

**INTERIM
SUBDIVISION
REGULATIONS
FOR
BASTROP
COUNTY**

**Approved
April 23, 2007**

**Amended
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SECTION I

GENERAL AUTHORITY

These regulations are and shall be deemed to be an exercise of power of the Commissioners Court, Bastrop County, Texas, over “county business” as conferred upon it by Article 6626a, V.A.C.S., originally, and subsequently by Articles 60702-1, Article 6626aa, and Article 6626c-d, V.A.C.S., all as provided for in Article V, Section 18, Texas Constitution.

Bastrop County is defined as an urban county with authority granted under Subchapter A and E of Chapter 232 of the Texas Local Government Code.

All authority specifically provided to Bastrop County by, or agreed to between Bastrop County and, other local, state and/or federal agencies shall be applied to the fullest extent. Specific permitting requirements are subject to interlocal agreements relating to the extraterritorial jurisdictions between Bastrop County and the incorporated cities.

SECTION II

DEFINITIONS

For the purpose of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. All other words and terms shall have their usual force and meaning.

1. Alley – A public right-of-way which is used only for secondary access to individual properties which have their primary access from an adjacent public street or an approved common or compensating open space or courtyard which has direct access to a public street.
2. All-weather surface road – A street, road, or drive that is constructed with base material and has a hard surface to ensure access by ambulance, fire trucks, and other emergency vehicles under all weather conditions.
3. Amended Plat – A plat, previously approved by the Bastrop County Commissioners Court and duly recorded, which is resubmitted to the Commissioners Court for re-approval and recording which contains dimensional or notational corrections of erroneous information contained on the originally approved and recorded plat and it is not considered a revised plat re-plat, or re-subdivision and may not contain any changes or addition to the physical characteristics of the original subdivision.
4. Applicant – Means the owner(s) of the tract to be developed as a subdivision or identified representative or agent.
5. Boundary Street – Any street along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.
6. Building Line – A line beyond which buildings must be set back from the lot or property line.
7. Collector Street – A street or road that collects traffic from other streets and serves as the most direct route to another collector, minor arterial, major arterial, or state highway.
8. Commissioners Court – The Bastrop County Commissioners Court; also referred to as the Court.
9. County Commissioner - The elected Commissioner of a precinct in Bastrop County in which a subdivision or facility is located, or the County Commissioner's designated agent.

10. County Engineer – The licensed professional engineer appointed by the Commissioners Court to that position or the County Engineer’s designated agent.
11. County Road – Any public road or street in which the county has a public interest and has been maintained by the county and is not within the incorporate limits of a city and is not a state highway.
12. Designated 100-year Flood Plain – Any area adjacent to a stream or water course which, on the average, has a one percent (1%) chance of being inundate from flood waters in any given year; also referred to as the flood plain.
13. Development – Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
14. Drainage Control Plan – A plan for collecting, controlling, transporting, and disposing of storm water falling upon, entering, flowing within, and exiting the subject property.
15. Driveway – An access facility from a public road for the use by the owners or others.
16. Engineer – A person who is licensed by the State of Texas as a professional engineer to practice civil engineering in the specific area of land development; also referred to as a Professional Engineer.
17. Excavating – The mechanical removal of earth material.
18. Exempted Subdivision – Those subdivisions of land that are exempted from platting requirements as provided in Section 232.0015 of the Texas Local Government Code.
19. Extra-Territorial Jurisdiction – The extra territorial jurisdiction (ETJ) of a City is that land in Bastrop County but not within the corporate limits of a City. It is land over which the City has jurisdiction by virtue of the Municipal Annexation Act, Vernon’s Annotated Civil Statutes, and Article 970a; however, the County may regulate those parts of a city’s ETJ that is authorized by the City through an Agreement with the County.
20. Fill – Any act by which earth, sand, gravel, rock or similarly approved material is deposited, placed, pushed, pulled or transported to a place other than the place from which is excavated and the materials so placed.
21. Final Plat – A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared in conformance with the conditions of preliminary approval previously granted by the Commissioners Court.
22. Flood Damage Prevention Order – The rule approved by the Commissioners Court to minimize public and/or private losses due to flood conditions.

23. Floodway – The channel of a river, stream, branch, creek, or watercourse, and adjacent land areas required to carry and discharge a flood of given magnitude.
24. Industrial Street – A street or road intended primarily to serve traffic within an existing or proposed industrial development.
25. Lot – An undivided tract or parcel of land regardless of size if it is within a subdivision plat, or by metes and bounds, or by survey and has frontage on a dedicated public street.
26. Major Arterial – A major traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the county and to act as a principal connecting street with other county roads and state highways.
27. Minor Arterial – A significant traffic artery, carrying high volumes of traffic, more or less continuously, which is intended to connect remote parts of the county and to act as a connecting street with other county roads and state highways.
28. Multiple Flag Lots – More than one flag lot that has a maximum of twenty feet (20') direct access to a public street for each lot and a Shared Access Driveway with other lots through a “Joint Use Access Agreement”.
29. Nonconforming Subdivision – A subdivision of land or a description of land for sale or resale that was, platted or filed with the County Clerk prior to May 9, 1983 and which subdivision results in public access, but for which a plan or plat has not been authorized for recording or recorded by the Bastrop County Commissioners Court.
30. Occupancy – To make use for residential, commercial, or industrial purposes.
31. Organized Disposal System – Any public or private system for the collection, treatment and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Development Board, Texas Commission on Environmental Quality, and the Texas Department of State Health.
32. Pavement – The road bearing surface layer, on a private or public road, consisting of concrete, asphalt concrete or two applications of asphalt material each covered with aggregate and generally designed for a twenty (20) year life expectancy.
33. Pre-application Conference – A meeting between the owner or his agent, the County Engineer, and the County Commissioner to discuss a possible development or subdivision.
34. Preconstruction Clearing – Minimal clearing for the purpose of surveying and testing survey where the disturbance of natural ground cover is held to a minimum.

35. Preliminary Plan – A map or drawing of a proposed subdivision illustrating the features of the development for review and preliminary approval by the County Engineer and Commissioners Court, but not suitable for recording in the County Records.
36. Property Owner Association – Means a not-for-profit organization established for the purpose of owning and managing the common land or amenities of a property and whose documents have been accepted and/or approved by the County with membership in an association comprised of more than one property; also referred to as a Home Owner Association.
37. Public Street – A public right-of-way, however designated, dedicated, or acquired, which provides vehicular access to adjacent properties; also refers to as a county road, city street, state highway, a road, or roadway.
38. Ranch Road – A roadway that is designed and used by thirty (30) or less vehicle trips per day determined by an engineering survey and approved by the County Engineer.
39. Registered Professional Land Surveyor – A person who is licensed to practice public surveying by the State of Texas; also referred to as a Professional Surveyor.
40. Revised Plat – A division of land intended to be platted that has previously been approved as a final plat, by the Commissioners Court; also referred to as a revised subdivision.
41. Residential Street – A street or road which is intended primarily to serve traffic within a neighborhood or residential area, and which is not necessarily continuous through several residential areas.
42. Road Surface – The portion of a street that is designed, improved, or ordinarily used for vehicular traffic.
43. Roadway – The road surface, curbs, shoulders, drainage ways, and other necessary items to transport persons, vehicles, or storm water.
44. Rural Subdivision – A subdivision with a minimum lot size of one (1) acre and an average lot size of more than two (2) acres excluding areas within the 100-year flood plain and/or grades steeper than ten percent (10%).
45. Shared Access Driveway – A driveway which provides access for at least two (2) lots but not more than four (4) lots through a “Joint Use Access Agreement” filed with the County Clerk and is not intended to serve as a substitute for interior roads; also referred to as a Common Driveway.
46. Single Flag Lot – A single lot that has a minimum of forty feet (40’) direct access to a public street.

47. Short Form Subdivision – A subdivision submitted for platting which meets specific conditions that may file a Preliminary Plan and a Final Plat for approval at the same time.
48. State Designated Roadway – A public road funded by the Texas Department of Transportation for construction and maintenance and is designated as a state road on general highway maps of Bastrop County.
49. Street Dedication Plat – A map or drawing illustrating only the location of a public street within a specific tract of land.
50. Street Width – The shortest horizontal distance between the lines which delineate the right-of-way of the streets.
51. Stub Street – A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.
52. Subdivider – Any owner or authorized agent thereof proposing to divide, or is dividing, land so as to constitute a subdivision according to the terms and provisions of these regulations; also referred to as developer; or applicant.
53. Subdivision – The division of any lot, tract, or parcel of land, within the unincorporated areas of Bastrop County, into two or more lots or sites for the purpose of public sale or building development, whether immediate or future, including re-subdivision of land for which a plat has been filed and recorded. It also includes those lots, tracts or parcels of land within Bastrop County which lie inside of the Extra Territorial Jurisdiction, where the County has been granted authority through a specific agreement with an incorporated City or Town, to regulate development subdivision permits.
54. Tract – An undivided tract or parcel of land legally described in the deed records by a registered surveyor's metes and bounds description; also referred to as a parcel. The tract shall have frontage to a dedicated public street.
55. Trails – Means a designated pedestrian way providing community connectivity and/or access to nature areas having minimal improvements necessary for health, safety, and property protection and intended primarily for passive recreational use such as hiking, biking or walking.
56. Urban Subdivision – A subdivision with a minimum lot side of one-quarter (1/4) of an acre and an average lot size one (1) acre or less, excluding areas within the 100-year flood plain and shall be connected to a public water supply system and a public septic system.
57. Watercourse – A natural or man-made channel through which water flows.

SECTION III

SUBDIVISION PROCEDURES

1. COMPLIANCE REQUIRED

No person shall create a subdivision of land either by sale, or lease, or otherwise, within Bastrop County without complying with the provisions of these regulations, unless the Commissioners Court acknowledge that the division of land is exempted from platting as an “Exempted Subdivision” (See SECTIONS IV and VIII). All plats for subdivisions of any such land shall conform to the rules and regulations set forth. These regulations govern the planning, platting, construction, and maintenance of all subdivisions, except as provided herein.

2. RULES AND REGULATIONS OF THE COMMISSIONERS COURT

- a. The Court may adopt rules of procedure to govern its actions. After public hearing thereon, the Court may adopt rules that shall be consistent with the provisions of this order and shall become effective upon being filed with the County Clerk.
- b. Decisions by the Commissioners Court concerning the specific interpretation of these regulations shall become a part of these regulations upon the filing with the Office of the County Clerk to assure uniform enforcement of these regulations throughout Bastrop County.

3. DEDICATION AND MAINTENANCE OF STREETS.

- a. Disapproval of a plat by the Commissioners Court shall be also deemed a refusal by the County concerning the maintenance of, or improvements to, any such dedicated parts until the Court has entered an order accepting such improvements for maintenance.
- b. It shall be unlawful for any officer or employee of the County to enter a subdivision for the purpose of maintaining streets, unless and until such utilities and drainage facilities have been installed as per approved plans, and such improvements have been accepted by the County, with such acceptance evidenced, in writing, by written certificate of the Commissioners Court. The dedication of streets in a subdivision cannot be revoked by unilateral action of the sub-divider after the subdivision plat has been filed for record and approved and the dedication accepted.

4. INJUNCTIVE RELIEF.

In addition to any other remedy provided by law, the County and its officers shall have the right to enjoin any violation of these regulations by injunction issued by a court of competent jurisdiction.

5. PRELIMINARY PLAN

a. Timing of Submission

- (1.) A pre-application conference may be required for any subdivision. The owner or agent shall provide a sketch of the proposed layout showing general road patterns and lot configuration at which time the County Engineer and the County Commissioner can review the layout for compliance with the general subdivision requirements and procedures. The pre-application conference is for information purposes only and shall not be construed as a formal approval or commitment.
- (2.) Submission of the preliminary plan shall be prior to, or concurrent with, any preliminary plan submitted to the Planning Commission of other cities in Bastrop County exercising extra-territorial jurisdiction (ETJ) authority.
- (3.) The preliminary plan shall be submitted to the County Engineer. The County Engineer shall respond within thirty (30) days reporting any non-compliance to the developer and the County Commissioner.
- (4.) A preliminary plan and a final plat may be submitted at the same time if prior approval is obtained from the County Engineer and the County Commissioner as noted in SECTION IV.

b. Preliminary Plan Requirements

- (1.) The required number of full size blue-line copies of a preliminary plan of any proposed subdivision located outside an incorporated city shall be submitted to the County Engineer. The preliminary plan shall consist of a drawing twenty-four by thirty-six inches (24" X 36") in size or thirty-six by forty-eight inches (36" X 48") in size (unless a different size is approved) at one inch to one hundred feet (1" = 100') or to a scale greater than one inch to one hundred feet (1" = 100') provided that the scale is divisible by ten (10). When the preliminary plan is over one hundred (100) acres, the scale may be reduced to one inch to two hundred feet (1" = 200'), or to a lesser scale divisible by one hundred (100) and provided prior approval by incorporated areas is granted where applicable. Copies of the preliminary plan in a size of eight and one-half by eleven inches (8 ½" X 11") or eleven by seventeen inches (11" X 17") shall be submitted to the County Engineer when the plan is ready for consideration by the Commissioners Court. The preliminary plan shall show the following information:
 - a.) The date of last revision, scale and north point, location map of the tract, the title under which the plat is to be recorded and the name and address of

the owner, and person designing the preliminary plan. The preliminary plan shall bear the seal of a Professional Engineer and/or Registered Professional Land Surveyor, certifying that all requirements have been fulfilled. The signature of the Engineer or Surveyor is not required on preliminary plan.

- b.) The preliminary plan shall show property lines, names of owners of adjacent properties, with deed references to un-subdivided tracts as available from current tax records, and lot, block, and recording information for adjacent subdivisions.
 - c.) The name, location, width, and centerline of existing streets, alleys, railroads, other similar transportation features, easements, lots, blocks, and public areas on or adjoining any part of the land being subdivided.
 - d.) Contour lines at two-foot (2') intervals for areas with a slope of two percent (2%) or less and five-foot (5') intervals for areas with a slope greater than two percent (2%), such contour apart, unless spot elevations are provided, and based on U.S.G.S. datum, which shall be specified on the plan. Such topographical information, locations and dimensions shall be of sufficient accuracy as to permit the general planning of water lines, sanitary sewer lines, storm drainage facilities, streets and other proposed improvements.
 - e.) The centerline of existing watercourses, boundary of the 100-year frequency storm, and location, size and flow line of existing drainage structures on the land being subdivided and on adjoining tracts, as per available and accurate information.
 - f.) The name, location, width and dimensions of proposed streets, alleys, easements, building lines, lots, blocks, parks and other public spaces, and uses for all sites.
 - g.) The location of city limits and extra-territorial jurisdiction boundaries of incorporated areas as per available public records.
- (2.) When a subdivision is a portion of a larger area planned as a phased and related development, a master development plan of the entire area showing a schematic layout of the street and land uses shall be submitted with the preliminary plan of the portion first to be subdivided. All property covered by such master development plan must subsequently, prior to its development, be platted with due regard to the safe, healthful and orderly extension of roads, utilities, drainage and other public facilities.
- (3.) When a preliminary plan is submitted for property covered by a previously approved and still valid preliminary plan, the later preliminary plan shall include all the property covered by the previously approved preliminary

plan which has not been final platted and the approval of such later preliminary plan shall supersede and render void the effectiveness of the prior preliminary approval; however, the Court may allow the later preliminary plan to cover less than all the property covered by the previously approved to remain partially in effect, if the Court finds that the same does not substantially impair the orderly planning of roads, utilities, drainage and other public facilities.

c. Preliminary Drainage Plan Requirements:

A drainage control plan shall be submitted with the preliminary plan. The drainage plan shall be accompanied by a copy of a topographical drawing at the same scale as the preliminary plan, showing the location, type, and size of all required drainage structures, and shall indicate the route of proposed drainage. Where a lot is located adjacent to a major drainage course or overflow channel, such that a part or all of the lot lies within the regulatory 100-year flood boundary, or where building sites are proposed to be located within the proposed regulatory 100-year flood boundary, the drainage plan shall show proposed building sites and elevations required to put finish floor a minimum of two foot (2') above the 100-year flood level of drainage course or overflow channel.

- (1.) Drainage plans shall be drawn to a scale no smaller than the preliminary plan scale. The scale of supplementary plans, profiles, and cross-sections shall be sufficient to clearly show details, if required to demonstrate the adequacy of existing or proposed facilities.
- (2.) Plans shall show storm (flood) water routing and all drainage structures, drainage easements with course and distance of centerlines and boundaries, lot lines, street layout, proposed inlets, culverts, roadside ditches, channel sections and slopes, bridges, channel improvements, levees, or beams, fills necessary to elevate land above flood levels, and remove same from the flood area.
- (3.) The limits of the 100-year frequency storm watershed area shall be shown for all waterways, including overflow of structures and related backwater effects. Storm water runoff resulting from a design storm of 100-year frequency shall be contained within the available right-of-way and/or drainage easement. All drainage facilities must be designed for a storm of 25-year frequency and sufficient right-of-way and drainage easements to accommodate the 100-year frequency.
- (4.) The drainage plan shall be prepared by a Professional Engineer, whose seal and signature shall appear on the plan.
- (5.) Engineering drainage report to support all drainage designs shall be submitted to the County. Computations shall be complete and orderly and shall clearly state all assumptions and design basis.

- (6.) Profiles, cross-sections, or substantiating data may be required at the County's request as necessary to support flood levels and backwater analysis.

d. Preliminary Plan Approval

The Commissioners Court approval of a preliminary plan shall expire one (1) year after the date of approval unless a final plat is submitted for all or part of the area covered by the preliminary plan. The Commissioners Court may grant a six-month extension of time to submit a final plat, provided the subdivider request such extension in writing showing good cause and prior to the one (1) year expiration date.

6. FINAL PLAT

a. Submission of Final Plat

After the preliminary plat has been approved, the final plat shall be produced on mylar or by use of other materials and methods of a permanent nature in general use by the engineering profession. The plat shall be drawn on sheets eighteen inches by twenty-four inches (18" X 24") or twenty-four inches by thirty-six inches (24" X 36") sheets as may be necessary, and all other required information shall be submitted to County Engineer, along with the required number of copies with all signatures, for final review prior to Commissioners Court's approval.

b. Information on Final Plat

This plat shall be drawn to a scale of one inch to one hundred feet (1"=100'), or to a greater scale provided that the scale is divisible by ten (10) or to one inch to two hundred feet (1" = 200') when the plat contains more than one hundred (100) acres or to a lesser scale divisible by one hundred (100); and provided prior approval by incorporated areas is granted where applicable. Copies of the final plat in a size of eight and one-half by eleven inches (8-1/2" X 11") or eleven by seventeen inches (11" X 17") shall be provided to the County Engineer when the plat is ready for consideration by the Commissioners Court. The final plat shall show the following information:

- (1.) The date, subdivision title, scale, location map and north point.
- (2.) The name of the subdivision and adjoining subdivisions or the names of the adjoining property owners of the adjoining property owners, with deed references as per current tax records, the name of streets (to conform wherever possible to existing street names whenever extending streets, but not to create new streets with duplicate names), number of lots, linear feet of

streets, and a letter designation and description of other open spaces for public or private use, in accordance with a systematic arrangement.

- (3.) The lines and names of all proposed streets or other way or easements, including a statement of the purpose for which such easements are dedicated, and also the lines and names of other open spaces to be dedicated for public use or granted for use by the inhabitants of the subdivision. Show all natural drains and water courses as they exist, or as adjusted, with an easement width as required in these specifications. All easements of record shall be shown.
- (4.) The location, identification, and type of reservation, easements, dedications, or donation of land for the purpose of compliance with the land set-a-side within the subdivision.
- (5.) Sufficient data to determine readily and reproduce on the ground the location, true bearing and length of every street line and lot line, block line, and easement line, whether curves or straight. This shall include the radius, arc, and chord distance and bearing for the property lines of curved streets and curved property lines.
- (6.) The location of all permanent monuments and control points. The monuments and pins shall be delineated in a standard manner with:
 - a.) found concrete monuments shown as a solid square;
 - b.) set concrete monuments shown as an open square;
 - c.) found pins as a solid circle;
 - d.) set pins as an open circle
- (7.) Dimensions shall be shown in feet and hundredths of a foot, and angles in degrees, minutes and seconds. All lines and ties to primary control points, existing monuments, and approximate distance to a survey corner shall be shown.
- (8.) The location of the boundaries of the regulatory 100-year flood for all waterways shall be shown in accordance with the requirements of the Bastrop County Flood Damage Prevention Order and drainage requirements of this specification. These boundaries shall be established by a Professional Engineer of the State of Texas, whose seal and signature shall appear on the plan. Should the subdivider elect to alter the regulatory 100-year flood within a drainage easement, the actual boundaries of the regulatory 100-year flood shall be shown in a different line provided that the Professional Engineer certifies that the actual regulatory 100-year flood boundaries are contained within the drainage easement.
- (9.) The finished floor elevations for buildings on lots, a portion of which lots lie within the regulatory 100-year flood boundary, shall be noted on the plat

within the boundaries of the lot or tract to which they apply. The floor elevations shall be determined by a Professional Engineer and shall comply with the requirements of all Bastrop County regulations.

- (10.) One or more bench marks shall be placed as permanent monuments in subdivisions which contain the regulatory 100-year flood boundary. The distance between bench marks in these subdivisions shall not exceed twenty-five hundred feet (2,500') for areas affected by the 100-year flood plain.
- (11.) The legal description of the property proposed to be subdivided including acreage, name of the County, survey and abstract number, together with reference to the approximate distance to the nearest corner of the original survey of which it is a part and survey-ties across existing street right-of-ways to verify the right-of-way widths.
- (12.) A table showing the driveway design culvert size shall be shown for driveways utilizing other than curb and gutter street designs to convey the 25-year frequency storm, as determined by a Professional Engineer.

7. CERTIFICATE AND ACKNOWLEDGEMENTS

The following certificates and acknowledgements shall appear on the title sheet of the final plat:

- a.) Restrictive covenants imposed on the land if established by the subdivider.
- b.) A statement signed and acknowledged by the owner(s), or lien holders, with current addresses certifying to consent of dedication of all streets, alleys, easements, parks and other open spaces to public use; or when the subdivider has made provisions for dedication to the inhabitants of the subdivision. The County is not responsible for maintenance of parks, open space, drainage easements unless otherwise agreed to by the County Commissioners Court. The acreage subdivided out of each original survey, or out of more than one tract or more than one original survey, shall be separately displayed in tabular form.
- c.) Where necessary, the signatures of the chairman and secretary of the Planning Commission and of the Director of Planning or authorized official of a city with extra-territorial jurisdiction, attesting approval of the plat.
- d.) Certification by a Professional Surveyor to the effect that the plat represents a true and accurate survey made by the surveyor, that all the necessary survey monuments are correctly show thereon, that all existing easements and right-of-ways are shown according to recorded documents, and that perimeter field notes are accurately tied to an original corner of original survey.

- e.) Certification by a Professional Engineer to the effect that the plat satisfies the engineering requirements of these regulations.
- f.) Certification for signature by the County Clerk indicating the date of Order, and the cabinet and page number of the Minutes of the Commissioners Court recording the Order authorizing the filing of the plat for records.
- g.) Certification for signature by the County Clerk attesting to the date and fact of filing for record and also the date, time and fact of recording, and book and page of record in the Plat Records of Bastrop County.
- h.) Acknowledgement that: "It is understood that on approval of this plat by the Commissioners Court of Bastrop County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads other public thoroughfares, or in connection therewith, shall remain the responsibility of the owner and/or developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Bastrop County, Texas. The Court assumes no obligation to build the streets, roads and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."
- i.) Acknowledgement that: "The authorization of this plat by the Commissioners Court for filing or the subsequent acceptance for maintenance by Bastrop County, Texas, of roads and streets in real estate subdivisions does not obligate the County to install street name signs, as this considered to be part of the developer's construction; erecting signs for traffic control, such as speed limits and stop and yield signs, shall also be the responsibility of the developer under the direction of the Commissioners Court."
- j.) If the subdivision is not to be served immediately by a water utility, a restriction prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source, in adequate and sufficient amounts.
- k.) If the subdivision is not to be served immediately by a sewage-collecting system connected to an approved private community disposal facility, or to a public sewer system, and if disposal of domestic sewage through a private individual sewage disposal system has been approved by the appropriate local authority for each lot, the plat shall contain a restriction prohibiting occupancy of any lot until such private individual sewage disposal system has been installed, inspected, and permitted in accordance with the rules and regulations of the Texas Department of State Health Services and/or the Texas Commission on Environmental Quality and the appropriate local authority.
- l.) If any portion of any lot shown on a subdivision final plat is located within the 100-year flood plain, the building elevation (a minimum of two foot (2' above the 100-year flood level) for each site so affected shall be determined by a

Professional Engineer, and shall be shown on the plat, with the Professional Engineer's certification.

- m.) Certification by Bastrop County that the street names provide continuity with existing streets and do not conflict with identical or similar names.
- n.) Certification by the County Engineer that lot(s) or sites serviced by individual sewage disposal system(s) satisfy state and county requirements for septic systems or that alternative organized disposal systems will be required.

8. OTHER SITE IMPROVEMENT DATA REQUIRED WITH FINAL PLAT

- a. Two copies of detailed construction plans for streets and drainage bearing the seal and signature of a Professional Engineer of the State of Texas shall be submitted with final plat for review and approval of the County Engineer. If these plans are not available at the time the final plat is submitted, a copy of a notarized statement may be submitted in lieu thereof signed by the owner(s) declaring that such construction plans shall be submitted at a later date, but prior to the start of any site development. If this latter option is elected, the amount of construction security shall be increased to include cost of preparation of construction plans.
- b. Water and/or Sewer Service Improvement Data:
 - (1.) If water and/or sewer services are to be provided by a public corporation or district established under Texas law to provide such services, a written statement shall be required from the authorized officials of the corporation or district to the effect that sufficient water and/or sewage capacity is available for all future subdivision residents and that satisfactory fiscal arrangements have been made with the corporation or district for construction of the facilities in the subdivision by the developer or that the necessary facilities will be constructed by the corporation or district as development progresses. Where the corporation or district as that services will be provided and constructed by them and will be constructed as development progresses, the developer requirement for furnishing plans or notarized statement prior to final plat is waived and the corporation or district shall furnish plans as required prior to actual construction.
 - (2.) If water and/or sewer services by a private supply and/or collection and disposal system have been authorized by the appropriate state regulatory body(s), the developer shall submit copies of all pertinent authorizing documents including copies of any plan and specifications required by the regulatory body(s) in their approval, and shall also submit detailed information relating to the plans for continuous operation and maintenance of the proposed supply and/or collection and disposal system.
 - (3.) Where water collection and/or sewer distribution facilities are to be provided by the developer in accordance with this order, and are to be

located within the street right-of-way or within public utility or drainage easements, the subdivider shall submit three (3) copies of detailed construction plans and specifications for all such facilities showing proposed pump stations, size, grade, location, invert elevation and installation details of all main and hydrants, manholes, inlets and other features. If these plans are not available at the time the final plat is submitted, a copy of a notarized statement may be submitted in lieu thereof, signed by the owner(s) declaring that such construction plans shall be submitted at a later date, but prior to the start of any site development. If this latter option is elected, the amount of construction security shall be increased to include the cost of preparation of construction plans.

9. OTHER ITEMS TO BE SUBMITTED WITH FINAL PLAT

The following additional information shall accompany the final plat:

- a. A good and sufficient bond or letter of credit for the proper construction of the streets, drainage and monuments and/or such other sureties as may be approved by the Commissioners Court.
- b. Documents from any other utility and/or service companies serving the immediate area (electric power, telephone, gas, etc.) which state what services will be available to the subdivision.
- c. A copy of the restrictions and covenants to be recorded, if any.
- d. Current tax certificates stating that all taxes (County, City, school, etc.) are current.
- e. Survey closure information for the tract boundary, right-of-ways, blocks, and lots.
- f. Cost estimates signed by a Professional Engineer for street and drainage improvements estimated quantities, unit prices, and contingencies.
- g. The required number of copies of the Final Plat with all signatures of certifications.
- h. A statement prepared by the engineer of record that certifies that adequate ground water is available for the subdivision.

10. ADMINISTRATIVE PROVISIONS

As used herein: "Revised Subdivision Regulations" mean these revised subdivision regulations; "County" means Bastrop County, Texas; "Commissioners Court" means the Commissioners Court of Bastrop County, Texas; and singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct meaning

of this instrument. When in conflict with any previously enacted Subdivision Regulations for Bastrop County, these Revised Subdivision Regulations shall control.

These Revised Subdivision Regulations and all other Subdivision Regulations for Bastrop County, Texas, constitute and are hereby declared to be rules governing plats and subdivisions of land within the unincorporated area of said county and shall promote the health, safety, morals, or general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, said issues being hereby declared to be worthwhile public purposes and in the public interest.

The following statutory authority is hereby adopted and approved for all purposes regarding these Revised Subdivision Regulations and all other Subdivision Regulations for Bastrop County, for application, use, and enforcement in the unincorporated areas of Bastrop County, Texas: Sections 232.003, 232.0095, 232.010, 232.011, 232.101, 232.107 of the Texas Local Government Code; Sections 212.013, 212.014, 212.015, and 212.016 of the Texas Local Government Code.

11. ALTERNATIVE PLAT PROCEDURES FOR PLAT REVISION

Pursuant to Sections 232.0095, 232.101, and 232.107 of the Texas Local Government Code and regarding a development agreement or subdivision plat filed on or after June 20, 2003 in Bastrop County, Texas (including the subdivision covered thereby), and pursuant to Sections 232.101 and 232.107 of the Texas Local Government Code and regarding all other development agreements or subdivision plats filed in Bastrop County, Texas (including the subdivisions covered thereby), the following rules are adopted.

A. Vacating Plat

The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

The Bastrop County clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no effect.

B. Replatting Without Vacating Preceding Plat

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (1) is signed and acknowledged by only the owners of the property being replatted; (2) is approved after a public hearing conducted by the Commissioners Court at a public meeting on the matter at which parties in interest and citizens have an opportunity to be heard; and (3) does not attempt to amend or remove any covenants or restrictions.

Additionally, a replat without vacation of the preceding plat must conform to certain additional requirements if one or both of the following special circumstances exist: (1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification (only if said zoning classification is allowed by law for county regulation) to residential use for not more than two residential units per lot; or (2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

If one or both of the said special circumstances exist, the following additional requirements shall also apply to a replat without vacation of the preceding plat:

- (1) Notice of the public hearing shall be given before the 15th day before the date of the hearing: (a) by publication in an official newspaper or a newspaper of general circulation in Bastrop County, Texas; and (b) by written notice, with a copy of Subsection (c) of Section 212.015 of the Texas Local Government Code attached, forwarded by the Commissioners Court to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll of the property upon which the replat is requested.
- (2) The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of Bastrop County.

- (3) If the proposed replat requires a variance and is protested in accordance with these provisions, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Commissioners Court. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with Commissioners Court prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included. Compliance with this item (3) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

C. Amending Plat

The Commissioners Court may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1) to correct an error in a course or distance shown on the preceding plat;
- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the Commissioners Court on a plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) to correct an error in courses and distances of lot lines between two adjacent lots if: (a) both lot owners join in the application for amending the plat; (b) neither lot is abolished; (c) the amendment does not attempt to remove recorded covenants or restrictions; and (d) the amendment does not have a material adverse affect on the property rights of the other owners in the plat;

- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if: (a) the owners of all those lots join in the application for amending the plat; (b) the amendment does not attempt to remove recorded covenants or restrictions; and (c) the amendment does not increase the number of lots;
- (10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if: (a) the changes do not affect applicable county regulations, including zoning regulations if the county has authority to adopt zoning regulations; and (b) the changes do not attempt to amend or remove any covenants or restrictions; or
- (11) to replat one or more lots fronting on an existing street if: (a) the owners of all those lots join in the application for amending the plat; (b) the amendment does not attempt to remove recorded covenants or restrictions; (c) the amendment does not increase the number of lots; and (d) the amendment does not create or require the creation of a new street or make necessary the extension of municipal or county facilities.

Should an amended plat be sought solely for one or more of the above circumstances, notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

12. Exception to Plat Requirement: County Determination Regarding Plat Revision

Pursuant to Sections 232.010, 232.101, and 232.107 of the Texas Local Government Code, the Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat, provided that said conveyance does not violate, amend, remove, or attempt to violate, amend or remove, any covenants or restrictions.

SECTION IV

SHORT FORM PROCEDURES FOR FINAL PLATS

1. APPLICABILITY OF “SHORT FORM SUBDIVISION” PROCEDURES

- a. The “short form subdivision” procedure, which does not require a preliminary plan, may be followed outside of a City’s ETJ (or within the ETJ if there is no conflict with the City’s ordinance) for the approval of a subdivision when the land proposed to be subdivided meets the following conditions and requirements:
 - 1.) Such land abuts upon a street of adequate width and is so situated that no additional streets, alleys, easements or other public property and no additional public improvements are required in order to meet the County requirements;
 - 2.) The perimeter of the tract being subdivided has been surveyed and marked on the ground and a plat thereof has been prepared and filed with the officials of the City having jurisdiction and/or Bastrop County;
 - 3.) The topography of the tract and the surrounding land is such that no regard need be given in such subdivision to drainage, or where arrangements have been made for the construction of such drainage facilities;
 - 4.) The utilities, as required, are in place to serve each parcel or lot of such subdivision or arrangements to provide such utilities have been made;
 - 5.) Plats of proposed re-subdivisions located wholly, or in part, within the extra-territorial jurisdiction of an incorporated area shall have the approval of the incorporated area’s governing body and follow the current policies and ordinances;
 - 6.) The plat shall be signed and acknowledged by the owner of the land and shall be accompanied by tax certificates showing all taxes being paid to date; and
 - 7.) The plat shall conform to all requirements of a Final Plat including the approval by the Commissioners Court prior to filing with the County Clerk; or
- b. A subdivision that would only relocate existing lot lines without providing additional lots within an existing plat may be approved for filing with the County Clerk with only the joint concurrence of the County Engineer and the County Commissioner; or

- c. The subdivision would be four (4) lots or less and meet the following conditions and requirements:
 - 1.) Such land abuts upon a street of adequate width and is so situated that only additional easements of any type and no public improvements are required in order to meet the County requirements;
 - 2.) The perimeter of the tract being subdivided has been surveyed and marked on the ground and a plat thereof has been prepared and filed with the officials of the City having jurisdiction and/or Bastrop County;
 - 3.) The topography of the tract and the surrounding land is such that no regard need be given in such subdivision to drainage, or where arrangements have been made for the construction of such drainage facilities;
 - 4.) The utilities, as required, are in place to serve each parcel or lot of such subdivision or arrangements to provide such utilities have been made;
 - 5.) Plats of proposed re-subdivisions located wholly, or in part, within the extra-territorial jurisdiction of an incorporated area shall have the approval of the incorporated area's governing body and follow the current policies and ordinances;
 - 6.) The plat shall be signed and acknowledged by the owner of the land and shall be accompanied by tax certificates showing all taxes being paid to date;
 - 7.) The plat shall conform to all requirements of a Final Plat including the approval by the Commissioners Court prior to filing with the County Clerk; and
 - 8.) All lots have direct frontage on a public road and a Shared Access Driveway is provided, if needed; or
- d. The subdivision is normally exempted from platting but includes "flag lots".

2. OTHER REQUIREMENTS

All plats shall conform to, or be able to conform to all 9-1-1 addressing, driveway, on-site sewage facility, and development/flood plain management permit requirements set by federal and/or state agencies and the Commissioners Court.

SECTION V

SUBDIVISION LAYOUT REQUIREMENTS

1. GENERAL

Preliminary plans and final plats for streets and drainage facilities in subdivisions located outside a City's ETJ shall conform to the layout provisions set out below. Subdivisions located inside a City's ETJ shall comply with the stricter regulation when the City and the County requirements conflict.

2. STREET MONUMENTS AND PROPERTY MARKERS

- a. Concrete monuments shall be placed along the boundary of the subdivision at intervals not exceeding thirteen hundred feet (1,300'). Such monuments shall be a minimum of eight inches (8") in diameter and eighteen inches (18") deep, except where rock is encountered within fourteen inches (14") of the surface in which case such monuments shall be countersunk in such rock to achieve a firm interlock. The exact point shall be clearly marked by suitable means.
- b. Intermediate property corners, curve points and angle points shall be marked by iron stakes, not less than eighteen inches (18") in length and one-half inch (1/2") in diameter, driven flush with the ground whether set in sand, clay, rock, concrete, or in shallow dirt over rock and countersunk, if necessary, in order to avoid being disturbed.
- c. Survey monuments shall be set in concrete and so noted on the final plat with bearing and distance ties between the monument and to adjacent property corner or street right-of-way point. The developer shall, at his/her expense, cause the monument to be placed and approved in the designated location prior to final acceptance of the subdivision by the County.

3. EASEMENTS

- a. Utility, Access, and Drainage

Easements for utilities, access, enclosed drainage ways, or other specific uses shall be retained on front, side, and rear lot lines (except where alleys of not less than twenty feet (20') in width are provided in a subdivision) as may be required by utility companies and the Commissioners Court. Easements across parts of a lot other than as described above shall be required as deemed necessary by the Court. All such utility, access, and drainage easements shall be so aligned as to permit construction of utilities therein at the minimum cost.

b. Drainage Easements

Easements shall be retained along drainage ways, which carry drainage away from roads or which convey main drainage from and through the lots or tracts. Easements shall be a minimum of twenty-five (25') wide for open drainage channels, or sized to accommodate the 100-year flood plain. A suitable note on the plat must restrict all properties within the subdivision insuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting, etc. that would obstruct the flow of water, and other obstructions to the operations and maintenance of the drainage facility. County employees shall have the right to enter any drainage easement.

c. Commercial and Industrial Services

Appropriate service ways for off-street loading and unloading, not less than twenty feet (20') in width, shall be provided to serve commercial and industrial sites and be convenient to driveway entrances and exits.

4. OFF-SITE EASEMENTS

When the Court finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage thereof or to serve such subdivision with utilities, the developer shall obtain such easements from the appropriate entity prior to final plat approval.

5. PRIVATELY-OWNED EASEMENTS AND FEE STRIPS

- a. All easements or fee strips created prior to the subdividing of any tract of land must be shown on the subdivision plat with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimension of the easement or fee strip tied to all adjacent lot lines, street right-of-way and plat boundary lines and the recording reference of the instruments creating and establishing said easement or fee strip.
- b. In those instances where easements have not been defined by accurate survey dimension, such as "over and across" type easement, the subdivider shall request the information from the owner of such easement through the property within the plat boundaries. If the holder of an undefined easement does not define the easement involved and certifies his refusal to define such easement to the Court, the subdivision plat must provide accurate information as to the centerline location of all existing pipelines or other utility facilities place in conformance with the easement owner's right.
- c. A letter, statement, or other instrument from the owner of any privately owned easement within the plat boundaries must be provided where such

easements are proposed to be crossed by streets (either public or private), or public utility, or drainage easements, stating that the owner of such easement approves such crossing of his/her private easements for the purposes intended and depicted upon the plat.

- d. Where an instrument of record is submitted in lieu of a letter or statement from the owner of any such private easement, the Court shall then refer such instrument to the County's attorney for his/her determination as to whether the conditions in such instrument are sufficient to adequately provide or accommodate the crossings of such private easement by the proposed streets (either public or private), public utility, or drainage easements depicted on the plat.

6. STREETS

a. Relation to Street System

Streets of new subdivisions shall be in line with existing and/or proposed streets in adjoining property except where, in the opinion of the Court, topography, requirements of traffic circulation or other considerations make it desirable to depart from such alignment. All collector streets and county arterials shall conform to the County Master Roadway Plan.

b. Access to Lots

- (1.) Each lot in a subdivision shall abut on a public street.
- (2.) Lot frontage along proposed major arterials, state designated highways, farm-to-market roads and/or ranch roads shall be not less than three hundred feet (300') unless access is restricted to interior or abutting streets, joint use driveway agreement, or access easements. The Commissioners Court may grant lot frontage less than three hundred feet (300') provided a joint use driveway agreement or access easements are consistent with the County Driveway Regulations.

c. Boundary Streets

Additional right-of-way dedication may be required as consistent with County Master Roadway Plan and future traffic demands to the extent of fifty percent (50%) of the total requirement on the subdivision side of the existing or proposed right-of-way centerline as established prior to any additional dedications on the opposite side. The Commissioners Court may compensate owners required to dedicate right-of-way in excess of one hundred twenty feet (120') or more than sixty feet (60') from the existing or proposed centerline.

d. Names

New streets in subdivisions shall be named so as to provide continuity of name with existing streets and so as to prevent conflicts with identical or similar names in other parts of the County. All street names shall be approved by the County Engineer prior to presentation to the Court for its approval.

7. OTHER DESIGN REQUIREMENTS

a. Intersections

Acute angles between streets in subdivisions at their intersection shall be avoided, provided that when intersecting angles sharper than eighty degrees (80°) are deemed necessary by the County Engineer and the Commissioners Court, the property line in the small angle of the intersection shall be rounded so as to permit the construction of curbs having a radius of not less than twenty-five feet (25') without decreasing the normal width of the sidewalk area as determined by the County Engineer.

b. Temporary Turnarounds

If proposed street extensions between subdivisions or subdivision sections are approved and platted without cul-de-sac turnarounds at the boundary of the section or subdivision, the right-of-way of that street shall be a minimum of sixty feet (60') except where a curbed type street section is to be constructed, and the street design shall include provisions for a temporary turnaround as required by the County Engineer.

c. Street Arrangement

For design of safe residential streets, the following rules should be followed wherever possible:

- (1.) Use of "T" intersections rather than four-way intersections, and intersect all streets at ninety degrees (90°). A tangent section of sixty feet (60') at right angles to the street being entered by an intersecting street shall be designed prior to any curve radius on the entering street. If this cannot be done due to topography or other constraint or where such intersection is determined as desirable by the County Engineer from the standpoint of access, traffic flow or safety, the revised designs must be approved by the County Engineer.
- (2.) Use of curved streets, if appropriate, with a minimum centerline radius as specified in this order.
- (3.) Eliminate continuous streets through neighborhoods, particularly those connecting two arterials by a direct route.

- (4.) Offset intersections must be a minimum of one hundred fifty feet (150') centerline to centerline.

d. Driveways

All driveways shall be located, designed, constructed, and maintained in accordance with the County Driveway Regulations approved by the Commissioners Court.

e. Block Lengths

- (1.) Rural Subdivisions – Residential blocks in rural subdivisions should not exceed three thousand feet (3,000') in length, depending on requirements of circulation, topography and other factors.
- (2.) Urban Subdivisions – Residential blocks in subdivisions shall not exceed thirteen hundred feet (1,300') in length unless such blocks are parallel to and adjacent to an arterial, in which case such blocks shall not exceed seventeen hundred fifty feet (1,750') in length. Commercial and industrial block lengths may be up to two thousand feet (2,000') in length, provided that the requirements of traffic circulation and utility service are met. Block lengths may vary according to the requirements of circulation, topography and other factors.

f. Block Widths

Block widths in residential subdivisions should be such as to allow for two (2) tiers of lots back to back, except where abutting an arterial to which access to the lots is prohibited, or where prevented by topographical conditions or size of the property.

g. Lot Arrangements

In general, the side lines of lots in subdivisions shall be approximately at right angles to straight lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other should be avoided.

h. Lot sizes

Lot size requirements shall not supersede the size of a lot required for an organized disposal system (i.e. sewage treatment) design prepared by a Professional Engineer showing that the system is adequate for the development and meets requirements of the Texas Department of State Health Services, Texas Commission on Environment Quality, and/or the Texas Water Development Board.

i. Intersections

(1.) General

Intersections shall be designed for the control of traffic generated by the project, control of existing traffic that might use the project for access to some other area, and the future safety of the public.

(2.) Grades

Approach grades on an intersecting street should be limited to three percent (3%) for at least fifty feet (50') unless sight distances are in excess of the AASHTO Design Guide minimum for stopping on a grade level, in which case the approach grades should not be greater than six percent (6%).

(2.) Major Intersections

Streets intersecting state designated roadways such as federal routes state highways, or farm to market roads, shall require approval of the Texas Department of Transportation.

(3.) Intersections of Curbed Streets with Uncurbed Streets

Curbed to uncurbed street intersections shall be designed with appropriate concern for the interfacing of the differing drainage systems.

(a.) Where a curbed street intersects a continuing uncurbed street, standard curb and gutter shall terminate at the property line or as necessary to allow drainage from the curbed street to enter the uncurbed street bar ditch without erosion to shoulder areas. Concrete riprap or mortared rock riprap may be required to protect the shoulder area.

(b.) Where an uncurbed street intersects a continuing curbed street, the curb line shall be cut and removed and a standard urban curb return designed into the uncurbed street with the curb face at the ditch centerline of the uncurbed street. A concrete riprap transition shall be constructed to convey drainage out of or into the uncurbed ditch line. The concrete riprap transition may be eliminated for discharge into the uncurbed street from the curbed street if transition grades are less than two percent (2%) or if an inlet is located within one

hundred feet (100') of the intersection. For drainage from uncurbed street into the curbed street, for grades less than five percent (5%) on the uncurbed street, two ditch checks at ten feet (10') and thirty feet (30') from end of curb return may be used in lieu of riprap transition.

- (c.) Care shall be taken in the installation to match existing pavement. Curbed street crown will be full crown (unless cross spilling) to at least fifty feet (50') from curb end to assure flow of drainage enters bar ditch.
- (d.) For a curbed street discharging into uncurbed street, surface drainage that has been carried by the curb and gutter from a point more than two hundred feet (200') distance from the intersection with the uncurbed street shall be removed by the use of inlets draining to the drainage pipe required at the intersection so as not to interrupt the flow of drainage in the bar ditch of the uncurbed street.

SECTION VI

RESERVED SECTION

SECTION VII

INFRASTRUCTURE PLANNING

1. GENERAL

Bastrop County may establish any requirements for subdivisions that are applicability to an “Urban County” under Subchapter E of Chapter 232 of the local Government Code. Prior to exercising additional authority, the Commissioner Court shall provide that a notice be published in a newspaper of general circulation in the county and conduct a public hearing.

2. MAJOR ROADWAY PLAN

The Commissioners Court may adopt a thoroughfare plan, Major Roadway Plan, that sets specific rights of way (not to exceed 120’), road surface, and related drainage requirements based on the existing or anticipated functional use of roads within the county. The road system plan shall be consistent with transportation plans adopted by state, regional and local governments.

3. LOT FRONTAGES AND SET BACKS

- a. The minimum lot frontage and building set back along county roads shall be as follows:

<u>Road Type</u>	<u>Minimum</u>	<u>Distances</u>
	<u>Lot Frontage</u>	<u>Set Backs</u>
1.) Ranch Roads	- 100’	- 15’
2.) Residential	- 150’	- 20’
3.) Collector Streets	- 150’	- 25’
4.) Minor Arterial	- 200’	- 30’
5.) Major Arterial	- 250’	- 30’
6.) Urban Streets	- 70’	- 25’

- b. Lot frontage for “flag lots” shall be platted as provided in Section VIII.

4. DEVELOPER PARTICIPATION CONTRACTS

The Commissioners Court may approve developer participation contracts not to exceed twenty percent (20%) of the total construction contract. All participation contracts shall be for public road, bridge and/or drainage, facilities, but not building, on county roads.

5. CONNECTION OF UTILITIES

The Commissioners Court may require the connection of structures to water and/or waste water systems.

SECTION VIII

EXEMPTIONS AND SPECIAL SUBDIVISIONS

1. GENERAL

- d. Subdivisions with an approved preliminary and final plat prior to the effective date of these regulations shall comply with the requirements of the Bastrop County Subdivision Regulations in effect at the time of their approval.
- e. Any nonconforming subdivisions shall comply with the requirements of the regulations in effect at the time of their approval or filing with the County Clerk.
- f. Exempted Subdivisions may, but are not required to, conform to the platting regulations.
- g. Any revised plats in these subdivisions shall conform to these county subdivision regulations.

2. FILING FOR AN EXEMPTED SUBDIVISION

Any subdivision that is exempted from platting under state law (Section 232.0015) shall comply with the following requirements:

- a. All lots must have direct access to a public road;
- b. All lots in an exempted subdivision must comply with 9-1-1 addressing, driveway, on-site sewage facility and development/flood plain management permit requirements and obtained appropriate permit(s) from Bastrop County.
- c. Any Restrictive Covenants imposed on the land if imposed by the owners.
- d. The “Exempt Subdivision” must be reviewed by the County Engineer and accepted by the Commissioners Court, prior to recording with County Clerk.

3. SUBDIVISIONS WITH FLAG LOTS

- a. All subdivisions with two (2) or more adjacent flag lots shall be platted.
- b. These provisions only apply to multiple flag lots within a subdivision.

- c. A flag lot consist of a “stem” which is typically long and narrow and connects the larger area with a public road and a “flag” section area which is typically a larger area where land development occurs.
- d. Flagged lots in all subdivisions, regardless of the state requirement to plat or not, shall conform to these special requirements:
 - 1.) The stem of each flag lot shall be a maximum of twenty (20’) wide and provides access to a county road; however, the sum of all “stems” of flag lots may not exceed sixty feet (60’).
 - 2.) A “Joint Use Access Agreement” shall be provided and filed with the subdivision if the access “stem” of two are more flag lots are adjacent to each other. No property owner shall place any fences, walls or any other obstructions within the area covered by the “Joint Use Access Agreement”. The road width within the “Joint Use Access Agreement” shall be a minimum of eighteen feet (18’).
 - 3.) Design, constructions, and maintenance of the Shared Access Driveway and the “Joint Access Agreement” must be approved by the County Engineer.
 - 4.) All driveways shall comply with the County’s Driveway Regulations and Construction Standards unless determined by the County Engineer that an alternative design would improve safety and traffic flow.

SECTION IX

DRAINAGE REQUIREMENTS

1. GENERAL

Storm water drainage systems or facilities are for conveying or allowing for passage of storm water runoff by use of streets, storm sewers, channels, culverts, bridges, swales, rivers, streams, or other facilities by which flows are accommodated. It is essential that these be designed or considered in such a manner to minimize or eliminate loss of life or property.

A preliminary drainage plan shall be required.

2. RESPONSIBILITY OF OWNER OR DEVELOPER

- a. The owner or developer of property to be developed shall be responsible for the conveyance of all storm and flood waters flowing through or abutting subject property. This responsibility includes the drainage directed to that property by prior development as well as the drainage naturally flowing through property by reasons of topography.
- b. Where the improvement or construction of a storm and flood water drainage facility is required along a property line common to two or more owners, the owner hereafter proposing developing or use of his/her property shall be responsible for all the required improvements on either side of the common property line, regardless of ownership, at the either side of the common property line, regardless of ownership, at the time of development, including the dedication by the legal owner(s) of all necessary right-of-ways or easements, to accommodate the improvements.
- c. The responsibility of the owner or developer shall extend to provision of adequate off-site drainage improvements to accommodate the full effects of the development of his/her property. When the owner/developer certifies by affidavit that a bona fide attempt to meet off-site drainage requirements has not been successful, the County may assist, at its discretion, in the acquisition of necessary property rights to provide for construction of off-site drainage improvements. The owner/developer shall make adequate guarantees that he/she will stand the full cost of acquiring said property rights and shall retain full responsibility for construction of the required off-site improvements.

3. DRAINAGE DESIGN CRITERIA

All hydrologic and hydraulic design shall be in accordance with Urban Hydrology for Small Watersheds, Technical Release No. 55 as prepared by the Soil Conservation Service, U.S. Department of Agriculture and hereinafter referred to

as T.R. 55, and the Hydraulic Manual prepared and compiled by the Texas Department of Transportation's Bridge Division. Notwithstanding, all designs shall be in accordance with good engineering practices and are not to be limited to minimum criteria when it is deemed necessary for the welfare or safety of the public to implement more stringent requirements or criteria.

- a. Enclosed storm drainage improvements shall be designed to convey a 25-year frequency storm and a floodway provided to accommodate the 100-year frequency storm.
- b. Hydrologic design procedures shall conform to the following methods where appropriate and shall assume a fully developed watershed upstream of the proposed development. It may be assumed that the undeveloped area will be developed under the same regulations.
 - (1.) Rational Method may be used for drainage areas not exceeding four hundred (400) acres. Criteria should be as defined in the "Hydraulic Manual" as prepared by Texas Department of Transportation.
 - (2.) T.R. 55, as prepared by SCS, may be used for drainage areas not exceeding two thousand (2,000) acres and with the criteria defined therein.
 - (3.) For drainage areas exceeding two thousand (2,000) acres, either of the following methods is acceptable:
 - (a.) "Computer Program for Project Formulation-Hydrology" distributed by SCS through Technical Release No. 20 (SCS-TR-20).
 - (b.) Hydraulic Engineering Center, US Army Corp of Engineers' Flood Plain Hydrologic program (HECI).
- c. Hydraulic design procedures shall conform to the following methods where appropriate. The methodology selected is a function of the complexity of the hydraulic design and may not be restricted to only these.
 - (1.) Manning's Equation for computing normal depths for flows confined to uniform cross-sections with free surface flow.
 - (2.) The Hydraulic Gradient Method shall be used for closed conduit systems flowing full.
 - (3.) The HEC-2, Flood Plain Hydraulics, developed by the US Army Corps of Engineers or WSP2 (Water Surface Profile 2) developed by the Soil Conservation Service will be used for non-uniform channel design or analysis and back water surface profiles.

4. 100-YEAR FREQUENCY STORM

Any water course, whether natural or man made, shall have provision to accommodate the rainfall runoff generated by a 100-year frequency storm such that there is no loss of, or be detrimental to, property or to create an undue inconvenience to the public.

- a. Delineation of the limits of areas subject to inundation by a 100-year frequency storm shall be shown on a drainage plan, preliminary plan and final plat and shall be based on detailed hydrologic and hydraulic computations prepared by a Professional Engineer or provide a study prepared or approved by federal, state and local governmental agencies.
- b. Easements shall be provided to contain areas inundated by a 100-year frequency storm along natural and man-made drainage ways and any additional width necessary to provide sufficient ingress and egress for maintenance purpose.
- c. A grading plan shall be prepared for each urban subdivision, by a Professional Engineer, and show in sufficient detail grading of all roads, streets, drainage structures, channels, swales, or other drainage related features and provide minimum finished floor elevations, based on an acceptable elevation datum, for proposed structures to assure no inundation of such structures by the rainfall run-off by a 100 – year frequency storm. All buildings shall be a minimum of two foot (2') above the water surface elevation generated by a 100-year frequency storm.

5. DRAINAGE STRUCTURES

- a. All drainage structures shall be designed to convey the 25-year frequency storm and in such a manner that no ponding, pooling, erosion, sedimentation, or other adverse condition would be created.
- b. All bridges shall be designed to convey a 100-year frequency storm. The water surface profile elevation shall not exceed the bottom of the “low steel” or “low beam” of a bridge structure.
- c. All culverts shall be designed to convey the 25-year frequency storm, and the headwater surface elevation shall not exceed the minimum road surface elevation. The headwater depth for a 100-year frequency storm shall not exceed one foot (1') over the minimum roadway surface elevation.
- d. Open channels shall meet the criteria of the Texas Department of Transportation's S.C.S. TR. No. 25 Design of Open Channels and shall be constructed in accordance with one of the design methods. Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches. Concrete or rock retards shall be used when velocities exceed four feet (4') per second with sandy soil conditions or five feet (5') per second with

clay soil conditions. All channels or roadside drainage ditches without a protective lining shall have an established vegetative or grass cover. The depth of the 100-year frequency storm runoff shall not exceed one foot (1') over the minimum roadway surface elevation.

- e. Closed conduits or storm sewers shall be designed to a 25-year frequency storm and provisions made to accommodate a 100-year frequency storm runoff. The 25-year hydraulic grade line shall be at or below the gutter line and shall in no case surcharge back through an inlet or inlets. All storm sewers, inlets, manholes or junctions shall be designed in accordance to Texas Department of Transportation hydraulic criteria.
- f. Headwalls, wing-walls, ditch checks, inlets or other drainage structures shall be designed in accordance with Texas Department of Transportation criteria.

6. STORM WATER DETENTION

Storm water detention facilities shall be required when it is determined that adverse downstream flooding would occur due to a proposed development. The facilities shall be designed in accordance with SCS-TR-55 or by other approved methods.

SECTION X

STREET DESIGN STANDARDS

1. DESIGN STANDARDS

Design standards, unless specifically identified, shall be standards that are found in common usage by the Texas Department of Transportation. Design guidelines shall follow the American Association of State Highway Transportation Officials' Policy on Geometric Design of Rural Highways.

2. ROAD GRADES

The maximum sustained street grade allowed shall be fifteen percent (15%) for residential streets [not to exceed three hundred feet (300')], twelve percent (12%) for collector streets, and six percent (6%) for minor and major arterials. Minimum cross slope grade for curb and gutter streets shall be five-tenths percent (0.5%).

3. ROAD CROSS-SECTIONS

- a. Rural street sections shall have a maximum fore-slope of four (4) horizontal to one (1) vertical and a maximum back-slope of three (3) horizontal to one (1) vertical. Maximum fore-slopes and back-slopes for other streets shall conform to the minimum cross-section unless otherwise determined by the County Engineer.
- b. Arterial's cross-sections shall be determined by the Commissioners Court upon consideration of a report from the County Engineer.

4. ROADSIDE DRAINAGE

Roadside drainage ditches shall conform to the following:

- (1.) Minimum grade – 0.5%
 - (2.) Maximum grade in sandy soils – 0.5%
 - (3.) Maximum grade in clay soils – 0.8%
- a. Roadside Design Details
 - (1.) Roadside design details include rock retards, riprap retards, entrance and exit structures for culverts, special design roadside ditches, retaining walls, etc.

- (2.) Rock or riprap retards shall be used to control the erosive characteristics of drainage in roadside ditches on steep slopes. Retards shall be designed to reduce drainage water velocity to an acceptable level and to prevent drainage water from encroaching on the driving surface. Retards shall not project onto shoulder surfaces and shall blend into ditch lines so that normal roadside ditch maintenance is possible.
- (3.) Headwalls, catch basins or other culvert structures shall be designed in accordance with the drainage requirements of these specifications, and the Typical Construction Details of the Texas Department of Transportation or these specifications whichever is applicable. No headwall, wing-wall or other structural member shall protrude above the surface of the traveled roadway. Flush headwalls at three to one (3:1) maximum or flatter slopes are preferred for any culverts parallel to streets (driveways, etc.)
- (4.) All special design of roadside ditches, retaining wall, etc., required the specific approval of the County.

5. DESIGN CHARACTERISTICS

a. Design Speed

For use with design guidelines, design speeds for residential streets (rural and urban subdivisions) shall be assumed to be thirty (30) miles per hour and forty (40) miles per hour for all other road, unless otherwise approved by the County. Design speed for higher type streets and main county roads shall be state standard speed limits, unless otherwise approved by the County.

b. Vertical Alignment

- (1.) Changes in grades of over eight-tenths percent (.8%) shall be connected by vertical curves.
- (2.) Vertical Curves: Minimum length (L) of vertical curves shall be one hundred feet (100') or shall conform to the formula:

$$L = KA \text{ (whichever is greater)}$$

Where A is the algebraic difference in the tangent approach grades expressed as a whole number, and K is established in accordance with the Design Guidelines "Geometric Design for Local Roads and Streets", for sag and crest vertical curves, with credit given to the use of proper street lighting.

- (3.) Special consideration shall be given to streets where the horizontal alignment overhead obstructions, or the presence of cross traffic or other natural or man made conditions exist such that stopping sight

distance would become the controlling parameter as it relates to the determination of a minimum length of vertical curve.

c. Horizontal Alignment

- (1.) Generally, the minimum centerline radius permissible is:
 - (a) 200 ft. for streets of 50 ft. right-of-way (curb and gutter).
 - (b) 300 ft. for streets of 60 ft. right-of-way.
 - (c) 400 ft. for streets of 70 ft. right-of-way.
 - (d) 500 ft. for streets of 80 ft. right-of-way.
 - (e) 600 ft. for streets of 90 ft. right-of-way.
- (2.) The minimum tangent between reverse curves:
 - (a) 50 ft. for streets of 50 ft. right-of-way.
 - (b) 100 ft. for streets of 60-70 ft. right-of-way.
 - (c) 150 ft. for streets of 80 ft. right-of-way.
 - (d) 200 ft. for streets of 90-100 ft. right-of-way.
 - (e) 300 ft. for streets of 120 ft. right-of-way.
- (4.) Increase radius may be required where the street grades, street cuts, or other natural or man made obstacles limit stopping sight distance on the curve to below that required by the design speed.
- (5.) Superelevation may be used to control surface drainage and centrifugal forces, but not to reduce the minimum centerline radius.
- (6.) Design for horizontal curves including stopping sight distance and superelevation shall conform to the formula, principles, and guidelines of the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Rural Highways.

6. RANCH ROADS

- a. Ranch roads shall provide vehicular access to farm, ranch and other rural type tracts that are generally fifty (50) acres or more in size and where there are no existing public roads. Ranch roads shall follow a practicable

route, convenient to landowners while at the same time avoiding hills, mountains or streams through any and all enclosures.

- (1.) The minimum right-of-way width for ranch roads shall be fifty feet (50'). Ranch roadways connecting to paved county road shall provide a minimum paved connection of twenty two (22') in width from the property line to the existing pavement edge of the county road. Culverts shall be required in existing county bar ditches in accordance with SECTION IX and current County Construction Standards.
- (2.) Ranch roadways shall provide a minimum roadway width of twenty two feet (22'), with the addition of one foot (1') shoulders on each side. The typical roadway section shall be in compliance with the current County Construction Standards, with the exceptions that the surface treatment requirements may be revised.
- (3.) Existing ranch roadway(s) that connect a proposed subdivision development to a county major, minor, collector or road classification higher than rural, as defined herein; that will have increased vehicular traffic (in excess of 30 trips per day), as determined by the County Engineer and/or County Commissioner, shall be re-constructed by the subdivider to a condition that will provide a service level represented by the proposed development.

7. RURAL STREET STANDARDS

- a. Residential Streets generally provide vehicular access to residential lots and shall meet the following standards:
 - (1.) The right-of-way width for residential streets is sixty feet (60') and twenty-four feet (24') of pavement width with two foot (2') shoulders on each side. Bar ditches are be provided along streets as specified in these regulations.
 - (2.) The Commissioners Court may require that residential streets be stubbed out to adjacent undeveloped property in order to provide adequate circulation to adjacent tracts.
 - (3.) The minimum tangents on residential streets shall be one hundred feet (100') between reverse curves and one hundred feet (100') from a curve to a street intersection. Centerline radius on residential streets shall be a minimum of three hundred feet (300').
 - (4.) Cul-de-sacs on a residential street shall not provide access to more than twenty (20) lots and shall provide turnarounds with sixty feet (60') of right-of-way and forty feet (40') of pavement radius. Pavement radii at intersections shall be a minimum of twenty-five feet (25').

- b. Collector Streets collect traffic from residential streets to arterial streets and provide access to residential and nonresidential lots and shall meet the following requirements:
 - (1.) The right-of-way width for a collector is eighty feet (80') and thirty-six feet (36') of pavement width with four feet (4') shoulders on each side.
 - (2.) Collector streets shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation roads of the area.
 - (3.) The minimum tangents on collector streets with eighty feet (80') of right-of-way shall be one hundred fifty feet (150') between reverse curve and one hundred feet (100') for seventy foot (70') right-of-ways. Tangents from a curve to a street intersection shall be a minimum of one hundred feet (100'). Centerline radius on collector streets shall be a minimum of four hundred to five hundred feet (400-500') dependent upon right-of-way width. Pavement radii at intersections shall be a minimum of twenty-five feet (25').

9. URBAN STREET STANDARDS

Urban roadways located outside incorporated cities shall comply with the street design standards as follows:

- a. Residential Streets are planned to provide vehicular access to single family lots.
 - (1.) The layout of residential streets shall consider the natural topography and discourage through traffic in neighborhoods.
 - (2.) The right-of-way width for residential streets shall be fifty feet (50') and contain thirty feet (30') of pavement measured from face of curb to face of curb. Residential streets shall provide stand-up curbs and gutter on both street sides and a four-foot (4') sidewalk along one street side.
 - (3.) The Commissioners Court may require that residential streets be stubbed out to adjacent undeveloped property in order to provide adequate circulation to adjacent tracts.
 - (4.) The minimum tangents on residential streets shall be fifty feet (50') between reverse curves and fifty feet (50') from a curve to a street intersection. Centerline radius on residential street shall be a minimum of two hundred feet (200').
 - (5.) In general, the length of a residential street shall not exceed one thousand and five hundred feet (1,500'). A cul-de-sac on a

residential street shall not provide access to more than twenty (20) lots and shall provide a turnaround with fifty feet (50') right-of-way radius and forty feet (40') pavement radius. Curb return radii shall be a minimum of fifteen feet (15').

b. Collector Street are planned to provide access to single family, duplex, etc. lots. Collector streets shall be provided for single family lots where more than seventy-five (75) lots may be served.

(1.) The right-of-way widths for collector streets shall be sixty feet (60') and contain forty feet (40') of pavement measured from curb face to curb face, with stand-up curbs and gutters on both sides. A four-foot (4') sidewalk shall be required on both sides of the street.

(2.) Collector streets shall be stubbed out to adjacent undeveloped property at spacing not greater than two thousand five hundred feet (2,500') unless due to topographical or adjacent development constraints.

(3.) The minimum tangents on residential streets shall be one hundred feet (100') between reverse curves and sixty feet (60') from a curve to a street intersection. Centerline radius on residential street shall be a minimum of three hundred feet (300').

(4.) In general, the length of a collector shall not exceed five thousand feet (5,000'). A cul-de-sac on a residential collector street shall not provide access to more than twenty (20) duplex, triplex, or multifamily lots and shall provide a turnaround with sixty feet (60') of right-of-way radius and forty feet (40') pavement radius. Curb return radii shall be a minimum of twenty-five feet (25').

c. Minor Arterial are planned to provide access to multifamily and commercial lots. Minor roads are constructed to service areas of small single family lots on streets with curb and gutters and shall meet the following requirements:

(1.) No buildings may be constructed within twenty-five feet (25') of the right-of-way line. The right-of-way widths for the minor road shall be seventy feet (70') and contain forty to fifty feet (40-50') of pavement measured from curb face to curb face with stand-up curbs and gutters on both sides. A four-foot (4') sidewalk shall be required on both sides of the street for residential uses and a six-foot (6') sidewalk along multifamily and commercial uses.

(2.) Minor Arterial shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation needs of the area

- (3.) The minimum tangents on minor arterial shall be one hundred feet (100') between reverse curves and seventy feet (70') from a curve to a street intersection. Centerline radius on neighborhood collector streets shall be a minimum of four hundred feet (400'). Curb return radii shall be a minimum of twenty-five feet (25').
- d. Industrial streets are planned to provide vehicular access to industrial lots.
- (1.) The right-of-way widths for industrial shall be eighty feet (80') and contain sixty feet (60') of pavement with curbs and gutters as measured from curb face to curb face. A six-foot (6') sidewalk may be required on one sides of the street.
 - (2.) Industrial streets shall be required to extend to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future industrial developments and protection of future residential areas from truck traffic.
 - (3.) The minimum tangents on industrial streets shall be one hundred fifty feet (150') between reverse curves and one hundred feet (100') from a curve to a street intersection. Centerline radius on industrial streets shall be a minimum of five hundred feet (500'). Curb return radii shall be a minimum of thirty-five feet (35').
 - (4.) A cul-de-sac on an industrial street shall not exceed eight hundred feet (800') and shall provide a turnaround with eighty feet (80') right-of-way radius and sixty feet (60') pavement radius.
- e. Major Arterial shall primarily provide movement of vehicular traffic from collector and industrial streets, and minor arterials to state highways or other major roads. They may also provide access to major traffic generators and shall meet the following requirements.
- (1.) In order to promote the movement of traffic on arterial streets, the spacing of signalized street intersections on major roads shall not be less than two thousand six hundred feet (2,600') unless approved by the Commissioners Court. In general, the spacing of street intersections along an arterial shall not be less than one thousand three hundred feet (1,300'), unless sight-distance or topography dictates a lesser street spacing.

Medians may be required along major roads where street intersection spacing is less than one thousand three hundred feet (1,300'), or driveway spacing is less than two hundred feet (200'). Median breaks shall be located at intersections with arterials, collectors, industrial streets, and driveways to major traffic generators.

- (2.) The right-of-way width for arterial streets shall be ninety to one hundred twenty feet (90-120') with sixty feet (60') of pavement, to two (2) pavement sections of thirty-six feet (36') separated by a median of fourteen feet (14'). Additional right-of-way and pavement widths may be required by the Commissioners Court upon consideration of projected traffic volumes and street capacity as detailed in a traffic study prepared by a qualified traffic engineer.
- (3.) The geometric design of arterial streets shall conform to the formulas, principals, and guidelines of the American Association of State Highway and Transportation Officials (AASHTO), "A Policy on Design of Urban Highways and Arterial Streets." Curb return radii on an arterial street shall be a minimum of thirty-five feet (35').

10. COUNTY AND STATE HIGHWAYS

Provisions shall be made for the extension or widening of county roads and state highways, where required by the Commissioners Court, in order to protect the safety and welfare of the public.

11. PAVEMENT DESIGN

The developer shall submit pavement designs by a qualified soils testing and pavement design Registered Professional Engineer of the State of Texas. Total flexible pavement thickness (T.F.P.T.) design shall be based on soil type, traffic loading and a twenty (20) year minimum design life.

12. MAJOR STRUCTURES AND BRIDGES

Design of structures shall conform to the Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges.

Bridge design loading and widths for residential roads shall conform to TxDOT design, or as directed by the County. Structures of this nature require the specific approval of the County.

SECTION XI

STREET SIGNS

1. STREET NAMES

Street names for new subdivision streets may be suggested by the Subdivision owner/developer. If these names are reasonable and are not similar to existing names of streets in Bastrop County, the County Engineer will recommend them to the Commissioners Court for approval on the final plat. Suggested names shall be submitted to the County Engineer and the County Commissioner for preliminary approval on the final plat submission and forwarded to the local postmaster for review. Street names and addresses shall conform to the policies and procedures of the 9-1-1 Address Administrator.

2. INSTALLATION OF STREET SIGNS REQUIRED

The developer of a subdivision shall install all street name signs on new streets when they are constructed in accordance with the standards and specifications of the County Construction Standards and will be inspected for approval prior to the release of the Construction Bond or other security.

3. INSTALLATION OF TRAFFIC SIGNS REQUIRED

The developer of a subdivision shall be required to install any traffic control signs or devices, in accordance with Texas Manual on Uniform Traffic Control Devices, and following review by the County Engineer and/or County Commissioner prior to installation. The installation of such control signs or devices shall be the responsibility of the developer.

SECTION XII

CONSTRUCTION DRAWINGS

1. SUBMISSION REQUIRED

Detailed plans for construction of streets and drainage facilities for all subdivisions shall conform to the County Construction Standards and be submitted to the County Engineer for approval.

2. DRAWINGS REQUIRED AND STANDARDS

a. General Standards

- (1.) Plans shall contain a signature block for approval by the County in addition to all other typical information found on construction plans and all other data necessary for actual construction. The County Engineer shall approve specific language for the General Notes and Special Notes.
- (2.) Plans shall also contain a print of the subdivision plat reduced to a size and a scale divisible by ten (10) to conform to the scales of construction drawings.
- (3.) In the case of plans submitted which include construction not located on or adjacent to the subdivision, a location map for the off-site construction shall also be included in the plans.
- (4.) Drawing features not specifically mentioned herein shall be those normally found in use by engineers designing facilities for use by the Texas Department of Transportation.

b. Street Plans

Design details for the construction of streets and drainage facilities shall conform to the requirements of these regulations and shall be of a scale ratio no larger than one inch to fifty feet (1' = 50') horizontal and one inch to five feet (1' = 5') vertical.

- (1.) Existing ground line and finished grade profiles shall be shown at the centerline of the right-of-way. In addition, cross-sections shall be drawn for each street. Cross-sections will be at each one hundred foot (100') station on land whose maximum ground slope is over ten

percent (10%), at two hundred feet (200') for land whose maximum ground slope is between ten percent (10%) and five percent (5%), and three hundred feet (300') for land whose maximum ground slope is less than five percent (5%), and at points of special interest. Alternatively, finish grade and ground line profiles shall be shown for road shoulders and for ditch lines where these latter vary significantly from standard and are not shown elsewhere as drainage plans.

- (2.) All existing and proposed drainage and utility appurtenances shall be shown in plan and profile.
- (3.) Typical cross-sections shall be shown for all sections of roadway having similar drainage and/or traffic carrying requirements.
- (4.) Plans showing the lines and grades in both plan and profile are required for the installation of water line in excess of twelve inches (12") in diameter. Smaller lines may be shown in plan only if typical details are provided which will clearly show depth of bury under streets, drainage ditches and culverts, other utilities, etc.
- (5.) Plans for the installation of storm sewer and sanitary sewer lines shall show the lines and grades of said lines in both plan and profile.
- (6.) Location and installation of utilities within the same easement as drainage shall be allowed only when no other practical alternative exists. A separate utility easement, outside that required for the floodway, shall be provided wherever possible.

c. Detailed Drainage Construction Plans

- 1.) Construction plans shall be submitted for the modification of natural drainageways, creek, or rivers; location, size, type and invert elevations of all culverts; the channelization of design storm runoff in excess of thirty cubic feet per second (30 cfs); the conveyance of storm runoff in storm sewer pipe; dams, and retention and detention systems.
- 2.) Drainage construction plans shall conform to drainage requirements of these specifications.
- 3.) Channel or water course cross-sections shall be included at sufficient spacing, scale and dimension to adequately determine or delineate the water surface profile, velocity, and other necessary parameters of the design flow under consideration.
- 4.) Plans shall show the design in plan and profile on the same sheet and be of a scale ratio no larger than one inch to fifty feet (1" = 50') horizontal and one inch to five feet (1" = 5') vertical.

- 5.) Included on the plan sheets or in a separate document shall be the design basis and calculations pertinent to the facility. They shall be legible and progress clearly and logically to a conclusion.

d. Utility Plans

Plans for the installation of sanitary sewer lines, water lines, electric lines, storm sewer lines, or any other similar underground service line are required to have the approval of the incorporated governmental agencies, Texas Department of State Health Services, Lower Colorado River Authority (LCRA), water supply corporation, water district, or any other governing body having rightful jurisdiction. These plans are then to be submitted to the County for final approval of location and alignment, depth of bury, type and method of backfill, restoration of surfaces after installation, location of valves, controls of manholes and other features projecting to the surface, and other utility features which can be expected to affect the public roads and streets in the proposed subdivision as well as outside the subdivision. Review of such features shall include design details for all items covered in statutory authorities granted to Commissioners Court for control of utility installations in public roads and outside of incorporated areas. Approval of plans for the construction of utilities where no governing body claims jurisdiction will rest entirely with the County.

- 1.) Plans showing the lines and grades in both plan and profile are required for the installation of water lines in excess of twelve inches (12") in diameter. Smaller lines may be shown in plan only if typical details are provided which will clearly show depth of bury under streets, drainage ditches and culverts, other utilities, etc.
- 2.) Plans for the installation of storm sewer and sanitary sewer lines shall show the lines and grades of said lines in both plan and profile.
- 3.) Location and installation of utilities within the same easement as drainage shall be allowed only when no other practical alternative exists. A separate utility easement, outside that required for the floodway shall be provided wherever possible.

3. EROSION CONTROL PLAN

A plan for both temporary and permanent erosion control shall be in accordance with Erosion & Sediment Control Guidelines for Developing Areas in Texas, Publication No. 4-35700-11-76, prepared by SCS, USDA.

4. TIME OF SUBMISSION AND APPROVAL

Plans shall be reviewed by the County Engineer and, if found satisfactory, will be approved within thirty (30) days of submission or they will be returned for correction if not found satisfactory. Construction shall not commence until plans are approved.

SECTION XIII

SUBDIVISION INSPECTION AND RELEASE OF SECURITY

1. NOTICE OF START OF CONSTRUCTION

The developer or his contractor shall notify the County Engineer a minimum of forty-eight (48) hours prior to time of start of construction of streets and drainage in the subdivision. Start of clearing shall be defined as clearing of road right-of-way only. Any contractor working within public rights-of-ways shall notify all utilities, as appropriate, and the County Engineer.

2. PRE-CONSTRUCTION MEETING

The developer and/or his contractor shall request and attend a pre-construction meeting with the County Engineer and the County Commissioner. Schedule of construction and frequency and type of field inspections and source and number of field tests will be determined at this meeting. If on-site or local unprocessed base material is proposed, and/or if "density control" is specified, a representative of the developer's and/or contractor's field control lab shall also attend the preconstruction meeting.

3. FIELD INSPECTIONS AND FIELD CONTROL TESTS

a. Field inspections and field control tests shall include but not be limited to the following:

- (1.) Utility installation backfill and density tests as required.
- (2.) Bedding and backfill of culverts and storm drains and density tests as required.
- (3.) Preconstruction inspection of any on-site or local sources of base material. If directed by the County, the testing laboratory shall make site investigations at the developer's expense to determine that quantity of material expected to be produced from the source or sources meets gradation and specifications at the developer's expense.
- (4.) Alternatively, ten percent (10%) of expected quantity shall be excavated and stockpiled and test samples taken from stockpile. One sample shall be taken and tested for every seven hundred cubic yards (700 CY) or fraction thereof stockpiled. The testing laboratory shall certify that the samples selected are representative. After fifty percent (50%) of the quantity expected to be produced has been excavated, a second ten percent (10%) stockpile shall be created and the sampling and testing procedure repeated. Test reports shall be

submitted to the County Engineer. Tests and reports required by these specifications shall be at the expense of the developer.

- (5.) Satisfactory test reports from on-site or local sources and/or stockpiles shall not preclude rejection of material which, when placed on grade, fails to meet specification requirements.
- b. Sub-grade preparation includes fills, cuts, ditch excavation and sub-grade sterilization. Density tests are required in fills and other areas as determined by the County Engineer. A minimum of one density test is required for each lift of fills and for each five hundred linear feet (500LF) of sub-grade. Approval is required prior to base placement.
- c. Placement and compaction of base material as required. When “density control” is required, density tests shall be performed at a minimum of every five (5) stations of the final lift and at least five (5) additional locations per mile of road for each lift placed. Required density tests shall be taken by an approved testing laboratory with copies furnished to the County prior to paving. The contractor shall provide at least five (5) days notice to the County for approval of base to allow time for any County tests of density and/or thickness. Approval can be obtained in twenty-four (24) hours provided the contractor has notified the County at start of base placement and has provided his scheduled for completion. Deficiencies found shall be corrected before any pavement is placed.
- d. Pavement of roads and streets as required. The contractor shall notify the County at least twenty-four (24) hours prior to start of paving after base is approved. He shall provide any required data on pavement mixes, tests to be performed, etc., at least five (5) days prior to start paving. Pavement placement and consolidation may be inspected at the option of the County.

4. FINAL INSPECTION

The contractor or developer shall request final inspection in writing. Inspection shall be performed by an inspector qualified and approved by the Court. The County shall make the requested inspection no later than ten (10) days following the receipt of the written request. A written “punch list” listing all deficiencies noted on the final inspection and uncorrected deficiencies from previous field inspections, shall be provided to the contractor within five (5) days following the final inspection, and if requested also provided to the developer.

5. PARTIAL APPROVAL

Unless prior arrangement has been approved by the County Engineer and the County Commissioner, no partial acceptance will be approved. In any case, partial acceptance shall be allowed only after consideration of access, drainage, and other matters related to the well being and safety of the public.

6. CORRECTION OF DEFECTS

Defects noted during final inspection shall be corrected within thirty (30) days. Written request for re-inspection for correction of defects will be required unless specifically waived by the County Engineer.

7. FULL COMPLETION REQUIRED FOR RELEASE

Release from the full obligation of Construction Bond or other Construction Security except as noted for partial/periodic reduction of construction security, shall not be granted until the entire subdivision has been inspected and found acceptable by the County Engineer and the County Commissioner, and has been approved for release by the Commissioners Court. The County shall have full rights to require construction under the terms of the Warranty Bond obligation for any portion of streets or drainage facilities accepted under partial completion, but the period of the Warranty Bond obligation shall not be assumed to have started until the Commissioners Court has authorized full release of construction obligation for work completed.

8. RELEASE STATEMENT/FINAL ACCEPTANCE

The Commissioners Court shall authorize acceptance and shall cause to be issued a release statement, signed by the County Judge, releasing the owner and surety from further obligation under the construction bond.

9. PARTIAL/PERIODIC REDUCTION OF CONSTRUCTION SECURITY

Where estimated costs for construction exceed Fifty Thousand Dollars (\$50,000), partial or periodic reductions of construction security may be allowed as approved by the County Engineer. Partial or periodic reductions cannot exceed ninety percent (90%) of the security and will be signed by the County Judge as authorized by the Commissioners Court. Requests for periodic reductions must be accompanied by Lender's certified statements of amounts paid for completed work, Professional Engineer certification of quantities of work completed and contractor's receipt of payment for work completed.

SECTION XIV

CONSTRUCTION BOND, MAINTENANCE BOND, OR OTHER SECURITY

1. CONSTRUCTION AND MAINTENANCE BONDS

a. CONSTRUCTION BONDS

In order to assure that the streets, alleys, drainage ways and other public improvements are constructed in a timely manner and in accordance with the preceding specifications, the owner of the subdivision shall file a Construction Bond, executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Bastrop County, Texas, or his successors in office, in the amount of hundred percent (100%) of the cost of construction including drainage structures.

b. MAINTENANCE BONDS

In order to guarantee that streets, alleys, drainage ways and other public improvements are maintained to the satisfaction of the County Engineer and the County Commissioner, in good condition for one (1) year following approval of construction, the owner/developer shall file a Maintenance Bond executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Bastrop County, Texas, or his successors in office, in the amount not to exceed ten percent (10%) of the construction cost of the approved improvements.

c. COMBINED BONDS

The owner of the subdivision may, at his option, file a single Bond instrument in lieu of separate bond instruments, as indicated above. A form for this single bond instrument, called a Combined Performance Bond, is included in the Appendix. The amount, conditions, collection, enforceability, recovery, and release of a Combined Bond shall be the same as if separate instruments were provided.

2. AMOUNT OF BONDS

- a. The amount of the bond or bonds shall not exceed the estimated cost of construction of the streets, alleys, drainage ways and other public improvements required drainage ways and other public improvements required in the development of the subdivision, or other maximum amount subsequently established by the State of Texas.
- b. Unit costs for normal road and drainage construction will be based on current costs for such work approved by the County Engineer from city,

county and/or state bid results and from information provided by local suppliers. Quantities will be as shown on the plans provided or developed from the plans required. Estimates shall be on forms similar to those shown in the Appendix. Costs of large or unusual structures, such as bridges, will be based on current costs for similar structures in the area.

3. FORM OF BONDS

The form of Surety bonds to be filed shall be as shown in the Appendix.

4. WHEN BONDS REQUIRED

Bonds shall be filed with the Commissioner's Court prior to approval of a subdivision plat for recording, or shall be provided as directed if no plat is filed.

5. CONDITION AND PERIOD OF CONSTRUCTION BONDS

The condition of the Construction Bond shall be such that the owner of the subdivision shall begin construction of the streets, alleys, drainage ways and other public improvements shown on the subdivision plat, or otherwise located as soon as possible after date of approval of the plat by the Commissioners Court, or as directed and shall prosecute and complete such construction in accordance with the foregoing specifications within a period agreed on between the owner and the County Engineer, not to exceed two years. The Construction Bond shall remain in full force and in effect until all the streets, alleys, drainage ways, and other public improvements in the subdivision have been completed to the satisfaction of the County Engineer and the County Commissioner or his agent and the obligation has been released by official action of the Commissioners' Court.

6. COLLECTION ON CONSTRUCTION BONDS

In the event any or all of the streets and alleys are not complete and the Contractor or Developer refuses to correct the defects called to his attention in writing by said County Engineer, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

7. MAINTENANCE BONDS

a. Condition of Maintenance Bonds

The condition of the Maintenance Bond shall be such that the owner shall guarantee to maintain, to the satisfaction of the County Engineer and the County Commissioner or his agent, all of the streets, alleys, drainage ways and other public improvements as shown on an approved subdivision plat, or otherwise located, which have been constructed to specifications with Construction Security released by official action of the Commissioners in a good state of repair for the period of one (1) year from the date of official release of Construction Security.

b. Period of Maintenance Bonds

The Maintenance Bond by its terms shall provide that liability hereunder being on any or all of the streets and alleys, drainage ways and other public improvements in the subdivision and shall remain in full force and effect for the period of one (1) year thereafter from the date of the official release of the Construction Security on each street or portion thereof, by the Commissioners Court of Bastrop County, Texas.

c. Collection on Maintenance Bonds

Periodic inspection of all of the streets and alleys for which Maintenance Security is held will be made by the County Engineer during the period of liability covered by the Maintenance Bond; and in the event any or all of the streets, alleys, drainage ways and other public improvements are not being maintained in a good state of repair, the owner will be so advised in writing and if, after a reasonable time, he fails or refuses to properly maintain said streets, alleys, drainage ways and other public improvements, they shall then be maintained at the cost and expense of obligees as in said orders provided.

d. Enforceability of Bonds

Each of said bonds shall provide that should the same be unenforceable as a statutory bond, the obligees shall be bound by their contract as a common law obligation.

e. Repeated Recovery

Recovery on said Bonds shall not be limited or exhausted by one or more recoveries less than the total amount of such bonds.

8. SECURITIES

a. Cash security agreement or irrevocable letter of credit (in lieu of bond)

b. Substitution of Cash Security or irrevocable letter of credit for Bond.

The Commissioner's Court may accept an offer of cash or a cashier's check or Irrevocable Letter of Credit in lieu of bonds for the purpose of insuring a developer's promise to construct and maintain the streets, alleys, drainage facilities and other public improvements in a subdivision in Bastrop County. The offer of cash in lieu of Bond shall be accompanied by a CASH SECURITY AGREEMENT, filled out and signed by the developer or his agent. On the date that the Commissioners' Court approves the Cash Security in lieu of Bond, the County Judge shall sign the agreement, a copy of which shall go to the developer, a copy to official records, and a copy to the County Treasurer.

c. Amount

If a Cash Security or Irrevocable Letter of Credit is accepted in lieu of a Bond, the amount of the security required to be posted shall be equal to the estimated cost of construction of the streets, alleys, drainage ways and other public improvements required in development of the subdivision as determined by a Registered Professional Engineer and submitted to the County Engineer and the County Commissioner for approval.

d. Forms

The form of Cash Security Agreement and of irrevocable Letter of Credit shall be as shown in the Appendix.

e. When Securities Required

Cash Security or irrevocable Letter of Credit are in lieu of Bonds and are required under the same conditions as Bonds.

f. Conditions of Cash Agreement and Irrevocable Letter of Credit

The conditions of both the Cash Security Agreement and the Irrevocable Letter of Credit are as stated on the forms provided in the Appendix. The general conditions of the Cash Security Agreement and Irrevocable Letter of Credit are the same as those stated for Construction and for Maintenance Bonds. In addition, a specific notice period is required prior to collection under various circumstances, the Period of Instruments is made negotiable, and the Letter of Credit is given a maximum time limit.

g. Period of Cash Security Agreement and Letter of Credit

Two (2) years are allowed for construction of facilities before securities are eligible for collection. The maintenance period is one (1) year following approval of construction with notice of release of construction security signed by the County Judge. The construction period can be extended past the normal period by mutual agreement of the Commissioners Court's lender and/or developer, provided this extended agreement includes increase in the amount to cover cost increases since the date of the original agreement.

The irrevocable Letter of Credit shall be for a maximum period of three (3) years unless extended by mutual agreement.

h. Collection of Securities

Request for collection of securities must be approved by the Commissioners' Court and signed by the County Judge and, in the case of collection for construction, only after it has been determined that failure to complete construction or correct deficiencies is not due to weather, acts of God, strikes or other reasons beyond the developer's control. Where collection is being considered due to failure to maintain or due to deficiencies in construction rather than failure to construct, or if for any

reason, an extension of Court, a ten (10) day notice by registered mail return receipt requested to the lender and/or developer is required before proceeding to request collection of funds to complete construction and/or maintenance.

i. Repeat Recovery

The recovery on the Cash Security Agreement or irrevocable Letter of Credit shall not be limited or exhausted by one or more recoveries less than the total amount of cash or Letter of Credit.

SECTION XV

VACATIONS OF RIGHTS OF WAY OR EASEMENTS

1. APPLICATION

An application form will be required to initiate a request for any vacation. This form must be filled out and signed by the person(s) requesting the vacation, or their agent.

1. RIGHT-OF-WAY VACATION

The person making a request for right-of-way vacation shall submit a letter to the County Engineer and the County Commissioner. The letter should state the reason for the request.

a. The following documents should be attached to the letter:

- (1.) Approval or concurrence with the request by all adjacent and abutting property owners.
- (2.) Letter (or standard form) from all utility companies (electric, telephone, cable, water and wastewater, gas, etc.) serving the area stating they have no need for the right-of-way requested for vacation for the installation of utilities or a sketch and field notes on any required easement to remain for utilities.
- (3.) Sketch and field notes on the right-of-way to be vacated.
- (4.) If the right-of-way to be vacated was dedicated by a plat approved by a city or town under their extra-territorial jurisdiction authority, then attach letters from the city governing agency concurring with the vacation request.

b. The request for vacation will be placed on the agenda for consideration by the County Commissioner based on comments from the County Engineer.

3. DRAINAGE EASEMENT VACATION.

The person(s) making a request for a drainage way vacation shall submit a letter to the County Engineer and the County Commissioner in which the drainage easement is located. The letter should state the reason for the request.

- a. The following documents should be attached to the letter:
 - (1.) If the drainage easement is also a public utility easement and that public utility easement is outside the extra-territorial jurisdiction of any city or town, then a letter from all utility easement is outside the extra-territorial jurisdiction of any city or town, then a letter from all utility companies (electric, telephone, cable, water and wastewater, gas, etc.) serving the area stating they have no need for the public utility easement which has been requested for vacation.
 - (2.) If the drainage easement is also a public utility easement, and is within the extra-territorial jurisdiction of a city or town, then the public utility easement must be vacated by the city or town prior to vacation of the drainage easement by Bastrop County.
 - (3.) Sketch and field notes on the easement to be vacated.
 - (4.) The request for drainage easement vacation will be investigated and a recommendation made by the County Engineer prior to the public hearing.
- b. The request for vacation will be placed on the agenda for consideration by the County Commissioners Court.
- c. If the request is considered favorably by the Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than twenty-seven (27) days. This will allow time for posting notices in the Courthouse and in the local newspaper for a period of three (3) weeks and for the public hearing to be held at a regular session as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

4. OTHER VACATION REQUESTS

- a. Vacation requests for public utility easements outside the extra-territorial jurisdiction of a city or town will be processed through the Commissioners Court only if these public utility easements were established by a plat approved by the Commissioners Court of Bastrop County. The procedure shall be shown for public utility easements on the drainage easement vacation procedure.
- b. Vacation requests for public utility easements inside the extra-territorial jurisdiction of a city or town will be referred to the city or town.
- c. Vacation requests for lot lines (replat), building setback lines, private access easements, or any other vacation request within the extra-territorial jurisdiction of a city or town other than for right-of-way or drainage, will be referred to the city or town.

- d. Vacation requests for private access easements outside the extra-territorial jurisdiction of a city or town must be negotiated between the grantee and grantor of such easements.
- e. Vacation requests for private streets or for reserves must be made to the property owner.

SECTION XVI

FEES

1. Fees will be charged for reviewing vacation of streets and easement, preliminary plans, final plats and construction plans, and inspecting the construction of street and drainage improvements. These fees are to recover the cost for processing, vacation, plan, and plat reviews, on-site inspections and preparation of documents and recommendations to the Commissioners Court. These fees are not to be considered fees for the approval of a subdivision plat, and are not to be considered fees for the approved by the Commissioners Court. The base and minimum review fees shall be paid upon submittal of the vacation request, plan or plat to the County Engineer. Additional review fees shall be paid prior to plan or plat approval.
2. All fees for final plat, including inspection fees, shall be paid to prior to final plat approval and deposited in an escrow account to be drawn upon to pay for inspections. The balance of the inspection fee remaining after final inspection shall be returned to the developer within thirty (30) days of acceptance.
3. These fees will be reviewed annually by the Commissioners Court and adjusted to recover the cost of reviewing and inspecting subdivisions submitted to the County.

SECTION XVII

VARIANCES

1. The Commissioners Court may grant a variance from these regulations if an applicant requests it in writing and the County Engineer finds that, because of special circumstances applicable to the property involved, a strict application derives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development. Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this regulation as necessary and to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use. The Commissioners Court may not grant variance if it would provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development, or if based on a special or unique condition which was created as a results of the method by which a person voluntarily subdivides land after the adoption date of these regulations.
2. No variance shall be granted regarding bonding. Variance for engineering design and compaction tests shall not be granted except as may be determined to be an acceptable and usual engineering practice and approved by the County Engineer and the County Commissioner.
3. All variances must be based on the general intent of these regulations and deemed to be in the public interest.

SECTION XVIII

SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these regulations are for reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of these regulations shall not be affected thereby, it being the intent of the Commissioners Court in adopting these regulations that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of these regulations.

APPENDIX

FOR THE CONSTRUCTION & MAINTENANCE OF ROADS & STREETS
WITHIN REAL ESTATE SUBDIVISIONS

STATE OF TEXAS

COUNTY OF BASTROP
PRESENTS:

KNOW ALL MEN BY THESE

That we, (Subdivider or Developer), as Principal, and the other undersigned as Surety, are held and firmly bound unto the County Judge of Bastrop County, Texas, or his successors in office, in the penal sum of (written amount) dollars (numerical amount) lawful money of the United States, well and truly to be paid to Bastrop County, Texas and we bind ourselves, our heirs, successors, executors, and administrators jointly and severally, firmly by these presents.

WHEREAS, the above bound Principal proposes to create and construct a real estate subdivision known as (name of subdivision) and which will contain roads, streets, alleys, drainage ways and other public improvements for the use of the residents therein and of the general public, therefore enters into this obligation as required under State Law and provided for in Article 6626a passed by the 55th Legislature of the State of Texas.

The condition of this obligation is such that if the above bound Principal, his or its heirs, successors, executors, and administrators shall well and faithfully do and perform the construction of all roads, streets, alleys, drainage ways of the subdivision in accordance with the Bastrop County Construction Specifications as currently adopted by the Commissioners' Court of Bastrop County, Texas, and in effect on the date of his instrument is approved; then right of said Commissioners' Court to recover 90% of the above penal sum of this obligation shall be null and void; otherwise to be and remain in full force and effect, or cause to be constructed the said roads and/or streets of this subdivision to meet the requirements of the said specifications, and the cost of such construction shall be charged to the Principal and Surety hereof.

A further condition of this obligation is such that if the above bound Principal, or his or its heirs, successors, executors, and administrators shall well and faithfully do and perform the maintenance for a period of one (1) year of all roads, streets, alleys, drainage ways and other public improvements as shown on the plat of said subdivision or otherwise identified for inclusion in this agreement, and constructed in accordance with said specifications for construction of these improvements, such maintenance to begin on approval of construction by the County Engineer and Precinct Commissioner or his agent and release of such quality as to deliver to the County at the end of the period, facilities in condition equal to that at the beginning of the period; then right to recover 10% of the above penal sum of this obligation shall be null and void; otherwise to be and remain in force and effect, and the Commissioners Court of Bastrop County, Texas, may maintain,

or cause to be maintained the said streets, roads, alleys, drainage ways and other public improvements required for development of this subdivision to the requirements of the said specifications, and the cost of such maintenance shall be charged to the Principal and Surety hereof.

A further condition of this bond is such that recovery on this bond shall not be limited or exhausted by one or more recoveries less than the total amount of the bond.

Should this bond be ruled unenforceable as a statutory bond, the obligees shall be, and by their signature hereon are, bound by this contract as common law obligation.

Should the Principal request a resubdivision of any or all of the land described by the attached plat prior to the expiration of the two-year time period after the plat is approved, and also offer with the request for resubdivision new bonds meeting the Subdivision and Construction and Maintenance Bond requirements in force in Bastrop County at the time of offering, then the Commissioners' Court of Bastrop County, Texas, may, on acceptance of the resubdivision and new bonds, declare this bond null and void.

WITNESS OUR HANDS THIS _____ DAY _____ ,
20_____ .

Principal (print firm name)

ATTEST:

By:_____

Title

ATTEST:

Surety (print firm name)

By:_____

LETTER OF CREDIT

TO: Bastrop County Judge
Bastrop, Texas

Gentleman:

We, (name of lending institution), have established this date a commitment to lend sums not exceeding in the aggregate the total amount of (written amount) dollars (numerical amount) to our customer(s)

() who reside at (address) hereinafter known as "Customer(s)", being the costs estimated by Bastrop County for construction of all roads, streets, alleys, drainage ways and other public improvements in connection with the development of the subdivision known as (name of subdivision) provided, however, that the total sum stated above shall be subject to reductions as follows:

1. **TOTAL REDUCTION OF CONSTRUCTION SECURITY:** At such time as the above described construction is completed in accordance with Bastrop County specifications for roads and/or streets and drainage facilities in subdivisions as currently adopted by the Commissioners' Court of Bastrop County, Texas, and in effect on the date of his instrument, said completion being evidenced by a release of construction security signed by the Bastrop County Judge, the commitment evidenced hereby shall be reduced by ninety percent (90%). However, ten percent (10%) of the total commitment amount, shall remain in effect until the expiration of the Letter of Credit to insure that the customer(s) well and faithfully do perform the maintenance for a period of one year on all roads, streets, alleys, drainage ways and other public improvements for which security has been provided and which are constructed in accordance with said specifications for said improvements such maintenance to begin after approval of construction by the County Engineer and on the date of release of construction security by the Bastrop County Commissioners' Court.
2. **PARTIAL REDUCTION OF CONSTRUCTION SECURITY: (OPTION I)** Where costs estimated by Bastrop County for construction of roads, streets, alleys, drainage ways and other public improvements are \$50,000 or more, partial reductions may be allowed if approved by the County Engineer. Partial reductions shall not exceed ninety percent (90%) of the amount committed as construction security as estimated by Bastrop County. Partial reductions shall be for 90% of the estimated quantities of work completed, provided such construction is completed in accordance with Bastrop County's specifications for roads and streets and drainage facilities as currently adopted by the Commissioners' Court of Bastrop County, Texas. Partial reduction shall be evidenced by a statement of reduction approved by the Bastrop County Commissioner's Court and signed by the County Judge.

3. PERIODIC REDUCTION OF CONSTRUCTION SECURITY: (OPTION II):

Where costs estimated by Bastrop County for construction of roads, streets, alleys, drainage ways and other public improvements are \$50,000 or more, the commitment evidenced hereby may be reduced periodically to a maximum reduction not to exceed ninety percent (90%) of the amount committed as construction security.

Periodic reductions shall be no more often than monthly. Request for periodic reduction shall be accompanied by: (A) Lender(s) certified statements to the amounts paid for work completed; (B) Registered Professional Civil Engineer's certification of quantities of work completed; and (C) Contractor's (or sub-contractor's) receipt of payment for work completed.

Request for periodic reduction for the 10th day of a monthly period shall be submitted, complete, on or before the first (1st) day of the month to the County Engineer. Estimated quantities shall be for work completed up to and including 25th day of the preceding month.

If the contract price under any construction contract for construction of any facilities covered by this security exceeds reduction shall be permitted until such time as 110% of the work remaining to be completed under such contract is less than Bastrop County's estimated cost for the work.

Construction completed shall be in accordance with Bastrop County's specifications for roads and streets and drainage facilities as currently adopted by the Bastrop County Commissioners' Court of Bastrop County, Texas, prior to any periodic reduction. Periodic reduction shall be evidenced by a statement of reduction signed by the Bastrop County Judge.

Where partial (OPTION I) or periodic (OPTION II) releases are made, the one year maintenance period shall not commence until final release of construction security by the Commissioners' Court as required in paragraph "1". Total reduction of Construction Security.

This commitment is made with the understanding that only the Bastrop County Commissioners' Court can draw any part of the total amount stated herein above, subject to the terms and conditions hereof, if necessary to provide for the construction and maintenance of said roads, streets, alleys, drainage ways and other public improvements and recovery on this Letter of Credit shall not be limited or exhausted by one or more recoveries less than the total amount of the Letter of Credit.

We also understand and agree that the only requirement necessary for drawing any part or all of the total amount of this Letter of Credit is receipt by us, at least ten (10) days in advance of the date on which funds are requested, a letter requesting from Bastrop County signed by the County Judge, stating that one or more of the following conditions exist:

CONDITION ONE: The construction of said roads, streets, alleys, drainage ways, and other public improvements, have not been completed within two (2) years from the date of this credit, and the failure to complete such is not due to weather, acts of God, strikes, or other reasons beyond the customer's control, and due diligence is not then being used by the customer in an effort to complete said construction;

CONDITION TWO: Bastrop County has given written notice, return receipt requested, at least ten (10) days prior to calling for funds on the Letter of Credit to the customer's above stated address, that the said roads, streets, alleys, drainage ways and other public improvements have not or are not being constructed in conformity with Bastrop County's specifications and the act not being due to weather, acts of God, strikes, or other reasons beyond the customer's control and due diligence has not been used in efforts to correct the deficiency:

CONDITION THREE: Bastrop County has given written notice at least ten (10) days prior to calling for funds on this Letter of Credit, to us and our customer(s) at our respective above stated addresses sent by certified mail, return receipt requested, that this Letter of Credit is about to expire and that construction on improvements has not been completed, and that Bastrop County intends to draw upon this credit unless a substitute Letter of Credit in an approved form and in an amount equal to the total sum stated herein above plus any estimated increase in cost due to change in construction cost index for the items considered in the original Letter of Credit, is substituted and accepted by the Commissioners' Court prior to the expiration date of this Letter of Credit and substitute Letter of Credit has not been provided to Bastrop County.

CONDITION FOUR: Bastrop County has given written notice, return receipt requested, at least ten (10) days prior to calling for funds on this Letter of Credit to the customer(s) above stated address, that maintenance of any or all of the roads, streets, alleys, drainage ways and other public improvements for which security has been provided and which were constructed in accordance with said specifications, has not been begun or has not faithfully performed or has not been of such quality as to deliver to the County at the end of one (1) year following the approval of construction by the Bastrop County Engineer and release of construction security by the Commissioner's Court, facilities in condition equal to that at the beginning of the period, and the customer(s) have not corrected such deficiency, such failure to act not being due to weather, acts of God, strikes, or to other reasons beyond the customer's control and due diligence has not been used in efforts to correct the deficiency:

And that the Bastrop County Commissioners' Court considers such a drawing on this credit amount necessary in order to complete any part or all of the construction installation, or maintenance.

No further substantiation of the necessity of the draw by Bastrop County is required by this Letter of Credit.

We further state that this credit is irrevocable prior to the expiration date unless all parties, including for all purposes the Bastrop County Commissioners' Court of Bastrop County, Texas, consent to such revocation in writing.

Request for the draw of funds under this credit must be received prior to the expiration of three (3) years following the date of this credit and we agree to honor all complying requests within ten (10) days of presentation.

Date of Signature

Lender's Name

Authorized Officer's Signature

Date of Credit approved by Commissioner's Court
Action _____

STATE OF TEXAS
COUNTY OF BASTROP
RELEASE OF PERFORMANCE SECURITY FOR CONSTRUCTION OF ROADS
AND DRAINAGE

TO:

Bastrop County Commissioner, Precinct _____

A Combined Construction and Maintenance Bond _____ or cashier's check _____ or Letter of Credit _____ at the full estimated construction cost for roadway and drainage in the total amount of

_____ Dollars (\$ _____) was posted by _____, Owner, and by construction of roadways in _____, Surety, for the Subdivision, on _____, 20____.

Inspection by the Bastrop County Engineer verifies that roadway construction has been completed to minimum County Standards. Therefore, I recommend that ten percent (10%) of the total security be held for the maintenance period of one (1) year.

Bastrop County Engineer

Date

TO: _____, Owner
_____, Surety

In view of the above recommendation, and as authorized by majority vote of the Commissioners' Court of Bastrop County on _____, 20____, I hereby release the Owner and Surety from further obligation under the Performance Bond (or other approved security) for construction of roadways in _____ Subdivision, for the amount of _____ Dollars (\$ _____).

STATE OF TEXAS

COUNTY OF BASTROP

RELEASE OF PERFORMANCE SECURITY FOR MAINTENACE OF ROADS AND DRAINAGE

TO: Bastrop County Treasurer

Maintenance portion of construction and maintenance bond _____, Letter of Credit _____, or cash security _____ in the amount of _____ Dollars(\$_____) as posted by _____ Owner, and _____, Surety for the maintenance of roadways in the _____ Subdivision on _____, 20_____ .

Inspection by the Bastrop County Engineer verified that the roadway has held up well and/or has had proper maintenance for the past year. Therefore, I recommend release of the security for the maintenance portion of the performance at this time.

Bastrop County Engineer

Date

Ronnie McDonald
Bastrop County Judge

Security released on _____
Date

Bastrop County Treasurer

If cash security,
Released by _____
Date

cc: Bastrop County Commissioner, Precinct _____.

ESTIMATE FORM FOR ROADWAYS

4. DRAINAGE STRUCTURE

- a. _____ LF OF _____ INCH @ \$ _____ /LF = \$ _____
- b. _____ LF OF _____ INCH \$ _____ /LF
= \$ _____
- c. _____ LF OF _____ INCH \$ _____ /LF
= \$ _____
- d. _____ CU YD, CONC.(HEADWALL CONSTRUCTION)

5. CUT AND FILL SECTIONS

- a. _____ C.U. YDS @ \$ _____ /C.U. YD. = \$ _____
- b. _____ C.U. YDS @ \$ _____ /C.U. YD. = \$ _____
- c. _____ C.U. YDS @ \$ _____ /C.U. YD. = \$ _____

TOTAL CUT AND FILL COSTS \$ _____

_____ + _____ = \$ _____
(TOTAL CUT & FILL COSTS) (TOTAL FEET)

CUT AND FILL COST PER LINEAR FOOT - \$ _____

6. ROAD SIGNING

a. PUBLIC

- 1. _____ INTERSECTION ROAD NAME SIGNS

b. PRIVATE

- 1. _____ STOP SIGNS @ \$ _____ /SIGN = \$ _____
- 2. _____ SPEED LIMIT SIGNS @ \$ _____ /SIGN = \$ _____
- 3. _____ OTHER @ \$ _____ /SIGN = \$ _____

TOTAL SIGN COST - \$ _____

_____ + _____ = \$ _____
(TOTAL SIGN COST) (TOTAL FEET)

SIGN COST PER LINEAR FOOT - \$ _____

TWO YEAR ESCALATION (CURRENT MUNICIPAL COST INDEX RATE) _____ %

TOTAL ESTIMATED COST PER LF \$ _____ X YEAR COST INDEX RATE = \$ _____

TOTAL LINEAR FEET _____ X \$ _____ /LF COST = \$ _____

ESTIMATE PREPARED BY: _____