

**HARDIN COUNTY,
TEXAS**



**RULES, REGULATIONS AND REQUIREMENTS
RELATING TO THE APPROVAL AND ACCEPTANCE OF
IMPROVEMENTS IN SUBDIVISIONS OR REVISED
SUBDIVISIONS**

Last Amended September 8, 2020

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ARTICLE 1.0

**RULES, REGULATIONS, AND REQUIREMENTS RELATING TO
THE APPROVAL AND ACCEPTANCE OF IMPROVEMENTS IN
SUBDIVISIONS OR REVISED SUBDIVISIONS**

STATE OF TEXAS

COUNTY OF HARDIN

On this, the 27th day of August 2001 at a regular meeting of the Commissioners' Court, came on to be considered the necessity of adopting rules, regulations, and requirements providing for the supervision of the development of new subdivisions or revised subdivisions in Hardin County, Texas, outside the legal limits of any incorporated city or town in Hardin County in accordance with Article 6702-1 Sec. 2.401 Vernon's Civil Statutes and Article 232 of the Local Government Code.

Upon due consideration, the court was of the opinion that there exists a necessity for establishing rules, regulations, and requirements and that these rules, regulations, and requirements shall supersede all existing rules, regulations, or requirements heretofore passed by the Commissioners' Court.

NOW, THEREFORE, by and under the authority vested in the Commissioners' Court, upon the motion of Commissioner Bob Burgess seconded by Commissioner Bobby Franklin duly put and carried.

IT IS ORDERED, ADJUDGED AND DECREED the following rules, regulations, and requirements relating to the supervision of new subdivisions or revised subdivisions in

Hardin County are hereby adopted as conditions precedent to the approval, by the Commissioners' Court, of plat of subdivisions and revised subdivisions for recording; and shall be in full force and effect from the date of October 1, 2001 to wit.

1. These rules, regulations, and requirements are subject to change, amendment or alteration, whenever the court in its judgement deems it to be in the best interest of the public.
2. All new subdivisions or revised subdivisions in Hardin County not within the corporate limits of any incorporated city or town in Hardin County shall comply with these regulations, except as otherwise provided in this paragraph. No approval or acceptance of the streets, roads, storm sewers, drainage ditches and drainage easements, fresh water supply and sanitary sewage disposal and set back lines of a subdivision or a revised subdivision shall be issued by the Commissioners' Court without the compliance with these rules, regulations, and requirements. Provided, however, if any new subdivision or revised subdivision is located within the extraterritorial jurisdiction of a municipality, Hardin County's jurisdiction to regulate subdivision plats and related permits is determined by inter-local agreement between the municipality and Hardin County as required by Section 242.01 of the Texas Local Government Code.
3. The streets in previously approved subdivisions that have not been taken into the County Road System shall be considered based on Hardin County's subdivision specifications in effect when the respective plat and bond were accepted by Commissioners' Court. This policy shall not apply to any roads now being maintained by the Road and Bridge Departments of Hardin County, Texas.
4. A plat prepared by a Registered Land Surveyor and construction plans prepared by a Registered Professional Engineer of the proposed subdivision or revised subdivision in accordance with Article 3.0 will be submitted as outlined below to the Commissioners'

Court of Hardin County. The plat and construction plans shall also be drawn to conform to the requirements set forth herein for proposed on-site and off-site drainage facilities.

5. Properties within the proposed subdivision may not be sold until the final plat is approved by the Commissioners' Court and filed for public record by the County Clerk.
Construction of improvements may not begin until after Commissioners' Court has approved the drainage plan, all construction plans and the final plat.
6. The subdivider shall be responsible for all engineering cost incurred by Hardin County for the inspection and approval process until the streets and drainage are accepted by Commissioners' Court.
7. It shall be the duty of the subdivider or his engineer to notify the County Court Designee at least 48 hours in advance of the start of construction, or of the resumption of construction if discontinued for more than 5 working days. The subdivider is also responsible to see that layout and construction, subject to inspection by the County Court Designee or representatives of the County Court Designee, follow the plans as presented with the final subdivision plat
8. In those cases where it is not practical to meet the requirements of Article 1.0 Section 6 the subdivider's engineer will submit necessary data so that consideration may be given by the County Court Designee to granting a waiver of time notification requirements.
9. A certificate from each tax collector of a political subdivision in which the property is located must accompany the plat to be recorded, showing that all taxes owing to the State, County, School District, and/or any other political subdivision, has been paid in full to ~~date~~.
10. Certificate from an abstractor, or written opinion from the attorney of the subdivider must be attached, showing ownership of property and all liens against it.
11. The following bond requirements shall apply to each subdivision, or revised subdivision to which these rules apply.
 - a) No map or plat of a subdivision or revised subdivision of land shall be approved for filing in the public records unless accompanied by a surety bond, irrevocable

letter of credit or cash security deposit using the appropriate form provided by the county (see Article 3.0, Sections K, L and M). The bonding company must be authorized to do business in Texas, must be in good standing with the Board of Insurance, and have an A.M. Best Rating of A or higher. The letter of credit must be from an approved bank.

- b) If the subdivider chooses to file the final plat before completion of construction of the required improvements, the amount of the security must not be less than the estimated cost of constructing all required improvements. Such estimated cost shall be determined by the Commissioners' Court and such cost shall not be less than \$100.00 per' lineal foot for new roads or streets and \$30.00 per lineal foot for non-roadside drainage's. The amount of the bond, letter of credit or cash security deposit may be reduced to ten percent of the cost of construction after construction is completed in accordance with plans and specification and after acknowledgement of such by Commissioners' Court for beginning of the two-year warranty period. The bond, letter of credit or cash security deposit at the reduced sum will remain intact until completion of the warranty period and acceptance of the roads and drainage into the county systems for maintenance by the Commissioners' Court.
- c) If the subdivider chooses to complete construction of the required improvements prior to filing the final plat, the amount of security must not be less than ten percent of the cost of construction as determined by the Commissioners' Court and such shall not be less than \$10.00 per lineal foot for roads and \$3.00 per lineal foot for non-roadside drainage's. This bond, letter of credit or cash security deposit will remain intact until completion of the warranty period and acceptance

of the roads and drainage into the county system for maintenance by the Commissioners' Court.

- d) No road or street or drainage shown within the boundaries of such subdivision shall be accepted by the county as part of the county road and drainage system until the construction of said road and drainage has been proved to be acceptable and in accordance with the standards of Hardin County. No map or plat of any subdivision or revised subdivision shall be approved that is not accompanied by an appropriate letter of credit, surety bond, or cash security deposit. Public roads and drainage's in the proposed subdivision shall meet the minimum standards for streets or subdivision roads and drainage's upon the expiration of a warranty period of two years from the date said roads and drainages are complete and 50% of the lots are built out. If said roads or streets or drainage's do not meet Hardin County's minimum standards upon expiration of this two-year warranty period, which fact shall be determined by the County Court Designee or his representatives, the warranty period will automatically extend until final acceptance by the Commissioners' Court or until the Commissioners' Court redeems subdivider's surety bond, letter of credit, or cash security deposit as needed to satisfactorily complete construction of the improvements. It shall be the sole responsibility of the subdivider to ask for an inspection by the County Court Designee. No street or road or drainage within subdivision shall be accepted into the county road system for maintenance until the inspection as provided for in this paragraph has been accomplished and has been approved by the County Court Designee and accepted by Commissioners' Court .
12. The extraterritorial jurisdiction, in accordance with Chapter 42 of the Local Government Code, of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

- a) Within 1/2 mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;
 - b) Within 1 mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
 - c) Within 2 miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
 - d) Within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or
 - e) Within 5 miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.
12. The subdivider is required to submit elevations of each lot as prepared by a Registered Public Surveyor or a Registered Professional Engineer if the subdivision is in a Special Flood Hazard Area.
13. The subdivider is required to obtain approval of utility easements from Public Utilities servicing the subdivision and submit said approvals with plat.
14. The subdivider is required to protect and/or relocate all pre-existing utilities and pipelines as needed to insure safety, no interference with future maintenance activities and compliance with all U.S. DOT, Railroad Commission and TxDOT regulations. Written assurance of said protection/relocation measures must be submitted with plat.
15. The subdivider is required to obtain approval of drainage plan from Commissioners' Court and submit approval with plat. Said plan must comply with the Hardin County Floodplain Order and provide for both internal and external drainage for the subdivision. External drainage must be designed to convey a 25 year storm event and the drainage plan must show the impact on both internal and external drainage of a 5 year, 25

year and 100 year storm event.

16. The subdivider must obtain a National Pollutant Discharge Elimination System Permit, if construction activity effect effluent limitations for storm water discharge, from Environmental Protection Agency in accordance with Federal Water Pollution Act
17. The subdivider of a tract with lots of five acres or less without adequate water supply and sewer services must comply fully with the Model Subdivision Rules of the Texas Water Development Board as required by the Texas Water Code, Section 16.343.
18. All on-site sewage facilities on lots larger than five acres must be in compliance with Title 30 Environmental Quality, Part I, Texas Commission on Environmental Quality (TCEQ), Chapter 285, On-Site Waste Water Treatment. The subdivider must submit planning material which includes an overall site plan, topographic map, 100-year floodplain map, soil survey, and complete engineering report detailing the types of on-site sewage facilities to be considered and their compatibility with area wide drainage and 100-year floodplain impact plan must also be included in this planning material.
19. Under no circumstances does Hardin County undertake the responsibility for the installation, provision or maintenance of water and sewer facilities. Nor does Hardin County warrant the quality or existence of any water or sewer systems patted.
20. The subdivider must provide for the permanent maintenance of all common areas, e.g. neighborhood parks, drainage retention basins, drainage retention ponds, etc., and shall clearly define such provision on the final plat. A Declaration of Maintenance Covenant for Stormwater Structural Controls (Section O) shall be filed along with the final plat. Such maintenance provision must be implemented before expiration of the two-year warranty period. No street, road or roadside drainage within the subdivision will be accepted for maintenance by the county until provision for the maintenance of common areas is complete.

PRIVATE SUBDIVISIONS

If a subdivider wishes to create a subdivision utilizing private roads, the subdivision must meet all requirements of these regulations for platting, bonding, drainage, construction standards, etc. and:

1. The subdivision plat and restrictions must contain a statement that Hardin County will never accept or maintain the roads, drainages or common areas unless they meet the county standards in effect on the date of acceptance.
2. The subdivision plat must contain a statement that the roads, drainages, and common areas will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance. This includes a statement of the minimum annual assessment that will be imposed upon the owners of lots in the subdivision.
3. The plat must contain a requirement that every deed contain notice to the grantee that all roads, drainages, and common areas are private, that the owners will be perpetually liable for maintenance, that the county will never accept it for maintenance, and that the quality of the roads, drainages, and common areas affect access by the public services such as police, fire and EMS.
4. Streets, drainages, and common areas within private subdivisions will be dedicated to the homeowners association for the use of the property owners, their assigns and successors, and emergency response individuals. Connecting streets external to private subdivisions must be dedicated to the public using appropriate dedication form. See Article 3.0, Section H and I.
5. The subdivider will place a sign at the entrance of the subdivision clearly stating that the roads are private roads.
6. The subdivider will form a homeowners association with assessment authority. Membership in the association will be mandatory for each lot owner of the private subdivision. The association will be responsible for the maintenance of the roads, drainages, and common areas in the subdivision.
7. Ready-for-execution copies of the articles of incorporation and bylaws of the homeowners association will be submitted to Commissioners Court for approval with the application for approval of the final plat.
8. Any owner that gates the entrance(s) to the subdivision shall provide either a crash gate or a lock box and a letter of approval from all the affected emergency response agencies stating their approval of full time access to the subdivision.

SUBDIVISION OF AGRICULTURAL LAND

The following regulations apply if a subdivider wishes to create a subdivision of lands that will continue to be used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution, and the subdivider lays out streets, alleys, squares, parks, or other parts of the tract intended for public use or for the use of purchasers or owners of the tracts fronting on or adjacent to the streets, alleys, squares, parks or other parts;:

1. Platting is required per these regulations;
2. All other requirements, e.g, bonding, drainage, construction standards, etc., do not apply; and
3. The following Notice must be included in the deed of conveyance and in any contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method:

NOTICE

IF A TRACT DESCRIBED BY THIS INSTRUMENT CEASES TO BE USED PRIMARILY FOR AGRICULTURAL USE AS DEFINED BY SECTION 1-D, ARTICLE VIA, TEXAS CONSTITUTION OR FOR FARM, RANCH, WILDLIFE MANAGEMENT, OR TIMBER PRODUCTION USE WITHIN THE MEANING OF SECTION 1-D-1, ARTICLE VIII, TEXAS CONSTITUTION, ALL REQUIREMENTS OF HARDIN COUNTY'S THEN CURRENT SUBDIVISION REGULATION WILL APPLY AND THE CURRENT OWNER WILL BE FULLY RESPONSIBLE FOR SUCH.

UNDER NO CIRCUMSTANCES WILL HARDIN COUNTY ACCEPT RESPONSIBILITY FOR THE INSTALLATION OR MAINTENANCE OF ANY ROADS

OR OTHER IMPROVEMENTS IN THESE SUBDIVISIONS UNTIL ROADS, DRAINAGES AND ALL OTHER IMPROVEMENTS FULLY MEET THE PLATTING, ENGINEERING, CONSTRUCTION AND ALL OTHER REQUIREMENTS OF HARDIN COUNTY'S THEN CURRENT SUBDIVISION REGULATIONS FOR RESIDENTIAL SUBDIVISIONS.

CRIMINAL PENALTIES:

- I. Violation of the provisions of this ordinance or failure *to comply with any of its* requirements shall constitute a Class B misdemeanor in accordance with Article 232.005 of the Local Government Code. At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:
 - a) enjoin the violation of threatened violation of a requirement established by these subdivision rules; or
 - b) recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with all requirements established by these subdivision rules.

SAVINGS CLAUSE:

If any sentence, phase, section, paragraph, article or any part of these rules, regulations and requirements is declared invalid, unenforceable or unconstitutional for any cause or reason, such invalidity, unenforceability or unconstitutionality shall not be held to affect, invalidate or impair the validity, force or effect of any other part of these rules, regulations and requirements.

ARTICLE 2.0

DEFINITIONS & EXCEPTIONS TO PLAT REQUIREMENTS

OWNER:

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PLAT:

A map of any subdivision of property, defined as two or more parcels of land, showing location and boundaries of individual parcels, streets, alleys, and easements meeting requirements of Article 3.0.

EXCEPTION TO PLAT REQUIREMENTS

1. Platting is not required by Commissioners' Court if parcels are located on an existing county road or state highway and do not require any easements or drainage for use by the public or adjacent owners.
2. A plat is not required when a person makes a conveyance of tracts, each of which is sold, conveyed, given or otherwise transferred, to persons who are related to the owner within the third degree of consanguinity (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great grandchild, aunt, uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related to the owner's spouse) for their personal use; provided however, that each daughter tract is either located on a public road or has access to such a road by a private easement.
3. A plat is not required when:
 - a) The owner does not layout streets, alleys squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers

or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts; and

- b) The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1-d-1, Article VII, Texas Constitution. If a tract described by this paragraph ceases to be used primarily for agricultural use, farm, ranch, wildlife management or timber production use, all platting and other requirements of these Subdivision Regulations apply and the then current owner will be fully responsible for such.

- 4. A plat is not required when specifically exempted by the local Government Code, Subchapter A, 232.0015.

SUBDIVIDER:

Any person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

REVISED SUBDIVISION:

A change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line.

SUBDIVISION:

Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, conditions, including revised subdivisions.

COMMON AREAS:

Any land, vacant or improved, which is for the benefit of residents of the subdivision, is not offered for sale or lease, and is not a street or drainage to be maintained by the county.

Common areas include, but are not limited to, neighborhood parks, drainage retention basins, and drainage retention ponds.

LANDSCAPE CULVERTS:

Any culvert that is not a driveway or walkway culvert and that is located in a subdivision designed for an open roadside ditch drainage system.

ARTICLE 3.0
STANDARDS FOR SUBDIVISION PROPOSALS

SECTION A

STEPS TO BE FOLLOWED IN SUBDIVISION PLANNING AND CONSTRUCTION:

1. Subdivider will submit to County Court Designee three prints of a preliminary plat conforming to the requirements outlined herein. The following notice shall be placed in the face of each preliminary plat: "Preliminary Plat - For Review Purposes Only". The plat shall comply with Article 3.0, Section C "Requirements for Preliminary and Final Plat", and Article 3.0, Section D, "Requirements for Subdivision Layout". Three copies of a preliminary drainage plan per Article 3.0, Section F, shall be submitted with the preliminary plat. If the proposed subdivision is a portion of a tract, which is to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with preliminary plat of the portion first to be subdivided.
2. The County Court Designee will, within 30 days of receipt, review the preliminary plat and preliminary drainage plan and make recommendations for changes to make them conform to requirements, if necessary. Subdivider will revise the preliminary plat to incorporate the suggested changes and submit seven prints of the revised preliminary plat and three copies of the revised preliminary drainage plan. The County Court Designee will then submit the preliminary plat to Commissioners' Court for approval.
3. After approval of the preliminary plat by Commissioners' Court, subdivider will submit seven print copies of the final plat with dedications, and three print copies of

the final drainage plan and all construction plans for review and approval.

4. After review and approval by the Court Designee, the final plat, the drainage plan and construction plans will be submitted by the County Court Designee to Commissioners' Court for approval. The drainage plan and all construction plans must be separately approved by the Commissioners' Court before the final plat can be considered for approval. Construction of improvements will not be initiated until the final plat has been approved by Commissioners' Court.
5. If the subdivider chooses to file the final plat before completing construction of the required improvements, an original final plat shall be submitted on polyester film in jet-black ink, to be approved for filing by the Commissioners' Court and retained by the County Clerk. Appropriate financial security must be provided before approval of the plat for filing by the Commissioners' Court.
6. If the subdivider chooses to complete construction of the required improvements prior to filing of the final plat, the final plat must be approved before construction commences, but the final tracing on polyester film in jet-black reproducible ink will not be approved for filing until such construction is complete and approved for beginning of the warranty period and appropriate financial security provided.
7. The original tracing of the plat on polyester film will not be returned to the owner or subdivider after approval by the Commissioners' Court. After the original tracing has been approved by Commissioners' Court, the County Clerk will affix the amount of the filing fee required and will notify the subdivider of the amount of the filing fee. The subdivider will be responsible for timely distributing duplicate prints as needed to the Hardin County Appraisal District and others. When the filing fee has been paid, the original tracing on polyester film in jet-black reproducible ink of the plat will be retained

by the Hardin County Clerk when filed for record. If the owner desires a duplicate tracing for his use after filing, he should submit said duplicate tracing with the original for approval. The County Clerk will return the duplicate original to the owner when all filing date has been completed. Property within the proposed subdivision may not be sold until the final plat is approved by the Commissioners' Court and filed for public record by the County Clerk and a duplicate print provided to the Hardin County Appraisal District.

8. Subdivider will notify the County Court Designee by letter at least 48 hours prior to the time construction is to begin on the following phases:
 - a) Shaping of drainage ditches or installation of storm sewers.
 - f) Sub-grade stabilization
 - g) Base
 - d) Surfacing
9. Construction will be subject to inspection by the County Court Designee or his representative.
10. The subdivider will notify the County Court Designee by registered letter and certification signed and sealed from a Texas Registered Professional Engineer that construction of improvements in the subdivision has been completed according to the plans as previously submitted to the County Court Designee. Commissioners' Court will have 30 days to accept or reject for start of the two-year warranty period of the completed roads and drainage facilities. If accepted by the Commissioners' Court the warranty period will begin in which all improvements will be maintained in a timely manner at the expense of the subdivider, including the installation of new driveway culverts. If rejected, the Commissioners' Court will notify the subdivider of appropriate corrective actions needed before resubmission. Construction of necessary external and internal

drainage facilities must be complete and accepted for start of the two-year warranty before other improvements within the subdivision will be accepted for start of warranty.

11. Final inspection after the warranty period will be made and a recommendation by the County Court Designee will be submitted to Commissioners' Court to accept or reject the subdivision for maintenance of streets, roads, and drainage facilities. If rejected, the two-year warranty period will automatically extend until appropriate corrective actions are completed by the subdivider and final acceptance by the Commissioners' Court or until the Commissioners' Court redeems subdivider surety bond, letter of credit, or cash security deposits as needed to satisfactorily complete construction of the improvements.
12. Commissioners' Court will act to accept or reject the roads, streets, and drainage facilities for maintenance, and release the bond, letter of credit or cash security deposit referred to above, after warranty period by the subdivider.
13. Land planning and site evaluation. Land developments and land subdivided for building construction which will utilize on-site systems for sewage disposal shall be evaluated for overall site suitability and this evaluation shall be included in the official subdivision plat submitted to the County Court Designee. The following items shall be evaluated:
 - a) Minimum Lot Size:

Each subdivided area shall contain an on-site sewage facility to be installed in compliance with separation requirements in Title 30, chapter 285, Texas Administrative Code (TAC).
 - b) Site Evaluations

The subdivided property must be evaluated for soil suitability in accordance with Title 30, Chapter 285, TAC. The result of this evaluation and recommended treatment and disposal methods shall be included on the official subdivision plat.

14. Setback and separation requirements. The construction of an on-site sewage facility and disposal field must be isolated from certain areas such as water wells, lakes, roads, fences, and other objects subject to contamination from the on-site sewage facility or which may prevent the proper operation of the system. The minimum setback and separation requirements are defined in Title 30, Chapter 285, TAC
15. Erosion control measures, e.q. silt screens, to protect roadside ditches or other improvements are required for all construction activities located near or adjacent to improvements that have been accepted for maintenance by Hardin County.

SECTION B

INSPECTION:

To insure conformance with the final subdivision plat and plans, as approved by Commissioners' Court, the subdivision will be subject to inspection by the County Court Designee, or his representative during all phases of construction and also after the construction is completed. Subdivider Contractor or Engineer must obtain approval from the County Court Designee on each phase of construction. The inspector, under the direct supervision of the County Court Designee, will report their findings and note variation (if any) from the plans. If the subdivider fails to follow these recommendations, the subdivision will not be accepted by the Commissioners' Court of Hardin County.

SUPERVISION AND INSPECTION OF CONSTRUCTION:

1. The County Court Designee or his representative shall at all times have access to the project whenever it is in preparation or progress and the subdivider and his contractor shall provide access for inspection. The County Court Designee or his representative shall issue a STOP WORK ORDER whenever the subdivider or his contractor fail to adhere to the plat, plans or specifications approved by Commissioners' Court. The subdivider may not continue development until the deficiencies listed in the STOP WORK ORDER are corrected. If the subdivider or his contractor fail to correct the deficiencies, the subdivision will not be accepted by Commissioners' Court of Hardin County.
2. The subdivider shall provide continuous on-site inspection of all projects connected to the subdivision in order that close adherence to plans and specifications

may be assured. Extremely careful and particular inspection must be made of the sub-grade, from lines and grades prior to and while the base material or pavement is being laid in order to attain a true line, a uniform thickness, and a smooth riding surface.

SECTION C

REQUIREMENTS FOR PRELIMINARY AND FINAL PLATS:

I. The final plat to be submitted to the Commissioners' Court for approval shall be drawn to scale of (not less than) 1" = 100' or 1" = 200', or scale to be approved by the County Court Designee in jet-black reproducible ink on polyester film in Full Standard Sheets measuring 18" x 24". The preliminary and final plats shall also show the following information:

- a) Title...Complete with legal description of location of subdivision
- b) Key Map...At a smaller scale and showing distance to corporate limits of nearest cities.
- c) North point, total acreage, and scale drawn to.
- d) Name of adjoining subdivision and how streets and easements are related. (If acreage shows as such).
- e) Water courses and ravines, showing width of drainage easements.
- f) Original Survey Tie: No plat of any subdivision or any tract of land shall be recorded unless the same accurately describes all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey referenced to the Texas State Plane Coordinate System of which it is a part, or a previously recorded and recognized subdivision, giving the dimension thereof of said subdivision, giving the dimension of all streets, alleys, squares, parks or 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. Must be performed by a Registered Public Surveyor.

- g) All curve data shall be shown (L, R, D, T, PC, and PT).
 - h) The course and location of existing pipelines or pipeline easements through proposed subdivision.
 - i) Must include appropriate public dedication form for streets, easements, and appropriate certifications (Surveyor, Engineer, and County Court Designee).
See Article 3.0, Sections H and 1.
 - j) Must show each lot elevation infest above M5L (U. S.G. S.) if the subdivision is in a Special Flood Hazard Area.
 - k) Must show Flood Zone for each lot and must show Base Flood Elevation if any section of subdivision is in a Special Flood Hazard Area.
 - l) Lot addresses in accordance with the Resolution establishing orderly building numbering in rural areas to enhance 9-1-1 Emergency System (final plat only),
 - m) Statement describing water and sewer facility requirements.
 - n) Statements describing provisions for the permanent maintenance of common area (s).
2. Drainage plan per Article 3.0, Section F, shall accompany preliminary and final plats.
3. Only paragraphs 1. a) through f) and paragraph 1. h) above apply to subdivisions of land that will continue to be used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. Appropriate dedication disclaimer for roads and other easements per Section N must be included on the plat. If a tract described by this paragraph ceases to be used primarily for agricultural use or for farm, ranch,

wildlife management, or timber production use, all platting, construction and other requirements of these Subdivision Regulations apply and the then current owner will be responsible for such.

SECTION D

REQUIREMENTS FOR SUBDIVISION LAYOUT:

1. **STREETS:**

- a) Residential - 60' minimum right-of-way for standard residential streets without curb and gutter. 50' minimum right-of-way for standard residential streets with curb and gutter. 60' minimum right-of-way for entrance roads that serve more than 50 residences in subdivisions with curb and gutter streets.
- b) The turn-around at the end of a closed-end road shall have a radius of not less than 50' to the centerline of the road from right-of-way boundary in the turnaround and not less than 35' to the centerline from the edge of pavement. This requirement may be waived if there is an intersection within 150' of the end of the road and if the road ends at an exterior property line.
- c) The radius at intersections shall not be less than 20' at the edge of the pavement, to be based upon street and shoulder width.

2. **ACCESS:**

May be made from front or side.

3. **LOT SIZE:**

Minimum lot size is 5000 ft. or as determined by water and sewer system (See Article 3, Section A, Paragraph 13), whichever is largest.

4. **EASEMENTS:**

- a) 20' utility easements at side lot lines (10' off each lot if lots are adjacent) and 10' drainage and utility easements parallel and adjacent to the right-of-way on both sides of all streets as required to provide drainage and placement of utilities. Subdivider will be required to furnish the County Court Designee a

letter of approval from all utility companies as to easements provided on the plat.

- b) Drainage easements shall be dedicated as required by Hardin County

Commissioners' Court if the subdivision is outside major drainage channels and ditches, and of sufficient width to provide for maintenance and ample room for spoil banks and berm, if spoil is left in place after excavation. In addition, 40', (20' feet on each side) of centerline of drainage way shall be dedicated for all minor drainage ways.

5. **AGRICULTURAL, FARM, WILDLIFE MANGEMENT & TIMBER PRODUCTION TRACKS:**

- c) The above requirements for subdivision layout do not apply, except for the 60' minimum road right-way requirements to subdivisions of land that will continue to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management of timber production use within the meaning of Section I-d-1, Article VIII, Texas Constitution.

SECTION E
MINIMUM STANDARDS FOR STREETS OR ROADS
(80,000 LBS. GVW LOADING REQUIREMENTS)

1. **GRAVEL, CONCRETE STREETS OR ROADS WITH CURB AND GUTTER:**

Must meet 80,000 GVW loading requirements, certified by a Registered Professional Engineer. Engineer in this section refers to the subdivider's engineer.

Gravel concrete streets or roads with curb and gutter sections shall be constructed as follows:

- a) Minimum width shall not be less than 28' back to back of curb.
- b) Minimum Thickness:

Gravel concrete shall be 6" uniform thickness and 6" of sub-base compacted to 95% standard AASHTO density. If plasticity index (PI) exceeds 12, the sub-base shall be lime stabilized and a 2" sand cushion will be required between the sub-base and gravel concrete.
- c) Expansion Joints. All slabs shall be provided with acceptable load transmission device at expansion joint, with expansion joints at 60' intervals or less. Expansion joints shall also be placed at all structures and at curb return at street intersections. Material for expansion joints shall be redwood or equal. (See Details for Road Standards in Section J)
- d) Contraction Joints. (Dummy Joints) shall have a maximum spacing of 20 feet. (See Section J)
- e) Construction Joints (transverse) when not placed at expansion or contraction joint shall not be closer than 15' to an expansion or contraction joint. Longitudinal construction joints shall be at the centerline of 28 foot pavements and at approved

locations for greater width pavements. (See Section J).

- f) Reinforcing Steel. Gravel concrete pavement shall be reinforced with 1/4 welded wire (12" x 12") mesh mats.
- g) Curbs shall be as shown on the Standard Details (Section J) and constructed monolithic with the pavement, or approved construction joint, using reinforcing dowel bar minimum 8" long set in fresh concrete at time of pavement pour.
- h) Minimum gutter gradients and inlet spacing shall be in accordance with recommendations for drainage and requirements for storm sewers (Sections F and G).
- i) Hot-poured Rubber-joint sealing compound or equivalent shall be used at all expansion joints, construction joints (except contraction joints made with 1/8" asphalt saturated fiberboard) as shown on Standard Details in Section J.
- j) All pipes shall be reinforced concrete or high-density polyethylene (HDPE), ADS N12 or equivalent. All pipes under roadways shall be backfilled with compacted 2-sack cement stabilized sand.

2. GRAVEL CONCRETE STREETS OR ROADS WITHOUT CURB AND

GUTTER:

Must meet 80,000 GVW loading requirements certified by a Registered Engineer. Engineer in this section refers to the subdivider's engineer.

- a) Gravel concrete streets or roads with an open ditch section shall have a minimum roadway base of 26' and minimum wearing surface of 20' and a minimum roadway width of 10' wider than the roadway surface with a maximum slope of 2 1/2:1 (usual 3:1) from the roadway sub-grade crown to the ditch bottom. The improved shoulder (3' min.) shall be primed with MC-30 or equivalent, (See Section J, Details for Road Standards)

- b) The slab thickness shall be a minimum of 6", with the same reinforcing, expansion joints, contraction joints, and construction joints as gravel concrete roads with curb and gutter.
- c) Only driveway and walkway culverts are allowed in subdivisions that do not have curb and gutter systems. Landscape culverts are not allowed. Driveway culverts may not exceed 30' in length, except where deviation is specifically approved by the County Court Designee.

3. FLEXIBLE BASE WITH CURB AND GUTTER:

Must meet 80,000 GVW loading requirement, certified by a Registered Professional Engineer. Engineer in this section refers to the subdivider's engineer.

- a) Flexible base roads shall be constructed of crushed limestone or equivalent and shall be a minimum of 6" compacted thickness on all streets and shall have 6" sub-base compacted to 95% standard AASHTO density. If the plasticity index (PI) exceeds 12, the sub-base shall be lime stabilized. All flexible base pavements shall be compacted to 95% standard AASHTO density and primed with an approved primer. Compaction to be accomplished by the use of approved and acceptable compaction equipment.
- b) The base material shall be ADHPT Type A, Grade 2, and shall consist of limestone or equivalent. This material, when properly slaked and tested by standard THD laboratory methods, shall meet the following requirements:
Grade 2: (Tri-axial Class 1 to 2.3) min. compressive strength,
psi 35 at 0 psi lateral pressure and 175 at 15 psi lateral pressure.

Retained on Sq. Sieve	%
1-3/4".....	0-10
No. 4.....	45-75
No. 40.....	60-85
Max LL	40
Max PI.....	12
Wet ball Mill	
Max. Amount	50
Max. Increase in Passing	
No. 40.....	20

Material passing the No. 40 sieve shall be known "Soil Binder" and shall meet the above requirements when prepared in accordance with test Method Tex-101 -procedure.

- c) Curb and gutter construction shall be of gravel concrete and shall meet all specifications required for curb and gutter of gravel concrete roads with a curb and gutter.
- d) Minimum width shall not be less than 28' back to back of curb, with a 24' wide wearing surface of asphalt.
- e) Flexible base roads shall be surfaced with 1 1/2" of compacted asphalt via machine with cold-mix limestone rock asphalt, hot-mix cold laid or hot-mix hot laid asphalt. Approved tack oil will be applied to the primed base before applying the asphalt surface. All surface materials and application thereof shall conform to TXDOT standard specifications for constructions of highways, streets, and bridges.
- f) A laboratory certified copy of the test report on the base should be submitted to

the County Court Designee before application of the wearing surface.

- g) All pipes shall be reinforced concrete or high-density polyethylene (HDPE), ADS N12 or equivalent. All pipe under roadways shall be backfilled with compacted 2-sack cement stabilized sand.

4. FLEXIBLE BASE ROADS WITHOUT CURB & GUTTER:

Flexible base roads without curb and gutter shall meet all requirements of flexible base roads with curb and gutter except:

- a) They shall have a minimum roadway base of 26' and a minimum wearing surface of 20' and a minimum roadway width of 10' wider than the roadway surface with a maximum slope of 2 1/2:1 (usual 3:1) from the roadway sub-grade crown to the ditch bottom. The improved shoulder (3' minimum) shall be primed with MC-30 or equivalent (See Section J, Details for Road Standards)
- b) Only driveway and walkway culverts are allowed in subdivisions that do not have curb and gutter systems. Landscape culverts are not allowed. Driveway culverts may not exceed 30' in length, except where deviation is specifically approved by the County Court Designee.

5. SUB-GRADE:

- a) Sub-grades for all types of roads shall be accurately shaped prior to placing base material or pavement thereon, and shall be compacted to provide for uniform density capable of supporting the pavement loads to be imposed upon. Unstable sub-grade is to be carefully stabilized by the addition of suitable material or removing the unstable area and placing therein-suitable sub-grade material.
- b) If the plasticity index (PI) exceeds 12, the sub-grade shall be lime stabilized a minimum of 6" deep and of not less than 5% lime treatment and shall be

compacted to 95% standard AASHTO density or equivalent. Compaction to be accomplished by use of approved and acceptable compaction equipment

6. **CONSTRUCTION METHODS:**

- a) Preparation of Sub-base. The roadbed for all types of roads shall be excavated and shaped in conformity with the typical sections shown on plans and to the lines and grades established by the plans. All unstable or otherwise objectionable material shall be removed from the sub-grade and replaced with approved material. This item shall consist of treating the sub-grade or existing sub-base by pulverizing, addition of lime if required, mixing and compacting the mixed material to the required density. Sub-grade will be stabilized by the addition of lime when the PI exceeds 12. If the PI is equal or below 12, an approved alternative means of stabilization will be required such as cement stabilizer or use of fabric. This item applies to natural ground or embankment, and shall be constructed as specified herein and in conformity with the typical sections, lines, and grades as shown on the plans.

1. Depth of lime treatment shall be a minimum of 6".
2. Method of placement shall be slurry plowing.
3. Percent of lime used will be 5% unless otherwise determined in Test Method Tex-121-E.

The material and lime shall be thoroughly mixed by approved road mixers or other approved equipment, and the mixing continued until, in the opinion of the Engineer, a homogeneous friable mixture of material and lime is obtained, such that when all non-slaking aggregate retained on the ¾" sieve are removed, the remainder of the material shall meet the following requirements when tested from the roadway in the roadway condition by laboratory sieves:

PERCENT:

Minimum passing 1 3/4" sieve.....100

Minimum passing 3/4" sieve85

The soil lime mixture shall be sprinkled during the mixing operation as directed by the Engineer to provide optimum moisture in the mixture. During the interval of time between application and mixing, hydrated lime that has been exposed to the open air for a period of six hours or more or has had excessive loss due to washing or blowing will not be accepted. Compaction of the mixture shall begin immediately after final mixing unless approval is obtained from the Engineer.

The material shall be sprinkled to provide optimum moisture until the depth of mixture is uniformly compacted to the specified compaction. The sub-grade on gravel concrete roads shall have a minimum 2" cover layer of sand if the plasticity index (PI) exceeds 12.

- b) First Base Course. Immediately before placing the base material, the sub-grade shall be checked as to conformity with grade and section. The material shall be delivered in approved vehicles of a uniform capability and it shall be the charge of the contractor that the required amount of specified material shall be delivered in each 100' station. Material deposited upon the sub-grade shall be spread and shaped the same day unless otherwise directed by the Engineer in writing. In the event inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread as directed by the Engineer. If such action is taken, the Engineer will notify the County Court Designee. The material shall be sprinkled, if directed, and shall then be bladed, dragged, and shaped to conform to typical

sections as shown on plans. All areas and “nests” of segregated course or fine material shall be corrected or removed and replaced with well-graded material, as directed by the engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in the amount directed by the Engineer. Such binder material shall be carefully and evenly incorporated with the material in place by scarifying, harrowing, brooming or other methods. The course shall then be sprinkled and rolled to secure maximum and uniform compaction as directed by the Engineer (95% standard AASHTO density). Throughout this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformity with the typical sections shown on plans and to the established lines and grades. In that area on which pavement is to be placed, any deviation in excess of 1/4" in cross section and in length of 16' measured longitudinally shall be corrected by loosening, adding or removing. Depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping, and re-compacting by sprinkling and rolling. Construction methods for all succeeding courses shall be the same as those prescribed,

c) Design and Testing:

1. A laboratory certified copy of all test reports should be submitted to the County Court Designee of Hardin County.
2. All concrete shall be approved design and tested by some recognized laboratory and shall have a minimum of 5 sacks of Portland cement per cubic yard of concrete.
3. Gravel concrete shall have a flexural strength of 600 lbs. p.s.i. at 28 days.

One BEAM (two breaks) shall be required for each 1,000 sq. yd. of pavement

One CORE test shall be required for each 1,000-lin.ft. of pavement.

Each core shall be checked for thickness and compressive strength. Required compressive strength shall be 3,000 lbs. p.s.i. Minimum of 3 core tests required.

d) Curing:

Gravel concrete shall be cured continuously for a minimum of 4 days and beginning the day it is poured and placed. Curing may be done by using approved curing paper, plastic sheets, mats, or an approved curing compound. When a curing compound is used, it shall be applied at the rate as recommended by the manufacturer.

SECTION F

DRAINAGE PLAN REQUIREMENTS

1. MINIMUM STANDARDS:

Drainage facilities within subdivisions shall be designed in accordance with Texas Department of Transportation Hydraulic Design Manual and shall be designed to provide for a 5 year frequency storm. Facilities shall be designed so that all runoff shall be contained within drainage channels or storm sewers when evaluated at a 25 year frequency storm and so that water levels remain at least one foot below the lowest floor level of all habitable structures when evaluated at a 100 year frequency storm.

Developers shall consult the Engineer representing Hardin County prior to platting to decide if Detention/Retention ponds will be required. All detention facilities in Hardin County shall be designed to attenuate (lessen) developed conditions peak flow rates from the 25 year and 100 year frequency, 24 hour duration storm to existing conditions levels. No increase in downstream flow rates of flood levels will be allowed. The Hardin County Flood Plain Regulations prevail if more stringent.

The introduction of impervious cover and improved runoff conveyance in many cases will increase flood peaks over those for existing condition. Evaluation of downstream channels and drainage facilities shall be considered during the design process to determine the effects of the proposed development. When downstream drainage facilities are determined to be wider capacity, the drainage plan shall provide for improvements downstream as needed to meet the 25 year storm event. When this is not feasible, runoff detention or retention storage shall be used to release storm water at a rate acceptable to the downstream facilities.

2. MATERIALS TO BE SUMITTED WITH PRELIMINARY AND FINAL PLATS:

- a) A sequence of development showing various phases of construction.
- b) A topographic drainage area map with all drainage areas and flow rate calculation points delineated and table listing the following parameters:
 1. Drainage area (acres).
 2. Runoff coefficient.

3. Time of concentration.
4. Storm runoff (Q) in cubic feet per second (cfs).

c) For channel design using Manning Equation provide a listing of the following parameters;

1. Flow Depth
2. Channel Slope.
3. Manning's "n" value.
4. Channel Sideslopes (H:V).
5. Channel bottom width (ft).
6. Time of concentration along route for each segment.
7. Capacity (Q) of channel (cft).
8. Velocity of channel (ft/sec).
9. Elevation of hydraulic grade line for a 5 year, 25 year and 100 year storm frequency.

d) For storm sewer design using Manning Equation, provides list of the following parameters:

1. Storm sewer segment slope.
2. Manning's "n" value.
3. Pipe size.
4. Time of concentration along route of each segment.
5. Capacity (Q) of pipe (cts).
6. Velocity of pipe (ft/sec),
7. Elevation of hydraulic grade line for a 5 year, 25 year and 100 year storm frequency.

- e) For channel design using HEC-2 or HEC-RAS, provide a copy of input and output data.
- f) Schedule of driveway culvert sizes if open roadside ditch drainage system (final plat only).

SECTION G

REQUIREMENTS FOR STORM DRAINAGE AND SIGNAGE

1. STORM SEWERS:

- a) Storm sewers shall be designed to carry the discharges as per Article 3.0, Section F, above, and must have a design velocity of not less than 2.0 feet per second.
- b) Manhole Spacing
 - 1. At all storm sewer intersections and at a maximum of 600' on straight lines.
 - 2. If monolithic concrete storm sewer lines are used, a manhole is not required where leads from gutter inlets intersect the main storm sewer.
- c) Street crossings and driveway pipe shall be reinforced concrete pipe or high density polyethylene (HDFE) pipe, ADS N12 or equivalent.
- d) Types of Construction
 - 1. Reinforced precast concrete pipe (ASTM C-76) shall be used as specified by the manufacturer as to depth of fill, etc. Joining of pipe may be either Portland cement-sand mortar or approved mastic.
 - 2. Monolithic, reinforced concrete pipe or high-density polyethylene (HDPE) pipe, ADS NI2 or equivalent, shall be used for all storm sewers.
 - 3. Corrugated Galvanized Pipe Asphalt coated shall be in accordance with Texas Highway Department Specifications Item 460 used at end of storm sewers at outfall channels.
- e) Design of storm sewers and manholes shall follow acceptable engineering practice, but not less than 18" in diameter pipe, except on short leads which may be 15" diameter when justified by drainage calculations.

- f) Excavation and Backfill. The bottom of the storm sewer trenches shall be accurately hand graded and the pipe properly bedded. The backfilling shall be done in such a manner as to not disturb the pipe or the jointing material and the compaction shall be comparable to the natural surrounding ground. Pipe under roadways shall be backfilled with compacted 2-sack cement stabilized sand.

2. **STREETS WITH CURB AND GUTTER SECTION:**

- a) Location of Storm Sewers:

Storm sewers shall not be placed under concrete pavement unless specifically authorized. When authorized to be placed under concrete pavement, the excavation shall be backfilled with compacted 2-sack cement stabilized sand.

- b) Grades:

1. Minimum gradient on gutters 0.2%.
2. Minimum drop around curbs return 0.2 feet.
3. Maximum drop of grade tangents from opposite directions to a common inlet maximum.
4. When a curb and gutter section intersects a drainage ditch, the grade of the gutter shall be above the design water surface of the ditch.

Inlets spaced to serve runoffs from the area at a rate of 1.0 cfs/acre.

1. Inlets shall be spaced so that maximum travel distance of water in gutter will not exceed 750'.
2. Inlets at all low points on gutter gradient. Inlet size and allowable design discharge.
 - a) Throat 5" x 5.0" capacity - 5.0 cfs.
 - b) Throat 6" x 3.0" capacity - 3.5 cfs.

- c) Leads from inlets to be such size as to be able to carry the design

discharge of the inlet served but not less than 15" in diameter when justified by drainage calculations..

- d) Valley gutters not permitted.

3. **ROAD SECTION WITH OPEN DITCHES:**

- a) Minimum grade 0.10%
- b) Ditch section to handle discharge as derived by requirements of 1.3 cfs per acre.
- c) Side slopes of ditch not steeper than 2 1/2:1 (usual 3:1) and minimum depth of .5 ft.
- d) Culverts must be reinforced concrete pipe or high-density polyethylene (HOPE) pipe, ADS N12 or equivalent. Maximum length of 30'.
 - 1. Designed to carry ditch discharge and not less than 18" pipe, except where deviation is specifically approved by the County Court Designee. All construction plans for subdivisions shall contain these stipulations.
 - 2. Only driveway and walkway culverts are allowed in subdivisions without curb and gutter systems. Landscape culverts are not allowed.
- e) Outfalls from storm sewers and ditches into drainage ways or natural navigable waterways shall enter at the grade of the drainage channel. If necessary, riprap and/or drop type outfall structures shall be used to prevent erosion. When the drop type outfall structure is used, it shall be placed so that the structure will not interfere with maintenance of the channel.
- f) If the subdivider proposes to construct a major structure,

such as box culverts and bridges across drainage channels, such structures shall conform to current standards for culverts and bridges and specifications of the Texas Highway Department,

- g) Concrete driveways, or walkways that extend over drainage culverts shall include a full 6.0' independent section over the culvert that extends 3.0' in both directions from the centerline of the culvert.

4. **SIGNAGE:**

All residential and collector roads must have sign designators in accordance with the Texas Manual of Uniform Traffic Control Devices. All street names must be approved by Commissioners' Court in accordance with the Resolution establishing orderly building numbering in rural areas to enhance 9-1-1 Emergency System, and must be posted at each intersection in accordance with said Texas Manual. All traffic control and street signs must meet current County specifications and are to be purchase and installed by the subdivider.

SECTION H
DEDICATION FORMS FOR CORPORATIONS

THE STATE OF TEXAS

COUNTY OF HARDIN

We, _____ and _____, President and Secretary respectively of _____, owner of the property subdivided in the above and foregoing map of _____, do hereby make subdivision of said property for and on behalf of said _____, according to the lines, lots, building lines, streets, alleys, parks, and easements thereon shown and designate said subdivision as _____, located in the _____ Survey in Hardin County, Texas, and on behalf of said _____, dedicate to the public use, as such all of the streets, alleys, parks, and easements shown there on forever.

This is to certify that we, _____ and _____ President and Secretary respectively of, _____ owner of the property subdivided, in the above and foregoing map of _____ have complied or will comply with the existing regulations heretofore on file with the Hardin County Court Designee and adopted by the Commissioners' Court of Hardin County, Texas.

FURTHER, we or _____, do hereby dedicate forever to the public a strip of land _____ feet wide on each side of the centerline of any and all guidelines, ravines, draws, sloughs or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Hardin County and/or any other public agency the right to enter upon said easements at any times for the purpose of constructing and/or maintaining drainage work and/or structures,

FURTHER, all of the property subdivided in the above and foregoing map shall be

restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable at the option of Hardin County, by Hardin County, or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley or other public ditches, either directly or indirectly is prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (13/4) square feet (18" diameter pipe culvert - Maximum of 30' in length), except where deviation is specifically approved by the County Court Designee. RCP or HDPE (ADS N12 or equivalent) culverts must be used for driveways and/or walks. Concrete driveways or walkways that extend over drainage culverts must have a full 6 foot independent section over the culvert. Only driveway and walkway culverts are allowed in subdivisions without curb and gutter systems. Landscape culverts are not allowed.

IN TESTIMONY WHEREOF, the _____ has caused these presents to be signed by _____, its President, thereunto authorized, attested by its Secretary, _____ and its common seal hereunto affixed this _____ day of _____, 20____.

Name of Company

By: _____
President

ATTEST: _____
Secretary (SEAL)

STATE OF TEXAS

COUNTY OF HARDIN

BEFORE ME, the undersigned authority, on this day personally appeared

_____, President, and _____, Secretary of the

_____, known to me to be persons whose names are subscribed to the foregoing instruments, and acknowledged to me that they executed the same for the purposes and consideration therein expresses, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____ 20__ .

Notary Public in and for Hardin County, Texas(SEAL)

This is to certify that I, _____ , a Registered Public Surveyor, of the State of Texas, have platted the above subdivision from an actual survey on the ground, and that all block corners, angle points, and points of curve are properly marked with 1/2" iron rods 24" long with caps and that this plat correctly represents that survey made by me.

Registered Public Surveyor

This is to certify that I, _____, a Registered Professional Engineer in the State of Texas have designed all roads in the above subdivision to meet 80,000 GVW loading requirements.

Texas Registration No. _____ (SEAL)

I, _____, County Court Designee of Hardin County, do hereby certify that the plat of this subdivision complies with all existing rules, and regulations of this office, as adopted by Commissioners' Court.

County Court Designee

APPROVED AS TO THE LAND TIES SHOWN:

County Court Designee

APPROVED FOR FILING, wherein Hardin County assumes no obligations for grading, drainage structures, or surfacing the streets or roads or making any other improvements in said subdivision until construction is complete and the two-year warranty period is satisfied.

Commissioner, Precinct No. 1

Commissioner, Precinct No, 2

Commissioner, Precinct No. 3

Commissioner, Precinct No, 4

County Judge

The above subdivision titled _____, as mapped, approved by the Commissioners' Court of Hardin County, Texas, by Order of _____, 20 _____

County Clerk of Hardin County, Texas

By: _____
Deputy

STATE OF TEXAS
COUNTY OF HARDIN

I, _____, County Clerk of Hardin County, Texas, do hereby certify that the within instrument was filed for registration in my office on _____, 20____, at _____ o'clock ___ m in Volume _____, Page _____, Hardin County Map Record.

WITNESS MY HAND AND SEAL OF OFFICE, at _____ the day and date last above written.

County Clerk of Hardin County, Texas

By: _____
Deputy

SECTION I
DEDICATION FORM FOR INDIVIDUALS OR FOR
VARIOUS PARTNERSHIP ORGANIZATIONS

STATE OF TEXAS
COUNTY OF HARDIN

I, (or We), _____, owner (or owners) of the property subdivided in the above and foregoing map of the _____, do hereby make subdivision on said property, according to the lines, streets, lots, alleys, parks, building lines and easements therein _____, in the _____ Survey, Hardin County, Texas; and dedicate to public use as such the streets, alleys, parks, and easements shown thereon forever.

(Use Section between asterisks for various partnership organizations)

We, _____, (description of type of entity i.e. General Partnership, Limited Partnership, etc.), owners of the property subdivided in the above and foregoing map of the _____, do hereby make subdivision on said property for and on behalf of all the owners of the above described entity, according to the lines, streets, lots, alleys, parks, building lines, and easements therein _____, in the _____ Survey, Hardin County, Texas; and dedicated to public use as such as the streets, alleys, parks, and easements shown thereon forever.

This is to certify that I, (or We), _____, have complied with or will comply with the existing regulations heretofore on file with the Hardin County Court Designee and adopted by the Commissioners' Court of Hardin County.

FURTHER, I (or We), do hereby dedicate forever to the public a strip of land _____ (____) feet on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Hardin County and any other public agency the right to enter upon said easement at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property; and shall be enforceable, at the option of Hardin County or any citizen thereof, by injunction as follows:

1. The drainage of septic tanks into road, street, alley or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert-maximum 30' in length) except where deviation is specifically approved by the County Court Designee. RCP or HDPE (ADS N12 or equivalent) culverts must be used for driveways and/or walks. Concrete driveways or walkways that extend over the drainage culverts must have a full 6' independent section over the culvert. Only driveway and walkway culverts are allowed in subdivisions without curb and gutter systems. Landscape culverts are not allowed.

WITNESS, my hand (or Our) hand in Hardin County, Texas, this _____ day of _____, 20 ____ .

Owner(s)

STATE OF TEXAS
COUNTY OF HARDIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day
of _____, 20 _____.

Notary Public in and for Hardin County, Texas (SEAL.)

This is to certify that I, _____ Registered Public Surveyor of the State of Texas have platted the above subdivision from an actual survey on the ground; and that all block corners, lot corners, angle points and points of curve are properly marked

with iron rods 24" long with caps, and that this plat correctly represents that survey made by me.

Registered Public Surveyor

This is to certify that I, _____, a Registered Professional Engineer in the State of Texas have designed all roads in the above subdivision to meet 80,000 GVW loading requirements.

Texas Registration No. (SEAL)

I, _____ County Court Designee of Hardin County, do hereby certify that the plat of this subdivision complies with all existing rules and regulations of this office as adopted by Commissioners' Court.

Court Designee

APPROVED AS TO LAND TIES SHOWN:

Court Designee

APPROVED FOR FILING, wherein Hardin County assumes no obligation for grading drainage structures, or surfacing the streets or roads or making any other improvements in said subdivision until construction is complete and the two-year warranty

Commissioner, Precinct No. 1

Commissioner, Precinct No. 2

Commissioner, Precinct No. 3

Commissioner, Precinct No. 4

County Judge

THE ABOVE SUBDIVISION TITLED _____, as mapped approved by the Commissioners' Court of Hardin County, Texas, by order of _____, 20____.

County Clerk of Hardin County, Texas

By: _____, Deputy

STATE OF TEXAS
COUNTY OF HARDIN

I, _____, County Clerk of Hardin County, Texas do hereby certify that the within instrument was filed for registration in my office on _____, 20____ at _____ o'clock ___ M., and duly recorded on _____, 20____, at _____ o'clock _____ M., in Volume _____, Page _____, Hardin County Map Records.

WITNESS MY HAND AND SEAL OF OFFICE, at _____, the day and date last above.

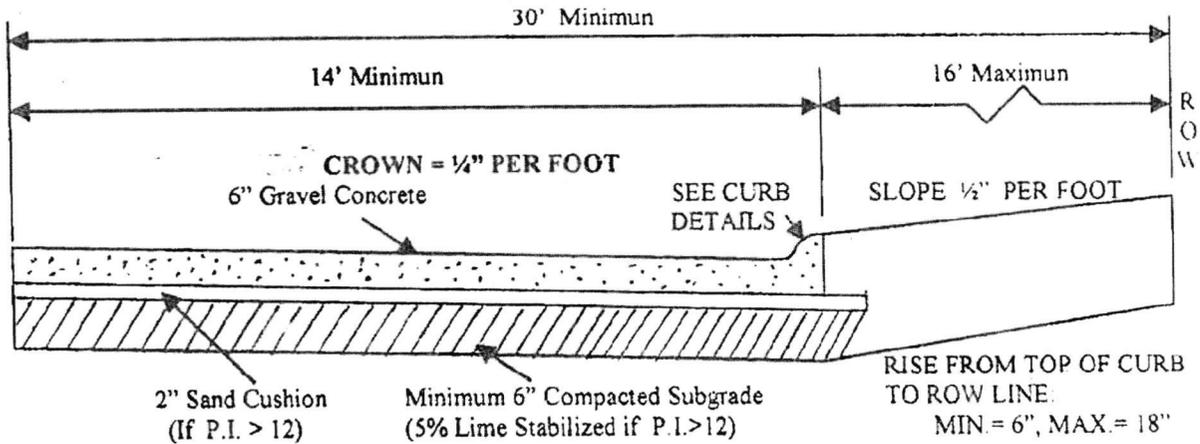
County Clerk, Hardin County, Texas

By: _____, Deputy

SECTIONS J
DETAILS FOR ROAD STANDARDS

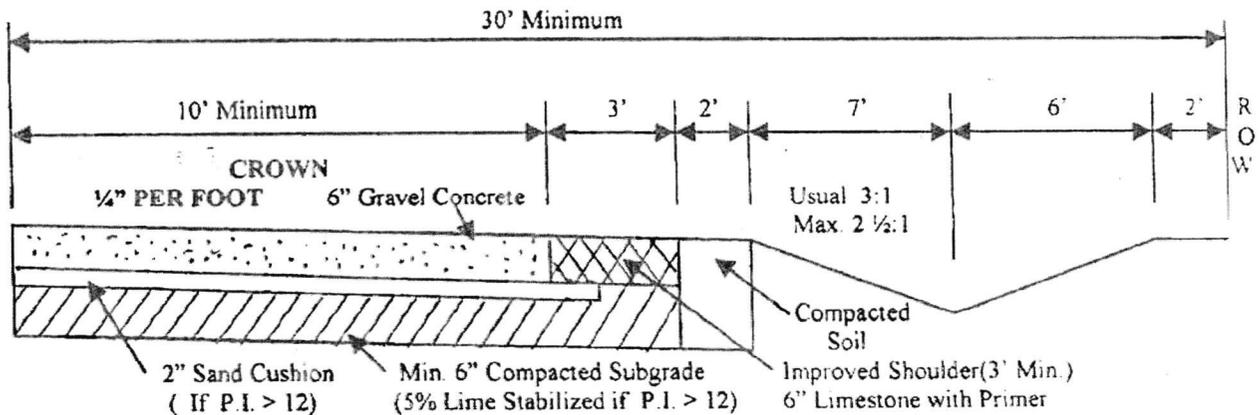
GRAVEL CONCRETE ROADS WITH CURB AND GUTTER

SCALE: N.T.S.



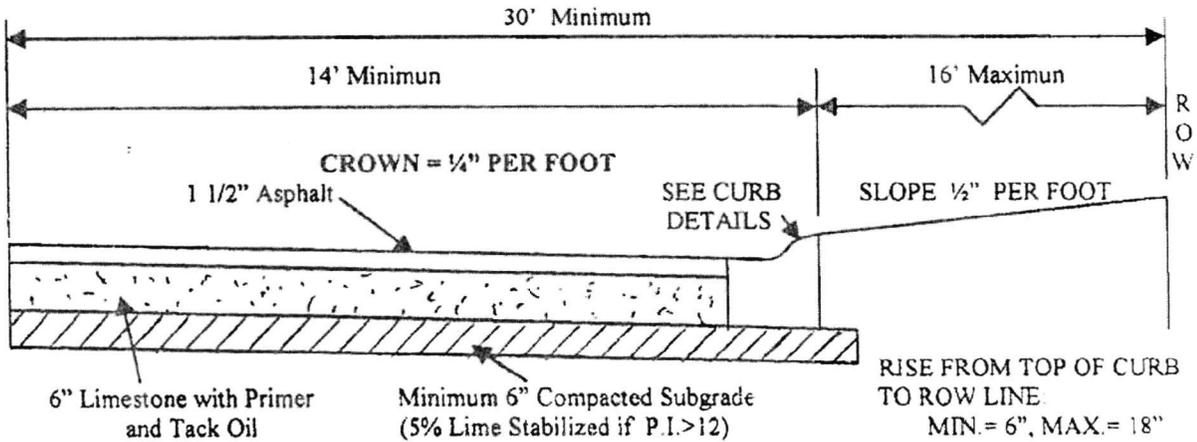
GRAVEL CONCRETE ROADS WITHOUT CURB AND GUTTER

SCALE: N.T.S.



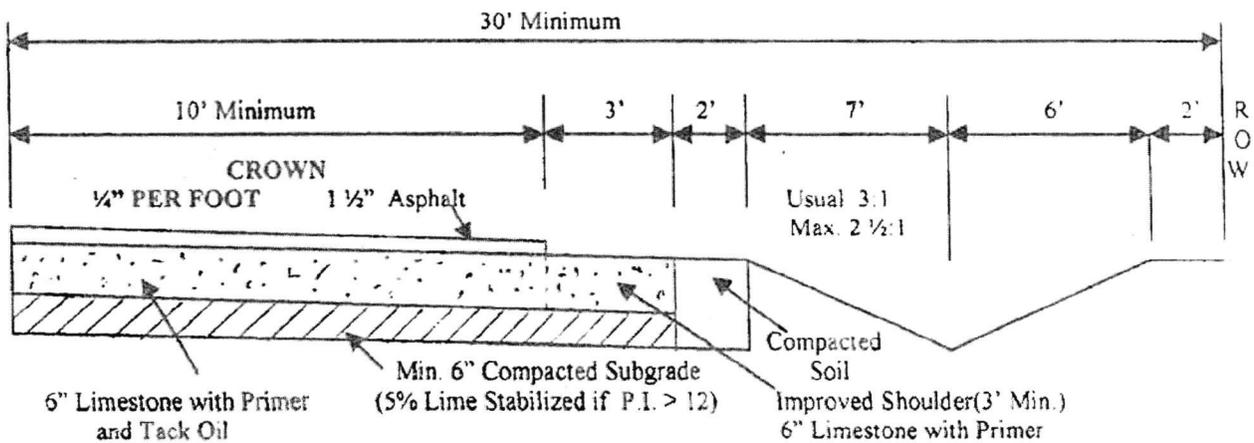
FLEXIBLE BASE ROADS WITH CURB AND GUTTER

SCALE: N.T.S.



FLEXIBLE BASE ROADS WITHOUT CURB AND GUTTER

SCALE: N.T.S.

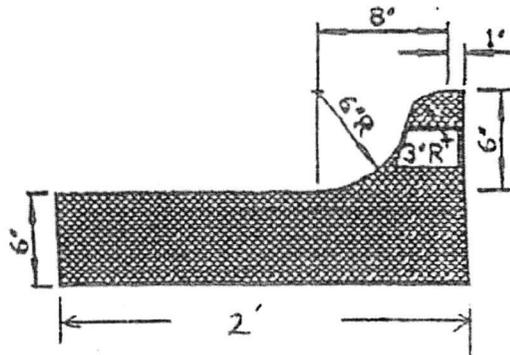


6" INTEGRAL ROLL-BACK CURB

PERMISSIBLE ON RESIDENTIAL ROADS

SCALE: N.T.S.

GRAVEL CONCRETE

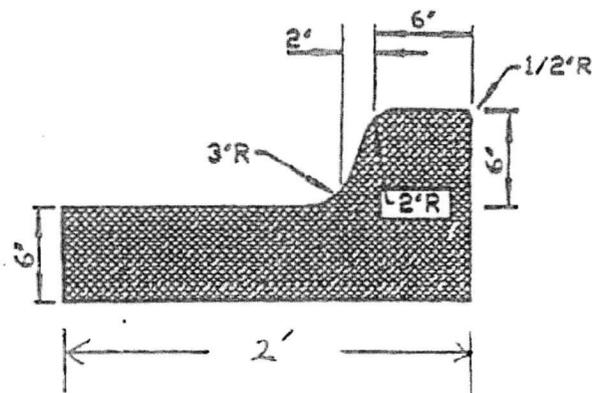


6" INTEGRAL BARRIER CURB

REQUIRED ON THOROUGHFARES

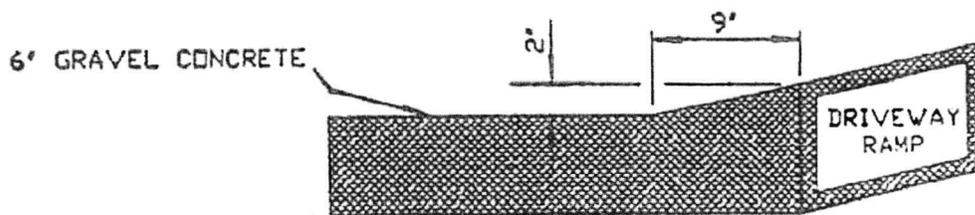
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GRAVEL CONCRETE



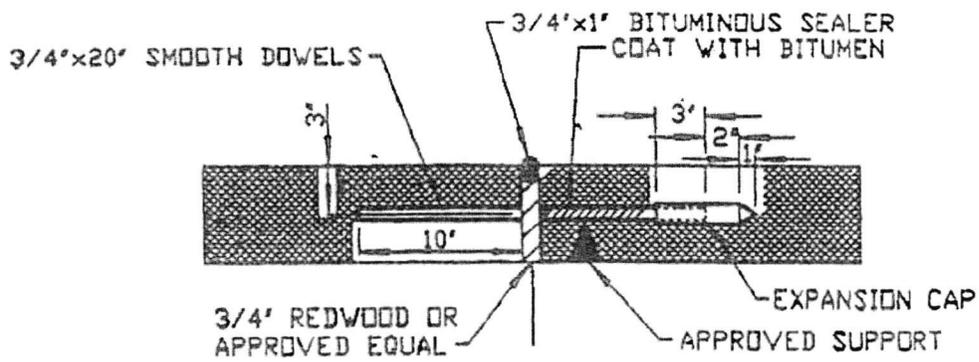
LAYDOWN CURB
FOR PRIVATE ENTRANCES

SCALE: N.T.S.



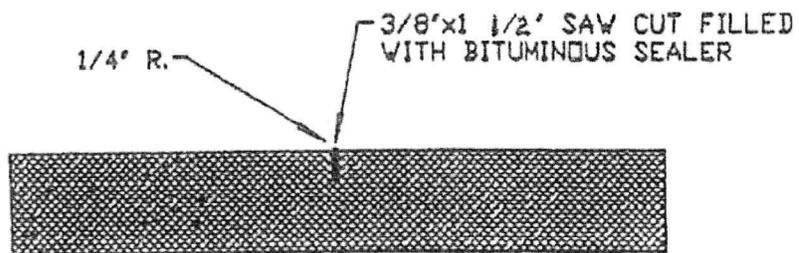
TRANSVERSE EXPANSION JOINT

SCALE: N.T.S.



TRANSVERSE DUMMY JOINT

SCALE: N.T.S.

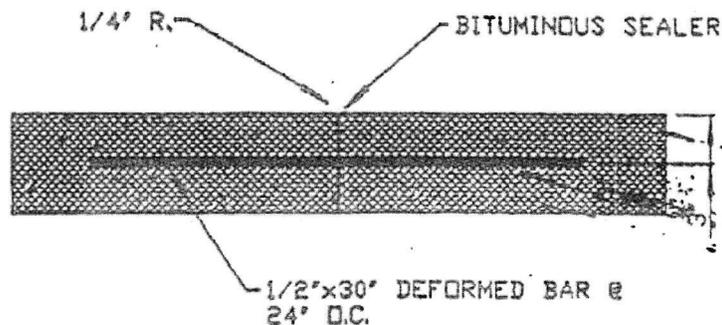


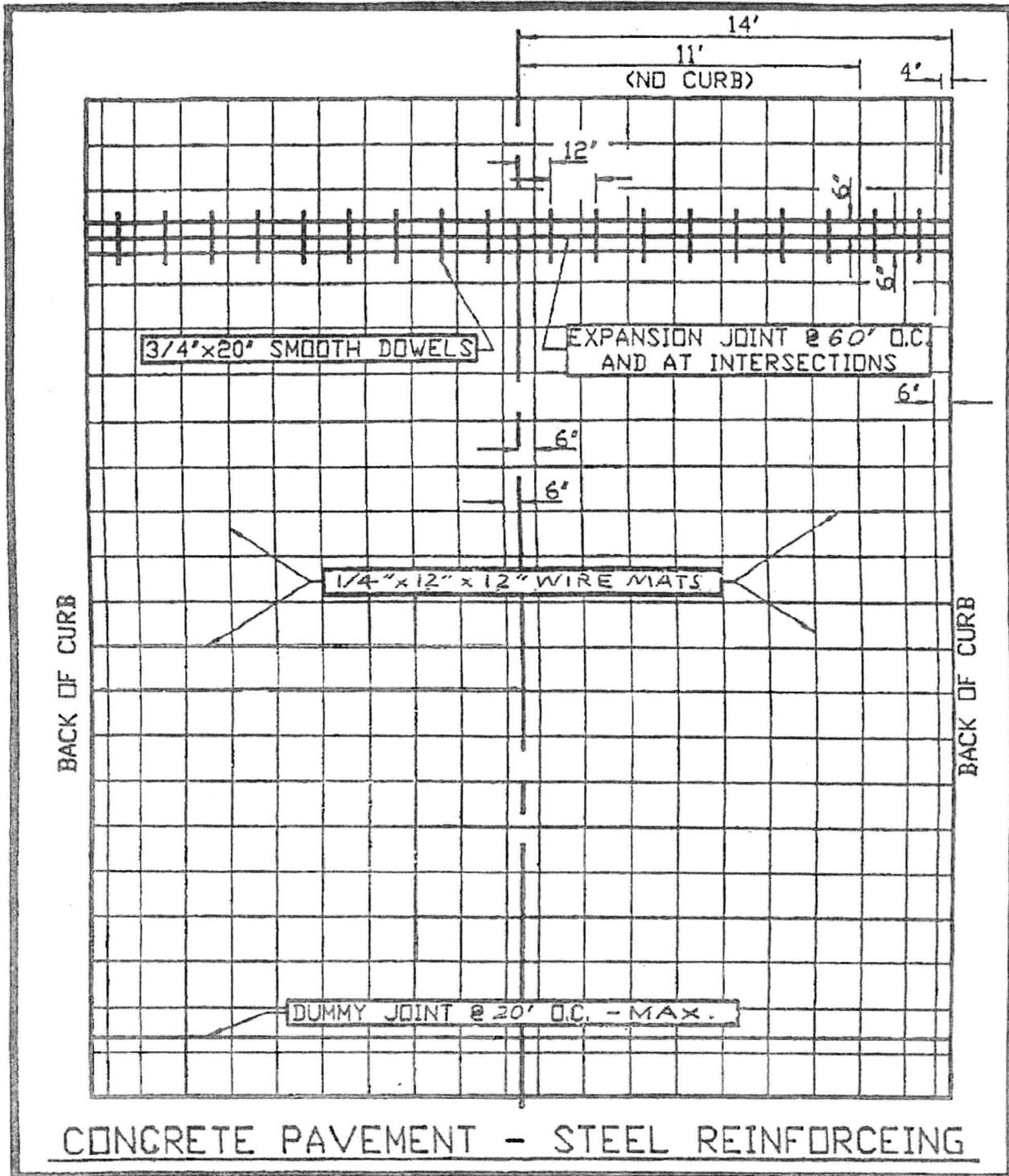
NOTE:

OPTIONAL FLEXPANE OR BITUMEN SATURATED FIBER BOARD, 1/8\" x 2\", INSTALLED TO MANUFACTURE'S SPECIFICATIONS.

TRANSVERSE CONSTRUCTION JOINT

SCALE: N.T.S.





SECTION K

**SECURITY BOND FORM
BOND NO. _____**

PRINCIPAL:

SURETY:

BENEFICIARY: County Judge of Hardin County, Texas

SUBDIVISION:

SUM:

DATE:

EXPIRATION DATE: _____ To include estimated construction period plus two years.

The PRINCIPAL and SURETY, a Corporation authorized to write bonds in the State of Texas, are jointly and severally held and bound unto the BENEFICIARY in the above-stated sum in U.S. currency, and amount fixed by the BENEFICIARY pursuant to Chapter 232 of the Texas Local Government Code.

This Bond is conditioned on the performance of the duties of the PRINCIPAL prior to the Expiration Date to provide for the construction and completion of the street and drainage improvements in the SUBDIVISION to current Hardin County Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards") so that the improvements are performing to the Standards upon the approval of the construction of the improvements and the acceptance of the public improvements by the Commissioners' Court and at the end for the two-year public improvement construction performance period (warranty period), which commences upon the acceptance.

Partial reductions in the Sum of this Bond may be allowed. Multiple recoveries less than the total amount of the Bond are allowed. Upon the acceptance of the improvements, the Bond will be reduced to ten percent of the cost of the public improvements. If this bond is unenforceable as a statutory Bond, the PRINCIPAL and SURETY shall be bound by this contract as a common law obligation.

In lieu of drawing on the BOND, BENEFICIARY, in its sole discretion, may accept a Substitute Bond in the then current amount of the estimated cost of constructing the improvements in the Subdivision.

PRINCIPAL

SURETY

BY: _____
Authorized Representative

BY: _____
Authorized Representative

Mailing Address

Mailing Address

City, State, & Zip Code

City, State, & Zip Code

- A certified copy of the Bylaws of the Surety or a Power of Attorney evidencing the authority of the representative to sign this Bond obligation must be provided to the County.

SECTION L

IRREVOCABLE LETTER OF CREDIT FORM IRREVOCABLE LETTER OF CREDIT NO. _____

TO: The County Judge of Hardin County, Texas

ISSUER:

CUSTOMER:

AMOUNT OF SECURITY:

SUBDIVISION:

DATE OF POSTING:

EXPIRATION DATE _____. To include estimated construction period plus two years.

The ISSUER hereby establishes this Credit and shall duly honor all drafts drawn and presented in accordance with this Credit. The Hardin County Judge may draw on the ISSUER for the account of the CUSTOMER up to the aggregate AMOUNT OF SECURITY.

This Credit is conditioned on the performance of the duties of the CUSTOMER prior to the Expiration Date to provide for the construction and completion of the street and drainage improvements in the SUBDIVISION to current Hardin County Standards for the construction of Roads and Drainage in Subdivision ("the Standards"), so that the improvements are performing to the Standards upon the approval of the construction of the improvements and the acceptance of the public improvements by the Commissioners' Court and at the end of the two-year public improvement construction performance period (warranty period), which commences upon the acceptance.

The only requirement necessary to draw on any part or all of the total amount of this Credit is a letter from the County Judge indicating that the County considers a drawing on this Letter of Credit necessary in order to complete all or part of the SUBDIVISION improvements to the County Standards. No further substantiation of the necessity of the draw is required by this Letter.

Partial reductions in the amount of this Credit may be allowed. Multiple recoveries less than the total amount of the Credit are allowed. Upon the acceptance of the improvements, the Credit will be reduced to ten percent of the cost of the public improvements. If this Letter of Credit is unenforceable as a statutory obligation, the ISSUER shall be bound by this contract as a common law obligation.

Drafts must be presented on or before the EXPIRATION DATE by the close of business and will be honored within five (5) calendar days of presentment. In lieu of drawing on the Security, the

County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the improvements. This credit may be revoked only by the written consent of the ISSUER and the County.

Except as expressly set forth herein, this credit is governed by the "Uniform Customs and Practices for Documentary Credits" (International Chamber of Commerce Publication No. 500, 1993.)

ISSUER:	ADDRESS OF ISSUER
BY: _____	_____
NAME: _____	_____
TITLE: _____ Authorized Representative	_____

SECTION M

CASH SECURITY AGREEMENT FORM

TO: Hardin County, Texas

SUBDIVIDER:

ESCROW AGENT: Hardin County Treasurer

AMOUNT OF SECURITY:

SUBDIVISION:

DATE OF POSTING:

EXPIRATION DATE: _____ To include estimated construction period plus two years.

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this Agreement. Hardin County may draw on the account of the SUBDIVIDER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The County considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION improvements to current Hardin County Standards for the Construction of Roads and Drainage in Subdivision ("the Standards"). No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the SUBDIVIDER prior to the Expiration Date to provide for the construction and completion of the street and drainage improvements in the SUBDIVISION to current Hardin County Standards for the Construction of Roads and Drainage in Subdivision ("the Standards"), so that the improvements are performing to the Standards upon the approval of the construction of the improvements and the acceptance of the public improvements by the Commissioners' court and at the end of the two-year public improvement construction performance period (warranty period), which commences upon the acceptance.

Partial drafts and reductions in the amount of Security are permitted. Upon the acceptance of the improvements, the Security will be reduced to ten percent of the cost of the public improvements. Drafts will be honored within five (5) calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the improvements. This Agreement may be revoked only by the written consent of the SUBDIVIDER and the County.

The Subdivider must indicate by signing the appropriate line, below, whether or not he wishes to die escrowed funds to be invested with interest paid at the rate Hardin County receives for its 90-

day accounts and be charged a \$25.00 investment fee every 90 days. The minimum of amount of cash security that will be considered for investment is Two Thousand Dollars (\$2,000).

SUBDIVIDER:

ADDRESS OF SUBDIVIDER:

BY: _____

NAME: _____

TITLE: _____

Authorized Representative

_____ Invest funds with interest paid at the rate Hardin County receives for its 90-day accounts and be charged a \$25.00 investment fee every 90 days.

SECTION N

**DEDICATION DISCLAIMER FOR SUBDIVISION OF LAND
THAT WILL CONTINUE TO BE USED PRIMARILY FOR
AGRICULTURE USE, FARM, RANCH, WILDLIFE MANAGEMENT OR
TIMBER PRODUCTION USE**

STATE OF TEXAS

COUNTY OF HARDIN

I, (or We), _____, owner (or owners) of the property subdivided in the above and foregoing plat, do hereby make subdivision on said property, according to the lines, streets and easements therein, in the _____ Survey, Hardin County, Texas. (Note: The wording of this paragraph will be different for corporations and various partnership organizations. See Sections H & I.)

This is to certify that all properties designated in the above and foregoing plat are to continue to be used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1 -d, Article VIII, Texas Constitution. Roads, drainage and other improvements do not meet the platting, engineering, construction or other requirements of Hardin County's Subdivision Regulations for residential subdivisions. If a tract described by this plat ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, all requirements of Hardin County's then current Subdivision Regulations will apply and the then current owner will be fully responsible for such.

UNDER NO CIRCUMSTANCES WILL HARDIN COUNTY ACCEPT RESPONSIBILITY FOR THE INSTALLATION OR MAINTENANCE OF ANY ROADS OR OTHER IMPROVEMENTS IN THIS SUBDIVISION UNTIL ROADS, DRAINAGES AND

ALL OTHER IMPROVEMENTS FULLY MEET THE PLATTING, ENGINEERING,
CONSTRUCTION AND ALL OTHER REQUIREMENTS OF HARDIN COUNTY'S THEN
CURRENT SUBDIVISION REGULATIONS FOR RESIDENTIAL SUBDIVISIONS.

WITNESS my hand (or Our) hand in Hardin County, Texas, this _____ day of
_____, 20 ____.

Owner(s)

STATE OF TEXAS
COUNTY OF HARDIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____
day of _____, 20 ____.

Notary Public in and for Hardin County, Texas (Seal)

This is to certify that I, _____ Registered Public Surveyor of the State of Texas have platted the above subdivision from an actual survey on the ground; and that all block corners, lot corners, angle points and points of curve are properly marked with iron rods 24" long with caps, and that this plat correctly represents that survey made by me.

Registered Public Surveyor

APPROVED FOR FILING, wherein Hardin County assumes no obligation for grading drainage's structures, or surfacing the streets or roads or making any other improvements in said subdivision until construction is complete and the two year warranty period is satisfied.

Commissioner, Precinct No. 1

Commissioner, Precinct No. 2

Commissioner, Precinct No. 3

Commissioner, Precinct No. 4

County Judge

THE ABOVE SUBDIVISION TITLED _____, as mapped

Approved by the Commissioners' Court of Hardin County, Texas, by the order of _____
_____, 20_____.

County Clerk of Hardin County, Texas

By: _____, Deputy

**STATE OF TEXAS
COUNTY OF HARDIN**

I, _____, County Clerk of Hardin County, Texas,
do hereby certify that the within instrument was filed for registration in my office on _____, 20 __,
at _____ o'clock ____ m., Volume _____, Hardin County Map Records

WITNESS MY HAND AND SEAL OF OFFICE, at _____, the
day and date last above.

County Clerk, Hardin County, Texas

By: _____, Deputy

SECTION O

DECLARATION OF MAINTENANCE COVENANT FOR STORMWATER STRUCTURAL CONTROLS

This Declaration of Maintenance Covenant for Stormwater Structural Control(s) ("Declaration") executed on _____, is by and between _____ ("Declarant") and Hardin County.

WHEREAS, Declarant is the owner of the real property described on Exhibit A (Subdivision Plat) attached hereto and incorporated by reference (the "Property"); and

WHEREAS, Declarant intends to construct and thereafter maintain stormwater structural controls (the "Controls") on the Property including, but not limited to, conduits, inlets, channels, pipes, retention or detention ponds and other devices and measures, necessary to collect, convey, store and control stormwater runoff, to be used for conveying stormwater from the Property to the County's municipal separate storm sewer system (MS4).

WHEREAS, to ensure that the Controls continue to function according to the design and performance standards to which they were constructed, Declarant is imposing upon the Property as a covenant running with the land, the obligation to maintain the Controls until such time, if ever, as the obligation to maintain the Controls is properly terminated;

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant declares as follows:

1. **Covenant Running with the Land.** Declarant covenants that the burdens and benefits made and undertaken under this Declaration constitute covenants running with the Property, binding all successors and assigns.
2. **Declarant's Responsibility to Construct and Maintain.** Declarant shall be responsible for the construction of the Controls. Declarant, its successors and assigns will at all times be responsible for the maintenance, repair and inspection of the Controls. The Controls are to be constructed in accordance with all applicable laws, ordinances, regulations, rules, and directives of appropriate governmental authorities.
3. **Location of the Controls.** The Controls shall be located on, over, across or under the Declarant's Property.
4. **Hardin County.** The County, or its designee, is authorized to access the Property as necessary to conduct inspections of the Controls to ascertain compliance with this Declaration and the County's stormwater management program requirements ("County Subdivision Regulations") and if necessary or desirable, to maintain the Controls as provided under Paragraph 6 below. The County is relieved of all responsibility for the maintenance of the Controls for the term of this Declaration. In no event shall this Declaration be construed to impose any such obligation on the County.

5. **Maintenance of Controls.** The Declarant shall be entirely responsible for all maintenance activities associated with the Controls. The Declarant shall implement appropriate maintenance activities immediately if any of the following instances occur: obstructions of inlets/outlets, mechanical failures (valves, pumps, gates, etc.), accumulation of trash, erosion or instability of slopes, accumulated sedimentation of 25% or more of the original design capacity, excessive growth of vegetation/trees, and/or if written notice from the County is issued requesting maintenance on the Control. The Declarant shall retain documentation of all maintenance activities performed on the Control and make the records available of the county for review upon request.
6. **Failure to Maintain.** If Declarant or its successors or assigns fails to maintain the Controls as required by this Declaration after 30 days written notice thereof, the County, may, but is not obligated to, cause any and all maintenance to be taken and performed and otherwise to take whatever steps the County deems necessary to maintain the controls at the Declarant's expense. Declarant shall reimburse the County within 10 days from receipt of written demand from the County all costs incurred by the County together with interest thereon from the date incurred by the County at the lesser of (i) the maximum lawful rate of interest or (ii) 15% per annum until paid in full. Nothing in this paragraph or this Declaration, shall create or impose any liability on the County, its agents, employees, successors or assigns, for damages alleged to result from or to be caused by stormwater drainage from the Property.
7. **Conflicts.** The County Subdivision Regulations control over any inconsistent provisions of this Declaration. As applicable provisions of the County Subdivision Regulations are amended, modified, revised, deleted or moved to different sections, this Declaration is deemed to be revised so as to conform to the provisions of the County Subdivision Regulations as they may exist from time to time and are applicable to the Property or any part thereof.
8. **Successors and Assigns Bound.** Declarant hereby agrees and acknowledges that maintenance of the Controls as set forth herein, the cost of maintenance, the County's access to the Controls, the County's rights of ingress and egress to the Controls and the County's right to recover all costs if Declarant fails to maintain the controls are a burden and restriction on the use of the Property and the provisions of this Declaration shall be binding upon the Declarant, its successors and assigns and upon any future owners of the Property.

Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is and shall be conclusively deemed to have consented and agreed to every covenant contained in this Declaration, whether or not any reference to this Declaration is contained in the instrument by which the Property was conveyed to such person.

Whenever in this Declaration a reference is made to a party, such reference is deemed to include a reference to the heirs, executors, legal representatives, successors and assigns of such party.

9. **Negation of Partnership.** None of the terms or provisions of this Declaration shall be deemed to create a partnership between or among Declarant and the County or any owners, mortgagees, occupants or otherwise; nor shall it cause them to be considered joint venturers or members of any joint enterprise. This Declaration is not intended nor shall it be construed to create any third party beneficiary rights in any person, except as expressly stated herein.

- 10. Enforcement.** If any person, persons, corporation or entity of any other type shall violate or attempt to violate this Declaration, it shall be lawful for the County or its successors to prosecute proceedings at law, or in equity, against the person or entity violating or attempting to violate this Declaration and to prevent the person or entity from violating or attempting to violate the Declaration. The failure at any time to enforce this Declaration by the County or its successors whether any violations hereof are known or not, shall not constitute waiver or estoppel of the right to do so in the future.
- 11. Entire Agreement.** This Declaration contains all the representations and the entire agreement of Declarant with respect to the subject matter. Any prior correspondence, memoranda or agreements are superseded by this Declaration. The provisions of this Declaration shall be construed as a whole according to their common meaning and not strictly for or against Declarant.
- 12. Notices.** All notices and approvals required or permitted under this Declaration shall be served by certified mail, return receipt requested, to a party at its last known address or its principal place of business. Date of service of notice shall be the date on which such notice is deposited in a post office of the United States Postal Service or successor governmental agency.
- 13. Governing Law; Performance.** This Declaration and its validity, enforcement and interpretation shall be governed by the laws of the State of Texas without regard to any conflict of laws, principals and applicable federal law. This Declaration is performable only in Hardin County, Texas.
- 14. Amendment.** This Declaration may not be amended or abrogated in part or whole, without the express written consent of the County.
- 15. Rights of Mortgagees, Trustees or Lienholders.** No violation of any of these restrictions, covenants or conditions shall affect or impair the rights of any mortgagee, trustee or lienholder under any mortgage or deed of trust, or the rights of any assignee of any mortgagee, trustee or lienholder under any such mortgage or deed of trust.
- 16. Gender and Grammar.** The singular wherever used herein shall be construed to mean or include the plural when applicable, and the necessary grammatical changes required to make the provisions hereof apply either to corporations or other entities or individuals, male or female, shall in all cases be assumed as though in each case fully expressed.
- 17. Titles.** The titles of sections contained herein are included for convenience only and shall not be used to construe, interpret or limit the meaning of the term or provision contained in this Declaration.
- 18. Recording of Agreement.** This Declaration shall be recorded in the Official Public Records of Hardin County, Texas and shall constitute notice to all successors and assigns of the title to the Property of the rights and obligations contained herein.

DECLARANT

ORGANIZATION: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

STATE OF TEXAS

COUNTY OF HARDIN

Before me, the undersigned authority, on this day personally appeared _____, known to me or proved to me through proper documentation to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as the act of _____, as its _____, for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, _____.

Notary Public in and for the State of Texas

My commission expires: _____

Detention Pond Maintenance Plan

Year 1

- 1) Detention Basin should be monitored monthly to ensure that sufficient vegetation has been established. Eliminate invasive plants at the soonest possible time. Hand weeding and pruning is a good method of removing invasive plants, however spot applications of appropriate herbicides may be utilized. Determination of herbicide use and application should only be completed by certified applicators and all manufacturers' recommendations must be followed.
- 2) Monitor the basin following rain events to ensure that it drains completely within a 72-hour period, or per the design specifications. If the basin does not drain as designed, identify the cause. Consult with the design engineer if necessary to perform corrective actions. Corrective measures may be necessary to mitigate drainage issues.
- 3) Mowing should be conducted on a routine basis to control the growth of invasive species. During the first year, vegetation should be mowed no shorter than 6" and mowing activities should be conducted prior to the maturation of invasive species into seed form. Mowing activities should not be conducted during wet conditions.
- 4) Inspect inlet and outlet structures on a monthly basis to ensure proper function.

Year 2 and Beyond

- 1) Mowing should be conducted on a routine basis to control the growth of invasive species. Vegetation should be mowed no shorter than 4" and mowing activities should be conducted prior to the maturation of invasive species into seed form. Mowing activities should not be conducted during wet conditions.
- 2) Monitor the basin on a routine basis for overall performance. If basin does not drain within a 72-hour period or per the design specifications, identify the cause. Consult with the design engineer if necessary to perform corrective actions.
- 3) Conduct annual inspection of basin to identify erosion/instability issues, evidence of animal burrowing, excessive vegetation growth, accumulations of trash/debris, drainage issues, mechanical failures, and excessive accumulations of sediment. Complete maintenance inspection checklist and retain on file (Exhibit B).
- 4) Perform any necessary maintenance activities to ensure that the basin continues to function according to the original design specifications.

Exhibit B

**Detention Pond
Maintenance Inspection Checklist**

Pond: _____ Date: _____ Inspected by: _____ Location: _____

General Observations:

Is water flowing? Yes No Standing Water Yes No Depth _____ Comments: _____

Any obstructions or sediment accumulations in the pond that could affect performance: Yes No _____

(Sedimentation of 25% or more of total designed capacity requires maintenance)

Pond Conditions:

Does the pond sides/slopes/bottom show signs of settling, cracking, sloughing or other problems? Yes No _____

Do the embankments, emergency spillway (if applicable) or side slopes show any erosion or instability? Yes No _____

Is there any evidence of animal burrowing or other activity that could contribute to instability or increased erosion? Yes No _____

Is there evidence of encroachment into the pond or improper use of the pond? Yes No _____

Do vegetated areas need mowing? Yes No Are these areas that need to be re-vegetated? Yes No _____

Mowed today Will schedule mowing Will schedule re-vegetation activities

Do vegetated areas need thinning, i.e. cattails, willows, trees? Yes No Thinned today Will schedule thinning

Is there accumulation of trash, debris and/or litter to be removed? Yes No Removed today Will schedule removal

Any signs of vandalism or other activity that could affect performance of the pond? Yes No _____

If permanent pool, any visible pollution? Yes No _____ Erosion at high water mark? Yes No _____

Abnormally high water level? Yes No _____ Unusual Algae blooms Yes No _____

(May indicate obstruction at orifice, or trash rack; verify outlet structure operating properly) (May signal too many nutrients in runoff, identify dog activity and clippings management, will need monitoring)

Structural Components:

Are the pipelines/inlets going into or out of the pond clogged or obstructed? Yes No _____

Is the outfall channel from the pond functioning appropriately? Yes No _____

Is the inflow trickle channel working properly? Yes No _____

Is the orifice and/or trash rack obstructed? Yes No _____

Is the outfall channel, trickle channel or other conveyance in need of repair? Yes No _____

Are the manholes, frames, and covers associated with the outfall channel in appropriate condition? Yes No _____

Do any safety features, such as fences, gates or locks need repair or replacement? Yes No _____

Plan of Action:

If answered YES to any of the above, the following is an anticipated Maintenance Needs Action List:

Total number of concerns: _____ Need more monitoring (Anticipated schedule to re-visit; identify what will trigger action)

(Yes answers)

Need routine repair (Approximate schedule for repairs; date of follow-up to re-inspect)

Need immediate repair (Take action if correct equipment on site; or contact supervisor)

Signature