION B. SUBDIVISIONS WITHIN E.T.J.**

These procedures are the County’s requirements. The property owner and/or developer must also comply with the requirements of the appropriate city E.T.J. and drainage district. Property owner and/or developer must determine those requirements.

*Preliminary Plan Submittal* – The purpose is to review compliance with the Thoroughfare Plan and local concerns.

Developer and/or property owner must deliver to the County Engineer’s Office the following:

1. A transmittal letter requesting approval; and
2. Two (2) paper copies of the preliminary plan.

The County Engineer’s Office will respond via letter expressing approval and/or comments needing to be addressed.

An optional pre-planning meeting will be available to discuss the requirements and/or plan, if determined to be necessary.

*Preliminary Plat Submittal* – The purpose is to review compliance with the Subdivision Regulations, F.E.M.A. Building Regulations, 911 Regulations, and Environmental Health Regulations.

Developer and/or property owner must deliver to the County Engineer’s Office the following:

1. A transmittal letter requesting approval; and
2. Three (3) paper copies of the preliminary plat for the County Engineer, Flood Plain Administrator and Environmental Department.

The County Engineer's Office will respond via letter expressing approval and/or comments needing to be addressed.

**Construction/Improvement Plans, Studies, and Material** – The purpose is to review compliance with the Subdivision Regulations.

Property owner and/or developer must deliver to the County Engineer's Office the following:

1. A transmittal letter requesting approval of County Engineer's Office; and
2. Two (2) paper copies of all materials to be reviewed and approved.

**Final Plat Submittal for Review** – The purpose is to confirm compliance with the Subdivision Regulations, F.E.M.A. Building Regulations, 911 Regulations, and Environmental Health Regulations.

Property owner and/or developer must deliver to the County Engineer's Office the following:

1. A letter requesting approval;
2. Three (3) paper copies of the final plat for the County Engineer, Flood Plain Administrator and Environmental Department;
3. Final set of the approved construction/improvement plans; and
4. Electronic submittal of all documentation. The Brazoria County Electronic Submittal Policy is attached hereto as Appendix K.

The County Engineer's Office will respond via letter expressing approval and/or comments needing to be addressed.

After the appropriate city has approved the final plat and released it to the property owner and/or developer, the property owner and/or developer SHALL file the final approved plat with the Clerk and submit a mylar copy to the County Engineer.

**Acceptance of Roads** – The County will accept the roads within the subdivision ONLY after receiving a request to do so from the property owner and/or developer.

The request will include:

1. A letter requesting conditional acceptance;
2. A 25% warranty bond between the property owner and/or developer and the County. The bond will be held for a specified warranty period which must be at least a year in length; and
3. The engineer's certification stating that the improvements were made in accordance with the approved improvement plans and County regulations; or as-built drawings containing an engineer's certification stating that the changed improvements are in accordance with the County's regulations.

Once the request is received, the County Engineer's Office will schedule a walk-thru with the property owner and/or developer.

After the walk-thru and all concerns have been answered, the County Engineer will request conditional acceptance of the roads by the Court with a specified warranty period (minimum of one (1) year).

At the end of the warranty period, the property owner and/or developer will request final acceptance. An inspection will be performed. If the condition of the improvements still meets the County's requirements, the County Engineer will request the Court to accept the roads. Once acceptance has passed through the Court, the warranty bond will be returned to the property owner and/or developer.

### **SECTION C. SUBDIVISIONS NOT WITHIN E.T.J.**

These procedures are required by the County. The property owner and/or developer must consult with the appropriate drainage district to determine its policies, procedures and requirements. If the tract of land is not within a drainage district, then the County will assume the responsibilities of the drainage district with regard to this review process. Any actual costs incurred by the County in regards to these additional responsibilities will be assessed to the property owner and/or developer.

***Preliminary Plan Submittal*** – The purpose is to review compliance with the Thoroughfare Plan, Subdivision Regulations, and if not in a drainage district – the Brazoria County Drainage Criteria Manual and any other local concerns.

Property owner and/or developer must deliver to the County Engineer's Office the following:

1. A transmittal letter requesting review of the preliminary plan; and
2. Two (2) paper copies of the preliminary plans.

The County Engineer's Office will respond via letter expressing approval and/or comments needing to be addressed.

An optional pre-planning meeting will be available to discuss requirements and/or the plan, if determined to be necessary.

***Preliminary Plat Submittal*** – The purpose is to review compliance with the Subdivision Regulations, F.E.M.A. Building Regulations, 911 Regulations, Environmental Health Regulations, and if not in a drainage district – Brazoria County Drainage Criteria Manual.

Property owner and/or developer must deliver to the County Engineer's Office the following:

1. A transmittal letter requesting review of the preliminary plat;
2. Three (3) paper copies of the preliminary plat for the County Engineer, Flood Plain Administrator and Environmental Department; and
3. A fourth copy is required if not within a drainage district.

The County Engineer will provide a written response to the preliminary plat submittal notifying property owner and/or developer of any missing documents and provide comments or concerns needing to be addressed or answered.

**Construction/Improvement Plans, Studies, and Material** – Purpose is to review compliance with the Subdivision Regulations and, if not in a drainage district – the Brazoria County Drainage Criteria Manual. If not within a drainage district, the drainage plan may be reviewed by a consulting engineering firm for the County Engineer. The fee for this review will be charged to the property owner and/or developer.

Property owner and/or developer must deliver to the County Engineer’s Office the following:

1. A transmittal letter requesting approval;
2. Two (2) paper copies of the preliminary plat; and
3. A third copy of all drainage related materials, if not in a drainage district.

**Final Plat Submittal for Review** – The purpose is to confirm compliance with the Subdivision Regulations, F.E.M.A. Building Regulations, 911 Regulations, Environmental Health Regulations, and if not in a drainage district – the Brazoria County Drainage Manual, and obtain approval from the District Attorney.

Property owner and/or developer must deliver to the County Engineer’s Office the following:

1. Application for Plat Approval;
2. Final Plat – Four (4) paper copies for the County Engineer, Flood Plain Administrator, Environmental Department, and District Attorney. A fifth copy is required if not within a drainage district;
3. Final Design Plans - Two (2) copies of the final improvement design plans;
4. Final Drainage Study;
5. Joint Use Agreement, if applicable;
6. Certificate of Ownership;
7. Groundwater Certificate;
8. Letter from the Texas Department of Transportation – If the proposed subdivision is along a state right-of-way, then an approval letter from the State in reference to access onto the state right-of-way as well as right-of-way requirements will be necessary; and
9. Electronic Submittal of all Documentation – The Brazoria County Electronic Submittal Policy is attached hereto as Appendix K.

**The County’s Response** - If the plat does not meet all requirements, the County Engineer’s Office will send a letter within 10 business days notifying applicant of any missing documents and provide comments or concerns needing to be addressed/answered. The Court will take final action on the plat application within 60 days of the County Engineer receiving a completed final plat application.

If all of the requirements of these Subdivision Regulations have been met, the property owner and/or developer shall supply the County Engineer with two (2) mylar copies of the final plat and the County Engineer will recommend approval of the Court.

If the Court approves, the County Engineer will withhold the two (2) signed copies until all improvements are completed in accordance with the improvement plans. If within three (3) years, no improvements have been made and no request for an extension has been made by the property owner and/or developer, the County Engineer may request the Court to abandon the plat and cancel the subdivision pursuant to Texas Local Government Code § 232.008.

**Completion of Improvements** – Once improvements are completed to the satisfaction of the County, the property owner and/or developer’s engineer shall request that the final plat be released. The request must contain:

1. A letter requesting the release;
2. The 25% warranty bond which will be held for a specified warranty period which must be at least a year in length;
3. The property owner and/or developer’s engineer’s certification certifying that the improvements were made in accordance with the approved improvement plans and County regulations or as-built drawings and an engineer’s certification certifying that the changed improvements were made in accordance with the County’s regulations. Any major deviations from the plan of improvement shall be approved by the County;
4. A letter signed and sealed by the engineer certifying that the elevations and grades were taken by an on-site survey on a certain date that all pavement, inlets, manholes and appurtenances are constructed to grade as shown on the record drawings, and in compliance with the approved plans and specifications. The letter shall also certify that all trunk storm sewers and leads are of the proper size and that all improvements are capable of performance as designed and approved. Any deviations from the approved construction drawings to actual construction shall be noted for evaluation by the County Engineer;
5. A letter from the applicable drainage district stating that the drainage facilities are constructed in accordance with the approved plans and the specifications are acceptable;
6. Certification letter from a recognized laboratory as well as copies of testing results; and
7. Construction costs for the pavement and drainage improvements.

**Inspection of Completion** – Upon receipt of the above listed documentation, the County Engineer or its designated representative(s) shall complete the review of the material and an on-site inspection shall be scheduled:

1. At the time of inspection, should any deficiencies be found, the County Engineer shall notify the applicant, in writing, of the deficiencies requiring correction. Re-inspection by the County Engineer will be made following receipt of a letter from the engineer stating that all noted deficiencies have been corrected. If more than three (3) months have passed since the date of the first deficiency report released by the County Engineer, the project is subject to a complete re-inspection and all noted deficiencies found at that time shall be identified and reported to the engineer for correction; and
2. At the time all corrective work is completed and the County Engineer has confirmed the street and drainage improvements have been constructed in accordance with the approved

plans and specifications, the County Engineer shall release the plat to the property owner and/or developer who shall be responsible for filing the plat with the Clerk.

**Acceptance of Roads** - At the end of the warranty period, the property owner and/or developer shall request final acceptance. An inspection will be performed and if the condition of the improvements still meets the County's requirements, the County Engineer will request that the Court accept the roads. Once acceptance has passed through the Court, the warranty bond will be returned to the property owner and/or developer. The warranty bond will be returned only if the final plat is filed with the Clerk.

**Electronic Submittals** – The County Engineer may require that plats and improvement plans be submitted electronically, per the requirements of the Brazoria County Electronic Submittal Procedure attached hereto as Appendix K.

#### **SECTION D. SMALL SUBDIVISIONS**

The County Engineer will recommend that the Court approve a small subdivision if:

1. The property owner and/or developer does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other parts;
2. No more than four (4) parts result from the subdivision of a tract of land and each part is at least one (1) acre in area;
3. The original parcel to be divided cannot be the result of a division using the small subdivision process within five (5) years from the date of application;
4. Each part has adequate, separate (not shared) access to a publicly-maintained road, with at least 60 feet of frontage along such road;
5. The proposed division is not expected to have adverse impact on drainage as confirmed in writing by the drainage district in which it is located (or by the County Engineer if not located in a drainage district);
6. Each part is suitable size and condition to allow the provision of adequate water systems and sewer service facilities, as confirmed in writing by the Environmental Department;
7. The owner submits an "Application for Variance from Platting Requirements" in the format prepared by the County Engineer's Office, along with the required information and documents;
8. The property owner and/or developer provides adequate right-of-way or easements for existing and proposed road and drainage facilities, if such are required by the County Engineer or the relevant drainage district. The property owner and/or developer additionally shall provide proof that all parties holding an interest in the tract have consented to such right-of-ways or easements; and
9. Property owner and/or developer shall provide necessary right-of-way dedications and setbacks.

### **Procedure**

1. The property owner and/or developer shall meet with the County Engineer. Property owner and/or developer shall provide to the County Engineer a sketch of what is proposed and a copy of the deed of the tract being divided.
2. If the proposed division meets the County's requirements, the property owner and/or developer will then be responsible for getting a letter from the Environmental Department, the appropriate drainage district (or the County Engineer if not within a drainage district), and a tax certificate showing that all taxes are paid on the tract. The property owner and/or developer will also be responsible for obtaining a "plat of survey" from a land surveyor containing a legal description of all tracts created.
3. Once these items are delivered to the County Engineer's Office, the proposed subdivision will be brought before the Court.
4. Upon approval of the Court, the County Engineer will supply the property owner and/or developer with a letter granting approval with the original court order attached, which shall be filed along with the plat of survey signed and sealed by the land surveyor.

### **SECTION E. EXCEPTIONS TO PLAT REQUIREMENTS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.0015.*

No property owner and/or developer will be required to have a plat of the subdivision if the property owner and/or developer does not lay out a part of the tract by laying out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts ***and meets one of the following requirements:***

**Division for Mortgage or Tax Purposes** - The division of a tract of land into two (2) parts solely for one of the following purposes shall not be considered a division subject to platting regulations:

1. To establish a lien upon a portion of the tract, said lien being required by a financial institution to grant a loan for construction of a residence or related structure on said portion;  
or
2. To establish a different tax status on a portion of the tract (for example, to obtain a homestead exemption).

Both tracts created must have access to a publicly maintained road by frontage, public easement, or private ingress and egress easement.

Under this exception, ownership of the divided portion may not be conveyed separately from the remainder of the tract unless said conveyance is due to foreclosure on a loan or due to a tax sale. Any other separate conveyance will require compliance with subdivision regulations in effect at that time.

The County may require the property owner and/or developer to adhere to the terms of these Subdivision Regulations with regards to setbacks and lot frontages.

The property owner and/or developer must present to the County Engineer the following:

1. A letter requesting an exception under this section;
2. A copy of the deed for the tract to be divided; and
3. A plat of survey prepared and sealed by a land surveyor showing the division with legal descriptions of both tracts.

The County Engineer will present the exception request to the Court.

Upon approval of the Court, the County Engineer will supply the property owner and/or developer with a letter granting approval with the original court order attached, which shall be filed along with the plat of survey signed and sealed by the land surveyor.

**Division to Change Line Between Two Existing Tracts and/or to Reconfigure Existing Tracts -**

The division of a tract of land solely to change the line between two (2) or more existing tracts or to reconfigure two (2) or more tracts shall not be considered a division subject to platting regulations.

This exception applies only if the portion divided off of one (1) tract is conveyed to the property owner and/or developer of the adjoining tract or both tracts are owned by the same individual. Any conveyance of the divided portion separate from the adjoining tracts will require compliance with subdivision regulations in effect at that time.

The property owner and/or developer of the affected tracts are responsible for ensuring that the resulting tracts are of appropriate size and condition to comply with water and wastewater regulations.

The access to either tract cannot diminish in importance due to this division (meaning public road to public easement, public easement to private easement, etc.).

County may require developer to adhere to the terms of these Subdivisions Regulations with regards to setbacks and lot frontages.

In order to qualify for this exception, the property owner and/or developer must present to the County Engineer:

1. A letter requesting an exception under this section;
2. A copy of the deed for the tract to be divided; and
3. A plat of survey prepared by a land surveyor showing the division with legal descriptions to both tracts.

Once these items are delivered to the County Engineer's Office, the proposed subdivision will be brought before the Court.

Upon approval of the Court, the County Engineer will supply the property owner and/or developer with a letter granting approval with the original court order attached, which shall be filed along with the plat of survey signed and sealed by the land surveyor.

**Division for Family** - The tract is divided into four (4) or fewer parts and each lot 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, Texas Government Code.

If at any time, any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements apply.

**Agricultural Use/Farm, Ranch, Wildlife, Timber** - The land is to be used primarily for agricultural use, farm, ranch, wildlife management, or timber production use within the meaning of the Texas Constitution.

If a tract ceases to be used in any of the above-described uses, the platting requirements apply.

**More than 10 Acres** - Property owner and/or developer divides tract of land into two (2) or more parts and all of the lots of the subdivision are more than 10 acres in area.

**Sold to Veterans** - Property owner and/or developer divides the tract into two (2) or more parts and are sold to veterans through the Veterans' Land Board program.

**Undivided Interest** - Property owner and/or developer divides the tract into two (2) or more parts and are transferred to persons who own an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

**Further Development** - Property owner and/or developer divides the tract into two (2) or more parts and one (1) new part is retained by the property owner and/or developer and one (1) new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements.

**Notification to the County Engineer** - The property owner and/or developer shall provide written notification to the County Engineer of the intent to divide the land. Said notice must identify the exception said division qualifies and provide a sketch illustrating the division. The County Engineer will provide property owner and/or developer notification of receipt and acceptance of exception based upon the representations and information received. The County Engineer may require the preparation and filing of restrictions running with the land ensuring that any subsequent conveyance of any property resulting from an above referenced division shall be made in compliance with these rules.

## **SECTION F. PROCEDURE FOR VARIANCES**

When a property owner and/or developer can show, that due to no fault of his own, but because of strict interpretation of these Subdivision Regulations, a hardship has been created, the County may vary the Subdivision Regulations or exempt partially developed subdivisions, but only after the following events happen:

**Application** - The property owner and/or developer shall file in the County Engineer's office an application stating clearly and definitely the reason for a request of variance.

**Court Determination** - The Court shall determine the following facts:

- a. A hardship exists that is a result of the order or the natural features of the land and not the fault of the property owner and/or developer; and
- b. The variance will not adversely affect the adjacent property nor will it be detrimental to the general public's interest.

**Federal Requirements** - When a county-approved subdivision plat must also be approved by a federal agency, any changes by the federal agency shall be accepted by the Court as evidence of a hardship and the changes will be accepted. The County Engineer may require the preparation and filing of restrictions running with the land to ensure that all federal requirements are recorded in the Official Records of the County.

## **ARTICLE 5 DOCUMENT SPECIFICATIONS**

### **SECTION A. PRELIMINARY PLAN**

Two (2) copies of a preliminary plan are required to be delivered to the County Engineer before proceeding to the platting portion of the procedures specified in Article 5 of these Subdivision Regulations. The preliminary plan shall include:

1. street layout including designations of private or public, concrete or asphalt, two (2) lane – four (4) lane – divided, etc.;
2. commercial and residential designations;
3. right-of-way for major streets;
4. average lot sizes (for each section if more than one (1) section);
5. utilities designations (water system and sewer system) of private or public;
6. detention/mitigation areas;
7. parks, squares, common areas, and other places of green space; and
8. any other pertinent information the developer feels is appropriate.

### **SECTION B. PRELIMINARY PLAT**

All subdivision plats shall receive their "official" consideration as "preliminary plat." No property owner and/or developer shall proceed with any construction work on the proposed subdivision, until obtaining preliminary approval. At this stage, the following procedures are required.

The property owner and/or developer shall have a land surveyor or engineer prepare the preliminary plat in conformance with the format, design and improvement requirements of these Subdivision Regulations. If more than one sheet must be used, the scale shall not exceed 200 feet to 1 inch.

Where OSSFs are proposed, the plat shall provide the planning materials required by the Texas Health and Safety Code, Chapter 366 and 30 Texas Administrative Code Chapter 285 as well as a permit application delivered to the Environmental Department verifying compliance with same.

The Environmental Department shall make a determination on such compliance within 45 days of receiving the plat as required by 30 T.A.C. 285.4(c).

The preliminary plat shall provide the following items:

1. The abstract and survey in which the property is located;
2. A description of the boundary survey of the property having a maximum error of closure of 1:15,000;
3. Names and mailing addresses of the property owner and/or developer, engineer, land surveyor and registered sanitarium, if any;
4. Scale;
5. North point (with North being at the top of the map, if feasible);
6. Date of preparation;
7. Other pertinent legend data;
8. Total area, number of lots and approximate lineal feet in streets;
9. Vicinity sketch or key map at a scale of not more than 2,000 feet to the inch showing the position of the subdivision with relation to the surrounding streets and properties and other important features such as railroads, corporate limits of an adjacent city;
10. Lotting design scheme (details below);
11. Boundary closure calculation (computer printout or calculation sheet);
12. 100-year flood plain map showing proposed plat boundary;
13. Topographic map showing proposed plat boundary;
14. Soil survey showing proposed plat boundary, Geotechnical Report or USGS survey; and
15. Report of compatibility of proposed O.S.S.F.s with area-wide drainage and groundwater.

**Lotting Design Scheme** - The design scheme will be drawn on a scale of not more than 100 feet to the inch (except where the minimum size lot is one (1) acre or more), in which case a scale of 200 feet per inch may be used. The following features shall be shown:

1. The location of existing property lines, boundaries of incorporated areas, existing easements, streets, buildings, lakes, water courses, and culverts within the tract or immediately adjacent within 200 feet thereof;
2. The proposed location and width of street right-of-ways;
3. Street names;
4. Lot lines and numbers must be shown, but no dimensions are required;
5. The names and boundaries of all adjoining subdivisions;
6. Location of existing and proposed water systems, location and type of proposed O.S.S.F.s and their potential replacement areas in the event of such facilities' failure; and
7. Contours with intervals of 1 foot or less, when the general grade is less than 3%, and at interval of 5 feet or less when the general grade exceeds 3% (shall refer to M.S.L. data). Benchmarks shall be provided at convenient points with locations and elevations indicated on the preliminary plan.

## **SECTION C. IMPROVEMENT PLANS**

All improvement plans shall be approved by the County Engineer who shall certify that the plan is in conformance with these Subdivision Regulations and requirements. Variance from the requirements shall be permitted only by Court action.

The developer shall have an engineer prepare the improvement plans in conformance with the format, design, and improvement standards required by these Subdivision Regulations. Utility companies and other concerned public agencies should be consulted before these plans are prepared.

**Construction Drawings** - The sheet size shall be 24"x 36". The drawings shall be referenced to the name and unit number of the proposed subdivision, shall show elevations based on M.S.L. datum plan, and shall be in compliance with the following information:

1. **Street Plan - Profile** - The plan of each proposed street indicating the existing ground elevations and proposed street grade surface including existing street grade for a distance of 100 feet beyond the tract boundary at a scale of not more than 100 feet per inch.
2. **Typical Street Sections** - A typical section of each proposed street, if all are not the same, not to scale, but having horizontal and vertical measurements showing the width of proposed stabilization, road base, wearing surface, curbs, shoulders, ditches, etc.
3. **Water System and Sanitary Sewer System** - The plans and profiles of proposed and existing water systems and sewer systems, if submitted to the required state agencies for approval, shall be submitted to the County Engineer prior to commencement of construction.
4. **Storm Sewer Drainage** - The size, location and typical sections of drainage ditches (or storm sewers, if used) including easements, shall be shown. All drainage plans, profiles and computations shall be submitted to the County Engineer for approval prior to construction.
5. **Existing Utilities** - Plans and profiles of existing utilities shall be shown where applicable.
6. **Benchmarks** - One or more shall be provided for all subdivisions at convenient points, with description, location and M.S.L. elevations indicated on the improvement plan prepared in reference to NAD 83 Texas State Plane South Central Texas (foot).
7. **Comprehensive Drainage and 100-Year Flood Plain Impact Plan** - Shall conform to the Brazoria County Drainage Criteria Manual and these Subdivision Regulations.

**Improvement Plan Review** - The County Engineer shall review the improvement plans and notify the developer in writing, of his approval, conditional approval or denial. In no case shall the County Engineer be authorized to vary the requirements of these Subdivision Regulations, since variances can only be granted by action of the Court as prescribed herein.

**Physical Improvement Drawings** - A blackline set of the original drawings showing the "as-built" plans of the installed improvements shall be provided at the request of the County Engineer.

## **SECTION D. FINAL PLAT**

**Final Plat Materials** - The final plat materials, which all property owners and/or developers are required to submit, shall consist of two (2) groups of materials – plats(s) for recording and forms filed with the County Engineer. The property owner and/or developer shall have a land surveyor prepare the final plat in conformance with the format, design, and improvement requirements of these Subdivision Regulations.

**Unit Plat for Recording** - The drafting of this plat shall be such that the original, presented to the Court for signing, will be on mylar or stable base film (0.004 inches thick, minimum) and shall contain dark, stable India ink lines which cannot be smudged or removed by ordinary handling. The overall sheet size shall be 24"x36" with a half inch margin on all sides. If necessary, more than one sheet may be used as long as a key map is shown to relate each sheet to the entire platted area. The information required on the face of this sheet is as follows:

1. **Title Block**
2. **Legal Description** - A written legal description of the property platted, tied to an original corner of the original survey and placed at an appropriate location of the face of the plat.
3. **Location Sketch** - A sketch or "key map" at a scale of not more than two (2) miles to the inch showing the position of the subdivision with relation to surrounding streets and properties and also showing other important features such as railroads and corporate limits of an adjacent city.
4. **Dedication** – The dedication shall:
  - a. be per Appendix A (for corporations), Appendix B (for individuals), and Appendix C (Lien Holder Acknowledgment); and
  - b. be approved by the District Attorney.
5. **Lotting Design Scheme** - The design scheme shall be drawn at a scale of not more than 100 feet to the inch, unless lots are one (1) acre or more in size; then a scale of 1 inch = 200 feet may be used with North oriented to the top of the sheet when possible and shall show the following:
  - a. street lines - with names and widths, control point references;
  - b. subdivision plat - boundary lines of tract, monuments of tract, street centerlines with bearings and distances, easements, lot lines with accurate dimensions, street names, lot numbers, blocks lettered alphabetically or numbered, reservations and dedications; and
  - c. the size of each lot.
6. **Benchmarks** – One or more shall be provided for all subdivisions at convenient points with description, location and M.S.L. elevations indicated on the plat prepared in reference to NAD 83 Texas State South Central Texas (foot).
7. **Certificate of Land Surveyor** – Per Appendix D.
8. **Certificate of County Engineer** – Per Appendix E if not within city E.T.J.
9. **Approval by Plat Room Recorder**
10. **Certificate of the Court** – Per Appendix F if not within city E.T.J.
11. **Certificate of Clerk** – Per Appendix G.

12. Certificate of City Council – Per city instruction if within city’s E.T.J.
13. Pipeline Note – Per Appendix H.
14. Flood Plain Certificate – Per Appendix I.
15. Drainage District Approval – A signature block for the appropriate drainage district to sign.
16. Application - Attach appropriate forms:
  - a. for final plat approval;
  - b. for small subdivision approval; and
  - c. for variance.
17. Joint Use Agreement (if applicable) - A letter from the utility company stating that they have no objection to the proposed road crossing their easement. If the utility company operates a pipeline within the easement, the letter shall further state that the pipeline either meets the requirements in Article 7, Section I –Pipeline Crossing -- or has been adjusted to meet these requirements.
18. Certificate of Ownership – See Article 2 - “Definitions.”
19. Brazoria County Groundwater Conservation District Groundwater Certificate – See Article 2 – “Definitions.”
20. Additional Plat Statements – The following statement shall be noted on the face of the final plat: "All drainage easements shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of the drainage facility."
21. Environmental Department Approval

**Recording Final Plat** - The final plat shall be recorded immediately after approval of the improvements by the Court in the form of the conditional acceptance of the roads.

Property owner and/or developer must provide a tax certificate from each tax collector of a political subdivision in which the property is located, with the plat to be recorded, showing that all taxes owing to the county, school district, drainage district and/or all other political subdivisions have been paid in full to date.

The property owner and/or developer shall furnish three (3) copies to be distributed as follows:

1. Clerk's Office – Original mylar; and
2. County Engineer's Office - One (1) mylar copy and one (1) paper copy. Original and copies shall conform to "Unit Plat for Recording."

## **SECTION E. DISPUTES AND DISCREPANCIES**

To prevent disputes and litigation, the County Engineer shall decide all questions and difficulties, of whatever nature, which may arise relative to the interpretations of the plans, construction, prosecution and fulfillment of the contract. In the event a dispute or discrepancy in the plans or specifications cannot be resolved, an arbitration committee, comprised of the developer's engineer, the County Engineer and an independent third-party engineer, agreeable to both, will resolve the dispute/discrepancy. Such resolution shall be final. The fee of the third engineer shall be paid by the property owner and/or developer.

## **SECTION F. CONSTRUCTION AND WARRANTY BOND**

The property owner and/or developer shall give a good and sufficient warranty bond for the proper construction of the streets, roads, and drainage requirements in all subdivisions prior to subdividing the tract. Such bond may either be a performance bond executed by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank. The form of the bond must be approved by the District Attorney.

Such warranty bond or letter of credit shall be made payable to the "County Judge or his successors in office," conditioned that all roads, streets, and drainage requirements within said subdivision have been constructed in accordance with these Subdivision Regulations and that said improvements be to County standards after the warranty period has lapsed and final acceptance has been requested.

The warranty bond or letter of credit shall be in an amount equal to 25% of the actual cost of constructing such streets, roads, and drainage requirements. The District Attorney must approve, in writing, the form of said bond or letter of credit.

The warranty bond or irrevocable letter of credit must remain in full force and effect after the subdivision has been approved and all improvements have been completed in accordance with plans and specifications to the satisfaction of the Court. Said bond shall continue in effect until the improvements have received final acceptance into the county road system after a warranty period of at least 12 months in length (length to be specified by the County Engineer upon conditional acceptance of roads).

The County may vary the Subdivision Regulations if the property owner and/or developer files with the Court, an application stating clearly and definitely the reason for a request of variance.

**Bonding Procedure Variance** - Property owners and/or developers that have history of successful subdivision development within the County and/or an economically viable developer, as determined by the Court, may request from the Court a variance from the above bonding procedures. The variance would require the following:

- A performance bond or a letter of credit in the amount equal to the actual cost of constructing such streets, roads, and drainage requirements and any other improvements as determined by the Court;
- The bond or letter of credit must remain in full force and effect after the subdivision has been approved and until all improvements have been completed in accordance with the plans and specifications to the satisfaction of the Court, and until the improvements are accepted into the county road system. The amount of the bond required, during the 12-month period prior to formal acceptance into the county system, may be reduced to 25% of the estimated cost of construction;
- The District Attorney must approve, in writing, the form of said bond or letter of credit; and
- The plat will be presented for final approval and recorded with the Clerk under the required recording procedures set out in these Subdivision Regulations.

**ARTICLE 6**  
**GENERAL LOT AND STREET LOCATION STANDARDS**

All proposed streets shall provide satisfactory alignment for continuation of existing platted streets with which they are to connect, and shall compliment any comprehensive plan adopted by the Court.

**SECTION A. BASIC CONSIDERATIONS**

Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient. Proposed streets shall be extended to the boundary lines of the subdivision when extension is required to provide for normal circulation of traffic within the vicinity. All lots shall have lot frontage on either an existing publicly-maintained road, proposed publicly-maintained road, or a private road/public road equivalent. The County Engineer may recommend a variance for the private road requirements to the Court under variance standards. All proposed streets/roads will be the developer's responsibility to construct to ensure access to all lots. Traffic impact analysis may be required by the County Engineer to determine improvement requirements to existing county roads being utilized by proposed subdivision, improvements to non-existing roads, as well as proposed road requirements.

The Court may make a contract with a property owner and/or developer to construct public improvements, not including a building, relating to a development. Under such contract, the property owner and/or developer shall construct the improvements, and the County shall participate in the cost of the improvements. The County may not participate more than 30% of the total contract price. The Court will include in the contract safeguards against undue loading of cost, collusion, or fraud and comply with Texas Local Government Code § 232.105.

The contract may allow participation by the County at a level not to exceed 100% of the total cost for any oversizing of improvements required by the County, including but not limited to increased capacity of improvements to anticipate other future development in the area.

The County is liable only for the agreed payment of its share, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the Court.

Property owner and/or developer will be required to execute a performance bond for the construction of the improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253 of the Texas Government Code.

**SECTION B. SPECIFIC CONSIDERATIONS**

**Alleys** - Alleys may be provided to serve as a secondary access to a business, commercial, industrial, and/or residential areas, for the purpose of service access, off-street loading, unloading and/or parking consistent with and adequate for the uses permissible on the property. The right-of-way width of an alley shall be 20 feet or more. Changes in alignment of alleys shall be made on the centerline radius of not less than 50 feet. Dead end alleys shall be avoided where

possible, but, if unavoidable, shall be provided with adequate turn around facilities for service trucks at the dead end, with a minimum external right-of-way diameter of 100 feet. Alleys will not be maintained by the County, but instead must be maintained by the developer, present property owner or any future property owner.

**Minor and Major Arterial Streets** - Where a subdivision abuts or contains an existing or proposed arterial street, the County Engineer may require marginal access streets, to afford separation of through and local traffic.

**Arterial and Collector Intersections** - New street entrances on roads designated or classified as major arterials shall not be less than 1700 feet apart. New street entrances on roads, designated or classified as collector streets, shall not be less than 500 feet apart. Provided, however that the County Engineer may reduce these requirements whenever it is determined that such action will not be contrary to the purpose of this regulation.

**Bridges and Structures** – Bridges and structures or other ditch-type crossings may be required in order to maintain a smooth flow of vehicular traffic through any given area. In the event uncertainty exists concerning whether or not a bridge will be required, it is advisable to contact the County Engineer so that the issue can be resolved while the project is in the planning stage.

**Cul-de-sacs** - Cul-de-sac streets shall not exceed 2000 feet (urban subdivision) or 4000 feet (rural subdivision). Variances may be considered for wider roadways. In addition, for cul-de-sac streets exceeding 1000 feet (urban subdivision) and 2000 feet (rural subdivision) in length, the developer shall provide stub streets every 1000 feet, right and left, to the plat boundary if the contiguous properties are undeveloped, and can be developed at a later date. Turnaround shall be provided at the closed end (cul-de-sac) having an outside roadway diameter of at least 80 feet and a property line diameter of at least 100 feet. Under special circumstances, a hammerhead design may be considered by the County Engineer.

**Curvilinear Streets** - Whenever a street changes direction or connecting street lines deflect from each other by more than 10 degrees, there shall be a horizontal curve. To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as follows:

Residential Collector and Major Collector Streets	300 feet
Major and Minor Arterial Streets	750 feet

**Dead End Streets** – Permanent dead end streets are not permitted. Temporary dead end streets may be permitted upon approval by the County Engineer and will require temporary cul-de-sacs, meeting the above requirements, and be provided for streets exceeding one (1)-lot depth.

**Roadside Ditch Design** – Shall conform with the Brazoria County Roadside Ditch Policy attached hereto in Appendix L.

**Half Streets** - Unless contiguous to an existing subdivision with a half street, half streets shall not be permitted.

**Residential Local Streets** - Minor streets within subdivisions should be laid out and designed so that their use by through traffic and speeding traffic will be discouraged.

**Private Roads** - For a private road to exist in a new subdivision, a variance must be granted by the Court. When a request for a private road is received by the County Engineer, the County Engineer will submit the request and his recommendation to the Court for their approval or disapproval. It is required that the property owner and/or developer present a scaled drawing of the proposed subdivision showing:

- 1) The location of the private road;
- 2) The reason for requesting a private road;
- 3) The type of construction proposed, ie: asphalt, concrete;
- 4) That the proposed road complies with all requirements for a county road; and
- 5) The party responsible for maintenance, and the nature of the obligation.

**Reverse Curves** - A tangent of at least 100 feet shall be introduced between reverse curves and/or intersections on collector and arterial streets.

**Ingress / Egress** – All subdivisions with 150 or more lots shall have two (2) or more means of ingress and egress.

**Street Jogs** - Street jogs, or centerline offsets in the horizontal alignment of streets across intersections of less than 125 feet shall be prohibited.

**Street Names and Numbers** - All streets within a subdivision hereafter established shall be named. No names shall be used which will duplicate or be confused with existing street names, and all street names shall be approved by the County Engineer and Flood Plain Administrator for 911 purposes.

**Street Signs** - Street names or number markers and stop signs (M.U.T.C.D. R1-1) which meet County specifications shall be installed at all street intersections when streets are accepted for maintenance. Curve signs (M.U.T.C.D. W1-2R or 2L, W1-4R or 4L) shall be erected where the degree of curve exceeds five (5) degrees. Stop ahead signs (M.U.T.C.D. W3-1 or W3-1a) shall be erected when the stop sign is not visible for a sufficient distance to permit the driver to stop. Dead end signs (M.U.T.C.D. W14-1) shall be erected for each cul-de-sac street. Type III barricades (M.U.T.C.D.) shall be erected at the end of each temporary and/or permanent dead end street.

**Thoroughfares and Planned Thoroughfares**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.102.*

The County has an official thoroughfare plan. It is the duty of the property owner and/or developer to adhere to said plan. Coordination and adherence to the plan consists of the following:

1. Should a planned or existing thoroughfare run through a proposed subdivision, the developer is to dedicate the necessary right-of-way of 120 feet as well as construct the thoroughfare to planned capacity (usually four (4) lanes divided).
2. Should the planned or existing thoroughfare run adjacent to the proposed subdivision:
  - a. The property owner and/or developer shall dedicate their half of the necessary right-of-way.

- b. The property owner and/or developer will be required to build half of the thoroughfare if the proposed subdivision is an urban subdivision or is being divided for commercial or multi-family residential purposes.
- c. Rural subdivisions and small subdivisions (as explained above) will have to dedicate the adequate right-of-way for thoroughfares adjacent to the subdivision, but will not be required to construct any portion of them.
- d. Subdivisions that are exceptions (as explained above) to these Subdivision Regulations may not be required to dedicate right-of-ways or construct any portion of the thoroughfare, but may be requested to plan setbacks and lot frontage restrictions in accordance with these Subdivision Regulations.

**Building and Setback Lines**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.104 and 233.032.*

All lots fronting county roads will have the appropriate setbacks in accordance with the classification of the road that they are fronting. These setbacks are as follows:

- Residential Local and Residential Collector – 25 feet from right-of-way
- Major Collector – 35 feet from right-of-way
- Minor Arterial – 40 feet from right-of-way
- Major Arterial – 50 feet from right-of-way

A map showing the general manner of each building or setback line established is set forth on a map filed with the Clerk.

**Lot Frontages**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.103.*

The County minimum lot frontage on a publicly maintained road is 60 feet for rural subdivisions and 50 feet for urban subdivisions. On proposed subdivisions within city’s E.T.J., the city shall determine the minimum lot frontage allowed.

**SECTION C. INSTALLATION OF IMPROVEMENTS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.003 and 232.106.*

**Roadway Clear Zones -- Safety Requirements Regarding Mailboxes and Other Structures -**

No obstructions of any type (not including mailboxes meeting breakaway requirements set forth by the M.U.T.C.D.), shall be placed within 7 feet of the edge of pavement or driving surface. Structures placed outside the 7 feet requirement shall be placed at driveway encroachments and other crossings in a manner as to not impact the flow of the roadside ditches and regular maintenance of said ditches.

Where applicable, all the underground work for water mains, water systems, sanitary sewers, storm sewers, gas mains, electric power, telephone services, conduits, and any other utilities including all service connections shall be installed completely and approved through the length

of the road to a point at least 2 feet outside of the back of the curb, or edge of the pavement prior to placement of base materials. All underground improvements so installed for the purpose of future service connections, shall be properly capped and back-filled.

**Utilities Installed After Road Base Construction Complete** – When utilities are to be installed under roads after road base construction is complete, the utility installer or owner must:

1. Cross roads only at intersections in accordance with the Brazoria County Utility Permit (Appendix M) and these Subdivision Regulations; or
2. Place utilities in utility sleeves that were placed prior to road construction. Sleeve locations should be proposed by the property owner and/or developer and approved by the County Engineer; and
3. Property owners and/or developers are responsible to ensure that all utilities that are placed within proposed right-of-ways will be placed in accordance with the County’s regulations governing utilities within rights-of-ways. See Brazoria County Utility Permit attached hereto as Appendix M.

**Water Systems and Sewer Systems**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.029.*

A utility may **NOT** serve or connect any subdivided land with water systems or sewer systems until:

The property owner and/or developer provides to the utility a certificate from the Court stating that the plat has been reviewed and approved by the Court;

**OR**

The property owner and/or developer receives a determination from the Court stating that a plat has been prepared, reviewed and approved by the Court.

**Electricity and Gas**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.029.*

A utility may **NOT** serve or connect any subdivided land with electricity or gas until:

The property owner and/or developer receives a determination from the Court that adequate water systems and sewer systems have been installed to service the subdivision and are fully operable. If the subdivision is to contain O.S.S.F.s, the determination must state that the lots can be adequately and legally served by O.S.S.F.s.

**Exceptions** - If the land was subdivided and a plat approved prior to September 1, 1989, and then sold prior to July 1, 1995, electric and gas utilities are not prohibited from providing their services to a lot.

If the Court provides a certificate stating that the subdivided land is located in a subdivision where utilities were previously provided, was sold or conveyed to the person requesting utilities before September 1, 1995 and has a foundation of a residence begun on or before May 1, 1997,

then the electric, gas, water and/or sewer utility may serve or connect without receiving a certification or determination from the Court as set forth above.

Person requesting the certificate from the Court MUST provide to the Court:

1. a statement that he/she is not the land subdivider or an agent for the subdivider, provide conveyance documentation showing transfer dates, and a notarized affidavit stating the date the foundation was began;
- OR**
2. a notarized affidavit stating the date of conveyance of the land and the date that the construction of the foundation was completed.

If the Court provides a certificate stating that the subdivided land was located within an E.T.J. on August 31, 1999, is located in a subdivision where utilities were previously provided, was sold or conveyed to the person requesting utilities before September 1, 1999, and has a foundation of a residence begun on or before May 1, 2003, then the electric, gas, water and/or sewer utility may serve or connect without receiving a certification or determination from the Court as set forth above.

Person requesting the certificate from the Court MUST provide to the Court:

1. a statement that he/she is not the land subdivider or an agent for the subdivider, provide conveyance documentation showing transfer dates, and a notarized affidavit stating the date the foundation was began;
- OR**
2. a notarized affidavit stating the date of conveyance of the land and the date that the construction of the foundation was completed.

If the Court provides a certificate that the land was **NOT** subdivided after September 1, 1995 **AND** that either water service is available within 750 feet of land or an extension of water may be feasible, then the electric, gas, water and/or sewer utility may serve or connect without receiving a certification or determination from the Court as set forth above. The person requesting the certificate from the Court MUST provided an affidavit setting forth the date that the property was sold or conveyed to that person from the subdivider.

## **ARTICLE 7 DESIGN, INSPECTION AND COMPLETION OF IMPROVEMENTS**

### **SECTION A. DESIGN AND INSPECTION OF IMPROVEMENTS**

An engineer shall be employed by the property owner and/or developer to design required physical improvements, including but not limited to, streets, drainage facilities, bridges, sidewalks, bulkheads and utilities. All plans for improvement submitted both at the preliminary and final stage of development shall be prepared by an engineer.

All physical improvements (including all utilities) shall be installed under the direction, supervision, and coordination of the property owner and/or developer's engineer. He shall have available, when necessary, a qualified survey party for the purposes of setting all line and grade

stakes when required by the County Engineer. Said survey party will be in the employ of the developer's engineer. The County Engineer shall inspect all construction subject to these Subdivision Regulations.

Property owner and/or developer or his engineer will notify the County Engineer's Office and the applicable drainage district by letter at least seven (7) days prior to construction of improvements beginning. Contractor shall provide a minimum of 24 hours advance notice to County Engineer, of each day's construction. Failure to do so may result in rejection, by County, for acceptance and maintenance. Inspections shall be scheduled on normal County working days Monday through Friday.

The County Engineer shall be authorized to call to the attention of the property owner and/or developer's engineer any failure of work or materials to conform with the plans and specifications. Inspection by the County Engineer or failure by him to inspect construction as required herein shall not in any way impair or diminish the obligation of the developer to install improvements in the subdivision in accordance with plans and specifications as approved by the County Engineer in accordance with the County's standards. The County Engineer may require laboratory tests or field measurements for:

1. Subgrade - width, depth, density and plasticity index;
2. Base - width, depth, density, crown;
3. Surface - width, depth, extraction and stability; and
4. Concrete - compressive strength.

Such tests are to be made by an approved testing laboratory at the property owner and/or developer's expense and keeping with good engineering practice. Testing requirements are defined further in this section.

After required improvements have been installed, such engineer shall submit certification that the improvements have been constructed according to approved plans and specifications along with such changes requested in writing and approved by the County Engineer.

Prior to final inspection by the County, the property owner and/or developer's engineer shall submit a statement to the County Engineer that all materials used meet TxDOT's current specifications and that the tests and measurements performed by him meet the requirements of the plans and specifications. To accomplish this requirement, it is suggested that the developer's engineer require that all material suppliers submit certifications of their material to him.

Copies of all test reports shall be submitted to the County Engineer, as they are prepared.

At the expiration of a minimum of one (1) year following completion and approval of construction, the developer will notify the County Engineer, in writing, that these improvements have been maintained at his expense for a period of one (1) year following completion and approval of the construction of the roads, streets and drainage facilities. The developer must include a letter from the applicable drainage district, (if any), stating that the drainage facilities of the subdivision have been constructed according to approved plans or to their satisfaction.

Upon receipt of said request, the County Engineer will make a final inspection of the improvements. If they are in conformance with the approved plans and these Subdivision Regulations, the Court, upon recommendation of the County Engineer, will accept said roads for County maintenance.

**Pavement Design Requirements** - All streets shall be constructed on a compacted or stabilized subgrade, and shall consist of a base layer and hot mix asphaltic concrete (HMAC) surface layer, and/or a portland cement concrete (PCC) pavement, designed by an engineer. All streets and roads must meet minimum design requirements regarding subgrade, base and pavement; but additional subgrade, base and pavement may be required depending on the engineering design, environmental conditions, and specific criteria. All major collectors, minor and major arterial streets shall be designed by an engineer using the AASHTO Guide for Design of Pavement Structures. This design procedure is available in hard copy from American Associates of State Highway and Transportation Officials and in automated form (DARWin® program) available from AASHTOWare. Although the pavement section for each street should be designed for its specific conditions and uses, the following tables summarize the minimum criteria to be used for the pavement thickness design process. Table A.1 summarizes minimum traffic levels. Table A.2 summarizes general pavement design criteria.

**Table A.1 Summary of Minimum Design Traffic Requirements**

<b>Traffic Parameter</b>	<b>Residential Local</b>	<b>Residential Collector</b>	<b>Major Collector</b>	<b>Minor Arterial</b>	<b>Major Arterial</b>
Min. Two-way Design ADT	800	800	2,500	12,500	24,000
Min. ADT Growth Rate, %/year	3	3	3.5	3.5	4
Min. Percent Heavy Trucks, %/day	2	2	3	3.5	4
18-kip ESAL Truck Factor-Rigid Pvt	0.46	0.58	0.58	0.66	0.97
18-kip ESAL Truck Factor –Flexible Pvt	0.4	0.53	0.53	0.62	0.84

**Table A.2 Summary of General Pavement Thickness Design Parameters**

<b>Design Parameter</b>	<b>Residential Local</b>	<b>Residential Collector</b>	<b>Major Collector</b>	<b>Minor Arterial</b>	<b>Major Arterial</b>
Initial Serviceability	4.2	4.2	4.2	4.2	4.2
Terminal Serviceability	1.5	2	2.5	3	3
Reliability Level	80	80	85	85	90

The following tables (A.3 and A.4) include parameters broken down into urban and rural. For the minimum thicknesses recommended in these tables, designs were performed with DARWin® assuming the subgrade strength, resilient modulus value, was 4,000 psi. The minimum PCC thickness of 6 inches is based on past experience. The minimum subgrade thickness is interpreted as moisture controlled compacted or stabilization determined for site-specific conditions.

**Table A.3 Summary of Urban Street Pavement Thickness Requirements**

<b>Design Parameter – Urban Conditions</b>	<b>Residential Local</b>	<b>Residential Collector</b>	<b>Major Collector</b>	<b>Minor Arterial</b>	<b>Major Arterial</b>
Min. PCC Thickness (in.)	6	6	7	8	10
Min. Subgrade Thickness (in.)	8	8	10	10	12

**Table A.4 Summary of Rural Street Pavement Thickness Requirements**

<b>Design Parameter – Rural Conditions</b>	<b>Residential Local</b>	<b>Residential Collector</b>	<b>Major Collector</b>	<b>Minor Arterial</b>	<b>Major Arterial</b>
Min HMAC Thickness (in.)	3	3	3.5	3.5	4
Min. Flexible Base Thickness (in.)	8	8	10	10	12
Min. Subgrade Thickness (in.)	8	8	10	10	12

**Material Testing Requirements** - Construction materials and operations shall be under controlled testing and inspection by a recognized laboratory. A recognized laboratory means that the laboratory must be accredited by the American Association for Laboratory Accreditation (A2LA) in the field of construction materials testing. All laboratory personnel shall be NICET approved and certified, Level II minimum for soils and ACI approved and certified for concrete. Testing costs will be paid by the property owner and/or developer.

Upon completion of the work and prior to acceptance by the County, the recognized laboratory shall submit to the County Engineer a written certification sealed by an engineer, certifying that all construction materials and operations as specified above were under controlled testing and inspection by the laboratory and same complies with all specifications applicable to the project.

Testing of materials used for bedding and backfill of storm sewers as well as other utilities, when located underneath or within 1 foot of subgrade shall be conducted to ensure compliance with TxDOT requirements.

**Testing Requirements for Flexible Base Pavement** – Thickness of flexible base pavement shall conform to requirements provided in Table A.4.

Subgrade - Densities shall be made on each 300 linear feet or less as conditions may require and 95% modified proctor density (ASTM 1557) shall be uniformly achieved.

In the event of rainwater standing on the subgrade after the densities are made, or other conditions beyond property owner and/or developer's control, additional densities as specified above will be required prior to progressing with the work.

In no case shall there be less than three (3) density tests made for each day's activity and there shall be a minimum of three (3) density tests made for each street, unless approved otherwise by the County.

The contractor is required to have subgrade density test reports in his possession at the construction site at the time of placement of base material. Date of same shall be clearly marked.

Base Materials - Approved base material shall be spread and uniformly compacted to 95% modified proctor density (ASTM 1557) prior to commencing surfacing. Testing shall be done in accordance as set out above.

Surfacing - Surfacing shall be in accordance with Appendix N.

Roadway – Roadway sections shall conform to provisions contained in Tables A.1, A.2, A.3, A.4 and Appendices N and Q.

All applicable portions contained herein shall be strictly followed without exception.

**Testing Requirements for Concrete Pavement**

Subgrade – Densities shall be made on each 300 linear feet or less as conditions may require. Preparation of the subgrade shall be in accordance with applicable County specifications and TxDOT Specification Item No. 260 or 275. A minimum of 95% modified proctor density (ASTM 1557) shall be uniformly achieved. Gradation shall be 1¾ inches – 100%, ¾ inches – 85%, No. 4-60%.

In the event of excessive rain water standing on the subgrade after densities are made and before concrete is placed on the prepared subgrade or other conditions beyond contractor's control, additional densities as specified above will be required prior to placement of the concrete.

In no case shall there be less than three (3) density tests made for each day's activity and there shall be a minimum of three (3) density tests made for each street, unless approved otherwise by the County.

The contractor is required to have density test reports in his/her possession at the construction site prior to placement of concrete. Date of same shall be clearly marked.

Concrete Test Requirements (General) - The testing laboratory shall review the mix design for each project. Proportioning of concrete shall be in accordance with all applicable portions of the TxDOT Specification Item No. 360, "Concrete Pavement."

Unless otherwise permitted, the concrete mix design shall be proportioned to provide a slump of 4"±1" when tested. A slump test will be made for each new concrete load or when consistency of the mix changes, at the point of discharge.

The laboratory shall inspect and confirm batch design proportions at the plant site each day prior to placement of that day's concrete.

Pavement mix designs shall meet compressive strength requirements of 4000 psi at 28 days.

Traffic will not be allowed until 3500 psi is achieved.

Testing Requirements (Cylinders) - A minimum of four (4) cylinders shall be made for each 750 square yards, or less, of pavement placed each day. Samples are to be taken and molded and cured in accordance with TxDOT standards. Any deviations from these requirements shall be recorded on the test report.

Test specimens in accordance with TxDOT standards are as follows: One (1) specimen shall be tested at seven (7) days and two (2) shall be tested at 28 days. The acceptance test results shall be the average of the strengths of the two (2) specimens tested at 28 days. If one (1) specimen in a test manifests evidence of improper sampling, handling, molding or testing, it shall be discarded and the strength of the remaining specimens shall be considered the test result. Should both specimens manifest evidence of any of the above defects, the entire test shall be discarded and cores from the area in question may be required by the County in accordance with "Method of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete" (ASTM C42). These cores and tests will be at the expense of the property owner and/or developer. If the average seven (7) day break and the 28 day breaks do not meet minimum requirements, even though evidence of improper procedures are not apparent, the County Engineer may, again, require cores from the area in question in accordance with ASTM C42.

In the event low strength concrete is confirmed, pavement in the area in question will not be accepted.

Concrete Test Requirements (Cores) - After pavement has been in place for a minimum of 14 days, one (1) core shall be taken for each 1000 square yards of pavement, or portions thereof, except that not less than one (1) core shall be taken on each street. Cores shall be taken alternately in each one-half section of the pavement in order to obtain a representative sample for thickness. Location of cores shall be selected by the County Engineer.

Paving Thickness: Pavement thicknesses contained herein and in the Pavement Design Section are minimums. Therefore, there will not be any tolerance for pavement that is too thin, or less than plan requirements. However, in the event pavement thickness is less than plan requirements, the following shall apply:

The thickness of individual cores shall be determined in accordance with ASTM C174 by averaging no less than three (3) such measurements. Any core with thickness equal to or greater than 1/4 inch less than the thickness shown on the approved drawings shall be considered one of deficient thickness. Cores drilled for thickness measurements shall be a minimum of 4 inches in diameter.

If a core is determined to be deficient in thickness, additional cores shall be taken at 10-foot intervals on either side of the deficient core to establish the length of the deficient section. The length of the deficient section shall be the distance between the nearest cores of satisfactory thickness, and the width shall be the entire width of the pavement. That pavement shall be removed and replaced with concrete that meets or exceeds requirements. This shall be done at the cost of the property owner and/or developer.

**Defective Concrete:** Any defective concrete discovered, after the forms have been removed, shall be removed immediately and replaced. If the surface of the concrete is bulged, uneven, shows excessive honeycombing, or form marks, which the developer's engineer and the County Engineer determine cannot be repaired satisfactorily, the entire section shall be removed or renewed in a manner which is satisfactory to the County.

Cores shall be broken at minimum 28 days in accordance with ASTM C42. A minimum compressive strength of 4000 psi is required. In the event low strength concrete is confirmed, pavement represented by the sample will not be accepted.

Thickness shall conform to minimum requirements contained in Table A.3. In the event minimum thickness is not attained, pavement will not be accepted.

If a core fails to meet minimum strength requirements, additional cores may be required by the County Engineer and tested in accordance with the procedures outlined in ASTM C42.

Testing Requirements (Structures) - Bridges and box culvert testing shall be in accordance with TxDOT Specification Item No. 420 "Concrete Structures" and other TxDOT specifications, as they apply.

Copies of all test reports are to be submitted to the County Engineer in an expeditious manner.

## **SECTION B. FACILITY PLANNING**

*Authority for these Regulations is given in 30 Texas Administrative Code § 285.4.*

Land Planning and Site Evaluation - Property that will use an O.S.S.F. for sewage disposal shall be evaluated for overall site suitability.

Residential Lot Sizing - Subdivisions of single-family dwellings served by a public water supply and using individual O.S.S.F.s for sewage disposal, SHALL have lots of at least one-half acre.

Subdivision of single-family dwellings not served by a public water supply and using individual O.S.S.F.s SHALL have lots of at least one (1) acre.

Manufactured housing communities or multi-unit residential developments that are served by an O.S.S.F. and rent or lease space shall submit a sewage disposal plan to the Environmental Department for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. *The plan SHALL be prepared by an engineer or professional sanitarian.*

**Review of Subdivision or Development Plans** - Before the permit process for individual O.S.S.F.s can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar uses and using O.S.S.F.s for sewage disposal SHALL submit planning materials for these developments to the Environmental Department.

The planning materials shall be prepared by an engineer or professional sanitarian and SHALL include the following:

- Overall site plan;
- Topographic map;
- 100 year flood plain map;
- Soil survey;
- Location of water systems;
- Locations of easements to ensure minimum required separation distances;
- Complete report detailing the types of O.S.S.F.s to be considered and their compatibility with area-wide drainage and groundwater; and
- Comprehensive drainage plan.

The Environmental Department will either approve or deny the planning materials, in writing, within 45 days of receipt.

Requests for variances from the subdivision and/or development plan requirements may be considered by the Environmental Department on a case-by-case basis. Property owner and/or developer shall file a written request for any variance. See Article 4, Section F, Procedures for Variances.

### **SECTION C. EASEMENT DESIGN STANDARDS**

The following are the required standards to be observed for the design of easements in a subdivision.

**Easements for Residential Areas** - Easements for utilities, when required, shall be 10 feet wide on back lot lines and 8 feet wide on side lot lines. 10 foot wide utility easements are required on both sides of the road outside of the right-of-way line (or road drainage easement) and contiguous thereto (see typical sections in Appendix Q). Only storm sewers, water systems, and sanitary sewers may be placed within road rights-of-ways, except that other utilities may cross rights-of-ways if properly installed. Exceptions can be made in respect to the easements along the back and side property lines should the property owner and/or developer provide concurrence with affected utilities along with information explaining why less easement is adequate.

**Drainage Easements** - when required for drainage, the area to be subdivided shall be of such width as is necessary to permit proper construction of drainage facilities based on the drainage system of the area and should be designed and dedicated in accordance with the Brazoria County Drainage Criteria Manual. No subdivision shall block or obstruct the natural drainage of an adjoining area unless permitted by an improvement or drainage district.

## **SECTION D. PUBLIC AND OTHER IMPROVEMENTS**

Every property owner and/or developer will be required to install the following improvements:

**Water Systems** - (private well or central system) - Governed by the current Texas State regulations, and permitted by the T.C.E.Q. and/or the Brazoria County Groundwater Conservation District.

**Sanitary Sewer Systems** - (septic tank or central system) - Governed by the current Texas State regulations, and permitted by the Environmental Department and/or the T.C.E.Q.

**Storm Drains** - (or open ditches) - An adequate drainage system, including open ditches, storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be provided in all subdivisions and must be designed in accordance with the Brazoria County Drainage Criteria Manual. All natural drainage ways shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Engineer.

**Canals and Waterways** - All canals or waterways to be constructed within a subdivision shall conform to accepted engineering standards and must be designed in accordance with the Brazoria County Drainage Criteria Manual.

## **SECTION E. GREEN SPACE REGULATIONS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.003*

The purpose of this section is to promote the health, safety, morals or general welfare of the County, and the safe, orderly and healthful development of the unincorporated areas of the County and provide adequate drainage for each street or road in a subdivision and to comply with TPDES/NPDES requirements.

Subdivision plats that are filed in the County shall contain a community green space dedication at a ratio of 1/2 acre of green space for every 100 lots. Subdivision plats that contain less than 100 lots shall dedicate a minimum of 1/4 acre of green space. Plats that have lots one (1) acre in size or larger are exempt from the green space requirement. Plats located within the E.T.J. of a city that have applicable green space or open space requirements are exempt from the the County green space requirement only if said requirements meet or exceed those imposed by the County. The payment of a fee in lieu of a green space dedication will not be accepted.

Green space areas must be no smaller in size than 1/4 acre and must be at least 20 feet in width in order to provide access and sufficient useable area.

Landscape setbacks and ditch right-of-ways along roadways, will not be considered green space unless they are wider than required by County or city regulations.

Pipeline easements will be accepted as green space if they contain an improved walking trail.

Detention easements, excluding the actual detention pond area, will be accepted as green space if they contain an improved walking trail.

**Outside Plat Boundaries** - In projects that have multiple sections of lots, the green space requirement may be set outside the plat boundaries provided that the multiple plats previously recorded meet the dedication requirements and definition.

The plat must not have an at-grade crossing of a thoroughfare in order to receive credit; and the plat shall be located within a maximum 1/4 mile radius of all residences within the subdivision plat.

**Maintenance and Ownership** - For the purposes of upkeep, permanent maintenance and ownership responsibilities of dedicated green space shall be conveyed to either an existing or newly formed entity established for the subdivision, and must be identified upon the recording of the final plat.

**Green Space Along Thoroughfares** - The following requirements shall apply to all development, single-family or commercial, that is either adjacent to or surrounds a County thoroughfare:

**Landscape Reserves** - An additional 10 feet of land on each side of a thoroughfare right-of-way shall be dedicated as landscape reserves. If the developer exclusively owns property on one (1) side of a thoroughfare, they are to dedicate the above requirement to this side only.

There shall be a minimum of two (2) 30-gallon trees, planted on each side of a thoroughfare within the landscape reserve for every 100 linear feet of roadway platted. The trees may be clustered or evenly spaced, as long as, the minimum number of trees are planted based on the overall length of the roadway. The trees must be healthy, free of disease and in place prior to the beginning of the one-year maintenance period inspection. At the end of the one-year maintenance period, the property owner and/or developer shall be required to replace any trees that have perished, with a similar tree in a condition acceptable to the County, in order for the County to accept the project.

In addition to trees, landscape reserves shall be covered with grass, ground cover, and/or shrubs and have an irrigation system that will provide full coverage for all vegetation within the reserve.

Entities responsible for the permanent maintenance and ownership of dedicated reserves must be identified upon the recording of the final plat.

Dry utility easements shall not overlap with the landscape reserve except in instances where the utility must make a perpendicular crossing through the reserve. Water, sewer, and drainage easements granted to and accepted by political subdivisions may overlap with the landscape reserve.

## **SECTION F. RIGHT-OF-WAY PROVISIONS FOR DEDICATED ROADS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.003.*

**Overall Site Plan** – Property owner and/or developer shall provide a table of all proposed streets, listing classifications and design of roadway segments.

**Road Right-of-Ways** - Shall be as follows:

1. Major Arterial (Urban = 130 feet, Rural = 150 feet)
2. Minor Arterial (Urban = 100 feet, Rural = 120 feet)
3. Major Collector (Urban = 80 feet, Rural = 100 feet)
4. Residential Collector (Urban = 70 feet, Rural = 80 feet)
5. Residential Local (Urban = 50 feet, Rural = 60 feet)
6. Thoroughfare as defined by the Thoroughfare Plan accepted by the Court.

Required right-of-ways for roads other than local (or minor) will be provided by property owner and/or developer when a proposed subdivision is developed in a corridor of a proposed road as shown in the County's Comprehensive Plan unless a variance is granted by the Court.

**Additional Right-of-Ways** - A proposed subdivision that adjoins or encompasses an existing public street, that does not conform to minimum right-of-way requirements of these Subdivision Regulations, shall provide for the dedication of additional right-of-way along either or both sides of said street so that the minimum right-of-way required by these Subdivision Regulations can be established. If the proposed subdivision abuts only one (1) side of said street, then a minimum of half of the required right-of-way shall be dedicated by such subdivision.

**Road Drainage Easements** - Shall be provided in rural sections when roadside drainage facilities are not contained wholly within the right-of-way provided, outside of and contiguous to right-of-ways:

1. Minimum 10 feet wide along streets;
2. Minimum 15 feet wide in cul-de-sacs; and
3. A note shall be on the plat dedicating the road drainage easement to the County for grading, mowing, excavation and any other rights necessary to maintain and improve drainage.

**Utility Easements** - Shall be provided in rural and urban sections, outside of and contiguous to right-of-ways and/or road drainage easements in rural sections at least 10 feet wide along streets and in cul-d-sacs.

**Reservations** - No permanent reservations, denying access to adjacent owners, will be approved along the side or end of streets that shut undeveloped acreage tracts, unless approved by the Court.

## **SECTION G. DRAINAGE SPECIFICATIONS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.003.*

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

The drainage system shall be designed in accordance with the most recently adopted Brazoria County Drainage Criteria, which is incorporated by reference as a part of these Subdivision Regulations or by the appropriate drainage district criteria, whichever is more stringent. If a subdivision is located within a drainage district, the property owner and/or developer's engineer shall cooperate with the drainage district's engineer in order to comply with its requirements. As evidence of this compliance, the final plat shall contain the signatures of the applicable drainage

district commissioners. The system shall provide for drainage of lots, streets, roads and other public areas as well as handling any run-off from adjacent areas that naturally flow into the subject area unless permitted by a drainage district. Runoff coefficients shall be based on completed projects. The following standards shall apply to all drainage projects.

**Design Specifications** – Property owner and/or developer's engineer shall furnish a map to the County Engineer showing the entire area to be developed and, if feasible, all remaining area in the same watershed, and final disposal of storm water.

Drainage system shall be designed for:

1. long life;
2. low maintenance cost;
3. ease of maintenance;
4. efficient management of storm water runoff; and
5. to coordinate drainage with the general storm drainage pattern for the area in accordance with the Texas Water Code.

**Pipe - Types and Requirements** - Where the following methods of drainage, using pipe, are required, the following standards apply (also see Appendix P):

**Cross-Drain Pipe** - Reinforced concrete or other approved types, subject to the County Engineer's approval, minimum size 18 inches or equal, covered 12 inches below base when possible or approved design, and headwall, inlet, manhole or flared end sections required at each end.

**Storm Sewer Pipe** - Reinforced concrete, minimum size 18 inches or equal, and inlet or manhole required at each change of alignment or grade.

**Side Drain Pipe** – Concrete, ditch and culvert analysis, list ditch specifications, and minimum size 18 inches or equal.

**Ditches** - Standard design within good engineering practices. See Appendix L.

**Related Construction Standards** – The following standards apply in the construction of the items listed below when their construction is required or becomes necessary in solving drainage problems.

**Bridges - Steel and Concrete** – If the bridge is to be maintained by the County, it shall be constructed of steel and concrete type materials permitted in the construction of bridges and must be designed to have an HS-20 loading and width 4 feet wider than the roadway, on each side. Where culverts are used, the headwall shall be of sufficient height to allow construction of the guardrail and sidewalk at the elevation of the roadway.

All bridges and box culverts are to be designed to minimum H20 or HS-20 as applicable load design. Design and construction shall be in conformance with TxDOT Specification Item No. 420, “Concrete Structures.”

All bridges shall be of reinforced concrete design unless specific application requires other materials and then only at the approval of the County Engineer.

Bridge railings shall be of galvanized or stainless steel on reinforced concrete parapet wall. Galvanized flex beam guardrails shall be designed and constructed in accordance with the TxDOT Item for this item.

**Bridge Widths:**

1. Bridge traffic lanes are to be 12 feet wide;
2. Shoulders on bridges are to be 2 feet on each side; and
3. Bridges in urban subdivisions and where sidewalks are regulated, the following standards shall be followed:
  - a. Individual one-way traffic bridges on esplanade boulevards shall have one (1) walk on the outside;
  - b. Two-way traffic bridges shall have a walk on each side; and
  - c. Widths of sidewalks should match width of sidewalks within the subdivision.

**Curb and Gutter** - Curb and gutter may be required in certain areas for drainage and soil erosion prevention, and must be standard type curb and gutter for flexible base pavement or regular curb for rigid base pavement. See Appendix Q.

Minimum gradient - 0.25%

Minimum drop around curb return – 1.0%

When a curb and gutter section intersects a drainage ditch the grade of the gutter shall be above the design water surface of the ditch.

**Headwalls** - Shall be either gravity or cantilever concrete, or sand-cement rip-rap, 3,000 psi minimum compression strength.

**Inlets and Manholes** - May be either reinforced concrete or precast concrete, designed by the developer's engineer to meet required engineering standards.

**Drainage Easements** - All necessary drainage easements shall be furnished at no expense to the County or to the drainage districts and shall meet the standards required in the Brazoria County Drainage Criteria Manual. Drainage easements are not required for drainage through roadside ditches. Roadside ditches are required to be located completely within the road right-of-way.

**SECTION H. ROAD CONSTRUCTION SPECIFICATIONS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.005.*

The following shall be the minimum specifications for the preparations and construction of streets dedicated to the public. All work, methods, materials and equipment, not covered by these Subdivision Regulations, shall conform to the most current issue of "Standard Specifications and Construction of Highways, Streets and Bridges" of TxDOT.

Thoroughfares shall be built in accordance with the requirements herein and set out by the Thoroughfare Plan as adopted by the Court.

**Clearing and Grubbing** – New road construction must be cleared and grubbed which shall consist of the removal and disposal of trees, stumps, brush, roots, vegetation, logs, rubbish and other objectionable matter.

**Backfilling** - Excavations and depressions must be properly backfilled and compacted in accordance with good engineering practice. Backfill, compact, and restore areas where obstructions have been removed, unless otherwise directed. Use approved material for backfilling.

All excess water and mud should be removed from the trench prior to backfilling. Any backfill placed during a rainy period or at other times, where excess water cannot be prevented from entering the trench, will be considered temporary and should be removed as soon as weather permits. All disturbed base material or base undermined should be removed.

Whenever caving occurs in the sidewalls of any excavation, the pavements above such caving should be cut away prior to backfill and restoration. No side or lateral tamping to fill voids under a pavement will be allowed.

**Disposal of Waste Material** - Muck and peat shall be completely removed within the area between points 5 feet outside the edges of the pavement and spread uniformly 2 inches loose, on shoulders and front slopes, or disposed of by the property owner and/or developer.

**Grading** - The fill section shall be constructed in 8-inch maximum lifts to provide 95% density.

**Subgrade** – See Appendix N.

**Width** – See Appendix N.

**Stabilization**

1. Per TxDOT Specification No. 260 – Lime Treatment, No. 265 – Fly Ash or Lime-Fly Ash Treatment, or No. 275 – Cement Treatment;
2. Mix Design in accordance with Tex-127E; and
3. Requires density controlled compaction (95% optimum density).

**Base** – Per TxDOT Specification Item No. 247- Flexible Base.

**Acceptable Base Material**

1. Per TxDOT Specification No. 247 – Flexible Base;
2. Use Grade 1 or Grade 2 Aggregate; and
3. Allowable Aggregate Material Types: B, C, D (including crushed concrete).

**Compacted Depth** – Per Tables A.3 and A.4 in Article 7, Section A.

**Width** – See Appendix N.

**Forms** - No form board will be required unless, in the opinion of the County Engineer, the developer is not taking precautions to obtain the full depth at the edges.

**Prime Coat** – Shall meet the TxDOT Specification Item No. 310 – Prime Coat. Application rate and application temperature will be selected by the developer's engineer.

### **Acceptable Types of Surface Pavement**

**Bituminous Surface**

Asphaltic Concrete - hot mix, hot laid, 3 inches thick minimum. Type B for base and Type D for surface. Shall meet the TxDOT Specification Item No. 340 – Dense-Graded Hot-Mix Asphalt. Pavement shall be designed by an engineer, using the AASHTO Guide for Design of Pavement Structures.

Portland Cement Concrete – Per TxDOT Specification Item No. 360 – Concrete Pavement – Class P Concrete. Pavement shall be designed by an engineer using the AASHTO Guide for Design of Pavement Structures.

- a. All reinforcing steel shall conform to TxDOT Specification Item No. 440, Reinforcing Steel; and
- b. Minimum average 3,500 psi seven day compressive strength. Minimum average 4000 psi 28 day compressive strength. Use seven (7)-day job control by compressive strength.

*Residential Local and Residential Collector Streets* - All concrete is to be a minimum of 6 inches uniform thickness, portland cement reinforced with No. 4 (one-half inch) steel reinforcing and is to be spaced 24 inches center-to-center each way.

In developments where no curbs are to be used, a thickened edge pavement is required. The thickness edge to be 9 inches thick decreasing to 6 inches at a point 4 feet from the edge of pavement.

*Major Collector Streets* - All concrete is to be a minimum of 7 inches uniform thickness, portland cement, reinforced with No. 4 (one-half inch) steel reinforcing and is to be spaced 18 inches center-to-center each way.

In development where no curbs are used, a thickened edge pavement is required. The thickened edge to be 10 inches thick decreasing to 7 inches at a point 4 feet from the edge of the pavement.

*Minor Arterial Streets* - All concrete is to be 8 inches uniform thickness, portland cement. Reinforcement shall be supported by design analysis.

In developments where no curb are used, a thickened edge pavement is required. The thickened edge to be 11 inches thick decreasing to 8 inches at a point 4 feet from the edge of pavement.

*Major Arterial Streets* - All concrete is to be 10 inches uniform thickness, portland cement. Reinforcement shall be supported by design analysis.

In developments where no curbs are used, a thickened edge pavement is required. The thickened edge to be 13 inches thick decreasing to 10 inches at a point 4 feet from the edge of pavement.

The property owner and/or developer's engineer/land surveyor will have his survey party establish blue tops and tack points on offsets at intervals not exceeding 50 feet on tangents and 25 feet on all vertical and horizontal curves to which the pavement is to be laid, set radius points, and will be required to check the subgrade, form lines and grade immediately prior to the pour,

in order to attain both a true line, a uniform thickness and a smooth riding surface. No concrete shall be laid at any time unless the County Engineer is notified 24 hours in advance. Expansion joints with standard load transmission device, or equal, are to be placed a maximum of 60 feet center-to-center. All joints are to be poured with an asphaltic compound as quickly as possible after the concrete has been laid.

Testing shall be conducted per the testing requirements specified in these Subdivision Regulations.

All other paving construction details shall conform to "Road Pavement Standard Drawings" as shown in Appendix Q.

Weakened plane (or dummy) joints shall be sawed transversely, 1 inch deep, every 20 feet, ie: two (2) joints per each 60-foot slab.

## **SECTION I. MISCELLANEOUS DETAILS**

**Sidewalks** – 4 feet wide paved sidewalks shall be installed along all streets with curb and gutter in urban sections and shall be constructed to County standards, see Appendices N and Q. The County does not assume responsibility for maintenance of sidewalks. The sidewalks will not be accepted as part of the road maintenance once accepted into the county road system. Homeowner or homeowners association will be responsible for maintenance.

**Sprigging, Seeding and Mulching** - Shall be done between edges of pavement and right-of-way boundaries in rural sections, between curb and sidewalks in urban areas, and in new drainage or detention facilities as part of the installation and construction of improvements. Procedures must meet all TPDES/NPDES requirements. The County will not accept improvements until in compliance.

### **Momuments**

**P.R.M's** shall be placed on the boundary of the tract to be platted (before final plat is approved) at the following locations:

1. All changes of direction;
2. All points of curvature; and
3. Straight tangents, at no more than 1000 feet apart.

In those instances where lot grading will be performed during road construction, the P.R.M.'s shall be set at the end of construction and prior to road acceptance for maintenance by the County.

**P.C.P's** shall be placed on the centerlines of all streets and roads (at completion of construction) at the following locations:

1. All street intersections;
2. All points of curvature;
3. All changes of direction; and
4. Straight tangents, at no more than 1000 feet apart.

**Pipeline Crossing** – When new roads are constructed over pipelines, the pipelines must meet the following requirements:

1. Encased pipe must be at least 3 feet below the deepest proposed ditch grade;
2. Non-cased pipe (of extra wall thickness meeting federal regulations) must be at least 4 feet below the deepest proposed ditch; and
3. No roads will be accepted for maintenance by the County, which contain a pipeline within the right-of-way, other than crossing pipelines.

**Utilities Within Right-of-Ways and Utility Easements Along Right-of-Ways** – Property owners and/or developers are responsible to ensure that all utilities that are placed within proposed rights-of-ways and utility easements along rights-of-ways, will be placed in accordance with the County’s requirements governing utilities within right-of-ways. See Brazoria County Utility Permit attached hereto as Appendix M.

## **ARTICLE 8 CHANGES TO EXISTING SUBDIVISIONS**

### **SECTION A. CANCELLATION OF SUBDIVISION**

*Authority for these Regulations is given in V.T.C.A., Local Government Code § 232.008.*

This section applies only to real property located outside municipalities and outside the E.T.J. regulated by municipalities.

A person owning real property that has been subdivided into lots and blocks or into small subdivisions may apply to the Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, or to reestablish the property as acreage tracts as it existed before the subdivision.

The Court shall publish notice of the application for cancellation in a newspaper of general circulation for three (3) weeks. The 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. The Court shall take action on the application at a regular term.

If it is shown on the application that cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision; *or* it is shown that the purchaser agrees to the cancellation, the Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part.

On application by 75% of the property included in the subdivision, phase, or identifiable part, the Court by order shall authorize the cancellation of the subdivision after complying with notice and hearing provisions required by law.

If the owners of at least 10% of the property affected by the proposed cancellation files written objection to the cancellation with the Court, the grant of an order of cancellation is at the discretion of the Court.

The Court may deny a cancellation if the Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

The instrument must describe the subdivision or the part of it that is cancelled. The Court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the County, the tax assessor-collector shall assess the property as if it had never been subdivided.

**SECTION B. VACATING PLAT**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.0095 and 212.013.*

The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

The Clerk shall write legibly on the vacated plat the word “Vacated” and shall enter on the plat a reference to the Volume and Page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no effect.

**SECTION C. REPLATTING WITHOUT VACATING PRECEDING PLAT**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.0095 and 212.014.*

The procedure for replatting a subdivision will follow the procedures set forth in Article 4, Section C of these Subdivision Regulations in relation to the manner of requesting the replatting and the documentation to be provided to the County Engineer.

The procedures for replatting small subdivisions or exceptions will follow the procedures set forth in Article 4, Sections D and E of these Subdivision Regulations in relation to the manner of requesting the replatting and the documentation to be provided to the County Engineer.

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- is signed and acknowledged by only the owners of the property being replatted;
- is approved, after public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the Court; and
- does not attempt to amend or remove any covenants or restrictions.

A replat will be considered by the County when the proposed section to be replatted is:

- a. outside a municipality and a municipality’s E.T.J. if the municipality regulates the development of subdivisions in the E.T.J.; and

- b. is part of the whole of a plat that was approved and filed in the County after February 1984.

**SECTION D. ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.0095 and 212.015.*

In addition to replatting without vacating the preceding plat as set forth above, the Court must hold a public hearing as set out in Section E below, for a replat without a vacation if:

During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

If the plat was limited by deed restrictions, the party requesting the replat must provide:

- a. notice to any and all homeowner associations to be effected by replat; and
- b. the County Engineer with deed restrictions in effect and demonstrate that such replat will not violate the existing deed restrictions.

Replat must contain the following stipulation:

“Any replat by these procedures does not attempt to amend or remove any covenants or restrictions placed on the property as a result of previous platting or divisions.”

**SECTION E. NOTICE OF HEARING**

Notice of the public hearing shall be published at least 16 days before the date of the hearing in an official newspaper or a newspaper of general circulation and post a visible sign on the property from a public road to put the general public on notice of intent to replat.

The Court shall give written notice to property owners of lots that are within 200 feet of the lots to be replatted by delivering such notice by regular mail.

The notice shall inform the property owners if the proposed plat requires a variance and if protested, the proposed plat must receive the affirmative vote of at least three-fourths (3/4) of the members of the Court that are present. It must inform the property owners that for a legal protest, written instruments signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Court prior to the close of the public hearing.

In computing the percentage of land area required above, the area of streets and alleys shall be included.

Notice is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

#### **SECTION F. AMENDING PLAT**

*Authority for these Regulations is given in V.T.C.A., Local Government Code §§ 232.0095 and 212.016.*

The Court may approve and issue an amended 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 applicants only and is solely for one or more of the following purposes:

- To correct an error in a course or distance shown on the preceding plat;
- To add a course or distance that was omitted on the preceding plat;
- To correct an error in a real property description shown on the preceding plat;
- To indicate monuments set after the death, disability, or retirement from practice of the engineer or land surveyor responsible for setting monuments;
- 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;
- To correct any other type of scrivener or clerical error or omission previously approved by the Court, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- To correct an error in courses and distances of lot lines between two (2) adjacent lots if
  - Both lot owners join in the application for amending the plat;
  - Neither lot is abolished;
  - The amendment does not attempt to remove recorded covenants or restrictions; and
  - The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
- To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- To relocate one or more lot lines between one or more adjacent lots if:
  - The owners of all those lots join in the application for amending the plat;
  - The amendment does not attempt to remove recorded covenants or restrictions; and
  - The amendment does not increase the number of lots;
- To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - The changes do not affect applicable zoning and other regulations of the County;
  - The changes do not attempt to amend or remove any covenants or restrictions; and
  - The area covered by the changes is located in an area that the Court has approved as a residential improvement area.
- To replat one or more lots fronting on an existing street if:
  - The owners of all those lots join in the application for amending the plat;
  - The amendment does not attempt to remove recorded covenants or restrictions;
  - The amendment does not increase the number of lots; and

- The amendment does not create or require the creation of a new street.

**OR**

- To replat a subdivision of a newly platted subdivision prior to final acceptance of the proposed road by the County based upon development changes, alterations, or errors if:
  - The owners of all lots affected by the change are notified, in writing, and join in the application for amending the plat.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat.

## **ARTICLE 9 OTHER REGULATIONS**

In addition to these Subdivision Regulations, any development must also consider the following plans and ordinances:

**Building Regulations** - Brazoria County has adopted Building Regulations as required by F.E.M.A. which must be complied with in the development of any subdivisions. Copies of this Ordinance may be obtained from either the Clerk under Order No. 10, adopted May 24, 2005 or the Flood Plain Administrator or [www.brazoria-county.com/floodplain](http://www.brazoria-county.com/floodplain).

**Fire Code** - Brazoria County has adopted a Fire Code for New Construction of Commercial and Public Structures. Information pertaining to its requirements or a copy of the Ordinance may be obtained from the Clerk under Order No. 17, adopted March 11, 2003 or [www.brazoria-county.com/floodplain](http://www.brazoria-county.com/floodplain).

**Drainage Plan** - Brazoria County has adopted a Drainage Criteria Manual, which must be followed in the development of tracts of land or building of any structure. Information pertaining to its requirements or a copy of the plan may be obtained from the County Engineer's Office or [www.brazoria-county.com/engineer](http://www.brazoria-county.com/engineer).

**Local Drainage Districts** - If the development is located within a drainage district, the property owner and/or developer shall consult with the local drainage district to determine if plans, drawings or designs need to be submitted for its approval and obtain its drainage criteria manual.

**Manufactured Home Ordinance** - Brazoria County has adopted Regulations Governing Manufactured Home Rental Communities, which must be complied with in the development of a manufactured home park. Copies of this Ordinance may be obtained from the Clerk under Order No. 32, adopted January 27, 2004 or [www.brazoria-county.com/engineer](http://www.brazoria-county.com/engineer).

**Septic Permits** - Septic permits are required through the Texas Health and Safety Code or the County's regulations for all properties that are less than 10 acres and do not have access to a public sewer system or larger than 10 acres but have more than one (1) structure requiring a septic system. To determine if a person must have a septic permit, contact the Environmental Department. Rules and regulations pertaining to septic systems can be found at [www.brazoria-county.com/environmental](http://www.brazoria-county.com/environmental).

**Groundwater Permits** - Brazoria County has a Groundwater Conservation District. Property owner and/or developer shall consult with the District to determine if permitting will be required as it pertains to use of groundwater. Failure to meet permitting requirements could result in the inability to obtain other necessary permitting required and/or shut down of development project.

**Storm Water Discharge Permits** - The State of Texas has adopted rules pertaining to discharge of storm water runoff as set out by Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code, known as TPDES/NPDES. The property owner and/or developer is responsible for ensuring compliance with all TPDES/NPDES requirements. Property owner and/or developer will be required to comply with Brazoria County TPDES/NPDES requirements once approved and adopted by the Court, which will be attached hereto as Appendix J, once adopted. Development sites will be subject to being shut down for failure to comply with TPDES/NPDES.

**Texas Department of Transportation (TxDOT)** – The State of Texas has rules regulating access onto state right-of-ways as well as right-of-way requirements. If the proposed subdivision is along a state right-of-way, the property owner and/or developer shall consult with the Texas Department of Transportation and provide a letter from TxDOT approving the access to the subdivision.

## **ARTICLE 10 ENFORCEMENT – VIOLATION AND PENALTIES**

The Court shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these land development rules and regulations; and there is submitted at the time of approval of such map or plat and financial security as may be required by these rules.

A property owner and/or developer commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Court. An offense under this Ordinance is a Class B Misdemeanor.

If it appears that a person has violated, is violating, or is threatening to violate these Subdivision Regulations in any manner, the Court, through the District Attorney's Office, may institute a civil suit in the appropriate court for injunctive relief to restrain the person from continuing the violation or threat of violation.

The Court, through the District Attorney's Office, may institute a civil suit to recover damages in an amount adequate for the County to undertake any construction or other activities necessary to bring about compliance with this Ordinance and state laws.

If a structure is erected, constructed, or reconstructed in violation of a building or setback line, the Court, the District Attorney, or an owner of real property may institute an injunction, mandamus, abatement, or other appropriate action to prevent, abate, remove, or enjoin the unlawful erection, construction or reconstruction.

## APPENDIX INDEX

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**A. DEDICATIONS TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS**

For Corporations (Face of Plat)

We, (**name of president**) and (**name of secretary**), President and Secretary respectively, of (**name of company**), owner of the property subdivided, in this plat of (**name of subdivision**), do hereby make subdivision of said property for and on behalf of said corporation, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigned to warrant and defend the title to the land so dedicated.

In Testimony, hereto, the (**name of company**), has caused these presents to be signed by (**name of president**), its President, thereunto authorized, attested by its Secretary, (**name of secretary**), and its common seal hereunto affixed, this \_\_\_\_ day of , 20\_\_\_\_\_.

\_\_\_\_\_  
Name of Company

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary

Notary Public (for Corporation)

STATE OF TEXAS }

COUNTY OF }

BEFORE ME, the under signed authority, on this day personally appeared (**name of president**), President, and (**name of secretary**), Secretary of (**name of company**), known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_ .

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

(SEAL)

**B. FOR INDIVIDUAL(S) (FACE OF PLAT)**

I, (or we), (**name of owner or names of owners**), owner (or owners) of the property subdivided in the above and foregoing map of the (**name of subdivision**), do hereby make subdivision of said property, according to the lines, streets, lots, alleys, parks, building lines and easements as shown hereon, and dedicate for public use, the streets, alleys, parks and easements shown hereon, forever, and do hereby waive all claims for damages occasioned by the establishment of grades, as approved for the streets and drainage easements indicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns, to warrant and defend the title to the land so dedicated.

WITNESS my (or our) hand in (City), Brazoria County, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Signature of Owner)

Notary Public [For individual(s)]

STATE OF TEXAS }

COUNTY OF }

BEFORE ME, the undersigned authority, on this day personally appeared [name(s) of owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she)(they) executed the same for the purposes and consideration therein set forth. [if a husband and wife join in the dedication, the following phrase should be added: "and the same said (name of wife) having been examined by me privately and apart from her husband and having the same fully explained to her by me, acknowledged said instrument to be her act and deed and that she has willingly signed the same."]

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

(SEAL)

**C. (THE FOLLOWING PHRASE IS TO BE INCLUDED ONLY IF THERE IS A LIEN AGAINST THE PROPERTY) (FACE OF PLAT)**

I (or we), [name(s) of mortgagee(s)], owner and holder (or owners and holders) of a lien (or liens) against the above-described property, said lien (or liens), being evidenced by an instrument of record in Volume \_\_\_\_, Page \_\_\_\_, Clerk No. \_\_\_\_\_, filed in the Deed Records or Official Records of Brazoria County, Texas, do hereby in all things subordinate to said subdivision and dedication said lien (or liens), and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same, nor any part thereof.

NOTE: All lienholder signatures shall be acknowledged by a notary public – either corporate or individual.

**D. CERTIFICATE OF LAND SURVEYOR (FACE OF PLAT)**

This is to certify that I (name), a Registered Public Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, lot corners and permanent referenced monuments have been set, that permanent control points will be set at completion of construction and that this plat correctly represents that survey made by me.

\_\_\_\_\_  
Land Surveyor  
State Registration No. \_\_\_\_\_(Seal)

**E. CERTIFICATE OF COUNTY ENGINEER (FACE OF PLAT)**

I, \_\_\_\_\_, County Engineer of Brazoria County, do hereby certify that the plat of this subdivision complies with all existing rules and regulations of this office, as adopted by the Court.

\_\_\_\_\_  
Date                      County Engineer

**F. CERTIFICATE OF THE COURT (FACE OF PLAT)**

APPROVED by the Commissioners Court of Brazoria County, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Commissioner, Precinct 1

\_\_\_\_\_  
Commissioner, Precinct 2

\_\_\_\_\_  
Commissioner, Precinct 3

\_\_\_\_\_  
Commissioner, Precinct 4

## **G. CERTIFICATE OF CLERK**

*Top Right of First Page* - Provide a box for the Clerk's Statement - 2 inches (right to left) and 2 inches (top to bottom); and

*Last Page*- Provide a box for the Clerk's documentation on the last page - 4 inches (right to left) and 4 inches (top to bottom).

## **H. PIPELINES (FACE OF PLAT)**

Herein, show all existing pipelines and/or pipeline easements or statement that "No pipeline or pipeline easement exists within the boundaries of this plat." If pipelines do exist within the proposed subdivision, written "crossing" approvals must be submitted from each owner.

## **I. FLOOD PLAIN CERTIFICATION**

The following note shall appear on the face of the plat, "Structures built on lots in the designated flood plain must be elevated to the F.E.M.A. Base Flood Elevation. No building permits will be issued in a floodway below the base flood elevation (B.F.E.). Contact the Flood Plain Administrator's Office for specific information."

## **J. BRAZORIA COUNTY TPDES/NPDES**

This policy has not yet been established. The State of Texas has adopted rules pertaining to storm water runoff. The State currently enforces these rules. The property owner and/or developer is required to comply with such rules, regulations and permitting. Once the County establishes its TPDES/NPDES rules, such rules will be attached hereto.

## **K. BRAZORIA COUNTY ELECTRONIC SUBMITTAL POLICY**

The County Engineer may require electronic submittals of plats and improvement plans for any subdivision within Brazoria County. As the Electronic Submittal Policy is established, such policy will be attached hereto.

**L. BRAZORIA COUNTY ROADSIDE DITCH POLICY**

Roadside ditches in Brazoria County within proposed subdivisions, and improvements shall be designed to the following minimum standards:

Ditch Flowline Grades – ditch flowline grades shall conform to the following limits:

Maximum flowline grade = 8.0%

Minimum flowline grade = .15%

Ditch Slopes – ditch slopes shall conform to the following criteria:

Front slopes of ditches shall be designed dependant on depth of ditches and the following minimums shall apply:

	<u>Rise</u>	<u>Run</u>
0 – 3 feet = minimum	1foot rise	3 feet slope
3 – 5 feet = minimum	1foot rise	4 feet slope
> 5 feet = minimum	1foot rise	5 feet slope

Back slopes of ditches shall be a minimum of 1 foot (rise) to 3 feet (run).

Safety end treatments are required with any culverts greater than 24-inch diameter placed in roadside ditches on major collectors, minor arterials, and major arterials.

Roadside ditches shall be contained completely within right-of-way and/or road drainage easement.

Minimum culverts to be placed in roadside ditches are 18 inches in diameter and must be reinforced concrete pipe (RCP).

**M. BRAZORIA COUNTY UTILITY PERMIT**

**APPLICATION FOR UTILITY PERMIT**

TO THE COUNTY ENGINEER OF BRAZORIA COUNTY, TEXAS:

COMES NOW \_\_\_\_\_ [company name], a \_\_\_\_\_ [state] Corporation, with permit to transact business in Texas, acting by and through its duly authorized representative, and hereby petitions the County Engineer for the right to construct and/or maintain a \_\_\_\_\_ [type of utility] under, over and along certain County Roads, County Right of Ways and County Easements at location(s) described below and as shown on drawing(s) attached hereto:

Project location(s)

*[For each location, show County Road number and nearest cross road, with distance if appropriate, for example, "On CR 48, ¼ mile north of CR 58"]*

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**FOR OIL & GAS PIPE LINE, SHOW:**

1. Pipe Specification (ASTM A53, API 5L...) \_\_\_\_\_
2. Pipe Class (seamless, furnace butt welded,...) \_\_\_\_\_
3. (Gas pipeline only) Class Location (circle one) 1      2      3      4
4. Wall thickness of pipe \_\_\_\_\_ inches
5. Outside diameter \_\_\_\_\_ inches
6. Yield strength of pipe material \_\_\_\_\_ psi
7. Maximum operating pressure \_\_\_\_\_ psi

Permit shall be subject to the following conditions.

1. The construction and maintenance of such utility shall not interfere with the property or rights of a prior occupant.
2. All work shall be done in keeping with the standards of the County Engineering Department and under the supervision of the County Engineer, located in Angleton, Texas.
3. All materials and equipment shall be subject to inspection by the County Engineer or appointed representative.

4. During construction, all safety regulations of the Texas Department of Transportation and other relevant agencies shall be observed and the holder must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area.
5. It is expressly stipulated that this Permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
6. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the holder and the holder will at all times assume risk of and indemnify, defend and save harmless Brazoria County from and against any and all loss, damages, cost or expense arising in any manner on account of the exercise or attempted exercise by said holder of the aforesaid rights and privileges.
7. The permittee shall take precautions to avoid damage to property. All County property shall be restored to its original condition as far as practical, in the opinion of the County Engineer or appointed representative.
8. All overhead installations shall conform to clearance standards of the Texas Department of Transportation.
9. All underground installations shall be placed at a minimum depth of forty-eight (48) inches below the pavement and at least thirty-six (36) inches below ditch flowline. Uncased gas or petroleum lines shall be placed at least forty-eight (48) inches below ditch flowline.
10. Underground installations shall not be closer than fifteen (15) feet from the edge of pavement.
11. Any crossing under a county road shall be bored or jacked. If the annular space between pipe and casing and soil exceeds 1" (one inch), the space shall be pressure grouted for the full length of the crossing.
12. Bore pits shall be at least ten (10) feet from the edge of pavement.
13. Whenever necessary for the construction, repair, improvement, alteration or relocation of all or any portion of said road as determined by the County Engineer, any or all of the poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said road, or reset or relocated thereon, as required by the County Engineer, and at the expense of the holder.
14. Applicant declares that prior to filing this application, they have ascertained the location of all existing utilities, both aerial and underground, and the filing of this application is prima facie evidence that the proposed installation will not conflict with any existing utility.
15. A copy of this permit shall be kept at the job site any time work is being performed there.

- 16. Adequate drainage shall be maintained in ditches at all times.
- 17. **The office of the County Engineer shall be notified twenty-four (24) hours in advance before starting work.** Telephone: 979-864-1265, 979-388-1265 or 281-756-1265.
- 18. The permittee shall commence actual construction in good faith within sixty (60) days from the date of said permit and shall complete work within \_\_\_\_\_ working days. **(PERMITTEE MUST FILL IN)**

Petitioner further agrees to obey all rules of the County Commissioners and the County Engineer in Construction of said installation.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Address

By:

\_\_\_\_\_  
Agent

**Agent's Name:**

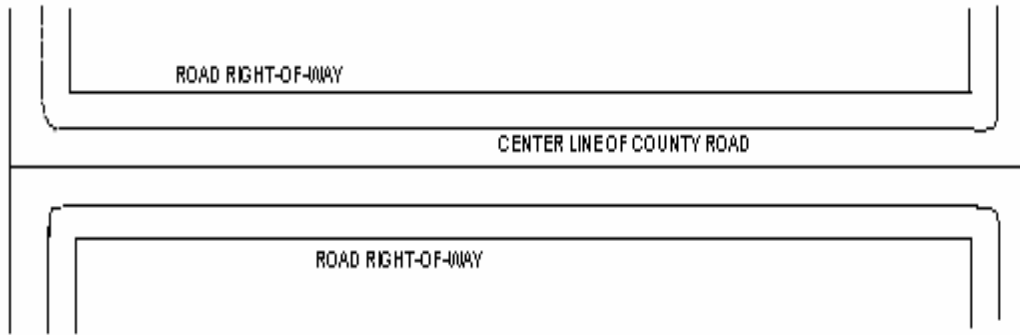
(Fill out and return 3 copies)

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APPROVED:

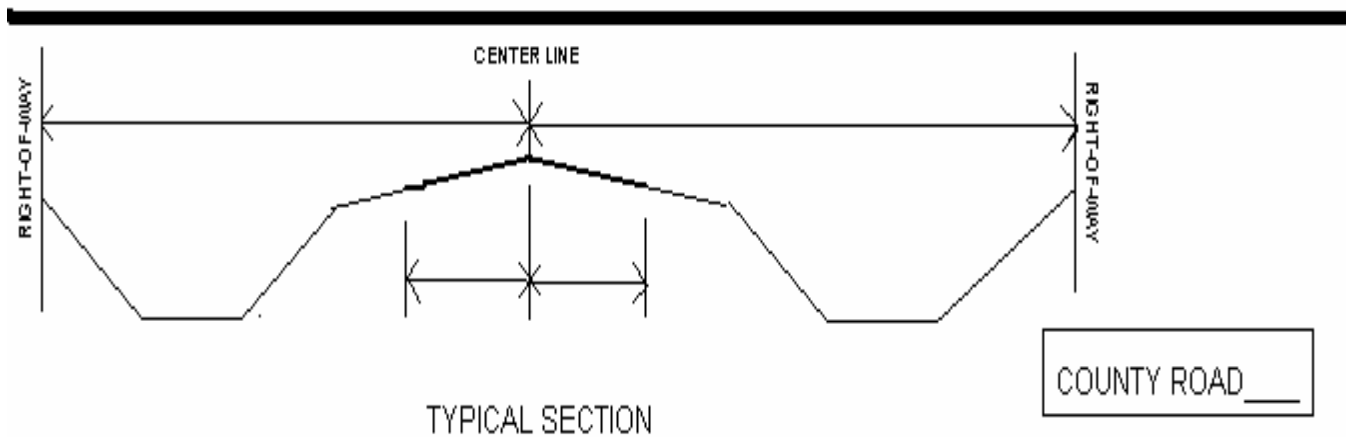
\_\_\_\_\_  
Matthew Hanks, P.E., Assistant County Engineer  
for Gerald L. Roberts, P.E., County Engineer

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



SHOW NORTH ARROW

PLAN VIEW



TYPICAL SECTION

1. IN CROSSING ROAD OR GOING ALONG RIGHT-OF-WAY, SHOW DEPTH & LOCATION OF CONSTRUCTION IN TYPE SECTION & PLAN
2. IN PLAN VIEW SHOW DISTANCE FROM YOUR CONSTRUCTION TO NEAREST INTERSECTION
3. IF ABOVE PLAN VIEW AND/OR TYPE SECTION IS NOT APPLICABLE, THEN SHOW APPLICABLE PLAN AND/OR SECTION

**UTILITY PERMIT EXHIBIT**

## N. BRAZORIA COUNTY STREET CLASSIFICATIONS

Standard	Residential Local		Residential Collector		Major Collector		Minor Arterial		Major Arterial	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Expected ADT	< 800	< 800	> 800	> 800	> 2500	> 2500	> 12,500	> 12,500	> 24,000	> 24,000
Pavement Type	Concrete	HMAC	Concrete	HMAC	Concrete	HMAC	Concrete	HMAC	Concrete	HMAC
	or HMAC	or Concrete	or HMAC	or Concrete	or HMAC	or Concrete	or HMAC	or Concrete	or HMAC	or Concrete
Right-of-Way (min. feet)	50	60	70	80	80	100	100	120	130	150
Lot Frontage to County Rd (min. feet)	60	60	60	60	60	60	60	60	60	60
Paved Width (feet)	24	20	25	32	40 or 48	40 or 48	74	74	116	116
Base Width (feet)	N/A	24	N/A	36	N/A	44 or 52	N/A	78	N/A	120
Subgrade Width (feet)	26	28	27	40	42 or 50	48 or 56	77	82	119	124

Standard	Residential Local		Residential Collector		Major Collector		Minor Arterial		Major Arterial	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Number of Traffic Lanes	2	2	2	2	4 or 2 w/ median	4 or 2 w/ median	4 w/ median	4 w/ median	6	6
Lane Width (feet)	12 24 B-B	10	12' – 6" 25' B-B	11	12 (4 lane), 12 (2 lane)	12 (4 lane), 12 (2 lane)	12	12	12	12
Shoulder Type	None	Earthen	Paved	Paved	Paved	Paved	Paved	Paved	Paved	Paved
Out Shoulder Width (feet)	0	5	2	5	2	5	5	5	10	10
Median Type	None	None	None	None	Raised	Raised or Turn Lane	Raised	Raised or Turn Lane	Raised	Raised or Turn Lane
Median Width (feet)	0	0	0	0	0 or 16	0 or 16	16	16	24	24
Drainage Type	Storm Sewer	Open Ditch	Storm Sewer	Open Ditch	Storm Sewer	Open Ditch	Storm Sewer	Open Ditch	Storm Sewer	Open Ditch
Curb Type	4 x 12	None	6 x 6	None	6 x 6	None	6 x 6	None	6 x 6	None
Design Speed (mph)	20 - 30	30 - 40	30 - 35	35 - 45	30 - 35	35 - 45	35 - 45	40 - 50	35 - 45	45 - 55
Min. Access Spacing	N/A	N/A	N/A	N/A	100	100	200	200	400	400

Standard	Residential Local		Residential Collector		Major Collector		Minor Arterial		Major Arterial	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Sidewalks Required	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Setbacks (min. feet)	25	25	25	25	35	35	40	40	50	50

