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Mills County Subdivision Regulations
And
County/Private Road Standards

Revised June 30, 2021

Resolution & Order

On this the xx day of xxxxxx 2021 the Commissioners Court of Mills County Texas, following a public hearing, convened in regular session at the Mills County Courthouse in Goldthwaite, Texas and passed the following resolutions relating to Subdivisions and County/Private Roads.

WHEREAS, the Commissioners Court of Mills County, Texas, deems it necessary to adopt a set of standards stipulating the condition under which the Court, in the future, will approve and authorize plats of subdivisions for recording, in order to assist the County in providing for the safety of the public and to facilitate the identification of land within the subdivision for the purpose of placement on the tax rolls.

NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MILLS COUNTY, TEXAS, that all subdivisions in Mills County shall meet the standards set forth in these regulations as a condition of the approval and authorization of subdivision plats by the Commissioners Court of Mills County, Texas, and superseding and in lieu of all previous orders pertaining to the approval and authorization of subdivision plats.

Texas Local Government Code 232 authorizes Counties to regulate the creation of subdivisions in the unincorporated areas of the County. Mills County finds it necessary to regulate the subdivision of land to:

- Protect public safety by making every lot accessible to emergency services.
- .
- Protect Public Health by ensuring every lot has suitable land for the disposal of sewage and wastewater via an onsite septic system that is not adjacent or near natural or seasonal waterways, wells or well sites or other sources of ground water.

- Protect Public Health by ensuring that every platted subdivision includes designated pickup locations for household garbage and trash.
- Protect public health and safety by regulating road access and road standards to insure safe intersections, passing, and adequate turn around space for emergency equipment, school buses, mail and delivery vehicles and road maintenance equipment as well as space for off roadway mail boxes including off roadway space for postal vehicles to deliver mail.
- Protect public safety by managing runoff, prohibiting residential dwellings within the inundation zone of flood control dams and controlling uses and minimum elevations in other flood hazard areas.
- Protect public health and safety by requiring dedicated electric and telephone line easement access to each platted lot.

This Ordinance (Rules/Standards and Regulations) applies to all subdivisions platted after the date of enactment.

Every plat must comply with all rules and regulations outlined herein. These rules are applicable to all Regulated Subdivisions and the “piecemeal subdivisions of land”. All Regulated Subdivisions must also comply with all Rules and Regulations of the Texas Board of Professional Land Surveying.

Definitions:

- **Subdivision:** The division of a piece of land in two or more parts.
Regulated Subdivision is:
 - any Subdivision as defined by TLGC 232.001 which is created, modified, or replated after the date of this ordinance which requires the creation, approval and filing of a plat, or
 - Any Subdivision created prior to the date of this ordinance which no longer qualifies as an exception to the platting requirements of Texas Local Government Code 232.0015
- Non Regulated Subdivision is the division of land pursuant to Texas Local Government Code (TLGC) 232.0015 and is not required to comply with this ordinance as long as the ownership and use continue to qualify as an exception under the TLCG 232.0015. If or

when the qualification conditions are no longer met then compliance with this ordinance is required as of the date of the original division

County or The County shall mean the County of Mills, Texas.

Commissioners Court shall be as defined in the Texas Local Government Code

Re-subdivision shall mean the division of an existing subdivision together with any change of lot size therein, or the relocation of any street lines.

Plat shall mean a map or chart of the subdivision. It shall include plan, plat, or replat, in both singular or plural and includes both paper and electronic media .

Developer shall mean the owner of the proposed subdivision.

Flag Lot: a lot that has only a narrow strip running to an entrance on a public or private road.

The word “shall” shall be deemed as mandatory. The word “may” shall be deemed as permissive. Unless otherwise defined words have their common meaning with Websters Standard Dictionary being the final authority.

General Specifications

General Specifications pertaining to the subdivision within Mills County shall be as follows:

- A. A copy of deed restrictions, if any, imposed within the subdivision by the developer shall accompany the preliminary and the final plat.

- B. No subdivision plat may be approved if there are any delinquent property taxes associated with any of the property in the proposed subdivision
- C. No subdivision plat shall be approved for filing unless provisions have been made for suitable site for garbage disposal. The disposal site shall be of proper size and location and otherwise meet Texas Commission on Environmental Quality (TCEQ) unless the developer shall show to the court (and the court approve) that proper arrangements have been made for disposal of garbage by and through the use of existing garbage disposal means.
- D. Street Arrangement:
 - a. Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.
 - b. Proposed streets shall conform to the existing topography as nearly as possible, in order that drainage shall be provided.
 - c. All streets shall be named and marked by the developer with permanent metal signs with letters at least four (4) inches high, and the developer shall make sure there is no conflict with the name of another public road or street within the unincorporated part of the County or nearest City.
 - d. A list of named streets and roads in the unincorporated area of the County will be kept in the office of the County Clerk.
 - e. Where a County Road abuts the subdivision, the developer shall set back the subdivision line at least thirty (30) feet from the centerline of the existing County Road.
 - f. Cul-de-sacs, Flag Lots dead-end streets and gated subdivisions are prohibited as they may impede emergency service and other governmental functions. (as an alternative to the dead end and cul de sac language – Any roadway within a subdivision that does not have an entrance to another road at both ends must be extended to the boundary of the subdivision and terminated in a cul de sac with a minimal radius of 60’to facilitate connection to the road system in the subdivision of any adjacent property.)

- E. Lots: All lots, so far as practicable shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. Flag lots are prohibited.
- F. Building Lines: Building set-back lines shall be shown on all lots intended for residential use, and shall provide for a minimum set-back of at least thirty (30) feet from paved road frontage and 250 feet from unpaved road frontage to provide distance for dust to settle. The building set-back line and or minimum elevation from the flood plain boundary of the 100-year frequency flood and inundation areas upstream and downstream from Flood Control dams shall also be shown on the plat.
- G. Drainage Easements: Provisions shall be made for drainage easements, to allow for proper control of drainage, and for future maintenance within the easement area.

Every resulting parcel must have access (via grade level frontage) on a County or Private Road and a gated entrance point for each lot with the following

- Reflective Green and White sign with assigned 911 address in numbers at least 4 inches high.
- Unless entrance gates to individual lots are prohibited by the HOA Declaration, the plat shall show each individual lot's gate set back at least 60 feet from the edge of the road right of way to permit two vehicles (or one and a trailer) to fully clear the road while stopped to open the gate.
- Entrances to each lot from a public or private road must be on grade with the road and contain a tin horn or other drainage device such that the potential flow of water in the bar ditch is no impeded by the on-grade drive entrance. Minimum spacing between tin horns or other drainage devices on public roads must be 425 feet.¹ On Private Roads the space may be reduced to 200 feet provided the HOA Declaration establishes speed limits not to exceed 35mph and erects and maintains speed signage and speed control bumps or humps on the private rates
- Entrance onto public roads must have unrestricted line of vision 500 feet in either direction. Besides requiring vegetation control this requires a 500-foot distance from the apex of any curve in the road.

¹ TexDot spacing requirements for 55 mph state roads

- If the entrance drive or private road descends to a County Road entrance – ditches must be employed to channel water away from the county road and on to the lot or bar ditch. Perpendicular washouts on a County Road from runoff related to the entrance may become the financial responsibility of the owner of the tract.
- Any lot in a subdivision that is designated for commercial use must front on a paved road .

If the subdivision plat relies on private roads to meet the standards of this ordinance. Private roads must:

- Be designated by survey and on the plats
- Have at least 60 feet of right of way for the road in each deed conveyance of a lot or tract
- Be constructed on packed caliche to a depth of at least 8 inches at the crown and 4 at the edge.
- Have at least 4 inches of elevation change from crown to edge
- Have drainageways on both sides of the roads that route the runoff away from the road every 1,000 feet (alternatively – at the low point of each road)
- Have reinforced concrete bridges at all weather creek crossings and reinforced concrete low water crossings at all seasonal water crossings. Each such water crossing must be directly aligned with the roadway on both sides of the crossing. Curves or offsets at crossings are a safety hazard and are not permitted.
- Must be maintained by the owners of the properties. If the owners fail to maintain the roads and water crossings to county standards and fail to contract with the county for fee-based maintenance, the county may elect in the interest of public safety to repair a road or water crossing on a one-time basis and the cost thereof shall – if not immediately reimbursed by the owners become a lien on the property with para pasu standing with the liens, if any, of the local appraisal district,
- Must not dead end except at the boundary of the subdivision and must end in a cul-de-sac with a minimum radius of.

Lot sizes and other requirements for subdivisions without a dedicated water and sewer treatment system (these requirements do not apply if the plat included a water and wastewater system to serve all the lots in the subdivision)

- Each platted lot must be, at a minimum, the larger of
 - 10 acres
 - Large enough to contain within each platted lot - 1-acre potential building site not in a flood prone area or drainage way
 - A septic percolation test must be conducted on each lot by a registered engineer or reputable testing laboratory with the location of the test designated on the plat. The results of the tests shall be provided to the County with the preliminary plat. As an alternative – lots may be designated on the plat as “aerobic OSSF systems” only.
 - Adequate size to have at least one source of potable water that must be not be downgrade from a septic location
 - Eligible for a septic permit pursuant to Mills County’s septic ordinance
 - Electric and telephone service (or deeded easement for such service) to at least one boundary of each platted lot.
- Deed restricted against the discharge of firearms on lots under 10 Ac (larger?) other than in defense of persons or property,
- If the property is in the extraterritorial jurisdiction of a general rule municipality the more restrictive of Mills County’s or the municipal subdivision code will apply.
- In a Residential Subdivision, Property must be deed restricted as primarily residential use **Utility Easements & Streets**

H. Utility Easements:

- a. No manholes shall be placed in or under the street.
 - b. No utility lines shall be placed under any road or street except at perpendicular crossings.
 - c. All lots fronting on such streets or roads shall have a minimum fifteen (15) foot utility easement at the rear of each lot.
- I. Street Widths: “Street Width” shall be measured from front lot line to front lot line of opposite lots.
- a. All streets or roads within subdivisions covered by the order shall have the right-of-way of not less than sixty (60) feet.

Road Construction, and other public safety requirements

Prior to beginning any construction within the subdivision, the developer shall contact the Precinct Commissioner and a County approved Registered Professional Engineer, who shall go over the construction plans with the developer.

All streets shown on the plat shall meet the following specifications and be annotated on the Plat as “not maintained by Mills County”:

- A. Major Streets which serve vehicular traffic beyond the limits of the subdivision:

Minimum right-of-way	60.0'
Minimum width of roadway	30.0'
Maximum allowable grade	10%

- B. Secondary or other streets or roads which serve as collectors solely within the subdivision

Minimum right-of-way	60.0'
Minimum width of roadway	20.0'
Maximum allowable grade	10%

- C. The centerline of major and secondary streets in every subdivision shall have an elevation of at least four (4) inches above the elevation of the edges of said street, except intersections and super elevated portions of the street. At all times, street design shall maintain proper drainage.

- D. The preparation of the subgrade shall follow good engineering practices. The subgrade shall be prepared and allowed to reach Proctor Density of 80% through natural cycles of consolidation and shall be rolled and watered where placement of the base material is to be done immediately. The subgrade shall be inspected and approved by the precinct Commissioner and County Appointed Registered Professional Engineer, prior to the application of the base.

- E. Road beds constructed over seep areas.

- a. Seep areas are to be marked by visual inspection by the Precinct Commissioner and the County Appointed Registered Professional Engineer.

- b. Seep areas shall be drained to a depth of at least two (2) feet below subgrade elevation by use of subsurface drainage.
 - c. After seep areas are drained, the subgrade is to be compacted as described herein above.
- F. The base shall have a minimum thickness of six (6) inches after compaction of the authorized base material. The base material shall be pit run or crushed rock to be approved by the Precinct Commissioner and County approved Registered Professional Engineer.
- G. Drainage calculations shall be made using Manning’s Formula or other methods satisfactory to the Precinct Commissioner and County approved Registered Professional Engineer. All data and calculations shall be presented to the Precinct Commissioner and County approved Registered Professional Engineer, upon request, for inspection and approval prior to application of any base material.
- H. Permanent drainage structures, including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including drainage ditches, driveways, roads and streets.
- I. Upon Completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said construction shall be removed.
- In order to ensure that the streets, alleys bridges, low water crossings and drainageways in approved and authorized subdivision plats are constructed in accordance with the above specifications, the developer shall file a Construction Bond executed by some Surety Company authorized to do business in the State, payable to the County Judge of Mills County, Texas, or to his successors in office. The Construction Bond shall be in such an amount as may be determined by the Commissioners Court, not to exceed 100% of the estimated cost of construction of such roads and streets including the cost of engineering, advertising, and contracting.
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- . The conditions of said Construction Bond shall be that the developer shall begin construction of such streets and alleys, as are shown on the subdivision plat, within a period of ninety (90) days from the date the letter of intent for approval and authorization of the final plat of said subdivision by the

Commissioners Court of Mills county, Texas, and shall complete such construction, in accordance with the specifications herein provided, within a reasonable number of working days to be determined and agreed upon by the developer and the County Commissioners Court. Said construction bond shall remain in full force and effect until all the streets and alleys on said approved and authorized subdivision plat have been completed to the satisfaction of the Commissioners Court. After said streets have been constructed in accordance with specifications set forth herein, any Construction Bond proceeds remaining shall be returned to the developer. An acceptable bond must be for payment and completion and issued by a surety with a Best Rating of AA or better. Alternatively, a letter of credit issued by an FDIC insured bank with offices in Texas may be substituted for a bond provided it is issued to Mills County and drawable upon demand with a County affidavit that proposed improvements have not been timely or satisfactorily completed.

- Disposal of solid waste is only permitted through closed dumpsters and commercial trash services. Outdoor disposal of waste is not permitted in a platted subdivision. Outdoor burning of paper and wood scraps is permitted but must be in a container and comply with County ordinances when applicable. Outdoor burning of waste is not permitted for any commercial use – all such waste must be disposed of via private contractors. Subdivisions with 5 or more lots must include a designated location or locations for dumpsters.

Flood Hazzard Mitigation

Mills County contains approximately 16 earthen flood control dams located on various drainage ways. These dams were constructed approximately 50 years ago when the county was primarily agricultural. Each dam has two designated inundation areas:

- Upstream potential impoundment area – upstream from the dam to the contour line elevation of the top of the earthen dam.

- Downstream potential inundation area – up to six miles downstream to the contour line elevation of the top of the dam (spillway?)

Land within these two inundation areas may be used for agriculture or recreational purposes. No residential structure may be constructed unless the lowest occupiable floor is at least 1 foot above the applicable inundation zone and no well, septic tank or drain field may be located within the inundation zone area. Any plat including land within these areas must have the inundation zones conspicuously marked and recorded in the plat records of the county.

In addition to the flood areas associated with the earthen flood control dams – the County, State, various River Authorities or the Federal Government may in the future designate other flood hazard areas (defined as 100-year flood) and such designation will, inter alia, trigger the use land use limitations set forth above.

Drainage from a platted lot or subdivision shall be directed toward natural drainageways or earthen impoundments. Drainage must be directed away from septic systems, wells, and adjacent properties.

Fire Hazzard mitigation

If the subdivision includes a water system – there must be a dedicated fire hydrant within the subdivision.

If the subdivision does not include a water system and includes more than 5 plated lots, the plat must have designated space for water storage tank for use of the fire department with a capacity of at least 2,500 gallons. If the subdivision contains more than 10 platted lots a larger water storage system may be required by the Commissioners Court alternatively an all season surface impoundment of at least 1 acre must be included in the plat and accessible to firefighting personnel and equipment. In either case the plat shall include private road access to the water storage facility and the dedication and maintenance of it shall be included in the HOA declaration.

Variances

The Commissioners Court of Mills County shall have the authority to grant variances from components of these Regulations when the public interest or

the requirement of justice demands relaxation of the strict requirements of the rules.

Any person who wishes to receive a variance shall apply in writing to the County Commissioner for the Precinct in which the subdivision is located.'

The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and shall be final.

Penalties

Section 232.005 of the Texas Local Government Code, as amended, provides for the enforcement of the state subdivision laws and of these Regulations.

A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Engineering Guidelines and other appendices incorporated herein. Such offense is a Class B Misdemeanor punishable in January 2021 by (1) a fine not to exceed \$2,000; (2) confinement in jail for a term not to exceed 180 days; or (3) both such fine and confinement. (Texas Penal Code, Title 3, Ch. 12, Sec. 12.22, as amended).

A person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense (Texas Penal Code, Title 2, Sec. 7.01, as amended). Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.

Besides prosecuting a criminal complaint, the County Attorney or other prosecuting attorney for the County may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to recover damages.

A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification of an On-Site Sewage Facility located on the tract.

PLAT and Survey Requirements

Preliminary Plat:

Persons, Corporations, Partners, or others contemplating the conversation of land into Regulated Subdivisions as defines herein, should develop a preliminary plan meeting the requirements of this ordinance

The developer shall cause to be prepared a preliminary plat by a Registered Professional Land Surveyor licensed by the State of Texas.

The plat shall be prepared in accordance with the regulations and shall be submitted on a scale of not more than Four Hundred (400) feet per in or such other scale as may specifically be approved by the Commissioners Court and certified as to accuracy by the surveyor preparing the subdivision plat.

Description:

The subdivisions, or addition, shall accurately be described by Metes and Bounds and located with the respect to an original corner of the original survey of which it is a part of, and/ or the adjoining Subdivisions, giving the dimensions thereof said subdivision or addition and the

dimensions of all lots, streets, alleys, or other portions of the same intended to be dedicated to public us of purchases or owners of lots fronting thereon or adjacent thereto.

Plat Material:

The plat shall be drawn with a durable permanent ink on Mylar Drafting film, tracing cloth, or a permanent type of material, consisting of one or more sheets not to exceed measuring 24” wide by 36” long in size. It shall be drawn to scale of not more than 400 feet to the inch and where the area being subdivided will not fit in the aforesaid dimensions, two or more sheets shall be used. A key map with a scale of one (1) inch to 2,000 feet shall show the entire area and be drawn on the first sheet or on a separate sheet.

The plat shall also be submitted in an electronic format if requested by the County.

Acknowledgment:

Every such plat shall be duly acknowledged by owners of the land or by a duly authorized agent of said owners in the manner required by acknowledgments of deeds.

Survey

The signature of a Registered Professional Land Surveyor licensed by the State of Texas, and his certificate to the effect must appear on said plat or map.

All block corners and angles in streets and alleys shall be marked with one-half ($\frac{1}{2}$) inch steel pin approximately two (2) feet in length, or with a permanent marker approved by the County’s designated Surveyor. All lot corners, not block corners or perimeter corners, shall be marked with one-half ($\frac{1}{2}$) inch steel pin approximately one (1) foot long. Perimeter and all patent corners, within and adjacent to this subdivision, shall be monumented with a permanent concrete marker, five (5) inches in diameter, minimum, with brass or aluminum disk denoting the corner, not less than eighteen (18) inches in the ground, and extending sufficiently above the ground to as to be readily observed, and shall have an 18” X $\frac{1}{2}$ “steel pin in the monument, or a permanent marker approved by a County appointed Registered Public Surveyor.

Boundary lines must be shown by bearings and distances, calling for the lines of established surveys and landmarks, sufficient to locate the property on ground. In order to add a measure of permanence to locations of all the lot corners and lot lines, all curve points, angle points and block corners should be monumented with permanent monuments. Said monuments reflecting the Surveyor's name and registrations number according to the rules and regulations of the Texas Board of Professional Land Surveying. There shall be at least two (2) monuments set in concrete on a control boundary line of said Subdivision. These monuments should be protected by any means possible, and should survive the construction of streets, utilities, houses, etc. In addition, the entire subdivision should be tied and oriented to the Texas State Coordinate Systems using NAD 83 in English measurements. This control system can use G.P.S. surveying methods, either by actual G.P.S. shots or by using G.P.S. or by using G.P.S. or other monuments referenced in said system. The accuracy of said subdivision should meet or exceed the specifications set out by the Texas Board of Professional Land Surveying.

- A coordinate list containing the coordinates of each and every corner, including curve points, radius points, etc., should be filed for records along with the plat. The plat should show the location of every Concrete Monument set and permanent markers of each corner.
- This same coordinate list shall also be furnished to the County on a flash drive in the filing process and with a hard copy of said coordinates. Said To accompany the coordinate list in additions to an electronic drawing will be furnished of the final plat in one of the three formats being: DWG, DGN, or .DXF with coordinates being on ASCII or in such other format as may be specified by the County Clerk. This will permit the County and Appraisal District to upgrade their base maps to show the subdivision in its proper location.
- All Rules and Regulations set by the Texas Board of Land Surveying should be followed.

Street and Road Layout

The names of the proposed Subdivision or any of the physical features (such as streets, alleys, etc.) must not be so similar to the features in Mills County or in any

incorporated town or cities therein, as to cause confusion. Streets which are a continuation of any existing street shall take in the name of the existing street or as designated by the appropriate officials of the City, County, or State. Street names and numbers will be coordinated with the appropriate U.S. Post Office.

Lot and Block:

Lot and block numbers are to be arranged in a systematic order on the plat in distinct and legible figures. The area of each lot must be shown in acres and/ or fractions thereof in decimals to the nearest 100th of an acre. Show total number of lots or tracts.

Locations:

Locations of lots, streets, driveways, easements and other features must be shown with accurate dimensions in feet and decimals of feet. Length of radii and area of all curves, with bearings and distances of long chord, must be shown, also dimensions from all angle points of curve to lot lines.

Roadways and Access:

Roads and streets to be constructed shall have minimum width of right of way of sixty (60) feet or as specified in this ordinance and must provide unhampered circulation through the subdivision. All roads and streets are preferred to intersect at a ninety (90) degree angle, where this is not possible, the intersection on the side of the acute angle must be cut back, as specified by the appropriate Commissioner, or City Manager, but in no case shall cut back be less than 25 feet. In cases where the new roads and streets, as platted, intersect with established roads and streets, the new roads and streets shall be in practicable, a continuation without offset, of any intersecting road or street on the opposite side of the established road or street. If at all avoidable, roads or streets shall not have abrupt offsets or jogs in them. Where a part of a road or street has been dedicated and deeded in an adjoining subdivision adjacent to and along the common property of the two subdivisions, enough width of right of way must be dedicated in the new subdivisions to provide the minimum width specified herein. Square "islands" of other obstructions to traffic shall not be reserved with the right of way, this shall not exclude small parts where roads and streets are properly curved and expanded. Each lot must have access to a public road. All subdivisions abutting or contiguous

to F.M. Highways, U.S. Highways or State Highways shall be subject to access location approval the Texas Department of Transportation. Approval and acceptance of a Plat for recording and acceptance of dedication of roads for public use shall not be deemed acceptance by the jurisdiction of dedicated roads into the public road system of the jurisdiction for maintenance.

Utilities:

Appropriate dedication by easement for utilities must be provided to each lot. Subdivision plats must be coordinated with proper municipality or utility companies, as to the proper location of utility easement, which easements or reference hereto are to be shown on the subdivision plat.

Drainage

The exact location, dimension, description and flow line of existing drainage structures (and drainage structures to be installed by the owner, or owners, or developers) and the location, flow line and flood plain of existing water sources within the proposed subdivision must be shown on the preliminary plat. A topographical plat or map may be required.

Authorizations:

The Surveyor or maker of the Plat or Map must show on the plat or map a “North Arrow”. A graphical scale must be prominently shown. The file name that the Surveyor has it stores in his personal records (this should be same as the file name shown on the coordinate listing and computer disk). The Surveyor’s name, Registration Number, listed with the State of Texas, Company name, address, and phone number.

References:

References must be made to the original patented survey and the number of tracts in each survey with the abstract number of same and reference made to the

volume and page in the deed records of the tract being subdivided. Reference must also be made to the number of acres in each survey with the numbers of same for all dedicated areas. Deed references of all the ad joiner's properties of the Subdivision shall be shown. Listing of owner's name, deed reference and date of signing of proper instrument according to the Rules and Regulations of the Texas Board of Professional Land Surveying.

Review Procedure:

If the subdivision is located within the city limits or within the extraterritorial jurisdiction of any city, a preliminary plat of said subdivision shall be presented to the City Manager or to the City Council of said city for review and approval before filing of said plat. If the subdivision is located outside the city limits or extraterritorial of any city, then a preliminary plat of the subdivision shall be presented to the Commissioners Court of Mills County for approval and to the appropriate Commissioner for review before filing of said plat. The appropriate Commissioner shall be afforded adequate time to review said plat or map and consult with the County Commissioner's Court before final approval and filing of said plat.

Preliminary Plats

Six (6) prints of a preliminary plat of any proposed subdivision shall be submitted to the County Judge for presentation to the Commissioners Court at least fifteen calendar (15) days before the regularly scheduled meeting at which approval is requested. The preliminary plat shall show or be accompanied by the following:

- A. The names, addresses and telephone numbers of the owner and/or owners of the proposed subdivision and the names, addresses and telephone numbers of the Engineer, Surveyor, or Landscape Architect responsible for the survey and design.
- B. Designation of the proposed uses of land in the subdivision, whether for residential, commercial, industrial, or public use, such as parks, churches, etc.

- C. Accurate location of the land by reference to the volume and page in the deed records of the County or Counties in which the land is located, including record access.
- D. Preliminary plats shall be presented on standard size sheets of 18 inches by 24 inches and shall be drawn to a scale of one hundred (100) feet to an inch. If the proposed subdivision is too large to be accommodated by a single standard sheet size, two or more sheets may be used, with match lines clearly shown.
- E. Names of adjacent subdivisions, if any, and the name of the proposed subdivision, which shall not conflict with the name of any other subdivision in the county.
- F. North point, graphic scale, and date.
- G. The location of boundary lines in relation to an original corner of the original survey, together with a vicinity map.
- H. An outline of adjacent properties, and record owner, for distance of at least one hundred (100) feet, and how the streets, alleys or highways in the proposed subdivision may connect with adjacent land or with adjacent subdivisions which are of record and other features of importance to the lot and street layout.
- I. Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.
- J. The preliminary plat shall show the physical features of the property, including water courses, inundation areas for flood control dams, floods, flood plain boundaries for a 100-year frequency flood, ravines, bridges, culverts, present structures and shall show the drainage plan of the proposed subdivision, and a street profile.
- K. The location and width of existing and proposed streets, roads, lots, alleys, building lines, easements, parks, and school sites, if any.
- L. Number of linear feet of roadway.
- M. List number of acres in each survey and number of acres or fraction thereof, in each lot or tract. If subdivision is split by County Line, list the number of acres in each survey in each County and number of acres or square feet in each lot or tract that is split by the County Line.

- N. The developer shall submit a plan for providing utility services for the proposed subdivision and shall show the same on the plat. The proposed water supply shall be clearly indicated, i.e., municipal water, rural water system, individual wells, etc., including location of fire plugs, if any, within the subdivision for fire protection. Also, the plan for sewage disposal should be clearly indicated, i.e., municipal sewer services, privately owned sewage disposal system, individual septic tank, aerobic system, etc.
- O. If the location of the subdivision is within the extraterritorial jurisdiction of any city, town or village within Mills County, the preliminary plat shall be approved by that public body prior to submission to the Commissioners Court. If such regulations conflict with county regulations, the more stringent provisions of such regulations shall govern.
- P. A Cashier's check as a deposit to cover the County's cost of professional review of the preliminary plat and final approval of the final work and plat. The amount of the deposit required is at the sole discretion of the County. To the extent this deposit exceeds the county's actual third party costs the excess will be refunded within 30 days of the final plat approval or disapproval or the withdrawal of the plat by the Developer. If third party costs are expected to exceed the amount on deposit, the County may request additional deposits. Developers' failure to make the additional deposit within 10 days shall cause the proposed subdivision to be denied.

If the Commissioners Court does not approve, disapprove or ask for clarification of the preliminary plat within fifteen (15) days of the day of initial meeting for consideration of the plat, the plat shall be deemed approved and so endorsed by the Commissioners Court.

Approval of the preliminary plat does not constitute acceptance of the subdivision, but it is merely an authorization to proceed with the preparation of the final plat for record.

No grading of streets or construction shall be done in the subdivision before the final plat is tentatively approved by the Commissioners Court, except by special permission of the Commissioners Court.

Ownership Certification:

A certificate of ownership, certifying ownership and proper authorization to sign, must accompany the plat to be recorded. Tax Certificates from the appraisal district must be submitted with the Plat reflecting no delinquent ad valorem taxes due.

Prior Plats

Where a prior subdivision plat has been filed, a vacating plat must be filed or included on the subdivision plat as to what is being re-subdivided.

Signature Block:

The required certificates shall be executed and attached to the plat sheet evidencing ownership, acceptance, and approval by the developer and by the government entity having regulatory authority over the subdivision. If the subdivision lies within the city limits of a city within the extraterritorial jurisdiction of that city, the approval of said plat shall be evidenced by the appropriate signature of the Mayor or the City Council. If the subdivision lies outside the city limits or extraterritorial jurisdiction of any city, acceptance and approval of the plat shall be evidenced by the appropriate signatures of the Commissioners Court of Mills County.

Certificates:

The following certificates, as appropriate, must be placed on the original for filing:

- Owner Certificate
- Certificate of Approval from City
- Certificate of Registered Professional Land Surveyor
- Certificate of Approval from Commissioners Court
- (Other Certificates of Regulatory Agencies where appropriate)

Originals for Filing:

There shall be three (3) Mylar originals, no larger than 24” by 36”, continuing the original signatures required for filing of said map. The original shall be filed with the County Clerk’s office, within the plat records. Additionally, a flash drive and list of coordinates shall be provided to the County Clerk. Filing fees as determined by the Commissioners Court must be tendered at the time of recording the final plat.

Copy:

There shall be a copy of the subdivision Final Plat reduced to 8 ½” by 11” size to be filed with restrictions within the Real Property Records of said County. There shall be a minimum of three (3) full size blue line copies of said plat and a reduction copy of said Subdivision plat furnished to the County Clerk for distribution to local authorities and title companies within said County. Additionally, three flash drives and printed list of coordinates shall be provided to the County Clerk’s Office for distribution to the appropriate local authorities and agencies.

Final Plat

After approval of a preliminary plat by the Commissioners Court, a final plat prepared by a Registered Public Surveyor, and bearing his seal, shall be submitted to the County Judge fifteen (15) days before the date scheduled for approval by the Commissioners Court. Such plat shall reflect all data, to include all changes and alterations, that was required on the previously submitted preliminary plat.

- A. The final plat shall be drawn to a shall of one hundred (100) feet to the inch on photographic quality mylar, consisting of one or more sheets measuring eighteen (18) inches by twenty-four (24) inches. Scale variance may be granted by a County appointed Registered Public Surveyor. If two or more sheets are used, a key map showing the entire area shall be drawn on the first sheet. The County shall be furnished two (2) copies of all sheets. All figures and letters shall be plain, distinct and of sufficient size to be easily read, and shall be of sufficient density to make a lasting and permanent record.
- B. The final plat presented for recording shall show the following information:
 - a. The name of the subdivision, graphic scale, date, North point and linear feet of roadway.

- b. The name of adjacent subdivisions, if any, and the names of streets within the subdivision, and the lot, block, and section numbers within the subdivision.
- c. The perimeter boundary of the subdivision shall be shown with bearing and distance, referenced to a corner of the original survey. If the subdivision is within a two (2) mile radius of any Horizontal Control Station set by the United States of the State of Texas, at least four diagonally opposed corners of the subdivision shall have State Plane Coordinates, with scale and grid factors, datum used and name and type of station used, shown on the plat.
- d. Location of lots, streets, roads, public highways, utility easements, parks, flood control dam inundation zones, flood plain boundaries for a 100-year frequency flood, and other features, shall be shown with accurate dimension in feet and decimals of feet, and bearing, with length, radii, and chord data of curves and all other information necessary to duplicate the plat on the ground. The plat must conspicuously note that Private Roads are not maintained by Mills County and the County has no intent nor obligation to maintain them in the future.
- e. The location of building set back lines on all streets, and the location and dimension of utility and drainage easements, flood plain boundaries and other public right-of-way access.
- f. If it is the developer's intent that each lot purchaser shall provide an individual nonaerobic septic system to serve each lot, copies of percolation tests performed on all lots by a Registered Professional Engineer, Registered Sanitarian or a reputable testing laboratory, shall be provided together with a letter stating recommendations as to the type of septic tank to be installed. The location of each percolation test, and the area covered by that test shall be outlined clearly on the plat. The septic tank and all lateral lines shall be outside the flood plain boundaries, drainageways and inundation zones of Flood Control Dams and no closer than fifty (50) feet of a public road or a property line. A plan prepared by the person charged with performing the percolation tests on the subdivision shall show areas not suitable for anaerobic septic systems. Such

- areas shall require special systems approved by a Registered Sanitarian.
- g. Certification by the developer, and by all parties who may have lease rights, mortgage, or lien interest in the property, of their dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public.
 - h. Certification of a Registered Public Surveyor to the effect that the plat correctly represents a survey made by him, and that all lot corners and boundary markers are correctly placed as shown thereon, and the proper monuments are set at their respective corners. The dimension, bearing, and other technical data needed for re-plating each lot, shall be shown on the subdivision plat.
 - i. Certification of approval signed by the appropriate representative of any city having extraterritorial jurisdiction over the area in which the subdivision is located.
 - j. A space shall be provided for the approval of the County Judge acting on behalf of and for the Commissioners Court.
- C. The Commissioners Court may, at its own discretion, appoint a Registered Public Surveyor as the designated representative of the Court to examine the subdivision on the ground to assure itself, that the plat and related documents accurately represent the subdivision. The cost of the above-mentioned inspection shall be charged to the developer and shall be paid prior to final approval of the plat.
- D. All ad valorem taxes due for current and prior years, including any roll backs associated with the loss of Agricultural or other exemptions must be paid before the Commissioners Court will consider the approval of the request for a subdivision or re-subdivision. The developer shall obtain a tax certificate from the Mills County Appraisal District to show compliance.
- E. After examination of the final plat, the Commissioners Court shall notify the developer, in writing, as to its intent to approve or disapprove the plat. It shall be clearly understood, however, that no plat will be finally approved for recording until such time as all streets, culverts and other

- drainage facilities, utilities, etc. have been installed and inspected within the subdivision. It shall be the responsibility of the Precinct Commissioner and a Registered Professional Engineer designated by the Commissioners Court, to make the inspection of streets, culverts and other drainage facilities, utilities, etc., and he shall report his findings to the Commissioners Court. The cost of the above inspections shall be charged to the developer and shall be paid prior to the final approval of the plat. If the construction of the above-mentioned items is satisfactory to the Commissioners Court, the developer shall be notified that the plat is ready to be filed for record and the County Judge acting on behalf of and for the Commissioners Court, shall at that time sign the plat indicating their approval.
- F. The filing fee for the final plat shall be \$250 dollars (\$250) per platted lot with a minimum fee of \$1,000 plus one hundred dollars (\$100.00) for each additional sheet.
 - G. The County will calculate and charge a per lot impact fee pursuant to TLGC 395.

Subdivision Fee Schedule

- Preliminary Plat
 - Application fee \$150 per lot with minimum fee of \$1,000
- Final Plat
 - Review fee of \$250 per lot plus with minimum of \$1,000
 - Payment of fees of designated surveyor & engineer
 - Payment of County legal fees
 - Payment of per lot impact fee
- Filing Fees to County Clerk
 - Final Plat
 - Deed Restrictions if any
 - Property Owners Association Declarations

The Fee Schedule will be periodically updated by Commissioners Court and posted on the County website.

The listed fees are likely applicable to all Regulated Subdivisions this is not an all-inclusive list and specifically does not include:

- Tax Certificate fees charged by the appraisal district.
- Utilities connection or tap fees.
- Permits for the installation of on-site sewage treatment facilities.