

SUBDIVISION AND PLAT REGULATIONS

ADDITIONAL STANDARDS AND RULES

ORDER REVISING PLAT REGULATIONS AND ESTABLISHING RULES AND REGULATIONS FOR SUBDIVISIONS, STREET CONSTRUCTION AND DRAINAGE, COUNTY ROAD STANDARDS AND SPECIFICATIONS, DRAINAGE WATER AND SEWER/SEPTIC SYSTEM SPECIFICATIONS, UTILITY AND COMMUNICATION LINES

WHEREAS, on the 27th day of April, 1992, Commissioners' Court of Morris County, Texas, Ordered, Adjudged and Decreed Regulations over the Plats of land located in unincorporated areas of Morris County; and the Court, having argument on said proposal, was of the opinion that certain regulations were needed in order to establish a uniform stander for plats; and

WHEREAS, on the 14th day of July, 2014, came on to be considered by the Commissioners' Court of Morris County, Texas, a proposal to revise said Regulations of Plats and to adopt additional standards and rules for subdivisions within Morris County;

THEREFORE, it is hereby Ordered, Adjudged and Decreed by the Commissioners' Court of Morris County, Texas, on the 14th day of July, 2014, that the following REGULATIONS are established concerning the division of land in Morris County, Texas, situated outside the corporate limits of any city or town, said REGULATIONS to become effective on July 14, 2014, and superseding and in lieu of previous orders pertaining to the approval of Subdivision plats, all County Roads in general within the County, and regulations previously established over the Subdivisions of land located in unincorporated areas of Morris County, Texas.

New Revision:

THEREFORE, it is hereby Ordered, Adjudged and Decreed by the Commissioners Court of Morris County, Texas, on the 14th day of July, 2014, that the following Regulations are established concerning the division of land in Morris County, Texas situated outside the corporate limits of any city or town, said Regulations to become effective on the 14th day of July, 2014, and superseding and in lieu of previous orders pertaining to the approval of subdivision plats, all County roads in general within the County, and regulations previously established over the subdivisions of land locate in unincorporated areas of Morris County, Texas.

MORRIS COUNTY SUBDIVISIONS AND PLATS REGULATIONS

ARTICLE I

SECTION 1.01: Every owner of any tract of land situated outside the corporate limits of any city in Morris County, Texas, who divides the same into two (2) or more parts, for the purpose of laying out any subdivision of any tract of land, or an addition outside the corporate limits of any town or city, or streets, alleys or parks, or other portions intended for public use or use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat (5 preliminary and 3 final plats), to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is apart, giving the dimensions of all lots, streets, parks or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. Every owner shall provide plats and deed restrictions. No construction of any kind in any subdivision affected by this order is to begin until the subdivision plat and plans have received final authorization by the Commissioners' Court of Morris County and have been filed with the County Clerk.

SECTION 1.02: Every such plat shall be duly acknowledged by owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for acknowledgment of deeds.

SECTION 1.03: The plat shall be prepared by a licensed engineer, licensed land surveyor or registered public surveyor, and shall be based on a scale of not more than one (1) inch equals two hundred (200) feet and certified to as to accuracy by the engineer or surveyors preparing the plat of the subdivision, in reasonable detail the locations of and width of existing streets, lots and alleys and similar details regarding all property immediately adjacent thereto.

The subdivision plat must be made from an actual survey on the ground by or under the supervision of either a professional engineer, a licensed land surveyor or registered public surveyor and his certificate to that effect must appear on said plat.

SECTION 1.04: The plat shall be drawn on tracing paper or a permanent type of material consisting of one or more sheets measuring eighteen (18) inches wide and twenty-two (22) inches long. If two or more sheets are used, a key map showing the entire area shall be drawn on the first sheet or on a separate sheet. Three copies of the final plat shall be presented for filing, one being for the County Clerk. The recording plat shall be on linen or mylar paper with black ink.

SECTION 1.05: Boundary lines of the subdivision must be shown by metes and bounds and distance, calling for the lines of established surveys, land markers, school district and other data furnished, sufficient to locate the property on the ground. All block corners and angles in streets and alleys should be marked with a three-fourth (3/4) inch galvanized pipe approximately two (2) feet in length, or two (2) feet length of 1/2" re-bar.

SECTION 1.06: The names of the proposed subdivision and any of the physical features must not be so similar in spelling or in pronunciation to the name of any similar features in Morris County as to cause confusion.

SECTION 1.07: Lot and block numbers are to be arranged in systematic order and shown on the plat in distinct and legible figures.

SECTION 1.08: The plat shall also show the location of all existing permanent, man-made structures in the proposed subdivision, including houses, barns, shacks, other buildings, walls, wells, ponds and stock tanks.

SECTION 1.09: The exact location, dimension, description and flow line of existing drainage structures and drainage structures proposed to be installed by the owner or owners, or subdivide or sub-dividers and the location, flow line and flood plain of existing water sources within the proposed subdivision must be shown on said plat.

SECTION 1.10: The plat shall further show existing topography of the proposed subdivision by use of contour lines. Said contour lines shall be based on a vertical interval of ten (10) feet for terrain with a slope of two (2) percent or more and on a vertical interval of five (5) feet for terrain with a slope of less than two (2) percent. Said contour lines shall further be based on data provided by any Government Agency or Department or Bonded Registered Surveyor which shall be specified on the plat with flood plain boundaries for a 100 year frequency flood.

SECTION 1.11: The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

SECTION 1.12: The Developer must submit a plan for providing utility service within the proposed subdivision, utility easements of no less than ten (10) feet shall be provided on each side and each end of all lots. Surface utilities are to be placed within five (5) feet on the property line. Subsurface utilities are to be placed with ten (10) feet of the property line. Easements are to described in the deed, and must show the same on the plat, i.e.; the proposed water supply shall be clearly indicated, i.e.; municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire plugs, fire department filler plugs or hydrants. Filler plugs or hydrants shall have proper hose connections every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction. Water supply must be approved and licensed by the TCEQ before lots are sold. Also, the plan for sewage disposal shall be clearly indicated, i.e., municipal sewer service, privately owned sewage disposal system, individual septic tank, etc. The design and installation, etc., of the septic system shall comply with regulations of the Texas Commission on Environmental Quality. Final authority as to design and installation of the system for sewage disposal shall rest with the licensing. The plan for sewage disposal shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the TCEQ. **The stipulation for sewage disposal shall be inserted in each deed to said purchasers.**

SECTION 1.13 Plat Required

(a) The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of minimum one acre intended for residential purpose must have a plat of the subdivision prepared. All lots or presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and deeds and contracts for deeds.

(b) No subdivided land shall be sold or conveyed until the sub-divider:

- (1) has received approval of a final plat of the tract; and
- (2) has filed and recorded with the County Clerk of the county in which the tract is located a legally approved plat.

(c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

SECTION 1.14 Number of Dwellings Per Lot

No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

SECTION 1.15 Water Facilities Development

(a) Public water Systems

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide an approved written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commissioner. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC 290.38 – 290.51 and 290.101 – 290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC

230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public Water Systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required from community water systems as set forth in 30 TAC 290.104, 290.106, 290.108 and 290.109, either:

- (1) without any treatment to the water; or
- (2) with treatment by an identified and commercially available water treatment system.

(c) Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

SECTION 1.16 Wastewater Disposal

(a) Organized sewerage facilities.

(1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.

(2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide an approved written agreement with the retail public utility. The Agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(b) On-site sewerage facilities.

(1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

(2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

(3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rule in 30 TAC Chapter 285, and in particular 285.4, 285.5 and 285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

Section 1.17 Final Engineering Report

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under 364.54 of this title, the schedule shall include the start dates and completion dates.

(1) Public water systems.

(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an approved executed contractual agreement between the subdivider and the retail public utility and referenced in 364.32(a)(1) in this title. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(B) Whereas there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for water

availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 year.

(2) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with 364.32 of this title. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to 364.32(B) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available to purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(3) Organized sewerage facilities.

(A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in 364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(4) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC 285.4©, including the site evaluation described by 30 TAC 285.30 and all other information required by the County's OSSF order.

(5) The final Engineering Report must include the date of completion of water/wastewater facilities if already constructed, or estimated date of completion if not constructed and certification from a licensed P.E. regarding the methods used to provide these services bearing the signed and dated seal of a P.E. licensed in the State of Texas.

ARTICLE II

Section 2.01: Notwithstanding the provisions of any other section in this Article II, a sixty foot right-of-way is hereby required for all paved streets or roads in subdivisions where the following requirements are met:

a. Where a County road abuts the subdivision, the owner shall set back the subdivision line thirty (30) feet to fifty (50) feet from the center line of the existing County road, depending on the area.

b. All Streets, Roads and Alleys within each subdivision shall be paved.

c. No utility lines are placed under the street pavement except at 90 degree angles and before subgrade is a place, and cased at a depth of no less than thirty (30) inches below drainage ditches. Any other crossing shall be bored and cased beneath road.

Section 2.02: The actual street cut for alley streets in such subdivisions must not be less than twenty (20) nor more than thirty-five (35) feet in width.

Section 2.03: All permanent dead end streets or roads shall have a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with radius of fifty feet (50') of pavement with a minimum of six inches (6") of compacted rock or Texas road oil at 6% by weight of sand.

Section 2.04: Streets or roads shall be designed and constructed so as to intersect with each other at ninety (90) degree angles. Where compliance with this regulation is impossible, due to terrain, the subdivider may file a written petition with the Commissioners' Court for a variance contemporaneously with the original submission of the plat to the Court. Said petition shall state concisely why the condition of the terrain makes it impossible to comply with this regulation. The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat. In event that a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the streets would have otherwise intersected. The Court shall specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying preliminary authorization of plat.

Section 2.05: No street or road shall be constructed with an abrupt offset or "job" in it.

Section 2.06: Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision. All

streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.

Section 2.07: No streets, roads or alleys shall be constructed across dam or embankment used for purpose of holding water.

Section 2.08: Paved streets must be twenty (20) feet wide and be paved with (1) hot mix asphaltic or, (2) a rock base with a sealcoat surface treatment of, (3) 6" oil sand or, (4) a combination of these. One prime coat and one course penetration asphalt surface treatment or tack coat and hot mix must be applied if favorable weather conditions exist.

The paving material on paved streets must have a thickness of not less than two (2) inches of hot mix asphaltic compacted or one (1) course of sealcoat surface treatment. The sealcoat material or hot mix material shall be approved by the Commissioner of the Precinct where the subdivision is located.

If the road is rock base, then it shall be primed and sealcoated. If the road is of oil sand base then no primer is required.

Section 2.09: Penetration Asphalt Surface Treatment

a. A prime coat of asphalt shall be applied to the base and allowed to set for a adequate period of time (one to two days ordinarily). One course penetration asphalt surface treatment shall then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates to be applied in quantities necessary to thoroughly and property cover asphalt.

b. Rolling- After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt property to the satisfaction of the Commissioner of said Precinct. One course to be applied at completion of road.

Section 2.10: All streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall be: #1 crushed limestone road, iron ore gravel, or Texas road oil at 6% by weight of the sand of not less than six (6) inches. The flexible base shall have a minimum thickness of six (6) inches after compaction of the authorized base material with approval of County Commissioner of said Precinct, and be twenty-two (22) feet wide. The flexible rock or iron ore gravel base shall be covered with a primer twenty-two (22) feet wide one-third (1/3) gallon per square yard.

Section 2.11: The subgrade composition and the compaction must be approved by the Commissioner of the Precinct wherein the subdivision lies.

Section 2.12: Seep Areas:

- a. Seep areas are to be marked by visual inspection by the contractor and the Precinct Commissioner.
- b. Seep areas shall be drained to a depth of at least eighteen (18) inches to two (2) feet below subgrade elevation by use of subsurface drainage.
- c. After Seep areas are drained, the subgrade is to be compacted as described hereinabove.

Section 2.13: The center line of each street in every subdivision shall have elevation of at least three (3) inches above the elevation of the edges of said street.

Section 2.14: All roads and streets that are accepted by the County must be named and marked by the Developer in compliance with 911 Requirements (See Attachment No. 1) with permanent metal signs to match County Road signs. The Precinct Commissioner will furnish the Developer with the road numbers that are to be placed on the required road sign.

Section 2.15: Upon completion of each street, alley, all trees, rock and other material created by said construction must be removed and dumped at an authorized refuse and/or fill site.

Section 2.16: The Commissioners' Court may specify that construction of all streets, roads and drainage structures must be started and completed within a reasonable time after the plat and plans of a subdivision have received final authorization from the County, and said time period (not to exceed twelve (12) months) must be specified by the Court in its order granting or denying preliminary authorization of the plat.

Section 2.17: The Developer must present certification that all costs of roads and streets have been paid before the County will accept said roads and streets.

ARTICLE III
DRAINAGE

Section 3.01: Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Roads and Streets shall not be used as drainage courses. If the contour lines on the final plat indicate that the lot or lots may not drain, the Commissioners' Court shall not approve the plat until correction of said drainage has been completed.

Section 3.02: All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of eighteen (18) inches below the level of the edge of the adjacent street or road.

Section 3.03: Permanent drainage structures including, but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings or drainage courses, including drainage ditches with driveways, road and streets. At least one permanent drive approach with proper drainage, minimum 20 foot pipe, shall be constructed and covered with the same materials as road base and surface to property line.

Section 3.04: The exact dimensions and type of said permanent drainage and structure, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the commissioners' Court in its order granting or denying preliminary authorization of a subdivision plat.

Section 3.05: Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners' Court in its order granting or denying preliminary authorization to the subdivision plat.

Section 3.06: Open drainage channels and ditches shall be constructed with a proper cross-slope grade and alignment which will facilitate proper functioning without the destruction velocities of drainage waters.

Section 3.07: All drainage easements for the land being authorized for development just be of adequate width, as determined by the Commissioners' Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all lands whose natural drainage runs through the property being authorized for development. After platting, the Developer shall deliver to the Commissioners' Court of Morris County the necessary easement for each lot or acreage where there will be a drainage ditch or channel with right to ingress and egress. All drainage easements must be shown on plat.

Section 3.08: Drainage Easements: provisions shall be made for drainage easements to allow for proper control of drainage, and for future maintenance within the easement area. **Stipulations for drainage easements shall be inserted in each deed to said purchaser.** The Commissioner of the Precinct wherein said subdivision lies is to meet with the contractor at least 30 days prior to submission of plat to Commissioners' Court in planning of culvert and drainage. Prior to building roads within subdivision, all Developers are required to meet with the Commissioner of the Precinct in which the subdivision is located for the purpose of determining the cost of construction of roads to conform with the above requirements.

Section 3.09: A cash fee of ten dollars (\$10.00) per lot proposed to be subdivided shall be paid by any subdivision developer within Morris County, Texas, to defer the cost of inspection

ARTICLE IV
BONDING PROCEDURES

Section 4.01: The owner or owners of any tract of land to be subdivided shall give a good and sufficient performance bond for the proper construction of the streets and roads in the subdivision, Said bond to be executed by a corporate surety company authorized to do business in the State of Texas, or in the alternative, said bond may be a cash bond.

Section 4.02: The performance bond shall be fixed in an amount equal to the estimated cost of street and road construction as determined by the Commissioners' Court in its order granting preliminary authorization of the plat.

Section 4.03: The performance bond shall be made payable to: Morris County Judge or His Successor in Office; and shall be conditioned that the owner or owners of any such tract of land to be subdivided will construct all streets and roads within said subdivision in accordance with these regulations; and shall be presented for approval to the Commissioners' Court upon presentation of the subdivision plat and plans for final authorization and approval. No subdivision plat or plans shall be considered for final authorization and approval by the Commissioners' Court unless accompanied by a performance bond.

Section 4.04: The performance bond shall be provided before construction begins, being effective on the date that the subdivision plat and plans receive final authorization and remaining in effect for one (1) year after the date on which the Commissioners' Court certifies that the streets and roads in the subdivision have been completed in accordance with these regulations.

Section 4.05: Where construction of all streets and roads in said subdivision is completed in accordance with these regulations, the owners or owners shall give written notice of completion to the Commissioners' Court and request a hearing for the purposes of certifying same. Following receipt of the notice of completion and request for hearing the Commissioners' Court shall make an inspection of the subdivision and conduct a hearing and, thereafter, consider an order granting certification that the streets and roads in said subdivision have been constructed in accordance with these regulations.

In the event that the Commissioners' Court then determines that the construction of streets in the subdivision was not completed in accordance with these regulations, the Commissioners' Court shall consider an order denying certification and causing the performance bond to be forfeited in favor of Morris County.

Section 4.06: One year having lapsed from the date on which the Commissioners' Court did certify completion of the construction of the streets and roads of a subdivision in accordance with these regulations, the Commissioners' Court may consider acceptance of the streets and roads of the subdivisions and may designate said streets and roads as "County Roads" to be kept and maintained as part of the County Road System.

Section 4.07: Upon acceptance of the streets and roads by the Commissioners' Court, the performance bond shall be released or said bond having been forfeited, any bond proceeds remaining shall be returned to the owner or owners.

Section 4.08: The County will not be responsible for any damage to any utilities on any county accepted right-of-way when maintaining the streets or roads.

Section 4.09: In lieu of a performance bond, an irrevocable letter of credit may be substituted for a specified period in accordance with Section 4.04.

Section 4.10: Financial Guarantees for Improvements

(a) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the Commissioners' Court shall require the owner of the subdivided tract to execute an agreement with the County on a form approved by the County secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set for the below.

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the County Judge of the County, in his official capacity, or the Judge's successor in office.

(2) The bond or financial guarantee shall be in an amount determined by the Commissioners' Court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(3) The bond shall be executed with sureties as may be approved by the Commissioners' Court. The County shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

(A) registration with the Secretary of State and be authorized to do business in Texas;

(B) authorization to issue bonds in the amount required by the Commissioners' Court;

(C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company just demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting there criteria established by Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners' Court.

(c) Letter of credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank Qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and

(iii) total assets must be at least \$25 million.

(B) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and

(iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts a greater than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank Qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and

(iii) total assets must be at least \$75 million.

(B) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and

(iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(3) The letter of credit shall list as sole beneficiary the County judge of the County, in his official capacity, or the Judge's successor in office, and must be approved by the County Judge of the County.

(4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of the subchapter and upon construction of facilities within the time stated on the plat, or on the document

attached to the plat for the subdivision, or within any extension of time granted by the Commissioners' Court.

(d) Financial Guarantee. The County will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(e) Alternative to county accepting a financial guarantee. The County may approve a final plat under this section without receiving a financial guarantee in the name of the County if:

(1) the property being subdivided lies wholly within the jurisdiction of the County;

(2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

(3) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to:

(A) accept the bonds letters of credit, or other financial guarantees, that meet the requirements of this section;

(B) execute the construction agreement with the subdivider; and

(C) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

Section 4.11 Addition Information

(a) If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or is not constructed by the owner of the subdivided tract, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the owner of the subdivided tract shall execute an approved agreement with the County secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meets the requirements set forth below.

(b) The bond or financial guarantee shall be in an amount determined by the Commissioners' Court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(c) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by this Article – and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioner Court.”

Section 4.12 Supersession

These rules supersede any conflicting regulations of the county.

ARTICLE V
AUTHORIZATION PROCEDURES

Section 5.01: If the location of the subdivision is within the extraterritorial jurisdiction of any city, (i.e. one mile from cities of 5,000 inhabitants or less), town or village within Morris County, Texas, the preliminary plat shall be reviewed by that public body prior to submission to the Commissioners' Court.

Section 5.02: All subdivision plats and plans for drainage and street construction must be submitted to the Commissioners' Court by submitting them to the County Judge in sufficient time for the Court to adopt an order granting or denying preliminary authorization of said plats and plans.

Section 5.03: The Court shall vote on whether to grant or deny preliminary authorization of the subdivision plat and plans after receipt of said plat and plans by the County Judge.

Section 5.04: The Court shall deny preliminary authorization and said plat and plans unless they conform to the requirements of the Texas Transportation Code, any other requirements set out in any other statute of the State of Texas, and these regulations.

Section 5.05: In its order granting or denying preliminary authorization of the plat and plans, the Court may impose further requirements which must be met by the owner, subdivider or subdividers, and reflected in the plat and plans before plat and plans receive final authorization by the Court. Said requirements are those provided for in Section 2.01b herein.

Section 5.06: In its order granting or denying authorization of a subdivision plat and plans, the Court may also establish regulations and details with reference to individual subdivisions. Such regulations and details are those specified in Section 2.01b, 3.04, 3.05 and 3.07 therein.

Section 5.07: if the subdivision plat and plans are not given preliminary approval or receive preliminary approval and the Commissioners' Court also acts to impose additional regulations or to specify certain details concerning the subdivision, as provided for in Section 5.04 and 5.05 herein, the subdivider shall prepare a new plat and new subdivision plans in conformity with said addition regulations as well as with the other requirements of Texas Codes or Statutes. The Subdivider shall then present the new plat and plans to the Commissioners' Court by submitting them to the County judge before the Court adopts and order granting or denying final authorization of said plat and plans.

Section 5.08: The Court shall vote whether to grant or deny final authorization of said subdivision plat and plans after receipt of said plat and plans by the County Judge. Failure to vote on said authorization shall be deemed to constitute final approval of the subdivision plat and plans, and in such event no additional bond shall be required of the landowner or landowners, notwithstanding any provision herein to the contrary.

Section 5.09: The Court shall deny final authorization of the plat and plans unless they meet all the requirements of the Texas Transportation Code or any other statute of the State of Texas, and these Regulations, including those additional regulations and specifications provided for in Section 5.06 and 5.07 herein.

Section 5.10: If the subdivision plat and plans receive preliminary authorization and the Commissioners' Court does not at the same time impose additional requirements or specify additional details, the Court order granting preliminary authorization to said plat and plans shall act as final authorization, and the Court order and the minutes of the Commissioners' Court meeting shall so reflect.

Passed and approved by Morris County Commissioners' Court this 14th day of July, 2014.

Dennis Allen
Dennis Allen, Precinct 1

Weldon Lilley
Weldon Lilley, Precinct 2

Michael Clair
Michael Clair, Precinct 3

Gary Camp
Gary Camp, Precinct 4

Lynda Munkres
Lynda, Munkres, County Judge

Date July 14, 2014

ATTEST

Vicki Falls, County Clerk Morris County, Texas

Vicki Falls

By:

Deputy



THE STATE OF TEXAS
COUNTY OF MORRIS
APPLICANT: TRI-SPECIAL UTILITY DISTRICT

www.com.com

1. My name is Lynda Munkres and I am the County Judge for Morris County, Texas. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. The residential subdivision regulations adopted by Morris County Commissioners' Court on July 14, 2014 and attached to this statement fully incorporate the model rules as adopted by the Texas Water Development Board and found in 31 TEX. ADMIN. CODE Ch. 364.

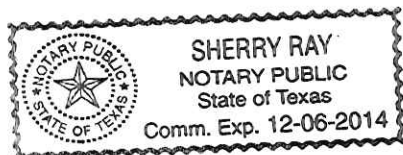
3. Any residential subdivision plats approved by Morris County Commissioners' Court and submitted with this statement fully comply with the regulations of Morris County.

4. Should the Executive Administrator of the Texas Water Development Board determine that Morris County is not enforcing the model rules as adopted, I understand that all funds provided by the Texas Water Development Board under its Economically Distressed Areas Program rules as found in 31 TEX. ADMIN. CODE Ch. 363 and committed for projects in Morris County shall be suspended.

Lynnda Munkres

Morris County Official Representative
Title: County Judge

SWORN TO AND SUBSCRIBED BEFORE ME, by Lynda Munkres this 14th day of October, 2014.



Sherry Ray
Notary Public in and for
Texas

Notary Public in and for the State of
Texas