

**IN THE COMMISSIONERS COURT
OF
TYLER COUNTY, TEXAS**

**Survey and Infrastructure Requirements for
Manufactured Home Rental Communities in Tyler County**

Preamble:

Whereas, the 76th State Legislature of the State of Texas has enacted legislation amending Section 232.007, Texas Local Government Code, Subsection (a) and adding Subsections (c) through (h) enabling Commissioners Courts to adopt infrastructure requirements for Manufactured Home Rental Communities; and:

Whereas, due notice was given of a meeting and public hearing to determine whether the Commissioners Court of Tyler County, Texas should enact an order establishing infrastructure requirements for Manufactured Home Rental Communities; and

Whereas, the Commissioners Court of Tyler County, Texas finds that the requirements enumerated below will help to ensure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of Tyler County; and

Whereas, the Commissioners Court of Tyler County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Manufactured Home Rental Communities,

Now, therefore, be it resolved and ordered, that the Commissioners Court of Tyler County, Texas, meeting in open session this 28th day of April, 2021, adopts the following minimum infrastructure requirements for Manufactured Home Rental Communities:

Order of the Commissioners Court:

**SECTION 1
DEFINITION OF AFFECTED DEVELOPMENTS**

1.1 As used in this Order, the term “Manufactured Home Rental Community,” abbreviated as MHRC, means any plot or tract of land that is separated into two or more spaces that are rented, leased, or offered for rent or lease, for a term of less than 30 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences. “Manufactured Home” means any manufactured home or mobile home manufactured to the code or specifications of the federal Department of Housing and Urban Development, and/or

any residence as defined by Section 3 of the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code); used collectively, the term “Manufactured Home” refers to both manufactured homes and mobile homes.

- 1.2 Definitions:** Streets and roads- A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the MHRC consisting of more than one space.

SECTION 2 **CONSTRUCTION START PROHIBITED UNTIL COMPLIANCE WITH** **REGULATION SATISFIED**

- 2.1** Construction of a proposed MHRC may not begin before an Infrastructure Development Plan has been approved by the Commissioners Court or by a county official or employee designated by resolution to act as an agent of the Court (Designee). The obligation to obtain all necessary approvals, certifications, or other documentation rests upon the Applicant, subject to review and comment by the County Engineer/Designee.
- 2.2** Prior to any subdivision of land and any official submittal of a plat for review, it is recommended that the Owner set a meeting with the Precinct Commissioner and any retained county Engineer or County Designee. The Owner shall present a fully completed application form (Attached to this Regulation) and a proposed plat showing the proposed street alignments and the lots or spaces intended for development. The Precinct Commissioner and the retained county Engineer/Designee will provide general comments and requirements to the Owner. Based upon these comments and requirements, the owner or his representative will submit one copy of the revised proposed plat of the subdivision to the Precinct Commissioner’s office and two additional copies to the retained county Engineer’s/Designee’s Office.
- 2.3** The Precinct Commissioner will review the proposed plat and forward any additional comments and recommendations to the County Engineer/Designee.
- 2.4** The retained county Engineer/Designee will review plans for compliance with the Tyler County Subdivision and Development Regulations.
- 2.5** The retained county Engineer/Designee will return his and the Commissioner’s comments and recommendations to the Owner or his agent.
- 2.6** The Owner will address the comments and recommendations and set a meeting with the retained county Engineer/Designee to resolve the comments.
- 2.7** The retained county Engineer/Designee will contact the County Judge’s Office to request placement of the proposed plat on the next Commissioners Court agenda for initial approval if all comments have been addressed or placement of a variance request on the next Commissioners Court agenda. The County Judge’s Office will verify with the proper Commissioner for his concurrence of placement.

- 2.8 Prior to approval of the plat, the Owner shall pay a scanning fee of \$75.00/sheet to the County Engineer/Designee. This fee will be waived if the Owner supplies the County Engineer/Designee with a digital file of the plat. The digital file shall be in a .DWG format.
- 2.9 If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished simultaneously with the platting procedure of the city. The Owner must obtain proposed approval of the city before proposed approval by the Tyler County Commissioners' Court, unless otherwise provided by Interlocal Agreement

SECTION 3

UTILITY HOOK-UPS

- 3.1 A utility may not provide utility services, including water, sewer, gas, or electric services to an MHRC until a Survey and an Infrastructure Development Plan have been approved by the Commissioners Court. This limitation on availability of utility services shall be noted on the IDP and plat.

SECTION 4

SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED

- 4.1 The owner of a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed MHRC, then only a Survey will be required. The owner shall submit three blue-line or black-line copies and two reproducible prints of the Survey, and shall submit three blue-line or black-line copies and two reproducible prints of the IDP and three copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Survey and the IDP shall show or be accompanied by the following information:
- 4.1.1 **DRAWING REQUIREMENTS:** The north arrow, graphic scale and date shall be shown. The Survey and IDP shall be drawn on 22" x 24" or 22"x34" sheets to a scale not exceeding one-inch equals two hundred feet (1" =200'). The recording Survey and IDP shall be on permanent type material equivalent or superior to Mylar. If the recording Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the general location of MHRC in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Survey and the IDP.
- 4.1.2 **MANUFACTURED HOME COMMUNITY DETAILS:** The name of the MHRC, graphic scale, north arrow, names of streets and/or drives, block and space boundaries, and block and space numbers within the MHRC shall be shown.

Adjacent property owners, subdivisions and MHRCs shall also be shown and identified by owner's name and deed or plat reference.

- 4.1.3 OWNER IDENTIFICATION: The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided.
- 4.1.4 BOUNDARY LINES: The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the original Survey and IDP. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Survey and IDP. A table of space square footage or acreage and the total square footage or acreage must be shown.
- 4.1.5 UTILITY SERVICE: Each utility service shall approve the Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- 4.1.6 LAYOUT OF SPACES, DRIVES, EASEMENTS, SETBACK LINES, AND DRAINAGE: Location of spaces, drives, roads, public highways, utility easements, parks, benchmarks, 100-year flood plain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Survey and IDP on the ground is required. The location of drainage easements and other public rights of way or future rights of way shall be shown. The names and locations of all drives shall be clearly shown, and shall be Coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned and clearly marked for each rental space as shown on the Survey and IDP
- 4.1.7 FLOODPLAIN AND DRAINAGE INFORMATION: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan and floodplain delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any

manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC for a 25-year storm event. Storm water released from the MHRC shall not exceed the peak flow for a 100-year storm event during pre-development conditions. Elevation contours should be at no less detail than five-foot (5') intervals, based on NAVD 88 datum. All Special Flood Hazard Areas must be identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency. For each space within the limits of the 100-year flood plain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer. For each space within the limits of the 100-year flood plain, minimum Finished Floor Elevation must be provided on plat and development below the Finished Floor Elevation prohibited by plat note. A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, ravines, swales, ditches, bridges, and culverts. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of space and drive layouts on drainage. Depiction of all streams, rivers, ponds, lakes, and other surface water features.

- 4.1.8 ON-SITE SEWAGE: If utilizing individual on-site sewage facilities, each space must meet the requirements of the Tyler County Rules for On-Site Sewage Facilities. Viable percolation area must be shown. Space numbers and block designations shall be shown on the IDP. Each space shall have a minimum of 50 feet of road or drive frontage.
- 4.1.9 CERTIFICATION AND DEDICATION OF OWNER: The Owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgment before a notary public.
- 4.1.10 CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR: The Texas Registered Professional Land Surveyor shall certify on the first page of the Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information needed for platting each space shall be shown on the Survey and IDP. Surveys and IDPs shall not be approved until benchmarks are placed and placement is certified by the Surveyor.
- 4.1.11 CERTIFICATION AND APPROVAL BY CITY: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall be placed on the first page of the

IDP. All information required by the city for approval, i.e. plans and specifications, shall also be submitted to the County along with the IDP.

- 4.1.12 RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.13 STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the Tyler County Tax Assessor/Collector's Office or the Tyler County Appraisal District for land located within a municipality ETJ.
- 4.1.14 STREET STANDARDS: Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather driveway suitable for two-way traffic. Drive drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. "Flag lot" spacing or other contrivances which unduly inhibit proper drive maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate drive specifications is the Road and Drainage Specifications contained as part of the Tyler County Subdivision and Development Rules.
- 4.1.15 DRAINAGE STANDARDS: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year flood plain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC for a 25-year storm event. Storm water released from the MHRC shall not exceed the peak flow for a 100-year storm event during pre-development conditions.
- 4.1.16 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading and easement or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Tyler County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the IDP the following statement: "I, _____, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge, information and belief and based upon the

information provided, the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Tyler County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same.”

4.1.17 MEETING WITH PRECINCT COMMISSIONER: It is recommended that Applicants set up a meeting with the Precinct Commissioner or their designee before preparing the IDP.

4.1.18 A. **Construction and Maintenance Bonds**

1. **Construction Bonds**

All construction shall be complete within 2 years after approval of plat in a timely manner, and in accordance with the terms and specifications contained herein, the developer shall file a Construction Bond, executed with sureties by a Surety Company authorized to do business as a surety in Texas, and made payable to the County Judge of Tyler County, Texas or his successors in office.

The bond shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, water and/or wastewater utilities, required drainage structures and all other construction.

The Construction Bond shall be submitted to the Commissioner’s Court with the plat.

The Construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the County Road Supervisor/Designee, and the Construction Bond has been released by a Court order from the Commissioner’s Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the County, the unfinished improvements shall be completed at the cost and expense of obligee as provided.

2. **Maintenance Bond**

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the precinct Commissioner/Designee, a Maintenance Bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Tyler County, Texas or his successors in office, shall be substituted for the Construction Bond at the time of release of said Construction Bond.

The Maintenance Bond shall be equal to fifteen percent (15%) of the estimated cost of all construction based on the cost of construction to minimum county standards. This cost will be derived using an engineer's estimate.

The conditions of the Maintenance bond shall be that the Owner shall guarantee to maintain, to the satisfaction of Tyler County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specifications with construction security released by Court order from the Commissioners Court, in a good state of repair for a period of ten years from the date of official release of construction security.

Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction, for which maintenance security is held, will be made by the precinct Commissioner/designee during the period of liability covered by the Maintenance Bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction 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 repair said items, they shall be maintained at the cost and expense of obligee as in said orders provided.

The release of any bond shall be by order of the Commissioner Court. To request a release the developer who posted the bond in question shall present a written request to release said bond.

If substantial patching is required during the ten-year maintenance period, roads or streets must be resurfaced with a two-course surface treatment.

3. Cash Bonds

Cash bonds may be accepted in lieu of surety bonds. The developer shall enter into a formal written and signed agreement for the performance of construction of the roads, streets, street signs, underground utilities, required drainage structures and all other construction related to the development. This agreement shall be approved by the county attorney. The amount of the cash bond is to be determined by the average of three (3) bona fide bids from competent contractors. The cash bond shall be held in the depository of the county's choice. The precinct commissioner in whose precinct the development is occurring shall have signatory responsibility and responsibility for the disbursement of the bond. Reductions or refunds from the cash bond shall be based on a 20/40/40 percentage completion of development. Upon completion of phases, the developer shall present a letter of completion from the project engineer to the precinct commissioner stating the completed work and upon majority approval of the commissioner's court may be granted a partial release of funds in the above specified amounts. The forty percent (40%) shall not be released until a maintenance surety bond or a cash bond agreement and deposit for maintenance is received by the county. release of cash bonds are subject to majority approval from the commissioner's court. Variance from the specified refund amounts may be available by special consideration and a majority approval from the

commissioner's court. The commissioner's court may accept a cash bond for one hundred and fifteen percent (115%) of the amount of construction withholding the extra fifteen percent (15%) in lieu of the maintenance bond for a period of two (2) years from the completion and approval of the subdivision construction, and ten years for the maintenance bond. Each cash bond agreement may be unique and will require written approval from the county attorney and a majority approval from the commissioner's court.

SECTION 5 **SURVEY AND IDP APPROVAL**

The Commissioners Court of Tyler County shall approve or reject the Survey and/or IDP within 30 business days of a complete application and IDP being submitted. Any deficiencies noted in the review must be addressed and corrected before an application shall be deemed complete. The 30 business day time period shall commence upon submission of a complete application and IDP. Failure to reject the plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

SECTION 6 **INSPECTION AND CONFIRMATION OF CONSTRUCTION**

The Commissioners Court of Tyler County shall approve or reject the IDP prior to the commencement of construction of any drive, drainage or utility improvements. The Owner, or the owner's authorized agent, shall arrange a preconstruction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the tenth (10th) business day after the date of the inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County/designee determines that the infrastructure does not comply with the IDP, the MHRC may not be occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners Court.

SECTION 7 **REVIEW FEES**

Review fees shall be established from time to time by the Tyler Commissioners Courts Court, and are subject to change without notice. At the adoption of these Rules, the review fee shall be set at \$500.00 plus \$100.00 per rental space for each space up to 100, and \$15 per rental space for any additional space above 100 at the time the application is filed. The fee shall be paid to the County Clerk, with proof of payment delivered by the Applicant to the Commissioners Court and the County Judge's office.

SECTION 8
SEVERABILITY

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners Court of Tyler County.

PASSED AND APPROVED THIS 28th DAY OF APRIL, 2021.

County Judge

Commissioner Pct. 1

Commissioner Pct. 2

Commissioner Pct. 3

Commissioner Pct. 4

Attest:

County Clerk

Application for Subdivision of Land in

Tyler County, Texas

1. Name of Applicant: _____
2. Name of Subdivision: _____
3. Designated Contact Person for Applicant:
 - a. Name:
 - b. Address:
 - c. City/Zip:
 - d. Phone Number:
4. Name of all Title Owner(s) of Property to be sub-divided:
 - a. Name
 - b. Address:
 - c. City/Zip:
 - d. Phone Number:
5. Tyler County Appraisal District Tract or Parcel Identification Number for land to be developed: _____
6. County Commissioner Precinct in which land to be developed is located: _____
7. Location of Land to be Developed:
 - a. Legal or Mailing Address:
 - b. 911 Address:
 - c. Coordinates:
 - d. Topo or other suitable map depicting entire area to be subdivided.
8. Certifications Required by Subdivision Regulations:
 - a. No outstanding Tax Liability to County:

- b. Title Owners have authorized subdivision:
 - c. Required Fees have been paid:
 - d. County is authorized to review and act upon Application:
 - e. Required number of copies of plat are provided:
9. Before Application and Plat can be considered for approval, the following approvals or certifications shall be required. It is the duty of the Applicant to obtain these approvals or certifications, and to present the same to the County Engineer/Designee not less than three business days prior to plat approval hearing.
- a. Utility Service Approval and Certification of Ability to Provide Service for all required utilities, i.e. electric, water, sewer, telephone, cable TV, etc.
 - b. 911 Addressing: A letter from the County’s 911 Addressing Coordinator shall be provided certifying approved names for any drives, streets, or entryways.
 - c. If located in the ETJ of a municipality, certification of approval signed by appropriate representative of any city having extraterritorial jurisdiction over the area in which the MHRC is located.

Date:

Applicant