

KIMBLE COUNTY COMMISSIONERS COURT
CALLED MEETING – August 27, 2024 @ 9:00 AM

The Honorable Commissioners Court met on the above date and time in the County Courtroom at 501 Main Street, Junction, TX 76849. The following minutes were taken with regard to that meeting and are reflected below as accurately and to the best of my ability below:

COURT PRESENT:

Commissioner Precinct 1 Brayden Schulze
Commissioner Precinct 2 Kelly Simon
Commissioner Precinct 3 Dennis Dunagan
Commissioner Precinct 4 Kenneth Hoffman
County Judge Hal A. Rose
County/District Clerk Karen E. Page

ELECTED OFFICIALS PRESENT:

Sheriff Castleberry
County Attorney Andrew Heap
Treasurer Billie Stewart (ABSENT)
Justic of the Peace Josh Cantrell (ABSENT)

VISITORS: SEE ATTACHED LIST (If Applicable)

AGENDA ITEMS:

1. Call to order.
 - a. County Judge Hal Rose called the meeting to order at 9:02am
2. Convene meeting and establish quorum.
 - a. Quorum was established
 - b. None
 - c. None
3. Public comments.
 - a. None
4. Consideration, discussion, and possible action regarding court order prohibiting outdoor burning in the unincorporated area of Kimble County.
 - a. Motion to institute burn ban made by Commissioner Schulze, second by Commissioner Dunagan, all present in favor, motion carried
5. Consideration, discussion and possible action regarding: (a) pursuant to Chapter 232 of the Texas Local Government Code and other authority, consideration and approval of the Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas for the effective date of August 27, 2024; and (b) all related matters.
 - a. Motion to sign order and approve Subdivision & Manufacturing Regulations under Order CC-2024-15 after no petitions, requests, etc. received made by Commissioner Schulze, second by Commissioner Simon, all present in favor, motion carried

6. EXECUTIVE/CLOSED SESSION – An executive/closed session meeting may be held (as needed) pursuant to Sections 551.071(2) and 551.129 of the Texas Government Code (consultation with attorneys) for the Commissioners Court to consult with and seek advice from its attorneys regarding: (a) the county’s active and proposed subdivision and manufactured home rental community regulations; (b) enactment procedure for county development regulations; and (c) any other matter described in this meeting agenda.
 - a. No executive session needed
7. Consideration, discussion and possible action on an Interlocal Agreement between the County and Concho Valley Transit District for the provision of transportation services for county residents for period of 09/01/24 through 08/31/25.
 - a. Motion to approve and sign the agreement made by Commissioner Simon, seconded by Commissioner Schulze, all present in favor, motion carried
8. Consideration, discussion and possible action on supporting legislative administrative action to correct change to subdivision definition in HB 3697.
 - a. Motion to approve and sign a letter supporting HB 3697 omitting the second to last paragraph marked with an asterik (*) in the sample letter attached made by Commissioner Schulze, second by Hoffman, all present in favor, motion carried
9. Consideration, discussion and possible action on the Kimble County budget for 2025.
 - a. No action needed
10. Adjournment.
 - a. Motion to adjourn by Commissioner Dunagan, second by Commissioner Simon, all present in favor, adjourned at 10:47am

There being no further business, Court adjourned this 27th day of August, 2024

/S/ HAL A ROSE
Hal A. Rose, Kimble County Judge

Attest: /S/ KAREN E. PAGE
Karen E. Page, County Clerk

KIMBLE COUNTY CALLED COMMISSIONERS COURT MEETING

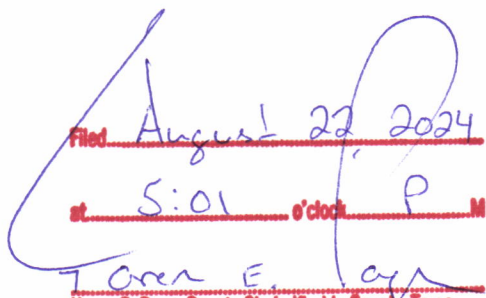
Notice is hereby given that the Kimble County Commissioners Court will convene for a called meeting at the Kimble County Courtroom, 501 Main Street, Junction, Texas 76849,
at 9:00 a.m. on Tuesday, August 27, 2024

AMENDED AGENDA

1. Call to order.
2. Convene meeting and establish quorum.
3. Public comments.
4. Consideration, discussion, and possible action regarding court order prohibiting outdoor burning in the unincorporated area of Kimble County.
5. Consideration, discussion and possible action regarding: (a) pursuant to Chapter 232 of the Texas Local Government Code and other authority, consideration and approval of the Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas for the effective date of August 27, 2024; and (b) all related matters.
6. EXECUTIVE/CLOSED SESSION – An executive/closed session meeting may be held (as needed) pursuant to Sections 551.071(2) and 551.129 of the Texas Government Code (consultation with attorneys) for the Commissioners Court to consult with and seek advice from its attorneys regarding: (a) the county's active and proposed subdivision and manufactured home rental community regulations; (b) enactment procedure for county development regulations; and (c) any other matter described in this meeting agenda.
7. Consideration, discussion and possible action on an Interlocal Agreement between the County and Concho Valley Transit District for the provision of transportation services for county residents for period of 09/01/24 through 08/31/25.
8. Consideration, discussion and possible action on supporting legislative administrative action to correct change to subdivision definition in HB 3697.
9. Consideration, discussion and possible action on the Kimble County budget for 2025.
10. Adjournment.

This notice is given and posted pursuant to the Texas Open Meetings Act, Title 5, Chapters 551 and 552, Texas Government Code.


Hal A. Rose, County Judge


Filed August 27, 2024
at 5:01 o'clock PM
Karen E. Page, County Clerk, Kimble County, Texas

KIMBLE COUNTY CALLED COMMISSIONERS COURT MEETING

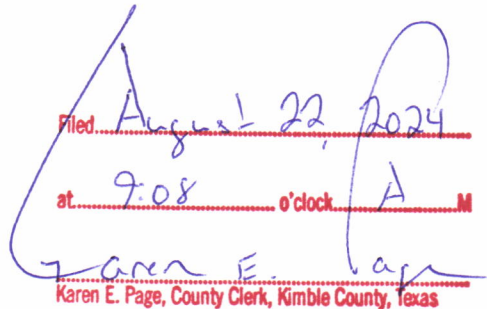
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AGENDA

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7. Consideration, discussion and possible action on supporting legislative administrative action to correct change to subdivision definition in HB 3697.
8. Consideration, discussion and possible action on the Kimble County budget for 2025.
9. Adjournment.

This notice is given and posted pursuant to the Texas Open Meetings Act, Title 5, Chapters 551 and 552, Texas Government Code.


Hal A. Rose, County Judge


Filed August 22, 2024
at 9:08 o'clock A M
Karen E. Page, County Clerk, Kimble County, Texas

COMMISSIONER'S COURT
MEETING 8/27/2024

VISITORS PLEASE SIGN IN

1 Andrew Brunkard

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KIMBLE COUNTY, TEXAS: PUBLIC NOTICE

Pursuant to Chapter 232 of the Texas Local Government Code and other authority, Kimble County, Texas ("County"), by and through its governing body, the Kimble County Commissioners Court ("Commissioners Court"), gives notice that the 2024 Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations") were approved and adopted by the Commissioners Court at its public meeting on August 27, 2024.

The Regulations may be: reviewed and copied during regular business hours at the business office of the Honorable Karen E. Page, the County Clerk of Kimble County, Texas, located in the Kimble County Courthouse at 501 Main Street, Junction, Texas 76849 (telephone 325-446-3353); and reviewed and downloaded from the County's internet website at www.co.kimble.tx.us. Please note the following:

- The Regulations are authorized to be enacted by the County pursuant to the authority described in the Regulations. The Regulations are designed, among other things, to govern plats, subdivisions of land, and manufactured home rental communities ("MHRC") in the unincorporated area of Kimble County, Texas in order to: promote the health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county; prevent colonias or other substandard development; and ensure that adequate plats, plans, design and planning procedure, water, sewer, septic, and OSSF facilities and infrastructure, and utility, drainage, and transportation facilities and infrastructure are provided in the unincorporated area of the county.
- The Regulations contain standards, requirements, and procedure for subdivision plats and related subdivision development, and for MHRC infrastructure development plans and related MHRC development, in the unincorporated area of the county, and among other things relate to the following matters: required compliance with applicable federal law, state law, and County regulations; accomplishment of all public purposes described in the Regulations; definitions, an interpretation guide, establishment of an effective date, compliance with the Texas Open Meetings Act, application of certain legal authority, and other administrative provisions; development, design, and construction requirements regarding land development in the unincorporated area; subdivision plat procedure and review provisions, including requirements for approval and recordation, exceptions or exemptions, variances, revision, vacation, amendment, subdivision regulation in the extraterritorial jurisdiction of an incorporated municipality, and other procedural matters; MHRC infrastructure development plan standards, requirements, and procedure (relating to drainage, water, wastewater, survey, roads, and lawful authority compliance matters), and including restrictions on MHRC construction and occupancy unless first approved by the County; bond or other financial security requirements; a fee schedule and related procedure; subdivision plat and MHRC infrastructure plan requirements relating to formatting, form, scope, content, disclosure, signature, certification, and document submission procedure and requirements; division of land standards; survey, topographical data, lot/block, monumentation, and other disclosure requirements; water, sewer, septic, and OSSF facilities and service requirements, including compliance with minimum state

and County standards; engineer, surveyor, and geoscientist review, analysis, and disclosure requirements regarding water availability and related facilities, wastewater requirements and related facilities, drainage, floodplain, and stormwater management requirements and related facilities, and other technical matters; utility standards and service requirements, including compliance with minimum state and County standards and disclosure requirements; floodplain identification, stormwater management, and drainage requirements, including descriptions, plans, and disclosure; requirements for road access, design, construction, and safety; requirements for drainage plans and related drainage facilities; requirements for lot frontage and building and set-back lines; purchase contract disclosure requirements and procedure related to water availability and other matters; groundwater availability, sufficiency, certification, and disclosure requirements pursuant to Section 232.0032 of the Texas Local Government Code, Sections 230.1 through 230.11 of Title 30 of the Texas Administrative Code, and other authority; requirements for fire safety and fire suppression systems and disclosure; lienholder identification and lien subordination requirements; limitations and restrictions on the use of firearms, bows, and arrows regarding certain lots in subdivisions; compliance with local groundwater conservation district regulations; emergency vehicle access requirements; limitations and restrictions regarding subdivision plat or MHRC approval by the County; enforcement remedies and penalties, both civil and criminal in nature; county inspection rights; and appendix documents in the form of or relating to application forms with required document lists, drainage standards, a fee schedule, developer road damage and repair provisions, bond or other financial security requirements, and a certification of groundwater availability form.

- Should you have questions regarding the Regulations, please contact the following Kimble County representative during regular business hours: the Honorable Hal A. Rose, the County Judge of Kimble County, Texas, at his business office in the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).

Filed August 27 2024
at 11:52 o'clock A M
Karen E. Page
Karen E. Page, County Clerk, Kimble County, Texas

For Action

ORDER NO. CC-2024-15

Filed August 27, 2024
at 11:44 o'clock A.M.
Karen E. Page
Karen E. Page, County Clerk, Kimble County, Texas

AN ORDER OF THE COMMISSIONERS COURT OF KIMBLE COUNTY, TEXAS: (1) APPROVING THE 2024 SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; (2) APPROVING A FEE SCHEDULE AND CIVIL AND CRIMINAL ENFORCEMENT REMEDIES FOR SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, Kimble County, Texas ("County") is a duly organized and operating county of the State of Texas pursuant to the constitution and laws of Texas, and further, the Kimble County Commissioners Court ("Commissioners Court") is the governing body of the County; and

WHEREAS, pursuant to Article V, Section 18 of the Texas Constitution, Chapters 232 and 233 of the Texas Local Government Code, and other authority, the County may approve, adopt, implement, and enforce regulations governing plats and subdivisions of land and manufactured home rental communities in the unincorporated area of Kimble County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters being declared to be worthwhile public purposes and in the public interest; and

WHEREAS, the County desires by this order to approve, adopt, implement, and enforce the 2024 **Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas** ("Regulations"), dated and effective August 27, 2024, in the form and scope described in the attached **Exhibit 1**, said Regulations being related and applicable, among other things, to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, including manufactured home rental community development and regulations, for application, implementation, and enforcement in the unincorporated area of said county, and as authorized by law for County regulation; and

WHEREAS, the approval, adoption, implementation, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purposes described in those instruments.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Kimble County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine or feminine gender shall each include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.
- (2) The caption, preliminary recitals of this order, and all attached documents are incorporated by reference.
- (3) The Commissioners Court approves, adopts, and shall implement and enforce, the **2024 Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas**, dated and effective August 27, 2024, in the form and scope described in **Exhibit 1**.
- (4) The Commissioners Court orders that: (a) on behalf of the County and its Commissioners Court, the County Judge shall properly execute the Regulations and timely initiate and complete all tasks necessary or desired to accomplish the publication, distribution, and implementation of the Regulations in the public interest; (b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court maintained by the Office of the County Clerk of Kimble County, Texas; (c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available by the County to the public regarding land development matters in said county, including the posting of the Regulations on the County's internet website until the Regulations are revised, amended, withdrawn, or otherwise superseded; and (d) the County's staff and legal counsel shall assist the County Judge in the timely initiation and completion of all tasks herein described.
- (5) All notice and conditions precedent for the lawful approval, adoption, and implementation of the Regulations have been timely accomplished by the County.
- (6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.
- (7) This order shall take effect immediately from and after its passage.

- (8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on this the 27th day of August, 2024.

**THE COMMISSIONERS COURT OF
KIMBLE COUNTY, TEXAS**



County Judge
Kimble County, Texas



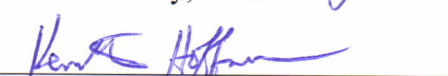
County Commissioner, Precinct 1
Kimble County, Texas



County Commissioner, Precinct 2
Kimble County, Texas



County Commissioner, Precinct 3
Kimble County, Texas



County Commissioner, Precinct 4
Kimble County, Texas

ATTEST:

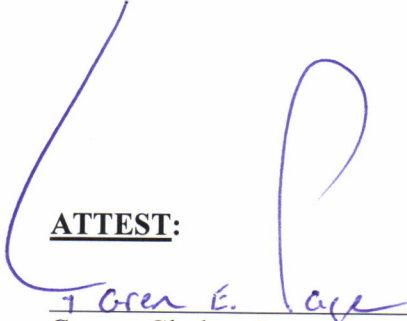

County Clerk or Deputy County Clerk
Kimble County, Texas



EXHIBIT 1
**(2024 Subdivision and Manufactured Home Rental Community Regulations
for Kimble County, Texas; Effective Date August 27, 2024)**

For Action

**SUBDIVISION AND MANUFACTURED HOME
RENTAL COMMUNITY REGULATIONS**

FOR

KIMBLE COUNTY, TEXAS

EFFECTIVE DATE: AUGUST 27, 2024

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ARTICLE 1 – ADMINISTRATIVE PROVISIONS

§ 1.1 Enactment

- (A) **County and Governing Body** – Kimble County, Texas (“**County**”) is a duly organized and operating county of the State of Texas, and the Kimble County Commissioners Court (“**Commissioners Court**”) is the governing body of the County.
- (B) **Declaration** – The County, acting by and through its Commissioners Court, hereby declares that these **Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas** (“**Regulations**”) are lawfully enacted, approved, and adopted, and shall be enforced pursuant to and in compliance with the express and implied authority herein described.

§ 1.2 Public Purposes

- (A) **Identification** -- These Regulations are enacted, approved, and adopted, and shall be enforced to accomplish the following worthwhile public purposes:
 - (1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities (“**MHRC**”), within the unincorporated area of Kimble County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
 - (2) The Regulations shall ensure that adequate plats, plans, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“**OSSF**”), and utility and transportation infrastructure are provided in the unincorporated area of the county.
 - (3) The Regulations are reasonably enacted, approved, and adopted, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property, or injury or death to persons, from flooding within a floodplain established by a federal or state flood control program, and said program enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.

- (B) **Accomplishment** -- The enactment, approval, adoption, and enforcement of the Regulations shall substantially accomplish or advance all public purposes herein described.

§ 1.3 Conditions Precedent and Notice

- (A) **Conditions Precedent** -- All notice and conditions precedent for the lawful enactment, adoption, approval, and enforcement of the Regulations have been accomplished.
- (B) **Notice** -- Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), courier, or hand-delivery, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official and business office address regarding notice or document submissions required by the Regulations are as follows:

County Judge
Kimble County, Texas
Kimble County Courthouse
501 Main Street
Junction, Texas 76849
Telephone: 325-446-2724

- § 1.4 Effective Date** -- The Regulations' effective date ("**Effective Date**") is August 27, 2024.
- § 1.5 Partial Invalidity** -- Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective, in force, and operable.
- § 1.6 Headings** -- The separate headings contained in the Regulations are for reference and convenience only and shall not limit or otherwise affect in any way the meaning of the Regulations.
- § 1.7 ETJ Regulation** -- The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction ("**ETJ**") of an incorporated municipality located in Kimble County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.
- § 1.8 Adopted Authority** -- The following legal authority, as amended, and the express and implied regulatory powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, use, and enforcement of these Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Chs. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, E, Z), 233, 235, 242, 247; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.001-.011, 232.101-.110, 232.901, 247.001-.006; TEX. PROP. CODE Chs. 12, 13;

TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16 (Subchs. I, J); 30 TAC §§ 230.1-230.11; the County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations.

ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX

§ 2.1 Word Usage and Special Definitions

- (A) **Common Usage** -- Unless specially defined, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) **Special Definitions** -- Unless otherwise designated, the following special definitions shall apply (whether the term or phrase appears in capital lettering or bold, italics, or underlined print).
 - (1) **“Applicant”** shall mean the person or business entity signing the Plat or MHRC Application as the Applicant.
 - (2) **“Business day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
 - (3) **“Colonias”** shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments that lack basic utilities, drainage, and other infrastructure;
 - (4) **“Commissioners Court”** shall mean means the Commissioners Court of Kimble County, Texas.
 - (5) **“County”** shall mean Kimble County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
 - (6) **“County Clerk”** shall mean the County Clerk of Kimble County, Texas, with her current business office address being: Office of the County Clerk, Kimble County, Texas, Kimble County Courthouse, 501 Main Street, Junction, Texas 76849 (telephone 325-446-3353).
 - (7) **“County Judge”** shall mean the County Judge of Kimble County, Texas, with his current business office address being: Office of the County Judge, Kimble County, Texas, Kimble County Courthouse, 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).
 - (8) **“Developer” or “Owner”** shall mean the fee simple owner of record (or his authorized agent): (a) of the land which is the subject of the subdivision or MHRC development; and (b) proposing to divide or dividing said land to

constitute a subdivision or MHRC. “Developer” and “Owner” are synonymous as used in these Regulations. For purposes of these Regulations, only the record and fee simple Owner of the subdivision or MHRC development land (and specifically not the agent thereof) may properly execute and acknowledge a plat or MHRC Infrastructure Development Plan, as described in §§ 3.2, 4.1, and 5.1.

- (9) **“Development”** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.
- (10) **“Drinking Water”** shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
- (11) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act. Also, when these Regulations require a matter to be performed according to or in compliance with “standard engineering practice,” that phrase shall be interpreted to mean standard engineering practice in Texas.
- (12) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (13) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency (“FEMA”) for the County under the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
- (14) **“Manufactured Home”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003, Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.
- (15) **“Manufactured Home Rental Community” or “MHRC”** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residence, as defined by § 232.007 of the Texas

Local Government Code.

- (16) **“Minimum State Standards”** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and/or septic/OSSF facilities under § 16.343(c)(1) of the Texas Water Code, Chapter 366 of the Texas Health and Safety Code, or other state authority; or (c) the treatment, disposal, and management of solid waste and litter under Chapters 361 through 365 of the Texas Health and Safety Code or other state authority.
- (17) **“NFIP”** shall mean the National Flood Insurance Program pursuant to federal law, including: (a) the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.
- (18) **“OSSF”** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.
- (19) **“Plat”** shall mean a: (a) plat required by the Regulations; and (b) map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (20) **“Plat Application”** shall mean the Subdivision Plat Application Form described in § 3.2 and **Appendix/Exhibit A** of the Regulations.
- (21) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (22) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (23) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas.
- (24) **“Sewer,” “sewer services,” “sewerage facilities,” and “sewer facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and includes drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.

- (25) **“State”** shall mean the State of Texas and its administrative agencies.
- (26) **“Subdivision”** shall mean a division of land described in § 3.1 of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.
- (27) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (28) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (29) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (30) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.
- (31) **“TWDB”** shall mean the Texas Water Development Board.
- (32) **“Utility”** shall mean a person, entity, or political subdivision providing the services of an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code, a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code, a water and sewer utility pursuant to § 13.002 of the Texas Water Code, or any other utility defined by Texas law.
- (33) **“Water District”** shall mean the following described special districts with jurisdictional authority granted by the law of the State of Texas regarding certain land located in Kimble County, Texas, said districts being authorized to develop, promote, and implement water conservation and water management strategies in order to conserve, preserve, and protect the groundwater supplies of the territorial land area of the respective district, and authorized to protect and enhance recharge, prevent waste and pollution, and effect the efficient use of groundwater in the territorial land area of the respective district:
 - the **Kimble County Groundwater Conservation District (“Kimble County GCD”)**, with its present business office located at the Kimble County Courthouse, 501 Main Street, 2nd Floor, Junction, Texas 76849, and its present mailing address being P.O. Box 31, Junction, Texas 76849 (telephone 325-446-4826), and with its territorial land area comprising approximately 97.45% of Kimble County, Texas; and
 - the **Hickory Underground Water Conservation District No. 1 (“Hickory UWCD 1”)**, with its present business office located at

111 East Main Street, Brady, Texas 76825, and its present mailing address being P.O. Box 1214, Brady, Texas 76825 (telephone 325-597-2785), and with its territorial land area comprising approximately 2.55% of Kimble County, Texas.

§ 2.2 Interpretation and Appendix

- (A) **Tense, Gender, and Number** -- Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine or feminine gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (B) **Incorporation by Reference** -- The following matters are approved and incorporated by reference in the Regulations: (1) statements made in the preliminary recitals; (2) all documents attached as the Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County's active floodplain management, sewer, septic/OSSF, or other development regulations.
- (C) **Minimum Requirements** -- These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect** -- These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

ARTICLE 3 -- PLAT PROCEDURE

§ 3.1 Plat Required for Division of Land

- (A) **Division Defined** -- Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Kimble County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.
- (B) **Scope of Division** -- A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development.

§ 3.2 Plat Submission and Review

- (A) **Application** -- The County's Subdivision Plat Application Form is described in **Appendix/Exhibit A**. It shall be provided at no cost to the public at: the office of the

County Judge at the notice address described in § 1.3 of the Regulations; and on the County's internet website at www.co.kimble.tx.us. The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application.

A completed Plat Application shall constitute and contain (among other things hereafter described): (1) the fully completed and executed application; (2) the business address and contact information of the applicant and owner; (3) an executed plat and all supporting documents as herein described; (4) a copy of the owner's active and recorded deed to the subdivision land, thereby verifying that current and full fee simple title is held by the owner to said land; (5) sufficient written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax delinquency does not exist regarding the subdivision land; (6) should the application be signed by an agent of the developer or owner, sufficient written evidence of the existence of that agency relationship authorizing the agent to execute the application on behalf of the owner and represent the owner regarding matters pertaining to the application and subdivision; (7) complete copies of the completed plat application, original plat, and all attached or enclosed documents thereto, as herein described by number and form, which documents shall be saved, stored, and submitted to the County in a universal serial bus (or USB) flash drive data storage device; and (8) all other information and documents required by these Regulations.

(B) Submission of Completed Application/Notice of Incomplete Application

- (1) A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3.
- (2) County acceptance of a submitted Plat Application shall not constitute plat approval by the County.
- (3) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and these Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

(C) Review – Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and other requirements of §§ 232.001-.005, 232.008-.011, 232.101-.110, 232.901, and 247.001-.006 of the Texas Local Government Code. Pursuant to said authority, the Commissioners Court:

- (1) must approve a submitted plat by a recorded vote at a public meeting, by an

order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and

- (2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.

ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE

§ 4.1 Minimum Plat Standards – In order to obtain Commissioners Court approval, and for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in these Regulations.

- (A) **Lawful Compliance** – The plat must comply with all applicable requirements prescribed by law and the Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their respective administrative agencies.
- (B) **Acknowledgment and Recordation** – The plat must be: (1) executed and acknowledged by the record and fee simple owner of the land of the subdivision (and specifically not the agent thereof) in the manner required for the acknowledgment of deeds; and (2) recorded pursuant to § 12.002 of the Texas Property Code in the Official Public Records (real property and/or plat records) of the County Clerk within 90 days from plat approval.
- (C) **Surveyor and Engineer Certification** – The plat prior to approval must be signed, sealed, and certified by the Developer's surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
- (D) **Property Description, Identifying Data, and Signatures** –
 - (1) **General Description** – The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision -- including all lots, divisions of land, 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; (c) the effective plat date;

(d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by the Regulations.

- (2) **Additional Descriptions** -- The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) restrictive covenants, restrictions, or reservations whether of record or proposed.
- (E) **Survey Data** -- The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.
- (F) **Lot/Block Dimension** -- The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, common area, or other part 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 street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (G) **Water/Sewer/OSSF Disclosures** --
- (1) **Public Facilities/Constructed** -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement

confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

- (2) **Private Facilities** -- Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain information and documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

- (H) **Drainage** -- The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, in order to efficiently manage the flow of storm water runoff in the subdivision and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.

- (I) **Topographical Description** -- Regarding the topography of the area and proposed subdivision land, the proposed plat, for clarity and legibility purposes, should not contain contour lines to identify the topography; however, sufficient supporting documents must be submitted to the County as a part of the plat application to identify the topography of the area and the proposed subdivision by the use of contour lines. Those contour lines on the supporting documents must be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the County, or in lieu thereof, data from any governmental agency or department, the identity of which must be specified. Those

separate topography documents (but not the actual proposed plat) must indicate by the use of contour lines any changes in the existing topography proposed by the Developer and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

(J) Road/Driveway, Lot Frontage, and Floodplain Description --

- (1) Road/Driveway --** The plat must include a description of all roads, streets, bridges, driveways, culverts, and areas of common usage in the subdivision. These descriptions and all constructed roads, streets, bridges, culverts, driveways, and common usage areas shall comply with reasonable Texas engineering standards and procedure, and comply with the drainage standards described by the Regulations and in **Appendix/Exhibits A and C**. Prior to any road, street, bridge, driveway, culvert, or area of common usage being constructed to connect to an existing county or state road, any such transportation infrastructure or facility and related drainage structures first shall be approved by the County.
- (2) No Acceptance Policy --** The roads, streets, bridges, culverts, driveways, and/or land areas of common use in the subdivision (hereafter described as "those aforesaid land areas, facilities, or infrastructure"), if any, whether private or dedicated to public use, shall not be dedicated as County property -- and further, those aforesaid land areas, facilities, and infrastructure shall not be accepted by the County for County construction, operation, or maintenance. The County shall never be obligated in any way to construct, operate, repair, or maintain: (a) any of those aforesaid land areas, facilities, or infrastructure located in any subdivision; or (b) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as County acceptance of any of those aforesaid land areas, facilities, or infrastructure located in any subdivision. A subdivision plat must contain the following plat note regarding this matter:

NO ACCEPTANCE POLICY: Pursuant to § 4.1(J)(2) of the Regulations, Kimble County, Texas ("County") typically practices a "no acceptance policy" with respect to roads, streets, bridges, culverts, driveways, and/or land areas of common use located in the subdivision (hereafter referred to as "those aforesaid land areas, facilities, or infrastructure"), whether those aforesaid land areas, facilities, or infrastructure are declared to be private or dedicated to public use. Moreover, and unless the County has determined that a specific exception to its "no acceptance policy" is warranted pursuant to § 4.1(J)(3) of the Regulations, the following is hereby declared by the County: (a) those aforesaid land areas,

facilities, or infrastructure shall not be dedicated as County property, and shall not be accepted by the County for County construction, operation, or maintenance; (b) the County shall never be obligated in any way to construct, operate, repair, or maintain (i) any of those aforesaid land areas, facilities, or infrastructure located in any subdivision, or (ii) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance by the County of any of those aforesaid land areas, facilities, or infrastructure located in any subdivision.

- (3) **Exception Regarding No Acceptance Policy** – Notwithstanding anything to the contrary stated in these Regulations and prior to plat approval during the plat review process, should the Commissioners Court determine (as an exception to the County’s “non-acceptance policy” stated above) that a road, street, bridge, culvert, driveway, or land area of common use which is described and dedicated to the public on the plat (hereafter described as “the aforesaid dedicated land area, facility, or infrastructure”) may be later considered by the Commissioners Court for acceptance into the County’s public road, bridge, or drainage system of operation and maintenance – then, in that event: (a) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations; (b) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval; (c) the Developer must comply with the bond or other financial guarantee requirements of **Appendix/Exhibit F** attached to these Regulations, and (d) the plat certifications required for plat approval shall be revised accordingly.
- (4) **Lot Frontage** – The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards hereby adopted and approved pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:
 - (a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.
 - (b) The minimum lot frontage required for lots located on county or other public roads is 100 feet unless otherwise required by state or federal law.

- (5) **Floodplain** -- The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer that: (a) describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding.
- (K) **Fire Suppression System** -- The following subdivision fire suppression system standards, pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, are adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service:
- (1) **Subdivision with Fewer Than 50 Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.
 - (2) **Subdivision of 50 or More Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with (a) a minimum of 2,500 gallons of storage with a centralized water system, or (b) 5,000 gallons of storage, and further, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.
- (L) **Purchase Contract Disclosure** -- Pursuant to § 232.003 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if water will be made available to the subdivision, how and when water will be made available.
- (M) **Certification of Groundwater Availability** --
- (1) **REQUIREMENT FOR APPLICATIONS SUBMITTED BEFORE JANUARY 1, 2024** --

Pursuant to and in compliance with §§ 232.0032, 232.101, and 232.107 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat must have attached to it a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in

Texas; and (2) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards.

The form and content of this certification of groundwater availability shall be in compliance with all applicable rules of TCEQ as required by said § 232.0032 of the Texas Local Government Code, including without limitation: (a) the regulations contained in 30 TAC §§ 230.1-230.11; and (b) the requirements of the Groundwater Availability Certification Form (TCEQ Form No. 20982, effective December 22, 2023 or as amended), a copy of which is attached as Appendix/Exhibit G. This required certification form regarding groundwater availability shall be attached to the plat application as required by § 232.0032 of the Texas Local Government Code.

Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (a) performing groundwater conservation district activities; (b) conducting regional water planning; (c) maintaining the state's groundwater base; or (d) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this provision (M) has been transmitted to the TWDB and an applicable Water District if herein required.

(2) REQUIREMENT FOR APPLICATIONS SUBMITTED ON OR AFTER JANUARY 1, 2024 --

- (a) Pursuant to and in compliance with §§ 232.0032, 232.101, and 232.107 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat must have attached to it a statement that: (i) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (ii) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards.

The form and content of this certification of groundwater availability shall be in compliance with all applicable rules of TCEQ as required by § 232.0032 of the Texas Local Government Code, including without limitation: (i) the regulations contained in 30 TAC §§ 230.1-230.11; and (ii) the requirements of the Groundwater Availability Certification Form (TCEQ Form No. 20982, effective

December 22, 2023 or as amended), a copy of which is attached as Exhibit G of the Appendix. This required certification form regarding groundwater availability shall be attached to the plat application as required by § 232.0032 of the Texas Local Government Code.

Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (i) performing groundwater conservation district activities; (ii) conducting regional water planning; (iii) maintaining the state's groundwater base; or (iv) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this provision (M) has been transmitted to the TWDB and an applicable Water District if herein required.

- (b) Notwithstanding anything to the contrary stated in this § 4.1 M(2), the Commissioners Court may waive -- but is not required to waive -- the requirement described by subpart (2)(a) immediately above (i.e., the requirement that a plat application must have attached to it the certification of groundwater availability document described by above subpart (2)(a) (see **Appendix/Exhibit G**) -- if:
 - (i) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the Commissioners Court determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and
 - (ii) either:
 - (1) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or
 - (2) the proposed subdivision divides the tract into not more than 10 parts.
- (c) Notwithstanding anything to the contrary stated in the above subpart (2)(b), a person subject to a waiver authorized by said subpart

(2)(b)(ii)(2) regarding a subdivided tract of land must comply with the requirements of subpart (2)(a) above if: (i) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or (ii) the Commissioners Court determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

(N) Use of Firearms, Bows, and Arrows -- Regarding the use of firearms, bows, and arrows, in certain subdivisions, the following standards are adopted and approved pursuant to §§ 235.020-.045 of the Texas Local Government Code:

- (1) **Definitions** -- Notwithstanding anything to the contrary stated in these Regulations: (a) this Paragraph N applies to a subdivision which is located in the unincorporated area of the county and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations; (b) “**air gun**” shall mean any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring, as defined by § 229.001 of the Texas Local Government Code; and (c) “**hunting**” shall mean to hunt (i.e., to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill), as defined by § 1.101 of the Texas Parks and Wildlife Code.
- (2) **Firearm Use** -- To promote public safety, the Commissioners Court hereby prohibits the discharge of firearms on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the Commissioners Court to require the registration of firearms or air guns. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.
- (3) **Bow/Arrow Use** -- To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the

registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

- (O) **Plat Format** -- The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software.
 - (1) An exemption from this requirement shall exist if the Developer submits an acknowledged statement that said digital mapping technology necessary to submit the map was not reasonably accessible.
 - (2) The plat must be prepared on mylar and drawn according to the following scale: (a) one inch to 100 feet; or (b) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimensions shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.
 - (3) The Developer shall provide to the County: (a) the original Mylar plat, with the dimensions of said plat being 18 inches by 24 inches (to be compatible with the Plat Book in the Office of the County Clerk), including all required plat documents; (b) at least six conformed clearly marked, and readable paper copies of said plat, with the dimensions of said plats each being 11 inches by 17 inches; (c) complete paper copies of the completed plat application, original plat, and all attached or enclosed documents thereto, as herein described by number and form, which documents shall be saved, stored, and submitted to the County in a universal serial bus (or USB) flash drive data storage device; and (d) all other information and documents required by these Regulations.
- (P) **Building or Set-Back Lines** -- Pursuant to Sections 232.104 and 233.032, Texas Local Government Code, regarding building and set-back lines, and for the promotion of the general welfare and safety of the public, the plat shall describe a 20-foot building and set-back line on the front, sides, and rear of all lots or divided parts in the subdivision.
- (Q) **Limitations Regarding County Construction/Maintenance Obligations** -- The plat must contain the following statements:
 - (1) Relating to any public dedication on the plat:

FOR ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE KIMBLE COUNTY COMMISSIONERS COURT, KIMBLE COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

- (2) Relating to any private land or improvements on the plat:

KIMBLE COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DESCRIBED ON THIS PLAT FOR PRIVATE OWNERSHIP OR USE. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE KIMBLE COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

- (R) **Owner/Developer Signature and Disclosure** – Upon plat approval, the Owner/Developer shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and attached documents by stating the following on the plat:

I CERTIFY THAT: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE AND CORRECT; (3) THE OWNER/DEVELOPER SHALL COMPLY WITH SAID REGULATIONS; AND (4) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.

- (S) **Lien Subordination Disclosure** – The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.
- (T) **Surveyor Signature/Disclosure** – The plat shall contain a signature, seal, certification,

and date by the surveyor for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT; (3) ALL EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE OF TEXAS.

- (U) **Developer Engineer Signature/Disclosure** -- When engineering services relating to these Regulations are performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, and date by the registered professional engineer for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (V) **Commissioners Court Approval** -- The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS APPROVED ON _____ BY THE COMMISSIONERS COURT OF KIMBLE COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF KIMBLE COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

 NAME (TYPE NAME): _____
 COUNTY JUDGE, KIMBLE COUNTY, TEXAS

ATTEST:

 NAME (TYPE NAME): _____
 COUNTY CLERK, KIMBLE COUNTY, TEXAS

COMMISSIONERS COURT SEAL

- (W) **County Engineer Approval** – If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, to obtain County approval, said engineer must sign and seal the plat, and state on said plat the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (X) **County Clerk Certification** -- The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the Commissioners Court action which approved the plat and authorized its filing. The County Clerk's plat authorization certificate (or recording acknowledgment) shall state as follows:

THIS PLAT OF THE IDENTIFIED _____ SUBDIVISION LOCATED IN KIMBLE COUNTY, TEXAS WAS APPROVED BY THE COMMISSIONERS COURT OF KIMBLE COUNTY, TEXAS, ON THE _____ DAY OF _____, 20____, PURSUANT TO THE APPROVAL AND ENTRY OF ORDER NO. _____ OF THE COMMISSIONERS COURT.

THIS PLAT OF THE AFORESAID IDENTIFIED SUBDIVISION WAS FILED FOR RECORD ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____.M., AND RECORDED ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____.M., IN THE PLAT RECORDS OF KIMBLE COUNTY, TEXAS MAINTAINED BY MY OFFICE, PURSUANT TO INSTRUMENT NO. _____ THEREIN.

 NAME (TYPE NAME): _____

COUNTY CLERK, KIMBLE COUNTY, TEXAS

COUNTY CLERK SEAL

When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a public meeting in compliance with the Regulations.

- (Y) **Additional Plat Certifications** – The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat: (1) the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said district; (2) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that electric and gas utility service is (a) currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision; and (3) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer's engineer, and the County's wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards as herein required.

§ 4.2 Plat Exceptions (or Exemptions)

(A) Exception Types and Post-Exception Application –

- (1) **Statutory Exceptions** – The plat exceptions (or exemptions) described in § 232.0015 of the Texas Local Government Code are adopted and approved for use and application in the Regulations. The County shall not require the Developer of a tract of land located outside the limits of a municipality to have a plat prepared or approved if one or more of the plat exceptions described in § 232.0015 exist.
- (2) **Local Exceptions** – Pursuant to § 232.0015(a) of the Texas Local Government Code (in part stating that a county need not require platting for every division of land otherwise within the scope of Subchapter A of

Chapter 232 of said code), the following local exceptions are hereby adopted for use and application in these Regulations:

- (a) **Litigation Exception** – A subdivision plat is not required to be filed if a division of land occurs pursuant to a final judgment issued by a court in a lawsuit or probate proceeding.
- (b) **Inheritance or Gift Exception** – A subdivision plat is not required to be filed if: (i) the land being divided is (1) inherited property between heirs, (2) being divided between donees who have acquired title by gift deed, or (3) being divided by a probate court action or agreement in said court; (ii) each of the resulting tracts or lots meets the applicable requirements of these Regulations; and (iii) the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity, as determined by Chapter 573 of the Texas Government Code; but (iv) provided however this exception does not apply if the division of land will (1) change the boundary between two legally platted lots, or (2) decrease the area of land described in a legally platted subdivision.
- (c) **Small Tract Transaction Between One Grantee and One Grantor Exception (Purchase/Sale or Gift Transaction)** – A subdivision plat is not required to be filed if:
 - (i) Grantee and/or Grantor shall provide written documentation to the County that the division of land is between one party Grantee and one party Grantor;
 - (ii) Grantor shall provide written documentation that Grantor is not selling or dividing any other real property connected to Grantor's property ("Parent Tract") for a period of 5 years after this transaction occurs and if Grantor does decide to sell or divide another part of the Parent Tract before 5 years, Grantor must acknowledge in writing that Grantor must file, and in fact shall file, a Subdivision Plat Application with the County under these Regulations, and thereafter Grantor shall obtain plat approval from the County, or provide documentation as to how another plat exemption (or exception) under these Regulations is applicable;
 - (iii) Grantee and/or Grantor shall provide written documentation to the County that the division of land made the subject of said transaction between those parties leaves the resulting Subdivided Tract to be owned by Grantee with a total of 10 acres or less and not more than 2 lots or other divided parts; and

- (iv) Grantor and/or Grantee shall provide the County with:
 - (1) written documentation acknowledging that a water well to serve a lot or divided part will not be drilled unless the owner of the well complies with the rules of the appropriate Groundwater Conservation District (or Water District, either Kimble County GCD or Hickory UWCD No. 1 as the case may be) to the permitting, registration, use, spacing, and pumping requirements of said district;
 - (2) written documentation from the County's wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) approving the transaction and stating that all things pertaining to wastewater, sewer, and septic/OSSF in the subdivision are compliant with minimum state standards;
 - (3) written documentation that the subdivision complies with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding; and
 - (4) written documentation that neither Grantor nor Grantee are attempting to designate any roads, alleys, ditches, bridges, culverts, drainage or stormwater facilities, easements, and/or other such facilities for the use or benefit of the public (or as public County roads or facilities), and that the County shall never be obliged or obligated in any way to construct, maintain, or repair any roads, streets, alleys, ditches, culverts, drainage or stormwater facilities, easements, and/or other such facilities within the subdivision, nor shall the County ever be obliged or obligated to construct, maintain, or repair any non-county roads, which provide access to the property.
- (3) **Post-Exception Application.** Notwithstanding anything to the contrary stated in these Regulations, after a lawful exception is recognized and used pursuant to this § 4.2, and should any lot or parcel thereafter (or after a specific period of time, if any, designated by these Regulations) be sold, conveyed, given, or otherwise transferred to an individual or entity that does not meet one or more of the exceptions herein described, the platting requirements of these Regulations shall apply.

- (B) **Previously Platted Lots** -- Pursuant to § 232.010 of the Texas Local Government Code, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.
- (C) **911 Emergency Service Addressing** -- Should a plat not be required by these Regulations, the Developer is requested to submit to the County (at no charge to the Developer) the location of the development project to the following public office in order to confirm correct information for 911 and emergency service addressing purposes: the County Judge at the notice address described in § 3.1 of these Regulations.

§ 4.3 **Variances**

- (A) **Procedure** -- These provisions apply to variance (also referred to as “waiver”) requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) MHRC and related infrastructure development plan approval. The variance, if granted, must be the result of the Commissioners Court acting through a recorded vote at a public meeting.
- (B) **Application** -- A Developer may request a variance from the County regarding these Regulations through the timely submission of a written variance request to the County Judge at the notice address described in § 1.3. Regarding a variance sought from the County’s subdivision regulations, the variance request must be submitted with the Subdivision Plat Application as described in **Appendix/Exhibit A**, and a variance application fee of \$250.00 (being the grand total of the variance fee required, whether one or more variances are requested) must be paid to the County for all subdivision variances requested (as described in Appendix/Exhibit D). Regarding a variance sought from the County’s MHRC regulations, the variance request must be submitted with the MHRC Application as described in **Appendix/Exhibit B**.
- (C) **Prohibition** -- The Commissioners Court may not grant a variance regarding: (1) the necessity of an approved plat or MHRC development plan if required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees -- unless, in the sole discretion and best business judgment of the Commissioners Court, the payment of fees is not required and a variance may granted because (a) the applicant is the State government, United States government, other unit of government, or a non-profit entity, or (b) the application constitutes a request for a plat application revision or supplement (prior to plat approval), or constitutes a request for plat cancellation, revision, or amendment (subsequent to plat approval), and in either event, all prior fees were properly and timely paid to the County; and (4) a variance which violates the variance standards hereafter described. Pecuniary hardship standing alone does not constitute an undue hardship or special circumstance to support the granting of a variance.
- (D) **Standards** -- A variance to these Regulations may be granted by the Commissioners Court,

when the submitted evidence and the attendant circumstances establish, in the sole discretion and best business judgment of the Commissioners Court, the following:

- (1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;
- (2) the variance will constitute only a minimum departure from the Regulations, and will not constitute a violation of state or federal law;
- (3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;
- (4) the variance must be based on the general intent of the Regulations and deemed to be in the public interest;
- (5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with the Regulations; and
- (6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

§ 4.4 Plat Cancellation, Revision, and Amendment -- The County adopts the: (a) plat cancellation requirements of §§ 232.008 (general cancellation) and 232.0083 (obsolete plat cancellation), Texas Local Government Code; (b) plat revision requirements of § 232.009 of said code; (c) plat amendment requirements of § 232.011 of said code; and (d) dormant plat requirements of § 232.002 of said code.

ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY REGULATIONS AND FEE SCHEDULE

§ 5.1 Manufactured Home Rental Community Regulations -- Pursuant to § 232.007, Texas Local Government Code, the Commissioners Court approves and adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.

- (A) **Application** -- The County's Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit B**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documents for submission by the Developer to the County of a completed MHRC application.
- (B) **Completed Application** -- A completed MHRC application shall constitute: (1) the fully

completed and executed application; (2) the required and executed infrastructure development plan ("plan") and all supporting documents as herein described; and (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project.

(C) **Infrastructure Development Plan** -- Construction and occupancy of a proposed MHRC may not begin before the plan has been approved by the County, as follows:

- (1) **Drainage** -- The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices as described in these Regulations for Subdivisions; (b) specify necessary drainage culverts and other drainage facilities for the MHRC; and (c) identify all areas of the MHRC located in the floodplain, if any. Drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in the Regulations.
- (2) **Water** -- The plan shall describe: (a) the provision of an adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and **Appendix/Exhibit B**; and (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341, Texas Health and Safety Code.
- (3) **Sewer, Septic, OSSF** -- The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines (including OSSF), in accordance with minimum state standards and **Appendix/Exhibit B**, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with Chapter 366, Texas Health and Safety Code.
- (4) **Survey** -- The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
- (5) **Roads** -- The plan shall identify and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for fire and emergency vehicles: as described in the Regulations for subdivisions.
- (6) **Compliance** -- The plan shall demonstrate lawful compliance with: (i) all applicable requirements of these Regulations, the statutes and regulations of Texas and United States governments and their administrative agencies;

(ii) the County's floodplain, water, drainage, sewer, and/or septic regulations; (iii) the regulations of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the MHRC, including compliance with the permitting, registration, use, spacing, and pumping requirements of said district; (iii) the electric and gas utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric and gas utility service will be available to all lots or spaces in the MHRC and (iv) minimum state standards for water and wastewater service to all lots or spaces in the MHRC.

- (D) **Signature and Completeness** – The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Owner/Developer (and not the agent thereof); and (2) signed, dated, approved, and stamped by the Owner's/Developer's engineer and surveyor. The MHRC application and plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.
- (E) **Submission and Fees** -- The original and 2 copies of the MHRC application and proposed plan (both being fully executed, complete, and in compliance with the Regulations), with payment for all required fees, and with written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of the Regulations.
- (F) **County Review** -- The County (through its designee) shall review the plan and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan may be filed and recorded in the Office of the County Clerk, at the option of the County or Developer.
- (G) **Construction and Occupancy** -- Construction of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.
- (H) **Utility Service** -- A utility may not provide utility services (including water, sewer, gas, and electric services) to an MHRC subject to an approved infrastructure development plan,

or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. As used in this paragraph, “utility” means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility that provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; (6) a special district or authority created by state law that provides utility services; or (7) other utility described in the Regulations.

- (I) **MHRC Variance** – The Commissioners Court may grant a variance (also called “waiver”) from these MHRC standards and requirements pursuant to the variance procedures described in § 4.3 of the Regulations.

- § 5.2 **Fee Schedule** – A reasonable fee schedule is adopted and approved for subdivision and MHRC development (including variances) as described in **Appendix/Exhibit D**. The fees must be paid to the County before the County conducts a review of the proposed development project.

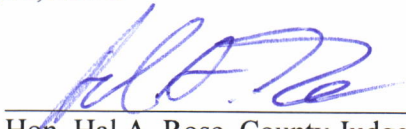
ARTICLE 6 – ENFORCEMENT AND INSPECTION

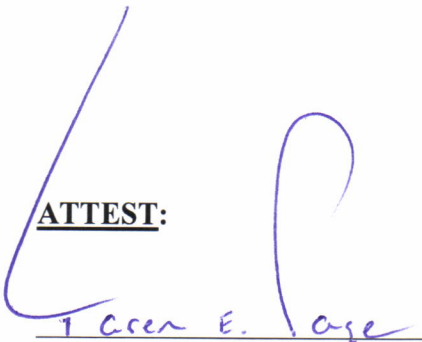
- § 6.1 **Enforcement** -- All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the following enforcement authority: Chapters 232, 233, and 235 of the Texas Local Government Code; Chapter 12 of the Texas Property Code; Chapter 16, Subchapter I, of the Texas Water Code; the County’s active floodplain management regulations; the County’s active sewer, septic, or OSSF regulations; and all other enforcement authority described in these Regulations. Nothing contained in these Regulations shall prevent the County from taking necessary or desired action to prevent or remedy a violation or threatened violation of these Regulations as allowed by law.
- § 6.2 **Inspection** -- The County’s officers, employees, agents, or consultants, as determined by the Commissioners Court, are authorized to: inspect proposed or active development projects to determine compliance with these Regulations; and make recommendations to the Commissioners Court regarding violations or threatened violations of the Regulations or other applicable authority pertaining to land development in the unincorporated area of Kimble County, Texas.

[END OF REGULATIONS]

CERTIFICATION OF ADOPTION**APPROVED BY:** **The Commissioners Court of Kimble County, Texas****ADOPTED:** **August 27, 2024**

I, Hal A. Rose, the undersigned, being the County Judge of Kimble County, Texas and the Presiding Officer of the Commissioners Court of Kimble County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing instrument (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations"), which were duly considered, enacted, approved, and adopted by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Kimble County, Texas, or reviewed and downloaded from the internet website of said county at www.co.kimble.tx.us.

EXECUTED on the 27th day of August, 2024.


Hon. Hal A. Rose, County Judge
Kimble County, Texas
ATTEST:


County Clerk or Deputy County Clerk
Kimble County, Texas


APPENDIX

EXHIBIT A:
SUBDIVISION PLAT APPLICATION

KIMBLE COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION**PROPOSED SUBDIVISION:** _____**COMMISSIONER PRECINCT:** _____**SCHOOL DISTRICT(S) IDENTIFIED:** _____**TRACT SIZE AND LOCATION:** _____
_____**TOTAL LOTS, PARTS, OR DIVISIONS:** _____**NAME OF NEAREST PUBLIC ROAD:** _____**WATER AND SEWER SERVICE
PROVIDERS:**_____

_____**ELECTRIC SERVICE PROVIDER:** _____**GAS SERVICE PROVIDER:** _____**DEVELOPER:** _____Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Kimble County ("County") for review with this Subdivision Plat Application ("Application"): all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations"), in the form, type, and number therein described, said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this

Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
Kimble County, Texas
Kimble County Courthouse
501 Main Street
Junction, Texas 76849
Telephone: 325-446-2724

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____ YES ____ NO. If YES, identify the municipality on the attached documents.

(4) Is the Developer requesting a variance from the Commissioners Court? ANSWER: ____ YES ____ NO. If YES, identify and describe your variance request and attach documents to support the request: _____

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____ YES ____ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities: _____

(6) Will the subdivision be served by a public water or sewer system? ANSWER: ____ YES ____ NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities: _____

(7) Will the subdivision be served by a private water wells or septic/OSSF systems? ANSWER: ____ YES ____ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities: _____

(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas. All documents required by the Regulations for the proposed subdivision plat have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Developer

Printed Name: _____; Title: _____

Date: _____, 20____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____; Title: _____

Kimble County, Texas

Date: _____, 20____

DOCUMENT LIST FOR SUBMISSION WITH SUBDIVISION PLAT APPLICATION

All of the following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations. Please use and mark this list as the "checklist" for your submission of documents to the County regarding this Application:

- (1) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 3.1-2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (2) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements,

and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);

- (3) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance § 4.1(A)-(V) of the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water, sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; limitations regarding the use of firearms, bows, and arrows in certain subdivisions; utility connection requirements; purchase contract disclosure; groundwater sufficiency disclosure; building and set-back lines; lien subordination; and plat execution and certification (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (4) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(L) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (5) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance of the Regulations regarding the required groundwater sufficiency disclosure statement (by an engineer or geoscientist licensed to practice in Texas), said statement authorized by § 232.0032 of the Texas Local Government Code, when the source of the water supply intended for the subdivision is groundwater under that land (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (6) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations and related, mandatory plat certification requirements stated in the Regulations, including without limitation the provisions regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (7) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal, state, and local law requirements, including without limitation compliance with minimum state standards regarding water, sewer, septic, OSSF facilities and service; (ii) compliance with specific property description, identifying data, and signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water, groundwater, sewer, and OSSF disclosure requirements, including compliance with applicable water, drainage, septic, OSSF, and floodplain

management regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; and (ix) compliance with specific fire suppression system requirements and restrictions on use of firearms and bows in certain subdivisions (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);

- (8) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (9) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F); and
- (10) _____ documents showing payment of all application fees to the County, as required by the Regulations (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F).

EXHIBIT B:

MANUFACTURED HOME RENTAL
COMMUNITY APPLICATION

**KIMBLE COUNTY, TEXAS -- MANUFACTURED HOME
RENTAL COMMUNITY ("MHRC") APPLICATION FORM**

PROPOSED MHRC: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR SPACES: _____

SCHOOL DISTRICT(S): _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____	ENGINEER: _____
Address: _____	Address: _____
_____	_____
_____	_____
Telephone: _____	Telephone: _____
Facsimile: _____	Facsimile: _____
_____	_____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Kimble County ("County") for review with this Application: all documents required for an MHRC by the active Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations"), in the form, type, and number therein described, and said documents being described in the attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

- (2) You must timely submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
Kimble County, Texas
Kimble County Courthouse
501 Main Street
Junction, Texas 76849
Telephone: 325-446-2724

- (3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ☐ YES ☐ NO. If YES, identify the municipality on the attached documents.

- (4) Is the Developer requesting a variance from the Commissioners Court? ANSWER: ☐ YES ☐ NO. If YES, identify and describe your variance request and attach documents to support the request: _____

- (5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ☐ YES ☐ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

- (6) Will the MHRC be served by a public water or sewer system? ANSWER: ☐ YES ☐ NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

- (7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: ☐ YES ☐ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

- (8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: ☐ YES; ☐ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____

- (9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ☐ YES; ☐ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____

- (10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ☐ YES; ☐ NO. If NO, please explain why you have not done so: _____

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____

_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Developer _____

Printed Name: _____; Title: _____

Date: _____, 20____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____; Title: _____

Kimble County, Texas

Date: _____, 20____

DOCUMENT LIST FOR MHRC APPLICATION

All of the following documents shall be submitted with the MHRC Application Form, as required by the Regulations. Please use and mark this list as the "checklist" for your submission of documents to the County regarding this Application:

- (1) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (2) _____ a proposed MHRC infrastructure development plan ("Plan") as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor), as designated in the Regulations, but excluding from compliance at application submission: (a) the signatures, acknowledgements, and/or certifications of the County's representatives; and (b) the filing or recordation of the Plan (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);

- (3) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC drainage, water, and wastewater requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (a) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) necessary drainage culverts and other drainage facilities for the MHRC; (c) the areas of the MHRC located in the floodplain; (d) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state and local standards and Water District requirements; (e) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code; and (f) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state and local standards, and including (i) providing and identifying the location of all sanitary sewer facilities and lines, (ii) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366, Texas Health and Safety Code, and (iii) compliance with the state and local requirements (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (4) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC land survey requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), which survey at minimum describes: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (5) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (6) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (a) the Regulations; (b) state, federal, and local law; (c) the Water District regulations; and (d) the County's active floodplain management, water, sewer, drainage, septic, and OSSF regulations (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (7) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific MHRC restrictions described in the Regulations regarding the prohibited: (a) construction and/or occupancy of the MHRC prior to County approval of the plan and County issuance of the required Certificate of Compliance; and (b) provision of utility services (including water, sewer, gas, and electric services) to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the

owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);

- (8) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F); and
- (9) _____ documents showing payment of all Plan application fees to the County, as required by the Regulations (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F).

EXHIBIT C:
DRAINAGE STANDARDS

DRAINAGE STANDARDS

These drainage standards shall apply for subdivisions and manufactured home rental communities ("MHRC") located in the unincorporated area of Kimble County, Texas:

- (1) General Purpose – In the interests of public safety, these standards are designed to:
 - (a) provide adequate drainage for each lot, space, or other divided part (including streets or roads) of the proposed development area in compliance with standard engineering practice;
 - (b) provide adequate drainage to the proposed development area to efficiently manage the flow of storm water or other runoff or flooding (including flooding or runoff associated with a 100-year flood) in compliance with standard engineering practice;
 - (c) provide adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, and related drainage for the proposed development area in accordance with standard engineering practice; and
 - (d) coordinate adequate drainage in the proposed development area with the general storm drainage pattern for the area in accordance with standard engineering practice.
- (2) Drainage Study – The following requirements shall apply:
 - (a) All lots, spaces, or other divided parts shall comply with the minimum requirements of: (i) the County's on-site sewage facilities order, or other applicable County sewer, septic, or OSSF regulations; and (ii) the minimum requirements of state law regarding sewer, septic, or OSSF systems.
 - (b) A drainage study shall be made of the proposed development area to insure proper drainage and, if necessary, additional right of way shall be obtained for drainage easement(s) as determined to be necessary or desired. The drainage study (including calculations and related drawings) shall be submitted in the application accompanying submission of the plat or plan for the proposed development. The study shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the proposed development.

- (c) The exact dimensions and type of the permanent drainage system for the development area, including culverts, bridges, pipes, drainage boxes, low water crossings, and other drainage facilities and infrastructure shall be established for each development project in accordance with these Regulations.
 - (d) A proper and adequate system of drainage shall be constructed to effectively dispose of surface and storm water (including that associated with a 100-year flood) regarding the area of the proposed development. The drainage system shall include the drainage of all lots, spaces, or other parts of the development area offered to the public for sale, lease, use, or occupancy, the roads and streets of said area, and all other divided parts of said area.
 - (e) Drainage from the proposed development area shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff.
 - (f) Drainage material, equipment, facilities, and infrastructure shall be constructed of a permanent type, either concrete or steel and concrete, or as otherwise described in these Regulations or approved by the County. All drainage facilities, equipment, and infrastructure shall be designed and constructed in accordance with recognized engineering standards and practices.
- (3) Drainage Design – All drainage design shall be based on the following criteria unless otherwise approved by the County:
- (a) General: All storm drainage calculations shall be based on the Manning's Equation for Flow, as follows:
 - $Q = A \text{ times } (1.486 \text{ divided by } n) \text{ times } R \text{ to the } 2/3 \text{ power times } S \text{ to the } 1/2 \text{ power}$
 - $Q =$ Discharge in cubic feet per second
 - $A =$ Cross sectional area of the drainage way in square feet
 - $n =$ Roughness coefficient
 - $R =$ Hydraulic radius in feet
 - $S =$ Hydraulic slope
 - (b) Roughness Coefficients:
 - Reinforced concrete pipe (to be approved by County - $n = .012$)
 - Corrugated metal pipe (to be approved by County)

- Asphalt Coated - - n =.024
- Asphalt paved inert - n =.020
- Fully asphalt lined - n =.012

Smooth interior plastic pipe - n =.012

Reinforced concrete boxes - - n =.012

Concrete lined open channel -- n =.012

Unlined open channels

- Bottom width < 25 ft. - n -.040
- Bottom width > 25 ft. - n -.035

(c) Design Criteria for Unlined Open Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	6 feet per second
Minimum Free Board	1 foot
Minimum Side Slope	3 foot horizontal to 1 foot vertical or as otherwise designated by County
Bottom Width	as required
Minimum Easement Width	30 feet or as otherwise approved by County
Minimum Slope	0.10 percent

(d) Design Criteria for Lined Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	10 feet per second
Minimum Free Board	1 foot
Minimum Side Slopes	2 foot horizontal to 2 foot vertical
Bottom Width	As required
Minimum Easement Width	30 feet or as otherwise approved by County

- (e) Driveways and Culverts: All driveway culverts placed for access to a lot or other divided part, or space shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum culvert size shall be 18". All driveways shall be designed to not obstruct the normal flow of water.

- (f) Determination of Run-Off: Run-Off from the development area will be determined by the "Rational Method," from the equation below and a C-factor based on total development of the proposed subdivision. Intensity for Runoff calculations for minor drainways within the development area will be based on a 5, 25, and 100-year storms for all major drainways within the development area.

$Q =$ CIA
 $Q =$ Cubic feet, per second
 $I =$ Intensity in inches per hour
 $A =$ Area in acreage
 $C =$ Run-off coefficient

- (g) **Outfalls from Ditches:** Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types of outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.
- (h) **Water Conveyance:** Lots, spaces, and other divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to a defined drainage course as directly as possible.
- (i) **Grade Requirements:** The maximum grade of all streets and roads shall be 10.0% unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the County.
- (j) **Drainage Ditches:** All streets and road without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.
- (k) **Permanent Drainage Structures:** Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.
- (l) **Permanent Obstacles for Erosion Prevention:** Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.
- (m) **Open Drainage Ditch/Channel Design:** Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning

without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

- (n) Plat or Plan Description: The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses located in the proposed development area, must be shown on all drainage plans and design documents required by these Regulations and/or submitted to the County for review.
 - (o) Proposed and existing infrastructure and topographical data is required to be shown on all drainage plans and design documents required by these Regulations and/or submitted to the County for review.
 - (p) Floodplain Requirements: Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.
- (4) Water/Sewer/OSSF Facilities –
- (a) Public Facilities/Service -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water

sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells and related permits for the land of the development project.

- (b) Private Facilities -- Should private water (including groundwater and surface water), septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells and related permits for the land of the development project.

EXHIBIT D:
FEE SCHEDULE

FEE SCHEDULE

The following fee schedule is approved and adopted by Kimble County, Texas ("County"), regarding subdivision and manufactured home rental community ("MHRC") development located in the unincorporated area of said county:

- (1) General Requirements.
 - (a) Fees for subdivision plat applications (including the original or amended instrument, or a replat instrument) shall be paid to the County at the time of application submission. All plat application fees shall be paid in full by cashier's check or money order, payable to the order of Kimble County, Texas, and timely delivered to the office of the Kimble County Judge at the Kimble County Courthouse, 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).
 - (b) All filing and recording fees pertaining to an approved subdivision plat, or an approved MHRC infrastructure development plan, shall be paid in full to the Kimble County Clerk at the time of filing and recording of the approved plat or plan. All filing and recording fees shall be paid in full by cashier's check or money order, payable to the order of Kimble County, Texas, and shall be timely delivered to the office of the Kimble County Clerk at the Kimble County Courthouse, 501 Main Street, Junction, Texas 76849 (telephone 325-446-3353).
- (2) Fee Types and Amounts.
 - (a) Regarding a subdivision plat application (including the original or amended plat instrument, or a replat instrument), the following fees are required:
 - (i) an application base fee of \$3,000.00, plus a \$300.00 per lot, space, or divided part fee;
 - (ii) all required filing and recording fees (see fee requirements described below); and
 - (iii) full reimbursement to the County of all engineering and/or technical consultant fees, if any, incurred by the County for the aforesaid plat review.
 - (b) Regarding the issuance of a Certificate of Approved Plat, a fee of

\$50.00 is required for each requested certificate.

- (c) Regarding the issuance of a Certificate of MHRC Compliance, a fee of \$50.00 is required for each requested certificate.
- (d) Regarding a variance request relating to a proposed subdivision plat or subdivision development, a total review fee of \$250.00 is required for all requested variances – meaning that the grant total of the variance fee is \$250.00 whether one or more variances are requested.
- (e) Regarding the Kimble County Clerk filing and recording fees required for an approved subdivision plat (including the original or amended instrument, or a replat instrument) or an approved MHRC infrastructure development plan, the active fees are as follows; however, those fees may change and it is suggested that the Developer first contact the Kimble County Clerk to determine the active fee amounts in effect at the time of instrument filing:
 - (i) Approved Subdivision Plats.
 - (1) Regarding an original or amended instrument (upon final approval of the subdivision by the Commissioners Court), the following recording fees are required -- (a) a minimum fee of \$500.00, or (b) \$20.00 per lot, space, or divided part (whichever is greater), for all subdivision developments containing in excess of 25 lots, spaces, or divided parts.
 - (2) Regarding a replat instrument (upon final approval by the Commissioners Court), the following recording fee(s) are required: a fee of \$50.00 per page for each page of the instrument plus the cost of the County Clerk's signature (see item 3).
 - (3) Regarding the Kimble County Clerk signatures to be subscribed on *all* approved plat or replat instruments, the following policy is enacted: (a) no fee shall be required for the County Clerk's signature on the first two original mylar plats (one original for the Clerk, one conformed for the developer) and one original 11-inch by 17-inch plat (the preferred medium to be recorded); and (b) an additional fee of \$5.00 will be assessed on all additional plats requiring the

signature of the County Clerk.

- (ii) Approved MHRC Infrastructure Development Plans.
 - (1) Regarding an original or amended instrument (upon final approval of the subdivision by the Commissioners Court), the following recording fees are required -- (a) a minimum fee of \$500.00, or (b) \$20.00 per lot, space, or divided part (whichever is greater), for all subdivision developments containing in excess of 25 lots, spaces, or divided parts.
 - (2) Regarding a replat instrument (upon final approval by the Commissioners Court), the following recording fee(s) are required: a fee of \$50.00 per page for each page of the instrument plus the cost of the County Clerk's signature (see item 3).
 - (3) Regarding the Kimble County Clerk signatures to be subscribed on *all* approved plat or replat instruments, the following policy is enacted: (a) no fee shall be required for the County Clerk's signature on the first two original mylar plats (one original for the Clerk, one conformed for the developer) and one original 11-inch by 17-inch plat (the preferred medium to be recorded); and (b) an additional fee of \$5.00 will be assessed on all additional plats requiring the signature of the County Clerk.

EXHIBIT E:
DEVELOPER ROAD DAMAGE
AND REPAIR PROVISIONS

DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS

(1) **Definitions.** The special definitions of the above and foregoing Subdivision and Manufactured Home Rental Community Regulations of Kimble County, Texas are incorporated by reference, and for purposes of this **Exhibit E**, “Developer” shall include the employees, agents, assigns, successors, contractors, and subcontractors of the Developer.

(2) **Road System.** The County’s public road and bridge system (“Road System”) is located in Kimble County, Texas and is owned, operated, and maintained by the County. The Road System includes the County’s: roads, easements, and rights of way; bridges and abutments; driveways, fencing, and gates; bar-ditches, culverts, and drainage areas; traffic signals, delineators, road signs, and other traffic control devices; and all other land, infrastructure, facilities, equipment, and personal property owned or used by the County for its public road and bridge system.

(3) **Developer Obligations.** The road damage and repair obligations of the Developer described in these provisions shall begin on the date of the subdivision plat or MHRC infrastructure development plan approval, if any, and said obligations shall be effective and enforceable for the periods of project construction, operations, and maintenance, and for as long as the development project (as described in said plat or plan) exists in Kimble County, Texas. Should a violation of these road damage and repair obligations be committed by the Developer, the County may pursue and recover all remedies authorized by law or equity. Upon said plat or plan approval, the County and Developer shall endeavor to approve and execute a separate road damage and repair agreement regarding the development project which includes the provisions stated in this **Exhibit E**; however, such agreement shall not be a condition to plat or plan approval.

(4) **Road System Use and Repair.**

- (a) **Authorized Road System Use.** The Developer is authorized to use the following parts of the County’s Road System for its development project operations: all County roads and bridges in said system.
- (b) **Required Licenses and Permits.** While using the Road System for those stated operations, the Developer shall obtain and maintain in full force and effect all licenses and permits required by federal or state law for the operation of its vehicles, equipment, and accompanying weight loads.
- (c) **Developer Repair Obligations.** The Developer shall repair at its sole expense (using all required labor, materials, and equipment) any part of the County’s Road System which is: (i) located outside the boundary of the subdivision or MHRC development area; and (ii) damaged by a Developer-caused damage event during project construction, operations, or maintenance. The repair of said damage shall be completed by the Developer: (i) on or before 90-days from the occurrence of a Developer-

caused damage event, unless a reasonable time extension is requested by the Developer and granted by the written consent of the County, which consent shall not be unreasonably withheld; and (ii) pursuant to the following standard of repair -- specifically, a repair to the Road System which restores the system to the same or better condition as existed before the damage event, normal wear being excepted. Upon the cessation of development project construction, operations, or maintenance, and/or the removal of project facilities and equipment from the development area, the Developer shall leave the Road System in the same or better condition as existed before the Developer-caused damage event, normal wear being excepted.

- (d) **Traffic Disruption.** The Developer shall: (i) use commercially reasonable efforts to minimize the disruption to the Road System caused by project construction, operations, or maintenance; and (ii) during project construction, operations, or maintenance that may adversely affect the Road System, take commercially reasonable action to reasonably notify the Kimble County Judge and any affected Kimble County Commissioner of the proposed disruption to the Road System.
- (e) **Traffic Signal Replacement.** The Developer shall replace any road signs, delineators, or other traffic signals or devices of the County's Road System damaged by the Developer during project construction, operations, or maintenance.
- (f) **County Inspection Rights.** The County shall have the right to: (i) inspect all repair work conducted on the Road System by the Developer to confirm compliance with these provisions, however, County inspections shall not unreasonably interfere with the Developer's repair work being conducted on the Road System; and (ii) inspect and obtain (at the County's sole expense) copies of the Developer's non-confidential business records regarding the repair work to ensure Developer compliance with these provisions.
- (g) **Notice of Repair Completion.** On or before 10-days of the completion of the aforesaid Developer repairs to the Road System, the Developer shall provide the County with a signed letter from the Developer's engineer (which shall include the engineer's professional stamp authorized by the State of Texas) certifying that the resulting repairs and any related improvements were constructed: (i) in compliance with these provisions; and (ii) within the public road or bridge right of way or easement.
- (h) **Insurance.** Regarding all repair work conducted by the Developer on the Road System pursuant to these provision, the Developer shall maintain the

following insurance coverage, and shall provide insurance coverage certificates to the Kimble County Judge confirming such coverage on or before seven 7-days prior to commencement of any repair activities conducted on the Road System, and also confirming such coverage within 24-hours of any change in the required coverage: (i) liability coverage (naming the County as an additional insured) regarding death, personal injury, and/or property damage resulting from the repair activities on the Road System, in the minimum amount of \$1,500,000.00 per occurrence; (ii) applicable workers' compensation coverage regarding the employees of the Developer (or its contractors or subcontractors) conducting repair activities on the Road System, in the minimum amounts required by state law (including self-insurance, if any, authorized by Texas law); and (iii) motor vehicle coverage regarding all vehicles used by the Developer during said repair activities, in the minimum amounts required by Texas law.

EXHIBIT F:
BOND OR OTHER FINANCIAL
SECURITY REQUIREMENTS

BOND OR OTHER FINANCIAL SECURITY REQUIREMENTS

1. General Requirements

- (a) **Bond or Financial Security Required.** Notwithstanding anything to the contrary stated in these Regulations -- and prior to plat approval during the plat review process -- should the Commissioners Court determine (as an exception to the County's general non-acceptance policy) that a road, street, bridge, culvert, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") as an exception may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance, then, and in that event: (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial security or guarantee is authorized by these Regulations; and (ii) the bond or other financial security or guarantee must be approved by the Commissioners Court to predicate plat approval.
- (b) **Approval.** The bond or financial guarantee (or security) must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure for the subdivision but must not exceed the estimated cost of construction. The bond or guarantee (or security) shall apply to and be in a form and amount sufficient to ensure, the proper construction of the aforesaid dedicated facility or infrastructure for the subdivision.
- (c) **Construction/Maintenance Limitations for Public Dedication.** Upon plat approval, the County expressly does not accept for County construction, operation, repair, or maintenance purposes the aforesaid dedicated facility or infrastructure described on the plat. Upon plat approval, the construction or maintenance of the aforesaid dedicated facility and infrastructure described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other security or guarantee) until said facility or infrastructure are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court.

2. Bond Requirements

- (a) **Bond Payee or Beneficiary Description.** The bond shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his surety, and approved by the Commissioners Court prior to plat approval.
- (b) **Bond Surety Requirements.** The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's

criteria for surety acceptability includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee or security program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

- (c) **Bond Amount.** The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision but must not to exceed the estimated cost of construction.
- (d) **Bond Condition.** The bond shall be conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the bond) shall be: (i) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (ii) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.
- (e) **Bond Term.** The bond shall be for a term of years not less than three years from the date of plat approval.

3. Other Financial Guarantee (or Security) Requirements

- (a) **Guarantee Types.** In lieu of a bond, the Developer may deposit another good and sufficient financial guarantee or security approved by the Commissioners Court in the form of: (i) a monetary deposit (in good funds approved by the County); (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) another form of good and sufficient financial guarantee or security deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (b) **Guarantee Conditions.** The financial guarantee or security (whether a monetary deposit, LOC, or other type authorized by these Regulations) shall be:
 - (i) payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his guarantor, and approved by the Commissioners Court prior to plat approval;
 - (ii) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or

infrastructure requirements for the subdivision, but must not to exceed the estimated cost of construction;

- (iii) conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the guarantee or security) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval; and
 - (iv) be for a term of years not less than three years from the date of plat approval.
- (c) Letter of Credit. If an LOC is used for the guarantee or security, it must conform to the following requirements:
- (i) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.
 - (ii) Developer and Financial Institution Execution. The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to approval of the plat.
 - (iii) Requirements. The LOC shall meet the following requirements.
 - (1) Financial Institution Qualifications. Any LOC submitted as a financial guarantee or security for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:
 - (a) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least \$25 million.
 - (b) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a Sheshunoff rating of 30 or better.

- (c) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
 - (d) Any LOC submitted as a financial guarantee or security for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:
 - (e) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least \$75 million.
 - (f) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than \$75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than \$75 million); and with a Sheshunoff rating of 30 or better.
 - (g) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
- (2) Sole Beneficiary and Approval. The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.
 - (3) Amount and Conditions. The LOC must be in an amount determined by the Commissioners Court to be adequate to

ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction. The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

EXHIBIT G:
CERTIFICATION OF
GROUNDWATER AVAILABILITY

Certification Form: Groundwater Availability for Platting

**Title 30 Texas Administrative Code, Section 230.4 (30 TAC 230.4),
Certification of Groundwater Availability for Platting Form**

Use of this form: The municipal authority pursuant to Texas Local Government Code 212.0101, or a county authority pursuant to TLGC 232.0032, the plat applicant and the Texas licensed professional engineer or Texas licensed professional geoscientist must use this form based upon the requirements of Title 30, TAC, Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under Texas Local Government Code 212.004 and 232.001. The form and 30 TAC 230 do not replace state requirements applicable to public drinking water supply systems or the authority of counties or groundwater conservation districts under either Texas Water Code (TWC) 35.019 or TWC Chapter 36.

For any questions regarding this form, contact the TCEQ Water Availability Division, Groundwater Planning and Assessment Team at gpat@tceq.texas.gov or by phone at (512) 239-4600.

**CERTIFICATION OF GROUNDWATER AVAILABILITY FOR
PLATTING FORM**

Administrative Information, 30 TAC 230.4

1. Name of Proposed Subdivision: _____
2. Any Previous Name that Identifies the Tract of Land

3. Property Owner's Names(s):
Address: _____
Phone: _____
Email: _____
4. Plat Applicant's Name:
Address: _____
Phone: _____
Email: _____
5. Licensed Professional Engineer or Geoscientist's Information
Name: _____
Address: _____
Phone: _____
Email: _____
Certificate / License Number: _____
6. Location and Property Description of Proposed Subdivision:

7. Tax Assessor Parcel Number(s).
Book: _____
Map: _____
Parcel: _____

Proposed Subdivision Information, 30 TAC 230.5

8. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial, other): _____
If "Other," explain: _____

Certification Form: Groundwater Availability for Platting

9. Size of Proposed Subdivision (in acres): _____
10. Number of Proposed Lots: _____
11. Average Size of Proposed Lots (in acres): _____
12. Anticipated Method of Water Distribution (check YES for all that apply):
- | | | |
|--|------------------------------|-----------------------------|
| Expansion of Existing Public Water Supply System | ☐ YES | ☐ NO |
| New (Proposed) Public Water Supply System | ☐ YES | ☐ NO |
| Individual Water Wells to Serve Individual Lots | ☐ YES | ☐ NO |
| Combination of Methods (Describe below) | ☐ YES | ☐ NO |
- Description, if needed: _____

13. Additional Information, if required by the municipal or county authority: _____

Note: If public water supply system is anticipated, a written application for service for existing water providers with a one-half mile radius must be attached to this form (30 TAC 230.5(f)).

Indicate "YES" if the above-mentioned application for service for existing water providers is attached, or N/A if not applicable. ☐ YES ☐ N/A

Projected Water Demand Estimate, 30 TAC 230.6

14. Residential Water Demand estimate at Full Build Out (includes both single family and multi-family residential): _____
- Number of Proposed Housing Units (single and multi-family): _____
 - Average Number of Persons Per Housing Unit: _____
 - Volume of Water Required Per Person Per Day (gallons): _____
 - Water Demand Per Housing Unit Per Year (acre-feet): _____
 - Total Expected Residential Water Demand Per Year (acre-feet): _____
15. Non-Residential Water Demand Estimate at Full Build-Out (acre-feet/year): _____
- Type(s) of Non-Residential Water Use(s): _____

 - Water Demand Per Type Per Year (acre-feet): _____
16. Total Water Demand Estimate at Full Build-Out (acre-feet/year): _____
17. Sources of Information Used for Demand Estimates: _____

Certification Form: Groundwater Availability for Platting

General Groundwater Resource Information, 30 TAC 230.7

18. Identify and describe, using TWDB names, the aquifer(s) that underlie(s) the proposed subdivision:

Note: Users may refer to the most recent State Water Plan to obtain general information pertaining to the state's aquifers. The State Water Plan is available on the TWDB's webpage at:

<https://www.twdb.texas.gov/waterplanning/swp/index.asp>

Obtaining Site-Specific Groundwater Data, 30 TAC 230.8

Answer by checking YES or NO for each of the following questions:

19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under 30 TAC 230.8(b)? ☐ YES ☐ NO
20. Were the geologic and groundwater resource factors identified under 30 TAC 230.7(b) considered in **planning** and designing the aquifer test required under 30 TAC 230.8(c)? ☐ YES ☐ NO
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by 30 TAC 230.8(c)(1) - (4)? ☐ YES ☐ NO
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (30 TAC 230.8(c)(5))? ☐ YES ☐ NO
23. Has an aquifer test been conducted which meets the requirements of 30 TAC 230.8(c)(1) and (6)? ☐ YES ☐ NO
24. Were existing wells or previous aquifer test data used? ☐ YES ☐ NO
25. If yes, did they meet the requirements of 30 TAC 230.8(c)(7)? ☐ YES ☐ NO
26. Were additional observation wells or aquifer testing utilized? ☐ YES ☐ NO

Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to 30 TAC 230.8(a).

Certification Form: Groundwater Availability for Platting

Determination of Groundwater Quality, 30 TAC 230.9

27. Have water quality samples been collected as required by 30 TAC 230.9?
☐ YES ☐ NO
28. Has a water quality analysis been performed which meets the requirements of 30 TAC 230.9?
☐ YES ☐ NO

Determination of Groundwater Availability, 30 TAC 230.10

29. Have the aquifer parameters required by 30 TAC 230.10(c) been determined?
☐ YES ☐ NO
30. If YES, provide the aquifer parameters as determined, including units as applicable (check here if a. through i. below are N/A: ☐):
- a. Rate of yield and drawdown: _____
 - b. Specific capacity: _____
 - c. Efficiency of the pumped well: _____
 - d. Transmissivity: _____
 - e. Coefficient of storage: _____
 - f. Hydraulic conductivity: _____
 - g. Were any recharge or barrier boundaries detected? ☐ YES ☐ NO
 If YES, please describe: _____

 - h. Thickness of aquifer(s): _____
31. Have time-drawdown determinations been calculated as required under 30 TAC 230.10(d)(1)? ☐ YES ☐ NO
32. Have distance-drawdown determinations been calculated as required under 30 TAC 230.10(d)(2)? ☐ YES ☐ NO
33. Have well interference determinations been made as required under 30 TAC 230.10(d)(3)? ☐ YES ☐ NO
34. Has the water quality analysis required under Section 230.9 of this title been compared to primary and secondary public drinking water standards as required under 30 TAC 230.10(e)? ☐ YES ☐ NO
35. Does the concentration of any analyzed constituent exceed the standards?
☐ YES ☐ NO
 If YES, list the constituent(s) and concentration(s) that exceed standards:

Groundwater Availability and Usability Statements, 30 TAC 230.11(a) and (b)

Complete the following by filling in the blanks or answering YES/NO as applicable:

36. Drawdown of the aquifer at the pumped well(s) is estimated to be _____ feet over a ten-year period and _____ feet over a 30-year period.
37. Drawdown of the aquifer at the property boundary is estimated to be _____ feet over a ten- year period and _____ feet over a 30-year period.
38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be _____ feet over a ten-year period and _____ feet over a 30-year period.
39. The recommended minimum spacing limit between wells is _____ feet with a recommended well yield of _____ gallons per minute per well.
40. Available groundwater is of sufficient quality to meet the intended use of the platted subdivision. ☐ YES ☐ NO
41. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination): _____

Certification of Groundwater Availability, 30 TAC 230.11(c)

Must be signed by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist.

42. I, _____, a
____ Texas Licensed Professional Engineer,
____ Texas Licensed Professional Geoscientist,
license number _____, based on best professional judgment, current
groundwater conditions, and the information developed and presented in this
form, certify that adequate groundwater is available from the underlying
aquifer(s) to supply the anticipated use of the proposed subdivision.

Signature_____

Date _____ (affix seal)

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into by and between:

Concho Valley Transit District, a program of the Concho Valley Council of Governments, a governmental entity organized and existing under the laws of the State of Texas, hereinafter referred to as "CVTD" or "Agency",
and

Kimble County, a governmental entity organized and existing under the laws of the State of Texas, hereinafter referred to as "County",

Each of CVTD and County may also be referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, CVTD operates a public transportation program aimed at providing safe and reliable transportation services to citizens residing within CVTD's service area;

WHEREAS, the County desires to enter into an agreement with CVTD to enhance transportation services within its jurisdiction;

WHEREAS, CVTD and the County believe that a cooperative arrangement will result in mutual benefits and efficiencies in the provision of transportation services;

WHEREAS, CVTD and the County have the authority to enter into this Agreement and to carry out the obligations contained herein;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

PURPOSE OF AGREEMENT

The purpose of this Agreement is to establish a framework for collaboration and cooperation between CVTD and the County to enhance transportation services for citizens residing within CVTD's service area.

SCOPE OF AGREEMENT

1. SCOPE OF SERVICES

1.1. CVTD Responsibilities – CVTD shall be responsible for:

- Planning, scheduling, and operating transportation services for citizens residing within CVTD's service area.
- Maintaining vehicles, facilities, and equipment necessary for the provision of transportation services.
- Employing qualified staff and drivers to operate transportation services.
- Reporting regularly to the County on the performance and efficiency of transportation services.
- Adhering to all pertinent state and federal regulations, statutes, and guidelines governing public transportation throughout the duration of this agreement.
- Providing specialized extended trip services to County clients necessitating travel beyond CVTD's service area to towns or cities designated by CVTD. The specific towns or cities, as well as the transportation itinerary, will be determined and conveyed to the County by CVTD. See "COSTS AND FUNDING" for cost associated with extended trip services.

1.2. County Responsibilities – County shall be responsible for:

- Providing financial support to CVTD for the provision of transportation services.
- Collaborating with CVTD in identifying transportation needs within the County.

- Assisting CVTD in securing additional funding sources, grants, or subsidies for transportation services.

2. TERM OF AGREEMENT

This Agreement shall commence on September 1, 2024, and shall continue in full force and effect until August 31, 2025, unless earlier terminated in accordance with the provisions set forth herein.

Upon expiration of the initial term, this Agreement may be renewed for successive one-year terms upon mutual written agreement of the Parties.

COSTS AND FUNDING

3. FUNDING

The County agrees to provide funding to CVTD in the amount of **\$18,151.27** annually for the provision of transportation services. Payment shall be made in accordance with the mutually agreed-upon budget and schedule.

4. EXTENDED TRIP COSTS

For the extended trip service, clients will incur load fees not to exceed \$20 for Ambulatory trips and up to \$30 for Non-Ambulatory trips. These expenses will be billed directly to the client and will not be the responsibility of the County.

Definitions:

Ambulatory: Refers to clients who are able to walk and move independently or with minimal assistance.

Non-Ambulatory: Refers to clients who are unable to walk or move independently and require assistance with mobility, such as the use of a wheelchair or other mobility aids.

5. EXTENDED TRIP SCHEDULES

CVTD agrees to develop and provide a monthly schedule that includes specific dates and the cities to which CVTD will travel for extended trip services, based on staff availability and operational capability. This schedule will be delivered to the County at least thirty (30) days prior to the start of each month for awareness. Should there be any significant changes to the schedule after it has been provided, CVTD will promptly notify the County and supply an updated version reflecting these modifications. While CVTD will make reasonable efforts to ensure the schedule's accuracy, it acknowledges that adjustments may be necessary due to unforeseen circumstances or operational needs. The schedule will also detail the client costs associated with each trip, offering the County a clear understanding of the financial aspects involved.

6. USE OF FUNDS

CVTD shall use the funds provided by the County solely for the purposes of planning, operating, and maintaining transportation services.

PAYMENT AND INVOICING TERMS

7. INVOICING PROCEDURES

CVTD shall invoice the County on a [monthly/annual] basis for the services provided under this Agreement. Invoices shall be submitted to the County's designated representative no later than the 10th business day of the month for monthly invoices or by September 30th for annual invoices following the end of each [month/year].

Invoicing preference **[SELECT ONE]:**

☐ Monthly invoices ☐ Annual invoice

8. PAYMENT PROCEDURES

The County shall remit payment to CVTD for all undisputed amounts within thirty (30) days from the date of receipt of an invoice. Payment shall be made in the form of a check or electronic funds transfer to the bank account specified by CVTD in writing.

In the event that the County disputes any portion of an invoice, it shall notify CVTD in writing within fifteen (15) days from the date of receipt of the invoice. The Parties shall then work together in good faith to resolve any disputes expeditiously.

ADMINISTRATION OF AGREEMENT

9. MODIFICATIONS AND CHANGES

Alterations to any of the terms, conditions, or requirements of this Agreement shall only be effective upon written issuance of a mutually agreed Agreement amendment by the Contracting Officer, unless otherwise authorized within the Agreement. However, changes to point of contact information or other administrative changes may be updated without the issuance of a mutually agreed amendment.

GENERAL PROVISIONS

10. GOVERNING LAW AND VENUE

The Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under the Agreement is fixed in any court of competent jurisdiction of Tom Green County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to the contracting Agency.

11. DISPUTE RESOLUTION

Any dispute arising out of or relating to this Agreement shall be resolved through good faith negotiations between the Parties. If the Parties are unable to resolve the dispute through negotiations, either Party may initiate legal proceedings as provided by law.

12. PARTIES BOUND

This Agreement shall be binding upon the successors and assigns of both parties in like manner as upon the original parties.

13. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

14. FORCE MAJEURE

Neither Party shall be liable to the other for any delay in, or failure of performance, of any requirement included in the Agreement caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome.

15. LIMITATION OF LIABILITY

To the fullest extent permitted by law, neither Party shall be liable to the other Party for any indirect, incidental, consequential, special, or punitive damages arising out of or related to this Agreement, including but not limited to loss of profits, loss of business, loss of data, or interruption of business, even if the Party has been advised of the possibility of such damages.

The total liability of each Party under this Agreement, whether in contract, tort (including negligence), or otherwise, shall not exceed the total amount paid or payable by the County to CVTD under this Agreement during the twelve (12) months immediately preceding the event giving rise to the liability.

This limitation of liability provision shall apply regardless of the form of action, whether in contract, tort (including negligence), or otherwise, and shall survive the termination or expiration of this Agreement.

TERMINATION OF AGREEMENT

16. TERMINATION FOR CAUSE

Either Party may terminate this Agreement immediately upon written notice to the other Party in the event of a material breach of any provision of this Agreement by the other Party, unless such breach is cured within thirty (30) days following receipt of written notice specifying the nature of the breach.

17. TERMINATION FOR CONVENIENCE

Either Party may terminate this Agreement for convenience upon thirty (30) days prior written notice to the other Party. In the event of termination for convenience, CVTD shall be entitled to receive payment for all services performed and expenses incurred up to the effective date of termination.

18. TERMINATION BY MUTUAL AGREEMENT

Parties may terminate this Agreement in whole or in part, at any time, by mutual agreement.

EXECUTION OF AGREEMENT

19. ENTIRE AGREEMENT

The General Provisions, Clauses, and Attachments, as provided herein, constitute the complete Agreement ("Agreement") between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein. Except as otherwise provided herein, this Agreement cannot be modified without written consent of the parties.

20. CONTACT PERSON

For the purposes of this Agreement, any communication, question, inquiry, or complaint regarding the performance of this Agreement should be directed as follows:

To CVCOG at:

Concho Valley Council of Governments

Attn:

CVCOG Contract Manager

Mail: 5430 Link Road

San Angelo, TX 76904

Phone: (325) 944-9666

Email: procurement@cvcog.org

21. ELECTRONIC SIGNATURES

Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Solicitation or the resulting Agreement, if any, are intended to authenticate this writing and to have the same force and effect as manual signatures.

22. SIGNATURE AUTHORITY

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

23. INDEMNIFICATION

Each Party agrees to indemnify, defend, and hold harmless the other Party, its officers, agents, and employees from and against any and all claims, liabilities, losses, damages, costs, and expenses arising out of or related to the performance of this Agreement, except to the extent caused by the gross negligence or willful misconduct of the indemnified Party.

SIGNATURES

IN WITNESS WHEREOF, The Parties acknowledge that they have read, understand, and accept this Agreement, including any supplements or attachments, and that this Agreement constitutes the entire agreement between them

and supersedes all other communications, written or oral, relating to the subject matter of the Agreement. This Agreement may be executed on counterparts and shall be binding on all Parties as if all signatures were affixed to a single Agreement. An electronic facsimile of this Agreement bearing the authorized signature of any party shall have the same force and effect as a copy bearing an original signature.

KIMBLE COUNTY, TEXAS

BY: 

PRINT NAME: Hal A. Rose

TITLE: County Judge

DATE: 8/27/24

CONCHO VALLEY COUNCIL OF GOVERNMENTS

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

Policy Memo Regarding Impacts of HB 3697 on Rural Counties

Dear [Insert Name of Representative],

In the 88th Session, members of the legislature passed HB 3697, a bill introduced by Representative Terry Wilson and sponsored by Senator Paul Bettencourt, which impacted various areas of the county subdivision platting process, including striking out an important part of the Local Government Code Section 232.001 that required subdivisions to go through the platting process, regardless of whether the roads they were building were they were public or private. Linked [here](#) is the conference report for your reference. **The result of this strikethrough is that developers subdividing land into 10+ acre lots are exempted from platting so long as streets, alleys, squares, parks, or other parts of the tract are not dedicated to public use.**

As county commissioners representing various rural counties in Central Texas, we appreciate that the intent of HB 3697 was to clarify the platting and protect the private property rights of land developers. However, we believe that the change made to Section 232.001 (a) of the Local Government Code, in bold above, has had unintended consequences that threaten the health and safety of our citizens, disadvantage unknowing property buyers at the gain of irresponsible land developers, and ultimately place undue financial burden on counties.

We write this letter to outline our areas of greatest concerns in the hopes that the legislature may pass an administrative fix for the **unintended impacts of HB 3697**:

Developers may now circumvent the platting process by declaring all roads private in subdivisions with 10+ acre lots. In our rural counties, most subdivisions are for 10+ acre lots, which means that as a result of HB 3697, we have lost our main tool for protecting our citizens from irresponsible development. It is via the platting process that we ensure roads are accessible to Emergency Service Providers like the Fire Department and ambulances, and that residents relying on wells have adequate groundwater supply. Developers that have the option to get around our subdivision regulations and pre-platting requirements, such as groundwater availability studies, will almost always choose to do so. We are not sure this point was fully understood when the bill was passed nor if HB 3697 negates the intent of enrolled SB 2440 to ensure groundwater is an available resource. County governments want to be very clear: with this change as we have few tools to guide most of the development in our rural counties.

Collectively, since the passage of this bill, we have seen over a dozen subdivisions that were formerly in the platting process exempt themselves from platting, getting around our groundwater availability study requirements and road standards.

Irresponsible land developers can take advantage of unknowing property buyers, who may struggle to insure their property or secure a mortgage given substandard access to emergency services and water. Purchasers of land without adequate road access to fire suppression services or a reliable water supply may find it difficult to insure their property or

secure a mortgage given the increasing incidence of wildfire and aquifer decline that we are seeing across Central Texas. Currently, insurance companies are increasing rates or refusing to offer coverage due to fire risk (see Llano County example [here](#)). Over time, these lots without access to basic utility easements, services and resources may lose value, as compared to subdivisions with county standard roads, access to fire and emergency services, and a firm-yield water supply.

 **Eventually, the county and county taxpayers will take on the burden of upgrading roads and providing water to communities that need and expect basic services.** Over time, as the pace of development continues to rise in Central Texas, these rural developments will find themselves seeking access to fire and emergency services. Residents will petition the county for assistance on road and water infrastructure, and with the developer long gone, the financial burden will fall on the county and its taxpayers.

We ask that you consider passing an administrative correction in the 89th Legislative Session, by simply reinstating the language that was struck out in Section 232.001 (a). This correction would go a long way towards restoring the few protections available to property buyers in rural counties, and the limited tools available to rural counties to protect the health and safety of our citizens.

Thank you for your consideration of our concerns,

[Insert Signatures Here]