

EXCERPT FROM THE MINUTES OF THE HONORABLE COMMISSIONERS' COURT OF TOM GREEN COUNTY, TEXAS, MEETING IN REGULAR SESSION FEBRUARY 24, 2004.

22. Tom Massey, Attorney and Title Company owner, addressed the Court on the importance of having the County Subdivision regulations recorded in the Official Public Records as opposed to the Commissioners Court Minutes and the impact of making title searches and issuing Title Policies. **Commissioner Weeks moved to have the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations, including amendments to date, recorded in the Official Public Records (OPR) of Tom Green County, with updated amendments (only) added following any future adopted changes. Commissioner Friend seconded the motion and all voted in favor.**

**CERTIFICATE OF COUNTY CLERK**

THE STATE OF TEXAS     §  
COUNTY OF TOM GREEN §

I, **ELIZABETH MCGILL**, the County Clerk and Ex-Officio Clerk of the Commissioners' Court of Tom Green County, Texas, do hereby certify that the foregoing is a true and correct excerpt of the Minutes of the Commissioners' Court, together with the **ORDER ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF SUBDIVISIONS AND MANUFACTURED HOME RENTAL COMMUNITIES** as had and entered of record at the Regular Term, February 24, 2004. The excerpt appears of record in Volume 78, Page 618 and **ORDER ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF SUBDIVISIONS AND MANUFACTURED HOME RENTAL COMMUNITIES** is filed of record in Volume 67 Page 119

I further certify that the said **ORDER ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF SUBDIVISIONS AND MANUFACTURED HOME RENTAL COMMUNITIES** was accepted at a meeting open to the public and notice was given in advance thereof in such manner as to be in compliance with the provisions of Article 6252-17, Texas Revised Civil Statutes.

Witness my hand and seal of the Commissioners' Court of Tom Green County, Texas, on this the 9th day of March, 2004.

By *Gary M. Monico*  
By Gary M. Monico, Deputy Clerk  
Elizabeth McGill, County Clerk and  
Ex-officio Clerk of the Commissioners'  
Court of Tom Green County, Texas



**ORDER ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF  
SUBDIVISIONS AND MANUFACTURED HOME RENTAL COMMUNITIES**

On this 28th day of September, 1999, the Tom Green County Commissioners' Court considered a proposal to establish regulations over the division and development of land and the development of Manufactured Home Rental Communities located in unincorporated areas of Tom Green County; and the Court, having heard argument on said proposal, is of the opinion that certain regulations are needed to protect Tom Green County taxpayer, subdivision lot purchasers and renters/lesers of manufactured home rental community lots from inadequate street and road construction, inadequate drainage, inadequate sewerage systems which may result in the contamination of potable groundwater supplies and inadequate identification of subdivision lands for tax purposes; therefore,

It is hereby ORDERED, ADJUDGED and DECREED by the Commissioners' Court of Tom Green County, Texas, on this 28th day of September, 1999, that the following REGULATIONS are established concerning the division of land and the development of Manufactured Home Rental Communities in Tom Green County, Texas, situated outside the corporate limits of any city or town, said regulations to become effective on this 21st day of September, 1999 and to be known as "Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations."

## **PREAMBLE AND PURPOSE**

These Subdivision and Manufactured Home Rental Community Development Regulations have been adopted by Order of the Tom Green County Commissioners' Court to provide a framework for the orderly and efficient development of rural and suburban Tom Green County.

- I. These Subdivision Regulations have been adopted based on the following findings:
- (a) The Commissioners' Court of Tom Green County has the authority to regulate the subdivision process and the establishment of minimum infrastructure standards for manufactured home rental communities pursuant to Local Government Code, §232.001 et.seq.;
  - (b) The Commissioners' Court of Tom Green County has been designated by the Texas Natural Resource Conservation Commission as the authorized agent for the licensing and regulation of on-site sewerage facilities within Tom Green County and these Regulations are a necessary component of such regulation;
  - (c) The Commissioners' Court of Tom Green County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Tom Green County;
  - (d) The Commissioners' Court of Tom Green County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within the County and to regulate associated development;
  - (e) The Commissioners' Court of Tom Green County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;
  - (f) The Commissioners' Court of Tom Green County has the authority and obligation to protect the public health, safety and welfare of the citizens of Tom Green County;
  - (g) These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to Tex. Rev. Stat. Ann. Art. 2352 (general control over all roads, highways and bridges), Tex. Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Tex. Rev. Stat. Ann. Art. 6626a (regulations of roads and streets and other facilities to control drainage and storm water runoff within real estate subdivision developments), Tex. Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Tex. Rev. Stat. Ann. Art. 1443, 1443a, 1436b (regulation of water and gas utility lines within county right-of-way), Tex. Rev. Stat. Ann. Art. 4477-7e (authority to adopt standards for on-site sewerage facilities), Tex. Rev. Stat. Ann. Art. 4477-9a (regulation of public highways for litter control), Tex. Rev. Stat. Ann. Art. 232.001, et seq. (authority to adopt and enforce subdivision regulations and require plat approval), Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities), Tex. Health and Safety Code Ann. Sections 366.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Tex. Health and Safety

Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Tex. Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties);

- (h) The Commissioners' Court has considered the potential burden on landowners and taxpayers of substandard development or poor quality road construction;
- (i) These Regulations are enacted to preserve and protect the resources, public health and private property interests of Tom Green County.

II. The Commissioners' Court of Tom Green County, following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

## DEFINITIONS

All capitalized terms used in these Regulations shall have the meaning ascribed to them in this Article II.

Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot the gross square footage within the Lot shall be used, provided any area within a private roadway easement or an easement for a Shared Access Driveway shall be excluded.

Applicant – An Owner or its authorized representative seeking approval of a proposed Subdivision or Manufactured Home Rental Community pursuant to these Regulations.

Commissioners' Court – The Tom Green County Commissioners' Court. (May 14, 2002)

County – Tom Green County, Texas.

County Clerk – The County Clerk of Tom Green County.

Department – The Tom Green County Environmental Health Department. The current address of the Department is: Public Health Building, 2 City Hall Plaza, San Angelo, TX 76903.

Development – All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces.

Developer – The developer of the land subject to the proposed Subdivision or Manufactured Home Rental Community.

Director – The Director of the Tom Green County Environmental Health Department and any successor thereto.

Final Plat – A map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the county records and prepared as described in these requirements. (May 14, 2002)

Lot – Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision or Manufactures Home Rental Community application, including the remainder of the Original Tract.

Manufactured Home – A movable or portable dwelling or office connected to utilities and constructed to be towed on its own chassis by a motor vehicle over Texas roads or highways. It may consist of two or more units which are separately towable but designed to be joined into one integral unit. (December 4, 2000)

Manufactured Home Rental Community – A plot or tract of land that is separated into two or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

May – is permissive. (May 14, 2002)

Original Tract – The original tract of land owned by an Owner prior to the proposed Subdivision or Manufactured Home Rental Community.

Owner – The owner of the land subject to the proposed Subdivision or Manufactured Home Rental Community.

Permitted Street – All roadways, whether maintained by the County or privately, shall be constructed in accordance with these Regulations and shall be classified as one of the three types of roadways (referred to collectively as “Permitted Streets”).

Plat – a map depicting the division or subdivision of lands into lots, blocks, parcels, tracts, or other portions. A replat or re-subdivision shall be considered a plat and shall be prepared in a form suitable for filing in the county records and prepared as described in these requirements under FINAL PLAT.(May 14, 2002)

Preliminary Plat – one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show developer's intended development program in order to assure that all regulations are complied with.(May 14, 2002)

Proposal/Plan – a map or survey of proposed Subdivision or Manufactured Home Rental Community of land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these Regulations.

Regulations – The Tom Green County Subdivision and Development Regulations.

Road & Bridge Department – The Tom Green County Road and Bridge Department.

Shall – is mandatory and not discretionary.(May 14, 2002)

Subdivision – The division of a tract of land situated within Tom Green County and outside the corporate limits of any municipality into two or more parts and calling for or related to the laying out of any of the following: (i) roads or streets, (ii) alleys, (iii) squares, (iv) parks, (v) public utility easements, (vi) public rights of way, (vii) drainage improvements, (viii) other parts of the tract intended to be dedicated to public use, or accepted for maintenance by the County, (ix) or parts of the tract intended for the common use of purchasers or owners of lots fronting on or adjacent to such streets, alleys, squares, parks, public utility easements, public rights of way, drainage improvements or other parts.

- (a) A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed of other executory contract to convey, or in a lease (other than agricultural and hunting leases), or by using any other method of a conveyance of an interest in land.

- (b) A division of land shall be considered as relating to the laying out of streets, whether public or private, if:
- (1) The division occurs prior to the later to occur of: two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such street;
  - (2) The division of land creates one or more Lots without practical, physical vehicular access onto a Permitted Street or with less than fifty feet (50') of direct frontage onto a Permitted Street or calls for driveways onto Permitted Streets that are spaced fewer than fifty feet (50') apart;
  - (3) The division of land will affect drainage on, in or adjacent to a public street or any county drainage ditch, swale, culvert of other drainage facility; or
  - (4) Other circumstances exist which, in the determination of the Director or the Road Director, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any Lot has access.

It is the intent of the Commissioners' Court of Tom Green County that the term "subdivision" be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

**ARTICLE I**  
**STANDARDS FOR SUBDIVISION PROPOSALS/PLANS AND MANUFACTURED HOME**  
**RENTAL COMMUNITY INFRASTRUCTURE PLANS**

**SECTION 1.01 – STANDARDS FOR SUBDIVISION PROPOSALS/PLANS AND**  
**MANUFACTURED HOME RENTAL COMMUNITY INFRASTRUCTURE**  
**PLANS:**

- A. All proposals/plans for development of subdivisions or manufactured home rental communities in the unincorporated areas of the county shall be submitted to the Commissioner' Court and/or its designated authority for approval. Plat specifications, manufactured home rental community infrastructure development plans and details for submission shall be consistent with and shall meet all of the requirements and provisions contained and specified herein and in Texas Local Government Code Section 232.001 et Seq.
- B. All Infrastructure Development Plans for a Manufactured Home Rental Community shall comply with the standards established herein for drainage, water supply, sewer, surveys and/or plats, and roadways. Additionally, all Infrastructure Development Plans for a Manufactured Home Rental Community shall comply with the Section 232.007, Texas Local Government Code. Section 232.007, Texas Local Government Code is adopted hereby and incorporated herein for all purposes.

- C. In areas under a city's extraterritorial jurisdiction as defined by Subsections A,B, and C, Section 3, Chapter 160, Acts of the 58<sup>th</sup> Legislature, 1963 (Article 974a, Vernon's Texas Civil Statutes), no subdivision plat shall be filed with the County Clerk without the authorization of both the city and the county. Inside said extraterritorial jurisdiction the city shall have independent authority to regulate subdivision under Chapter 160, Acts of the 58<sup>th</sup> Legislature, 1963 (Article 970a, Vernon's Texas Civil Statutes), and Chapter 231, Acts of the 40<sup>th</sup> Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes), and other statutes applicable to cities; and the county shall have independent authority to regulate subdivisions under Chapter 436, Acts of the 55<sup>th</sup> Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), and other statutes applicable to counties. Inside said extraterritorial jurisdiction whenever such city regulations conflict with such county regulations, the more stringent provisions of such regulations shall govern; and in unincorporated areas outside said extraterritorial jurisdiction a city shall have no authority to regulate subdivisions or to authorize the filing of plats, except as provided by the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).
- D. The developer for subdivision and manufactured home rental community proposals/plans shall generate base flood elevation data.
- E. All proposals/plans shall have the flood hazard area clearly delineated on the plat and shall have minimum floor elevations for all lots located within flood hazard areas.
- F. All proposals/plans shall provide for adequate drainage to reduce exposure to flood hazards and lots shall be shaped and sized so as to provide adequate building space.
- G. All proposals/plans shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- H. The developer, builder, seller or agent shall inform in writing, each prospective buyer/renter-lessee of lots located in flood hazard areas that such property is in an identified flood hazard area and that a Development Permit shall be required before a structure can be placed on the property.
- I. Prior to recording with County Clerk and subsequent to final approval by Commissioners' Court, plat will be submitted to 911 co-ordinator for addressing and signature. (January 16, 2001)
- J. Require all lots and tracts within the subdivisions or manufactured home rental community to have X and Y coordinates of the Texas Coordinate System – Central Zone (North American Datum 1927) shown on one perimeter corner.
- K. Require bonding requirements or financial guarantee in lieu of bond pursuant to Local Government Code 232.004 or 232.005 of the State of Texas to be used as financial guarantees for roads, streets, and drainage requirements for any subdivision in Tom Green County. Commissioner Friend seconded the motion and all voted in favor. (November 9, 2004)

**SECTION 1.02 APPLICATION FEES FOR SUBDIVISIONS AND MANUFACTURED HOME RENTAL COMMUNITIES**

The Applicant shall pay a non-refundable fee in the amount set forth herein for each Application for a Preliminary Plan and Final Plat approval. The amount of these fees may be amended from time to time by the Commissioners' Court without amending or affecting the remainder of these regulations. All plat application fees shall be paid to the County Clerk and any other required fees paid prior to placing on the Court's agenda and a receipt presented to the Court prior to approval of a plat. (April 23, 2002)

Applicable Fees:

- A. Subdivisions  
Completed Plat Application Fee \$150 per plat, plus \$10 per lot
- B. Manufactured Home Rental Communities:  
Infrastructure Development Plan Application Fee \$150, plus \$10 per rental space

**(Clarification regarding application fees: Application fees shall be paid whether filing a new plat or a re-plat. The County Clerk will prepare an application form to be filled out and submitted with each plat application fee after approval of the form by the Court.-July 23, 2002)**

The subdivision application form is to be presented at the time application fees are paid and prior to placing on the Commissioners' Court agenda for approval. The application form can be obtained in the County Clerk's office. (August 13, 2002)

**ARTICLE II**  
**PLATS**

**SECTION 2.01 PLAT REQUIRED:**

A plat shall be made and recorded when the owner of any tract of land situated outside of the corporate limits of any city in Tom Green County, Texas, who may hereafter divide the same into two (2) or more parts for the purpose of laying out suburban lots or building lots or to lay out streets, alleys, or parks, or other portions intended for public use, or for the private use of the purchasers, owners and/or renters of the lots or tracts therein provided, however, no such plat shall be recorded with the County Clerk unless it complies with all of the provisions herein set forth.

**SECTION 2.02 PLAT REQUIREMENTS:**

- A. The plat shall be prepared by a REGISTERED PUBLIC SURVEYOR drawn to scale and signed and sealed by the surveyor preparing the plat certifying that it represents a survey done on the ground under the direct supervision of the person sealing the drawing.
- B. The plat shall accurately describe all of said subdivision or addition by metes and bounds and locate same with respect to an original corner of the original survey of which it is a part.
- C. The plat shall accurately describe the dimensions of said subdivision or addition including the dimensions of all lots, streets, alleys, parks or other portions and showing in reasonable detail the

location and width of existing streets, alleys, lots, and tracts and similar details regarding all property immediately adjacent thereto.

- D. The plat must contain an arrow indicating north. The scale must be shown both graphically and numerically. Bearing basis shall be noted
- E. Lot, block and tract numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.
- F. When appropriate, a smaller general locator map shall appear on the face of the plat to show the subdivision in relation to the area in which it exists.
- G. The plat shall be duly acknowledged by the owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for the acknowledgment of deeds.
- H. The plat for recording purposes shall be drawn on a film positive material consisting of one or more sheets measuring no larger than twenty-four inches wide and thirty-six inches long. If two or more sheets are used, a separate key map, not part of the recorded plat, shall be prepared showing the entire area.
- I. For recording purposes, 2 (two) mylar copies of the approved plat shall be furnished to the office of the County Clerk and one paper copy (mylar copy optional) to the Tom Green County Appraisal District for filing purposes. **(Motion made by Judge Brown, seconded by Commissioner Friend and passed unanimously by the Commissioners Court on Nov. 10, 2003)**
- J. The lands encompassed by the proposed Subdivision or Manufactured Home Rental community plat shall be identified by the accurate property tax parcel identification number or numbers prior to approval.
- K. Schedule indicating the current status or property tax liability on corresponding tax identification number or numbers shall be furnished by owner/developer prior to plat approval.
- L. The following statement shall appear prominently on the Final Plat: “No construction or development within the subdivision or manufactured home rental community may begin until all Tom Green County Requirements have been satisfied.”
- M. The following statement shall appear prominently on the Final Plat: “No structure in this subdivision shall be occupied until connection to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Tom Green County Environmental Health Department.”
- N. An additional disclaimer will be added to the plats: "Tom Green County Commissioners' Court makes no representation whatsoever as to the ground water availability for any tract in this subdivision." (July 23, 2002)

**ARTICLE III**  
**ROAD AND STREET CONSTRUCTION**

**SECTION 3.01 MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR PUBLIC STREETS AND ROADS IN SUBDIVISIONS:**

- A. RIGHT-OF-WAY WIDTHS BY ROADWAY CATEGORY. Due to variations in roadway section design these minimum widths shall need to be widened on occasion to accommodate shoulders, drainage, utilities, etc. A 10' utility easement shall be provided on both sides of R.O.W.
1. Arterial (Main Highways providing access throughout the county) - 80 Ft.
  2. Collector (Street which collects traffic from residential areas and discharges into arterial) - 60 Ft.
  3. Residential (Street in residential area that collects localized traffic and discharge into larger volume distribution system) - 50 Ft
- B. TRAVEL-WAY WIDTHS BY ROADWAY CATEGORY:
1. Arterial - 2 lanes in each direction - inside lanes 10'; outside lanes 12' with minimum 8' paved shoulders.
  2. Collector - one lane in each direction - minimum 15' of which 3' is striped shoulder.
  3. Residential - one lane in each direction - minimum 15' of which 3' is striped shoulder.
- C. ROADWAY DESIGN:
1. All roadways shall be paved.
  2. Minimum standards for pavement of roadways in a subdivision shall be:
    - a. Arterial and Collector Roadways - BASE: 8" crushed limestone\* or 10" caliche\*\* and PAVEMENT: 3 course surface treatment of approved design or 2" HMAC pavement (TxDOT type D).
    - b. Residential Roadways – BASE: 6" crushed limestone\* or 8" caliche\*\* and PAVEMENT: 2 course surface treatment of approved design of 1-1/4" HMAC pavement (TxDOT type D).

\* Crushed limestone base shall meet the following material quality requirements:

- a. P.I. - Not to exceed 10.00
- b. L.L.- Not to exceed 35.00
- c. Screen Analysis:
  - 0% - 10% Retained 1 3/4"
  - 45% - 75% Retained No. 4
  - 60% - 85% Retained No. 40

\*\* Caliche shall meet the following material quality requirements:

- a. P.I. - Not to exceed 12.0
- b. L.L. - Not to exceed 40.0
- c. Screen Analysis:
  - 100% passing - 1 3/4 inch
  - 50% - 85% retained - No. 40

- (3) Both subgrade and base material shall be compacted to 95% (Modified Proctor) of maximum dry density.
- (4) As these standards are specified minimums, the Commissioners' Court may find it necessary, due to certain conditions of use, subgrade quality, etc. to specify more base or other special treatment to accommodate the additional design requirements. Further, the Commissioners' Court has the authority to waive the pavement requirement when deemed not necessary when considering the size of the subdivision, the location or function of proposed street or road.
- (5) These standards of quality for materials and construction shall be verified by written report to the appropriate county authority. Such reports shall be prepared by a registered professional engineer or an acceptable testing laboratory, as approved by the Commissioners' Court.
- (6) Before existing county roads are cut, written approval from the Commissioners' Court must be obtained.
- (7) All signage shall be provided and installed on roadways by the developer and shall be to the same standards as required by the State of Texas for state roads and highways.
- (8) To insure adequate access and maneuvering room of emergency vehicles, the minimum curve radius shall be 20' and the minimum paved cul-de-sac radius shall be 40' (80' diameter).

**SECTION 3.02:**

- A. Tom Green County reserves the discretion to choose or not to choose any road or street for county maintenance. Tom Green County may consider accepting roads that serve a public interest and provide a public need. All roads to be considered by Tom Green County must meet all county roadway and right-of-way specifications and construction standards. (February 27, 2001)

- B. The developer/subdivider/owner shall warrant to the Commissioners' Court the completed work against faulty materials and/or workmanship for the period of one year from the date the accepted deed is recorded with the County Clerk in the "Official Public Records" of Tom Green County.
- C. Subdivision streets and roads may be accepted for county maintenance upon Commissioners' Court approval of the completed construction and delivery of a duly executed warranty deed to Tom Green County conveying the subject streets or roads in a form acceptable to Tom Green County Commissioners' Court.
- D. The legal description of any land area so conveyed must be sufficient to allow taxing authorities to identify and locate the same.

## **ARTICLE IV**

### **DRAINAGE**

#### **SECTION 4.01**

For every proposed Subdivision or Manufactured Home Rental Community a study shall be performed by a registered professional engineer that addresses both interior and exterior storm water runoff and includes design information on all conveyance, required easements in completed form, and notation of design finished floor elevations as well as other pertinent details peculiar to the drainage patterns of the area in question. Comparisons with requirements of Article V of this document shall be delineated to the satisfaction of the Commissioners' Court. In the event that a proposed Subdivision or Manufactured Home Rental Community involves no drainage problems, or only requires study on a limited basis, the report furnished to the county by the engineer shall reflect that attention was directed to all the requirements of a comprehensive study, and only those delineated were found applicable to the subdivision in question.

## **ARTICLE V**

### **FLOOD PLAIN REQUIREMENTS**

#### **SECTION 5.01-FLOOD PLAIN:**

Any Subdivision or Manufactured Home Rental Community lying in any area subject to the regulations for flood plain management for Tom Green County must be shown to be in compliance with those regulations before any plat thereof shall be approved. Certification from the Tom Green County Environmental Health Department, or successor regulatory authority, that the Subdivision or Manufactured Home Rental Community is in compliance shall be necessary prior to approval of either a subdivision proposal or the manufactured home rental community infrastructure development plan by Tom Green County Commissioners' Court or its designated authority.

**ARTICLE VI**  
**SEWAGE DISPOSAL AND WATER SUPPLY SYSTEMS**

**SECTION 6.01-SEWAGE DISPOSAL:**

Certification from the Tom Green County Environmental Health Department that the proposed method of sewage disposal complies with all applicable state and county regulations will be required prior to approval of either a subdivision proposal or the manufactured home rental community infrastructure development plan.

**SECTION 6.02-NOTICE:**

Any person, or his agents and assignees, desiring to create a subdivision or manufactured home rental community that will utilize private sewage facilities, in whole or in part, and sell, lease or rent the lots therein shall inform each prospective purchaser, lessee or renter:

- (a) That the subdivision is subject to all of the terms and conditions of these Rules.
- (b) That a permit shall be required before a private sewage facility can be constructed in the subdivision.

**SECTION 6.03-WATER:**

The proposed method of potable water supply shall comply with all applicable state and county regulations. The form for CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING as established by the State of Texas shall be used. If required by a municipal authority pursuant to §212.0101, Local Government Code or a county authority pursuant to §232.0031, Local Government Code, this form and Chapter 230, Texas Administrative Code shall be used by the plat applicant and the Texas licensed professional engineer to certify that adequate groundwater is available under the land to be subdivided for any proposed Subdivision or Manufactured Home Rental Community subject to platting under §212.004 and §232.001, Local Government Code. The form and Chapter 230, Texas Administrative Code does not replace state requirements applicable to public drinking water supply systems. This section pursuant to rules promulgated pursuant to SB1323, 76<sup>th</sup> Texas Legislature, 1999. (September 25, 2001 & November 14, 2001-TNRCC Chapter 230-Groundwater Availability to be attached to regulations)

**ARTICLE VII**  
**REPLATTING SUBDIVISIONS**

**SECTION 7.01-PUBLIC NOTICE:**

Public notice of a proposed replat shall be published by the Developer in accordance with applicable State Laws.

**SECTION 7.02-SUBDIVISION NOTICE:**

The Developer shall furnish written notification to the Subdivision property owners who reside within a quarter of a mile of the proposed replat concerning the proposed revisions of the original plat. Notice shall be mailed through the office of the County Clerk and the Developer shall reimburse expenses to the County.

If the subdivision is within the five mile zone of extraterritorial jurisdiction and written notification has been sent by the City and published in the newspaper of general circulation in the County, the County will accept the City publication and notice by mail as long as the developer furnishes a Proof of Publication affidavit from the newspaper.

**SECTION 7.03-REPLATTING:**

Subdivision replats shall conform to the Tom Green County Regulations for Flood Plain Management and Private Sewage Facilities.

**SECTION 7.04-GRANT OF PERMISSION:**

The Commissioners' Court, during a regular term of the Court, shall adopt an order permitting the person to revise the subdivision plat if it is shown to the Court:

- (A) that the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
- (B) if the revision shall interfere with the rights of an owner of a part of the subdivided land, that the owner has agreed to the revision.

**SECTION 7.05-RECORDING REQUIREMENT:**

If the Commissioners' Court permits a person to revise a subdivision plat, the person shall make the revision by filing for record with the County Clerk a revised plat or part of a plat showing the changes made to the original plat.

**SECTION 7.06-CANCELLING SUBDIVISIONS:**

- (a) Any person, firm, association or corporation owning lands in Tom Green County, Texas, which lands have been subdivided into lots and blocks or small subdivisions, shall make application to the Commissioners' Court for permission to cancel all or any portion of such subdivision or subdivisions, including dedicated easements or roadways, so as to throw the said lands back into acreage tracts as it existed before such subdivisions were made. When such application is made by the owner or owners of such land, and it is shown that a cancellation of such subdivisions, or portion thereof, will not interfere with the established rights of any purchaser owning any portion of such subdivisions, or if it be shown that said person or persons agreed to such cancellation, said Commissioners' Court shall enter an order, which order canceling said subdivision shall be spread upon the minutes of such court, authorizing such owner or owners of such lands to cancel the same by written instrument describing such subdivisions, or portions thereof, so cancelled as designated by said court. When such cancellation is filed and recorded in the deed records of such county, the tax assessor of such county shall assess such property as though it had never been subdivided. When such application is so filed, said court shall cause notice to be given on such application by publishing notice of such application in some newspaper, published in the English language, in such county for at least three weeks prior to

action thereon by said court, and action shall be taken on such petition or petitions at a regular term of said court. Such notice, in addition said publication, shall command any person interested in such lands to appear at the time specified in such notice to protest if desired against such action. If such lands are delinquent for taxes for any preceding year, or years, and such application is granted as hereinbefore provided, the owner or owners of said land shall be permitted to pay such delinquent taxes upon an acreage basis, the same as if said lands had not been subdivided, and for the purpose of assessing lands for such preceding years the county assessor of taxes shall back assess such lands upon an acreage basis. This law shall not apply to any lands or lots included in an incorporated city or town or subject to the extraterritorial jurisdiction thereof.

- (b) Upon application of the owner or owners of 75 percent of the land area in any subdivision or phase or identifiable subdivision thereof or other lands to which this article shall apply for cancellation of such subdivision or of such phase or identifiable subdivision thereof, including cancellation of dedicated roadways or easements, the Commissioners' Court shall issue an order authorizing such cancellation in the manner provided for in Subsection (a) hereof, after notice and hearing as therein provided. Provided, however, that upon the receipt of written objection to cancellation by the owners of 10 percent of the land area affected by the application, the grant of an order of cancellation shall be at the discretion of the Commissioners' Court.
- (c) No person who does not own a lot or portion of a subdivision directly abutting upon that portion or a roadway or easement cancelled under the provisions of this article shall maintain an action to enjoin the cancellation or closing of such roadway or easement, and no person owning a lot or portion within a subdivision cancelled in whole or in part under the provisions of this article shall maintain an action to enjoin the cancellation or closing of any portion of a roadway or easement other than that which leads from the lot or portion of the subdivision owned by him to the nearest remaining public highway or direct feasible route. Any person who appears before the Commissioners' Court to protest the cancellation of a subdivision or any portion thereof shall maintain an action for damages against the persons making application for cancellation and shall recover as damages an amount not to exceed the amount of the original purchase price of the lands in the cancelled subdivision of cancelled portion thereof owned by the person protesting such cancellation, provided, however, that any such action for damage must be brought within one year of the date of the entry of the order of the Commissioners' Court.

**SECTION 7.07-REIMBURSEMENT:**

No approval will be given by the Commissioners' Court for any application to replat any subdivision unless the party seeking the replatting reimburses the county for all of the expenses incurred as a result of the application.

**ARTICLE VIII**  
**AUTHORIZATION PROCEDURES**

**SECTION 8.01-APPROVAL**

Not later than the 60<sup>th</sup> day after the date the owner/developer of a proposed Subdivision submits a completed plat application or the owner/developer of a proposed Manufactured Home Rental Community submits an infrastructure development plan for approval, the Commissioners' Court shall approve or reject the plat or plan in writing. If the plat or plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plat or plan. The failure to reject a plat or plan within the period prescribed by this section constitutes approval of the plat or plan.

**SECTION 8.02-CONSTRUCTION**

No construction of any kind in any Subdivision or Manufactured Home Rental Community affected by this order is to begin until the subdivision proposal and plat or the manufactured home rental community infrastructure development plans has received final authorization by the Commissioners' Court. Certification from the Tom Green County Appraisal District that all taxes are paid is required before consideration of the plat by the Commissioners' Court.

**SECTION 8.03-VIOLATIONS**

- A. At the request of the Commissioners' Court, the County Attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:
- (1) Enjoin the violation or threatened violation of a requirement established by these regulations or,
  - (2) Recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by these regulations.
- B. A person commits an offense if the person knowingly or intentionally violates a requirement established by these regulations. An offense under this subsection is a Class B misdemeanor.
- C. A violation of a requirement that was established by prior regulations that continue to apply to a subdivision of land, is enforceable under Subsection (A) of this section. A knowing or intentional violation of the requirement is an offense under Subsection (B) of this section.

**APPENDIX 1**  
**SUPPORTING DOCUMENTATION**

**DECEMBER 4, 2000**

**Vol. 69, Page 565**  
**(Definition added to page 4)**

**Commissioners' Court Minutes**

Commissioner Bookter made the motion to add the following wording to the "Definitions" section of the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations:

Manufactured Home: a movable or portable dwelling or office connected to utilities and constructed to be towed on its own chassis by a motor vehicle over Texas roads or highways. It may consist of two or more units which are separately towable but designed to be joined into one integral unit.

Motion was seconded by Commissioner Weeks. Judge Brown and all commissioners voted in favor of the motion and it carried.

**January 16, 2001**

**Vol. 70, Page 6**  
**(Section 1.01(I) amended)**

**Commissioners' Court Minutes**

Commissioner Weeks moved to adopt the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations to read "Prior to recording with County Clerk and subsequent to final approval by Commissioners' Court, plat will be submitted to 911 co-ordinator for addressing and signature." All necessary changes to be made to subdivision regulation as needed. Seconded by Commissioner Friend. Motion carried.

**February 27, 2001**

**Vol.70, Page 337**  
**(Section 3.02(A) amended)**

**Commissioners' Court Minutes**

Commissioner Weeks moved to approve the language for road acceptance to replace Section 3.02 (A) of the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations to read:

Tom Green County reserves the discretion to choose or not to choose any road or street for county maintenance. Tom Green County may consider accepting roads that serve a public interest and provide a public need. All roads to be considered by Tom Green County must meet all county roadway and right-of-way specifications and construction standards.

Motion was seconded by Commissioner Friend and all voted in favor.

September 25, 2001

Vol. 72, Page 4  
(Sec. 6.03 Amended)

Commissioners' Court Minutes

Judge Brown moved to adopt Texas Natural Resource Conservation Commission as satisfaction of the requirements of Local Government Code Rule 232.0031 pertaining to proof of underground water availability and modify the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations and to be effective 10-1-01. Commissioner Weeks seconded the motion and all voted in favor.

November 14, 2001

Vol. 72, Page 353  
(Sec. 6.03 Amended)

Commissioners' Court Minutes

Commissioner Weeks moved to add to the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations, a clarification of Local Government Code 232.0031 that was adopted on September 25, 2001, by attaching the following statement:

**Tom Green County Commissioners' Court, by Order, requires that the plat application shall have attached to it a statement prepared by an engineer registered to practice in the State of Texas and certifies that adequate groundwater is available for the subdivision.**

**All Tom Green County subdivisions must comply with TNRCC Chapter 230-Groundwater availability certification for platting. (Attach TNRCC Chapter 230 to the regulations).**

Commissioner Bookter seconded the motion and all voted in favor.

April 23, 2002

Vol. 73, Page 807  
(Sec. 1.02 Amended)

Commissioners' Court Minutes

Commissioner Bookter moved to change wording in the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations to read, "All plat application fees shall be paid to the County Clerk and any other required fees prior to placing on the Court's agenda and a receipt presented to the Court prior to approval of a plat". The motion was seconded by Commissioner Weeks and all voted in favor.

May 14, 2002

Vol. 74, Page 16 & 186  
(Definitions Amended)

Commissioners' Court Minutes

Commissioner Easingwood moved to adopt some additional "definitions" to the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations. Judge Brown seconded the motion and all voted in favor. (Recorded with these minutes)

July 23, 2002

Vol. 74, page 512  
(Section 6.03 Amended)

Commissioners' Court Minutes

Commissioner Friend moved to rescind the ground water availability TNRCC rules that had been included in our Subdivision Rules and Regulations, Section 230.3. An additional disclaimer will be added to the plats "Tom Green County Commissioners' Court makes no representation whatsoever as to the ground water availability for any tract in this subdivision". Commissioner Weeks seconded the motion and all voted in favor.

July 23, 2002

Vol. 74, Page 513  
(Section 1.02 Amended)

Commissioners' Court Minutes

Clarification regarding application fees: Application fees shall be paid whether filing a new plat or a replat. The County Clerk will prepare an application form to be filled out and submitted with each plat application fee after approval of the form by the Court.

**August 13, 2002**

**Vol. 74, Page 513  
& Vol. 75, Page 139  
(Section 1.02 Amended)**

**Commissioners' Court Minutes**

Judge Brown moved to adopt the "Subdivision Application Form" that is to be presented at the time application fees are paid and prior to placing on the Commissioners' Court Agenda for approval as part of the Subdivision and Manufactured Home Community rules and regulations. Commissioner Weeks seconded the motion and all voted in favor. (Applications can be obtained in the County Clerk's office).

**December 16, 2003**

**Vol. 78, Page 388  
(Added to End of Document)**

**Commissioners' Court Minutes**

Commissioner Weeks moved to accept the ETJ (Extraterritorial Jurisdiction) Boundary as presented by the City of San Angelo as instructed by IIB 1444 that was adopted by the 75th Legislature for regulating County Subdivisions and Land Use. Commissioner Friend seconded the motion and all voted in favor. (Recorded with these minutes.)

**February 24, 2004**

**Vol. 78, Page 618  
(Added to front of document)**

**Commissioners' Court Minutes**

Tom Massey, Attorney and Title Company owner, addressed the Court on the importance of having the County Subdivision regulations recorded in the Official Public Records as opposed to the Commissioners Court Minutes and the impact of making title searches and issuing Title Policies. Commissioner Weeks moved to have the Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations, including amendments to date, recorded in the Official Public Records (OPR) of Tom Green County, with updated amendments (only) added following any future adopted changes. Commissioner Friend seconded the motion and all voted in favor.

**November 9, 2004**

**Vol. 80, Page 414  
(Section 1.01 Amended)**

**Commissioners' Court Minutes**

Judge Brown moved to adopt bonding requirements or financial guarantee in lieu of bond pursuant to Local Government Code 232.004 or 232.005 of the State of Texas to be used as financial guarantees for roads, streets, and drainage requirements for any subdivision in Tom Green County. Commissioner Friend seconded the motion and all voted in favor.

## APPENDIX 2

### LIST OF SUBDIVISION REQUIREMENTS

1. All proposals/plans for development of subdivisions shall be consistent with and shall meet all of the requirements and provisions contained and specified herein and in Texas Local Government Code Section 232.001 et.Seq.
2. The developer for subdivision proposals/plans shall generate base flood elevation data.
3. All proposals/plans shall have the flood hazard area clearly delineated on the plat and shall have minimum floor elevations for all lots located within flood hazard areas.
4. All proposals/plans shall provide for adequate drainage to reduce exposure to flood hazards and lots shall be shaped and sized so as to provide adequate building space.
5. All proposals/plans shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
6. The developer, builder, seller or agent shall inform in writing, each prospective buyer/renter-lessee of lots located in flood hazard areas that such property is in an identified flood hazard area and that a Development Permit will be required before a structure can be placed on the property.
7. Prior to recording with County Clerk and subsequent to final approval by Commissioners' Court, plat will be submitted to 911 co-ordinator for addressing and signature."
8. Require all lots and tracts within the subdivisions or manufactured home rental community to have X and Y coordinates of the Texas Coordinated system – Central Zone (North American Datum 1927) shown on one perimeter corner.
9. The plat shall be prepared by a REGISTERED PUBLIC SURVEYOR drawn to scale and signed and sealed by the surveyor preparing the plat certifying that it represents a survey done on the ground under the direct supervision of the person sealing the drawing.
10. The plat shall accurately describe all of said subdivision or addition by metes and bounds and locate same with respect to an original corner of the original survey or which it is a part.
11. The plat shall accurately describe the dimensions of said subdivision or addition including the dimensions of all lots, streets, alleys, parks or other portions and showing in reasonable detail the location and width of existing streets, alleys, lots, and tracts and similar details regarding all property immediately adjacent thereto.
12. The plat must contain an arrow indicating north. The scale must be shown both graphically and numerically. Bearing basis shall be noted.
13. Lot, block and tract numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.

14. When appropriate, a smaller general locator map shall appear on the face of the plat to show the subdivision in relation to the area in which it exists.
15. The plat shall be duly acknowledged by the owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for the acknowledgment of deeds.
16. The plat for recording purposes shall be drawn on a film positive material consisting of one or more sheets measuring no larger than twenty-four inches wide and thirty-six inches long. If two or more sheets are used, a separate key map, not part of the recorded plat, shall be prepared showing the entire area.
17. For recording purposes, 2 (two) copies of the approved plat shall be furnished to the office of County Clerk, and one copy to the Tom Green County Appraisal District Office for filing purposes.
18. The lands encompassed by the proposed Subdivision plat shall be identified by the accurate property tax parcel identification number or numbers prior to approval.
19. Schedule indicating the current status or property tax liability on corresponding tax identification number or numbers shall be furnished by owner/developer prior to plat approval.
20. The following statement shall appear prominently on the Final Plat: "No construction or development within the subdivision or manufactured home rental community may begin until all Tom Green County requirements have been satisfied."
21. The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connection to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Tom Green County Environmental Health Department.
22. An additional disclaimer will be added to the plats: "Tom Green County Commissioners' Court makes no representation whatsoever as to the ground water availability for any tract in this subdivision." (July 23, 2002)

**CHAPTER 230**  
**GROUNDWATER AVAILABILITY CERTIFICATION FOR PLATTING**

**§§230.1-230.11**  
**Effective July 9, 2000**

**§230.1. Applicability**

- (a) Subdivisions utilizing groundwater as the source of water supply. In the plat application and approval process, municipal and county authorities may require certification that adequate groundwater is available for a proposed subdivision if groundwater under that land is to be the source of water supply. The municipal or county authority is not required to exercise their authority under Local Government Code §212.0101 or §232.0031. However, if they do exercise their authority, the form and content of this chapter must be used.
- (b) Use of this chapter. If required by the municipal or county authority, the plat applicant and the Texas licensed professional engineer shall use this chapter and the attached form to certify that adequate groundwater is available under the land of a subdivision subject to platting under the Local Government Code, §212.004 and §232.001. These rules do not replace other state and federal requirements applicable to public drinking water supply systems. These rules do not replace the authority of counties within designated priority groundwater management areas under Texas Water Code, §35.019, or the authority of groundwater conservation districts under Texas Water Code, Chapter 36.

Adopted June 14, 2000

Effective July 9, 2000

**§230.2. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

- (1) **Aquifer** – A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used a source of water supply.
- (2) **Aquifer test** – A test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. For the purposes of this chapter, bail and slug tests are not considered to be aquifer tests.
- (3) **Certification** – A written statement of best professional judgement or opinion as attested to on the Certification of Groundwater Availability for Platting Form contained under §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting.)

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- (4) **Drinking water standards** – As defined in commission rules covering drinking water standards contained in Chapter 290, Subchapter F of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems).
- (5) **Full build out** – The final expected number of residences, businesses, or other dwellings in the proposed subdivision.
- (6) **Licensed professional engineer** – An engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- (7) **Plat applicant** – The owner or the authorized representative or agent seeking approval of a proposed subdivision plat application pursuant to municipal or county authority.

**Requirements applicable to public drinking water supply systems** – The requirements contained in commission rules covering public drinking water supply systems in Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems).

Adopted June 14, 2000

Effective July 9, 2000

~~§230.3. Certification of Groundwater Availability for Platting~~

- ~~(a) Certification. The certification required by this chapter must be prepared by a Texas licensed professional engineer.~~
- ~~(b) Submission of information. The plat applicant shall provide to the municipal or county authority the certification of adequacy of groundwater under the subdivision required by this chapter.~~
- ~~(c) Form required. This chapter and the following form shall be used and completed if plat applicants are required by the municipal or county authority to certify that adequate groundwater is available under the land to be subdivided. The executive director may make minor changes to this form that do not conflict with the requirements of these rules.~~

Adopted June 14, 2000

Effective July 9, 2000

**FIGURE 30 TAX §230.3(c)**  
**CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM**

Use of this form: If required by a municipal authority pursuant to §212.0101, Local Government Code or a county authority pursuant to §232.0031, Local Government Code, the plat applicant and the Texas licensed professional engineer shall use this form based upon the requirements of Title 30, Texas Administrative Code, Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under §§212.004 and 232.001, Local Government Code. The form and Chapter 230 do not replace state requirements applicable to public drinking water supply systems or the authority of counties or groundwater conservation districts under either §35.019 or Chapter 36 of the Texas Water Code

**Administrative Information (30 TAC, §230.4).**

1. Name of Proposed Subdivision: \_\_\_\_\_
2. Any Previous Name Which Identifies the Tract of Land: \_\_\_\_\_
3. Property Owner's Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_
4. Plat Applicant's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_
5. Licensed Professional Engineer's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Certificate Number: \_\_\_\_\_
6. Location and Property Description of Proposed Subdivision: \_\_\_\_\_
7. Tax Assessor Parcel Number(s):  
Book : \_\_\_\_\_  
Map: \_\_\_\_\_  
Parcel: \_\_\_\_\_

**Proposed Subdivision Information (30 TAC, §230.5).**

8. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial): \_\_\_\_\_
9. Size of Proposed Subdivision (acres): \_\_\_\_\_
10. Number of Proposed Lots: \_\_\_\_\_
11. Average Size of Proposed Lots (acres): \_\_\_\_\_
12. Anticipated Method of Water Distribution  
Expansion of Existing Public Water Supply System: Yes No  
New (Proposed) Public Water Supply System: Yes No  
Individual Water Wells to Serve Individual Lots: Yes No  
Combination of Methods: Yes No  
Description (if needed): \_\_\_\_\_
13. Additional information (if required by the municipal or county authority): \_\_\_\_\_

Note: If public water supply system is anticipated, written application for service to existing water providers within a ½ mile radius should be attached to this form [30 TAC, §230.5(f)].

Figure 30 TAC §230.3(c) – Certification of Groundwater Availability for Platting

**Projected Water Demand Estimate (30 TAC, §230.6).**

14. Residential Water Demand Estimate at Full Build Out (includes both single family and multi-family residential).  
 Number of Proposed Housing Units (single and multi-family): \_\_\_\_\_  
 Average Number of Persons per Housing Unit: \_\_\_\_\_  
 Gallons of Water Required per Person per Day: \_\_\_\_\_  
 Water Demand per Housing Unit per year (acre feet/year): \_\_\_\_\_  
 Total Expected Residential Water Demand per year (acre feet/year): \_\_\_\_\_
15. Non-residential Water Demand Estimate at Full Build Out.  
 Type(s) of Non-residential Water Uses: \_\_\_\_\_  
 Water Demand per Type per Year (acre feet/year): \_\_\_\_\_
16. Total Water Demand Estimate at Full Build Out (acre feet/year): \_\_\_\_\_
17. Sources of Information Used for Demand Estimates: \_\_\_\_\_

**General Groundwater Resource Information (30 TAC, §230.7).**

18. Identify and describe, using Texas Water Development Board names, the aquifer(s) which underlies the proposed subdivision: \_\_\_\_\_

Note: Users may refer to Aquifers of Texas (Texas Water Development Board Report 345, 1995) to obtain general information pertaining to the state's aquifers. This reference is available via the internet ([www.twdb.state.tx.us](http://www.twdb.state.tx.us)).

**Obtaining Site-Specific Groundwater Data (30 TAC, §230.8)**

19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under §230.8(b)? Yes No
20. Were the geologic and groundwater resource factors identified under §230.7(b) considered in planning and designing the aquifer test required under §230.8(c)? Yes No
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by §230.8(c)(1 through 4)? Yes No
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (§230.8(c)(5))? Yes No
23. Has an aquifer test been conducted which meets the requirements of §§230.8(c)(1 and 6)? Yes No
24. Were existing wells or previous aquifer test data used? Yes No
25. If yes, did they meet the requirements of §230.8(c)(7)? Yes No
26. Were additional observation wells or aquifer testing utilized? Yes No

Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D (related to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to §230.8(a).

Figure 30 TAC §230.3(c) – Certification of Groundwater Availability for Platting

**Determination of Groundwater Quality (30 TAC, §230.9)?**

- |     |   |     |    |
|-----|---|-----|----|
| 27. | Have water quality samples been collected as required by §230.9?  | Yes | No |
| 28. | Has a water quality analysis been performed which meets the requirements of §230.9?   | Yes | No |
| 29. | Have the aquifer parameters required by §230.10(c) been determined?   | Yes | No |
| 30. | If so, provide the aquifer parameters as determined   |     |    |
|     | Rate the yield and drawdown: _____  |     |    |
|     | Specific capacity: _____  |     |    |
|     | Efficiency of the pumped well: _____  |     |    |
|     | Transmissivity: _____   |     |    |
|     | Coefficient of storage: _____   |     |    |
|     | Hydraulic conductivity: _____   |     |    |
|     | Were any recharge or barrier boundaries detected:   | Yes | No |
|     | If yes, please describe: _____  |     |    |
|     | _____   |     |    |
|     | Thickness of aquifer(s): _____  |     |    |
| 31. | Have time-drawdown determinations been calculated as required under §230.10(d)(1)   | Yes | No |
| 32. | Have distance-drawdown determinations been calculated as required under §230.10(d)(2)?  | Yes | No |
| 33. | Have well interference determinations been made as required under §230.10(d)(3)?  | Yes | No |
| 34. | Has the anticipated method of water delivery, the annual groundwater demand estimates at full build out, and geologic and groundwater information been taken into account in making these determinations? | Yes | No |
| 35. | Has the water quality analysis required under §230.9 been compared to primary and secondary public drinking water standards as required under §230.10(e)?   | Yes | No |
|     | Does the concentration of any analyzed constituent exceed the standards?  | Yes | No |
|     | If yes, please list the constituent(s) and concentration measure(s) which exceed standards: _____   |     |    |
|     | _____   |     |    |

**Groundwater Availability and Usability Statements (30 TAC, §230.11(a) and (b)).**

36. Drawdown of the aquifer at the pumped well(s) is estimated to be \_\_\_\_\_ feet over a 10-year period and \_\_\_\_\_ feet over a 30-year period.
37. Drawdown of the aquifer at the property boundary is estimated to be \_\_\_\_\_ feet over a 10-year period and \_\_\_\_\_ feet over a 30-year period.
38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be \_\_\_\_\_ feet over a 10-year period and \_\_\_\_\_ feet over a 30-year period.
39. The recommended minimum spacing limit between wells is \_\_\_\_\_ feet with a recommended well yield of \_\_\_\_\_ gallons per minute per well.
40. Available groundwater is / is not (circle one) of sufficient quality to meet the intended use of the platted subdivision.
41. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

~~**Certification of Groundwater Availability (30 TAC, §230.11(c)). Must be signed by a Texas Licensed Professional Engineer.**~~

~~42. I, \_\_\_\_\_, Texas Licensed Professional Engineer, certificate number \_\_\_\_\_, based on best professional judgement, current groundwater conditions, and the information developed and presented in this form, certify that adequate groundwater is available from the underlying aquifer(s) to supply the anticipated use of the proposed subdivision.~~

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

~~(affix seal)~~

**§230.4. Administrative Information.**

At a minimum, the following general administrative information as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting), shall be provided for a proposed subdivision for which groundwater under the land will be the source of water supply:

- (1) the name of the proposed subdivision;
- (2) any previous or other name(s) which identifies the tract of land;
- (3) the name, address, phone number, and facsimile number of the property owner or owners;
- (4) the name, address, phone number, and facsimile number of the person submitting the plat application;
- (5) the name, address, phone number, facsimile number, and registration number of the licensed professional engineer preparing the certification as required in this chapter;
- (6) the location and property description of the proposed subdivision; and
- (7) the tax assessor parcel number(s) by book, map, and parcel.

Adopted June 14, 2000

Effective July 9, 2000

**§230.5. Proposed Subdivision Information.**

At a minimum, the following information pertaining to the proposed subdivision shall be provided as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting):

- (1) the purpose of the proposed subdivision, for example, single family residential, multi-family residential, non-residential, commercial, or industrial;
- (2) the size of the proposed subdivision in acres;
- (3) the number of proposed lots within the proposed subdivision;
- (4) the average size (in acres) of the proposed lots in the proposed subdivision;
- (5) the anticipated method of water distribution to the proposed lots in the proposed subdivision including, but not limited to:

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- (A) an expansion of an existing public water supply system to serve the proposed subdivision (if groundwater under the subdivision is to be the source of water supply);
  - (B) a new public water supply system for the proposed subdivision;
  - (C) individual water wells to serve individual lots; or
  - (D) a combination of methods;
- (6) if the anticipated method of water distribution for the proposed subdivision is from an expansion of an existing public water supply system or from a proposed public water supply system, evidence required under §290.39(c)(1) of this title (relating to Rules and Regulations for Public Water Systems) which shall be provided demonstrating that written application for service was made to the existing water providers within a ½ mile radius of the subdivision; and
- (7) any additional information required by the municipal or county authority as part of the plat application.

Adopted June 14, 2000

Effective July 9, 2000

**§230.6. Projected Water Demand Estimate.**

- (a) Residential water demand estimate. Residential water demand estimates at full build out shall be provided as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting). Residential demand estimates shall, at a minimum, be based on the current demand of any existing residential well including those identified under §230.8(b) of this title (relating to Obtaining Site-Specific Groundwater Data), or §290.41(c) of this title (relating to Rules and Regulations for Public Water Systems), and:
- (1) the number of proposed housing units at full build out;
  - (2) the average number of persons per housing unit;
  - (3) the gallons of water required per person per day;
  - (4) the water demand per housing unit per year (acre feet per year); and
  - (5) the total expected residential water demand per year for the proposed subdivision (acre feet per year).

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- (b) Non-residential water demand estimate. Water demand estimates at full build out shall be provided for all non-residential uses as specified in §230.3(c) of this title. Non-residential uses shall be specified by type of use and groundwater demand per year (acre feet per year) for each type of use. The estimate shall also include the existing non-residential demand of any well including those identified under §230.8(b) of this title or §290.41(c) of this title.
- (c) Total annual water demand estimate. An estimate of the total expected annual groundwater demand, including residential and non-residential estimates at full build out (acre feet per year), shall be provided as specified in §230.3(c) of this title.
- (d) Submission of information. The sources of information used and calculations performed to determine the groundwater demand estimates as required by this section shall be made available to the municipal or county authority if requested. The plat applicant shall provide any additional groundwater demand information required by the municipal or county authority as part of the plat application.

Adopted June 14, 2000

Effective July 9, 2000

**§230.7. General Groundwater Resource Information.**

- (a) Aquifer identification. Using Texas Water Development Board aquifer names, the aquifer(s) underlying the proposed subdivision which is planned to be used as the source of water for the subdivision shall be identified and generally described as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting).
- (b) Geologic and groundwater information. To meet the requirements of this chapter, the following geologic and groundwater information shall be considered in planning and designing the aquifer test under §230.8(c) of this title (relating to Obtaining Site-Specific Groundwater Data):
  - (1) the stratigraphy of the geologic formations underlying the subdivision;
  - (2) the lithology of the geologic strata;
  - (3) the geologic structure;
  - (4) the characteristics of the aquifer(s) and their hydraulic relationships;
  - (5) the recharge to the aquifer(s), and movement and discharge of groundwater from the aquifer(s); and
  - (6) the ambient quality of water in the aquifer(s)

Adopted June 14, 2000

Effective July 9, 2000

**§230.8. Obtaining Site-Specific Groundwater Data.**

- (a) Applicability of section. This section is applicable only if the proposed method of water distribution for the proposed subdivision is individual water wells on individual lots. If expansion of an existing public water supply system or installation of a new public water supply system is the proposed method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems) and the information developed in meeting these requirements shall be attached to the form required under §230.3 of this title (relating to Certification of Groundwater Availability for Platting).
- (b) Location of existing wells. All known existing, abandoned, and inoperative wells within the proposed subdivision shall be identified, located, and mapped by on-site surveys. Existing well locations shall be illustrated on the plat required by the municipal or county authority.
- (c) Aquifer testing. Utilizing the information considered under §230.7(b) of this title (relating to General Groundwater Resource Information), an aquifer test shall be conducted to characterize the aquifer(s) underlying the proposed subdivision. The aquifer test must provide sufficient information to allow evaluation of each aquifer that is being considered as a source of residential and non-residential water supply for the proposed subdivision. Appropriate aquifer testing shall be based on typical well completions. An aquifer test conducted under this section utilizing established methods shall be reported as specified in §230.3(c) of this title and shall include, but not be limited to, the following items.
  - (1) Test well and observation well(s). At a minimum, one test well (i.e., pumping well) and one observation well, shall be required to conduct an adequate aquifer test under this section. Additional observation wells shall be used for the aquifer test if it is practical or necessary to confirm the results of the test. The observation well(s) shall be completed in the same aquifer or aquifer production zone as the test well. The locations of the test and observation well(s) shall be shown on the plat required by the municipal or county authority.
  - (2) Location of wells. The test and observation well(s) must be placed within the proposed subdivision and shall be located by latitude and longitude. The observation well(s) shall be located at a radial distance such that the time-drawdown data collected during the planned pumping period fall on a type curve of unique curvature. In general, observation wells in unconfined aquifers should be placed no farther than 300 feet from the test well, and no farther than 700 feet in thick, confined aquifers. The observation well should also be placed no closer to the test well than two times the thickness of the aquifer's production zone. The optimal location for the observation well(s) can be determined by best professional judgement after completion and evaluation of the test well as provided in paragraph (4) of this subsection.

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- (3) Lithologic and geophysical logs. The test and observation wells shall be lithologically and geophysically logged to map and characterize the geologic formation(s) and the aquifer(s) in which the aquifer test(s) is to be performed.
  - (A) A lithologic log shall be prepared showing the depth of the strata, their thickness and lithology (including size, range, and shape of constituent particles as well as smoothness), occurrence of water bearing strata, and any other special notes that are relevant to the drilling process and to the understanding of subsurface conditions.
  - (B) Geophysical logs shall be prepared which provide qualitative information on aquifer characteristics and groundwater quality. At a minimum, the geophysical logs shall include an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve.
  - (C) The municipal or county authority may, on a case-by-case basis, waive the requirement of geophysical logs as required under this section if it can be adequately demonstrated that the logs are not necessary to characterize the aquifer(s) for testing purposes.
- (4) Well development and performance. The test and observation well(s) shall be developed prior to conducting the aquifer test to repair damage done to the aquifer(s) during the drilling operation. Development shall insure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.
  - (A) Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).
  - (B) During well development, the test well shall be pumped for several hours to determine the specific capacity of the well, the maximum anticipated drawdown, the volume of water produced at certain pump speeds and drawdown, and to determine if the observation well(s) are suitably located to provide useful data.
  - (C) Water pumped out of the well during well development shall not be allowed to influence initial well performance results.
  - (D) Aquifer testing required by this section shall be performed before any acidization or other flow-capacity enhancement procedures are applied to the test well.

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- (5) Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test and observation wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin.
- (6) Duration of aquifer test and recovery. The duration of the aquifer test depends entirely on local and geologic conditions. However, the test shall be of sufficient duration to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. Water pumped during the test shall not be allowed to influence the test results. Aquifer testing shall not commence until water levels (after well development) have completely recovered to their pre-development level or at least to 90% of that level.
  - (A) At a minimum, a 24 hour uniform rate aquifer test shall be conducted. Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test should be extended beyond the 24-hour minimum limit until the straight-line trend is observed.
    - (i) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed within the 24-hour limit, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded.
    - (ii) If the pumping rates remain constant for a period of at least four hours and a straight-line trend is observed on a plot of water level versus the logarithm of time pumped before the 24-hour limit has been reached, the pumping portion of the test may be terminated.
    - (iii) The frequency of water level measurements during the aquifer test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping).

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- (B) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. Time-recovery measurements shall continue until the water levels have recovered to pre-pumping levels or at least to 90% of that level. If such recovery is not possible, time-recovery measurements should continue until a consistent trend of recovery is observed.
- (7) Use of existing wells and aquifer test data.
- (A) An existing well may be utilized as an observation well under this section if sufficient information is available for that well to demonstrate that it meets the requirements of this section.
  - (B) The municipal or county authority may accept the results of a previous aquifer test in lieu of a new test if:
    - (i) the previous test was performed on a well located within a ¼ mile radius of the subdivision;
    - (ii) the previous test fully meets all the requirements of this section;
    - (iii) the previous test was conducted on an aquifer which is being considered as a source of water supply for the proposed subdivision; and
    - (iv) aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.
- (8) Need for additional aquifer testing and observation wells. Best professional judgement shall be used to determine if additional observation wells or aquifer tests are needed to adequately demonstrate groundwater availability. The Theis and Cooper-Jacob nonequilibrium equations, and acceptable modifications thereof, are based on well documented assumptions. To determine if additional information is needed, best professional judgement shall be used to consider these assumptions, the site-specific information derived from the aquifer test required by this section, the size of the proposed subdivision, and the proposed method of water delivery.
- (d) Submission of information. The information, data, and calculations required by this section shall be made available to the municipal or county authority, if requested, to document the requirements of this section as part of the plat application.

Adopted June 14, 2000

Effective July 9, 2000

**§230.9. Determination of Groundwater Quality.**

- (a) Water quality analysis. Water samples shall be collected near the end of the aquifer test for chemical analysis. Samples shall be collected from each aquifer being considered for water supply for the proposed subdivision and reported as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting).
  - (1) For proposed subdivisions where the anticipated method of water delivery is from an expansion of an existing public water supply system or a new public water supply system, the samples shall be submitted for bacterial and chemical analysis as required by Chapter 290, Subchapter F of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements For Public Water Supply Systems).
  - (2) For proposed subdivisions where the anticipated method of water delivery is from individual water supply wells on individual lots, samples shall be analyzed for the following:
    - (A) chloride;
    - (B) conductivity;
    - (C) fluoride;
    - (D) iron;
    - (E) nitrate (as nitrogen);
    - (F) manganese;
    - (G) pH;
    - (H) sulfate;
    - (I) total hardness;
    - (J) total dissolved solids; and
    - (K) presence/absence of total coliform bacteria.

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- (3) Conductivity and pH values may be measured in the field, and the other constituents shall be analyzed in a Texas Department of Health approved laboratory using methods approved by the commission.
- (b) Submission of information. The information, data and calculations required by this section shall be made available to the municipal or county authority, if requested, to document the requirements of this section as part of the plat application.

Adopted June 14, 2000

Effective July 9, 2000

**§230.10. Determination of Groundwater Availability.**

- (a) Time frame for determination of groundwater availability. At a minimum, both a short-and long-term determination of groundwater availability shall be made, each considering the estimated total water demand at full build out of the proposed subdivision. Groundwater availability shall be determined for ten years and 30 years and for any other time frame(s) required by the municipal or county authority.
- (b) Other considerations in groundwater availability determination. Groundwater availability determinations shall take into account the anticipated method of water delivery as identified under §230.5 of this title (relating to Proposed Subdivision Information) and will be compared to annual demand estimates at full build out as determined under §230.6 of this title (relating to Projected Water Demand Estimate).
- (c) Determination of aquifer parameters. The parameters of the aquifer(s) being considered to supply water to the proposed subdivision shall be determined utilizing the information considered under §230.7 of this title (relating to General Groundwater Resource Information) and data obtained during the aquifer test required under §230.8 of this title (relating to Obtaining Site-Specific Groundwater Data) for individual water wells or under Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems) and reported as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting). The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine aquifer parameters utilizing the nonequilibrium equations developed by Theis or Cooper-Jacob, or acceptable modifications thereof. The following aquifer parameters shall be determined:
  - (1) rate of yield and drawdown;
  - (2) specific capacity;
  - (3) efficiency of the pumped (test) well;
  - (4) transmissivity;
  - (5) coefficient of storage;
  - (6) hydraulic conductivity;

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- (7) recharge or barrier boundaries, if any are present; and
  - (8) thickness of the aquifer(s).
- (d) Determination of groundwater availability. Using the information and data identified and determined in subsections (b) and (c) of this section, the following calculations shall be made.
- (1) Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed subdivision shall be determined for the time frames identified under subsection (a) of this section.
  - (2) Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection (a) of this section.
  - (3) Well interference. For multiple wells in a proposed subdivision, calculations shall be made to:
    - (A) determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection (a) of this section; and
    - (B) determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection (a) of this section.
- (e) Determination of groundwater quality. The water quality analysis required under §230.9 of this title (relating to Determination of Groundwater Quality) shall be compared to primary and secondary public drinking water standards and the findings documented as specified in §230.3(c) of this title.
- (f) Submission of information. The information, data, and calculations required by this section shall be made available to the municipal or county authority, if required, to document the requirements of this section as part of the plat application.

Adopted June 14, 2000

Effective July 9, 2000

**§230.11. Groundwater Availability and Usability Statements and Certification.**

- (a) Groundwater availability and usability statements. Based on the information developed under §230.10 of this title (relating to Determination of Groundwater Availability), the following information shall be provided as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting):
  - (1) the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a 30-year period;
  - (2) the estimated drawdown of the aquifer at the subdivision boundary over a ten-year period and over a 30-year period;
  - (3) the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a 30-year period;
  - (4) the recommended minimum spacing limit between wells and the recommended well yield; and
  - (5) the sufficiency of available groundwater quality to meet the intended use of the platted subdivision.
- (b) Groundwater Availability Determination Conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability should be clearly identified as specified in §230.3(c) of this title. These conditions must be identified to adequately define the bases for the availability and usability statements. These bases may include, but are not limited to, uncontrollable and unknown factors such as:
  - (1) future pumpage from the aquifer or from interconnected aquifers from area wells outside of the subdivision or any other factor that cannot be predicted that would affect the storage of water in the aquifer,
  - (2) long-term impacts to the aquifer based on climatic variations,
  - (3) future impacts to usable groundwater due to unforeseen or unpredictable contamination.
- (c) Certification. Based on best professional judgement, current groundwater conditions, and the information developed and presented in the form specified by §230.3(c) of this title, the licensed professional engineer certifies by signature, seal, and date that adequate groundwater is available from the underlying aquifer(s) to supply the estimated demand of the proposed subdivision.

Adopted June 14, 2000

Effective July 9, 2000

## **SENATE BILL 1323, 76<sup>th</sup> LEGISLATURE, 1999**

### **Amended §§212.0101 and 232.0031, Local Government Code**

Provides that *"If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land", a municipal authority by ordinance or a county commissioners court by order "may require the plat application to have attached to it a statement that is prepared by an engineer registered to practice in this state and certifies that adequate groundwater is available for the subdivision."*

Requires the TNRCC to establish by rule the appropriate form and content of a certification to be attached to plat applications. *(Rules adopted on June 14, 2000; effective on July 9, 2000)*

The form and rules will be used and implemented only by the municipal and county platting authorities which choose to require groundwater availability certification.

EXCERPT FROM THE MINUTES OF THE HONORABLE COMMISSIONERS' COURT OF TOM GREEN COUNTY, TEXAS, MEETING IN REGULAR SESSION DECEMBER 16, 2003.

15. **Commissioner Weeks moved to accept the ETJ (Extraterritorial Jurisdiction) Boundary as presented by the City of San Angelo as instructed by HB 1444 that was adopted by the 78<sup>th</sup> Legislation for regulating County Subdivisions and Land Use. Commissioner Friend seconded the motion and all voted in favor. (Recorded with these minutes.)**

**CERTIFICATE OF COUNTY CLERK**

THE STATE OF TEXAS §  
COUNTY OF TOM GREEN §

I, **ELIZABETH MCGILL**, the County Clerk and Ex-Officio Clerk of the Commissioners' Court of Tom Green County, Texas, do hereby certify that the foregoing is a true and correct excerpt of the Minutes of the Commissioners' Court, together with the **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** as had and entered of record at the Regular Term, December 16, 2003. The excerpt appears of record in Volume 78, Page 377 and **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** is filed of record in Volume 78 Page 388

I further certify that the said **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** was accepted at a meeting open to the public and notice was given in advance thereof in such manner as to be in compliance with the provisions of Article 6252-17, Texas Revised Civil Statutes.

Witness my hand and seal of the Commissioners' Court of Tom Green County, Texas, on this the 22nd day of April, 2004.



By *Gary M. Monico*  
By Gary M. Monico, Deputy Clerk  
Elizabeth McGill, County Clerk and  
Ex-officio Clerk of the Commissioners'  
Court of Tom Green County, Texas

**AGREEMENT PROVIDING FOR SUBDIVISION REGULATION  
BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE  
EXTRATERRITORIAL JURISDICTION OF  
THE CITY OF SAN ANGELO, TEXAS**

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

**1. RECITALS**

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

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

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

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

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

**NOW, THEREFORE**, In consideration of the mutual premises contained herein the parties to this Agreement hereby contract, covenant and agree as set forth below:

## 2. AGREEMENT


- 2.1 The City and the County agree that the City is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related permits in that part of the extraterritorial jurisdiction of the City which is described in the attached Exhibit "A" and which is incorporated herein by reference for all purposes, such described area is referred to hereinafter as the "Designated ETJ".
- 2.2 The City agrees that it will provide the County with a copy of all current rules and regulations applicable to subdivision of property within the Designated ETJ, and further agrees that, if it amends any rule or regulation pertaining to subdivision of property within its Designated ETJ, it will provide a copy of the amended rule or regulation to the County.
- 2.3 The City agrees that, if it receives any application or request for variance or exception to a rule or regulation applicable to subdivision of property within its Designated ETJ, it will give note of the application or request to the County and provide the County an opportunity to comment on the application or request, before consideration of the application or request.
- 2.4 As required by Section 242.001(c) of the Local Government Code, the City agrees to notify the County of any expansion or reduction in the City's extraterritorial jurisdiction.
- 2.5 The City specifically agrees that, because it desires to have the authority to regulate subdivisions of land within certain parts of the Designated EJT, the authority to do so is adequate consideration for the performance of its obligations under this Agreement.
- 2.6 The County specifically agrees that, because it does not desire the responsibility of regulating subdivisions of land within all of the Designated ETJ, being relieved of this responsibility is adequate consideration for its relinquishing of any statutory right to do so.
- 2.7 This Agreement does not extend the liability of the parties. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

**3. TERMS OF AGREEMENT**

The term of this Agreement is for one year from the date of execution, after which the Agreement will renew automatically for another term unless terminated. Either party to this Agreement may terminate the Agreement at the end of any term without cause, by notifying the other party not later than 45 days prior to the end of the term. However, both parties understand and agree that the right to terminate this Agreement does not avoid the statutory duty of the County and City to have a written agreement providing for subdivision regulation within the City's extraterritorial jurisdiction.

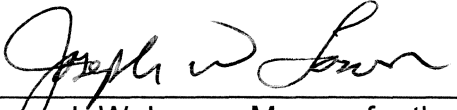
IN WITNESS WHEREOF, the governing bodies of both the City and the County have approved and adopted this Agreement and have caused this Agreement to be executed. It shall become effective upon the date that both parties have signed this Agreement.

AGREED to and ADOPTED by the Commissioners Court of Tom Green County, Texas, on the 16<sup>th</sup> day of December, 2003.

by   
Mike Brown, County Judge, for the County



AGREED to and ADOPTED by the governing body for the City of San Angelo, Texas, on the 17<sup>th</sup> day of Feb, 2004.

by   
Joseph W. Lown, Mayor, for the City

**EXHIBIT A**

**THE SPECIFIC BOUNDARY OF THE DESIGNATED  
EXTRATERRITORIAL JURISDICTION SURROUNDING THE  
CORPORATE LIMITS OF THE CITY OF SAN ANGELO, TEXAS, IN  
ACCORDANCE WITH STATE LAW**

BEGINNING at the northwest corner of the east half of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas, said corner being situated approximately one mile north and one-half mile west from the intersection of Grape Creek Road and North U.S. Highway 87 in northwestern Tom Green County;

THENCE eastward across the north boundaries of Sections 25, 16, 13, 6 and 5 (in said Llano County School Land Survey Number 964) to the east line of right-of-way for Texas Highway 208, the same said highway being a projection of Armstrong Street inside the City limits of San Angelo;

THENCE southward along the east line of right-of-way for Texas Highway 208, to the point where said right-of-way line intersects the north line of right-of-way available for Red Creek Road;

THENCE eastward along the north line of right-of-way available for Red Creek Road and continuing along a direct eastward projection therefrom, to a point in the approximate centerline of the stream bed for Red Creek;

THENCE downstream in a generally southeastern direction, following the approximate centerline of the stream bed for Red Creek, across rights-of-way for North U.S. Hwy. 277 and for North U.S. Hwy. 67, extending all the way to the point where said stream bed intersects the west line of right-of-way available for City Farm Road in eastern Tom Green County, Texas;

THENCE in a generally southward direction following the west and north boundaries of right-of-way for City Farm Road, to the point where said City Farm Road intersects the west boundary of J. Peters Survey No. 336 in Tom Green County, Texas;

THENCE southward along the west boundary of said J. Peters Survey No. 336, across the Concho River; and continuing further southward along the west boundary of J. Beekman Survey Number 155 in Tom Green County, to the point where said boundary intersects the north line of right-of-way for Farm-to-Market Highway 380, the same said highway being a projection of Pulliam Street inside the City limits of San Angelo;

THENCE in a generally east/northeast direction along the north line of right-of-way for Farm-to-Market Highway 380, to the point where said right-of-way line intersects a

direct northward projection from the east line of right-of-way available for Hohmann Road in eastern Tom Green County, Texas;

THENCE in a southward direction along said projected line, laterally across the width of right-of-way for Farm-to-Market 380, and continuing along the east line of right-of-way for Hohmann Road, to the north line of right-of-way available for an unnamed county road projecting perpendicularly east from Hohmann Road and situated generally north and west from Farm-to-Market Highway 388, the same said highway being a projection of Paint Rock Road inside the City limits of San Angelo;

THENCE in an eastward direction along the north line of said unnamed road's right-of-way, continuing in approximately the same eastward alignment along the north line of right-of-way for said Farm-to-Market Highway 388, to the point where said right-of-way line intersects a direct northward projection from the east line of right-of-way available for Olsak Road in eastern Tom Green County, Texas;

THENCE in a southward direction along said projected line, laterally across the width of right-of-way for Farm-to-Market Highway 388, and continuing along the east line of right-of-way available for Olsak Road, across the width of right-of-way for Farm-to-Market Highway 765; and,

THENCE, continuing in the same southward direction and along the east line of right-of-way available for Wilde Road, to the intersection of that right-of-way line (for Wilde Road) with the south boundary of a survey identified as Section 71 in S.P. Railroad Co. District 11 in Tom Green County, Texas, that same boundary believed to be on or near right-of-way for South U.S. Hwy. 87;

THENCE, westward along the south boundaries of surveys identified as Section 71 and 72 in S.P. Railroad Co. District 11 in Tom Green County, Texas, to a point where the south boundary of said Section 72 intersects the east line of right-of-way available for Mikulik Road in southeastern Tom Green County;

THENCE, southward along the east line of right-of-way available for Mikulik Road, to the point where that line intersects a direct westward projection from the south line of right-of-way available for Schwartz Road in south central Tom Green County;

THENCE, in a westward direction along said projected line, laterally across the width of right-of-way for Mikulik Road, and continuing along the south and east lines of right-of-way available for Schwartz Road, to a point where the south line of said right-of-way intersects the east line of right-of-way for South U.S. Hwy. 277 in south central Tom Green County;

THENCE, southward along the east line of right-of-way for South U.S. Hwy. 277, to the point where that line intersects the south boundary of Washington County School Lands

Survey Number 103, said point believed to be near the intersection of South U.S. Hwy. 277 with rights-of-way for Walling Pecan Road (extending east of Highway 277) and Ranch-to-Market Highway 584 which extends west from Highway 277 in southern Tom Green County, Texas;

THENCE in a westward direction along the south boundary of Washington School Lands Survey Number 103, extending across the width of right-of-way for South U.S. Hwy. 277, across the South Concho River and across the top of Twin Buttes Dam which retains the Twin Buttes Reservoir, all in all a distance of approximately 36,600 feet, to the point where said south boundary of Washington County School Lands Survey Number 103 (in Tom Green County) intersects a direct southward projection from the east boundary of a survey identified as Section 6 in Blind Asylum Lands of Tom Green County, which said survey lies approximately seven miles north from the south boundary of Washington County School Lands Survey Number 103;

THENCE in a northward direction along said projected line, laterally across the width of Twin Buttes Reservoir, to a point at the intersection of said line with the south or east line of right-of-way for Twin Buttes Marina Park Road;

THENCE continuing in a generally westward or northward direction along the south or east line of right-of-way for Twin Buttes Marina Park Road, to the point where said line intersects the south boundary of a survey identified as Section 6 in Blind Asylum Lands of Tom Green County, Texas;

THENCE in a westward direction along the south boundary of said Section 6 in Blind Asylum Lands of Tom Green County, Texas, to the southwest corner of said Section 6;

THENCE in a northward direction along the west boundary of said Section 6 in Blind Asylum Lands of Tom Green County, past the northwest corner of said Section 6 and continuing in the same northward direction along the west boundaries of surveys identified as Sections 1 and 2 in Orphan Asylum Lands of Tom Green County, to a point at the northwest corner of said Section Number 2 in Orphan Asylum Lands, the same being the northeast corner of Section Number 3 in Orphan Asylum Lands of Tom Green County, Texas; and

THENCE continuing in the same northward direction, laterally across the width of J.B. Dale Survey Number 1 in Tom Green County, Texas, to the most proximate point on the north boundary of said J.B. Dale Survey Number 1, the same point being on the south boundary of the survey known as Section 2 in H. & T.C. R.R. Co. Block 4 in Tom Green County, Texas;

THENCE in an eastward direction along the south boundary of said Section 2 in H. & T. C. R.R. Co. Block 4, to a point at the southeast corner of said Section 2, the same point

being the southwest corner of Section 1 in H. & T. C. R.R. Co. Block 4 in Tom Green County, Texas; and

THENCE continuing in the same eastward direction across the south boundary of said Section 1, to a point at the southeast corner thereof, the same point being at the southwest corner of A.B. & M. Survey Number 1 in Tom Green County, Texas;

THENCE in a northward direction along the west boundary of said A.B. & M. Survey Number 1 and continuing in the same northward direction along the west boundary of A.J. Taylor Survey Number 2, to a point at the northwest corner of said A.J. Taylor Survey Number 2 in Tom Green County, Texas;

THENCE in an eastward direction across the north boundary of the same A.J. Taylor Survey Number 2, to the point at which the north boundary of said Survey Number 2 intersects the west line of right-of-way for Farm-to-Market Highway 2288 in west central Tom Green County, Texas;

THENCE continuing in a northward direction with the west line of right-of-way for Farm-to-Market Highway 2288, to the point at which said right-of-way line intersects the northwest boundary of J.C. Bowman Survey Number 199 in Tom Green County, Texas;

THENCE in a northeastward direction along the northwest boundary of said J.C. Bowman Survey Number 199, past the northernmost northeast corner of said survey and continuing in the same northeastward direction across the width of O.C. Fisher Reservoir and along the northwest boundary of P. Wunderlich Survey Number 310 which said northwest boundary coincides with the southeast boundary of M. Engelman Survey No. 309 in Tom Green County, Texas, to the point where the northwest boundary of said P. Wunderlich Survey Number 310 intersects the southwest line of right-of-way available for Old Sterling City Highway (a.k.a. North Shore Drive) in northwest central Tom Green County, Texas;

THENCE in a northwestern direction with the southwest line of right-of-way available for Old Sterling City Highway, a.k.a. North Shore Drive, to the point where said right-of-way line intersects the approximate centerline of the stream bed for Bald Eagle Creek in northwestern Tom Green County, Texas;

THENCE in a generally northeastern direction, upstream and following the meanderings of the stream bed for Bald Eagle Creek, across the width of right-of-way for North U.S. Highway 87, to the intersection of said stream bed with the northeast line of right-of-way for North U.S. Highway 87;

THENCE in a generally southeast direction along the northeast line of right-of-way for North U.S. Highway 87, to the point where said line intersects a line dividing the east

and west halves of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas;

THENCE northward with the west boundary of the east half of said Section 25, the same being the east boundary of the west half of said Section 25, to the POINT OF BEGINNING at the northwest corner of the east half of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas.

FILED FOR RECORD  
2004 APR 22 AM 10:54  
ELIZABETH MCGILL  
COUNTY CLERK  
COUNTY OF TOM GREEN, TEXAS

STATE OF TEXAS }  
COUNTY OF TOM GREEN }

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Tom Green County, Texas on

APR 23 2004

*Elizabeth McGill*

ELIZABETH MCGILL COUNTY CLERK  
TOM GREEN COUNTY, TEXAS



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