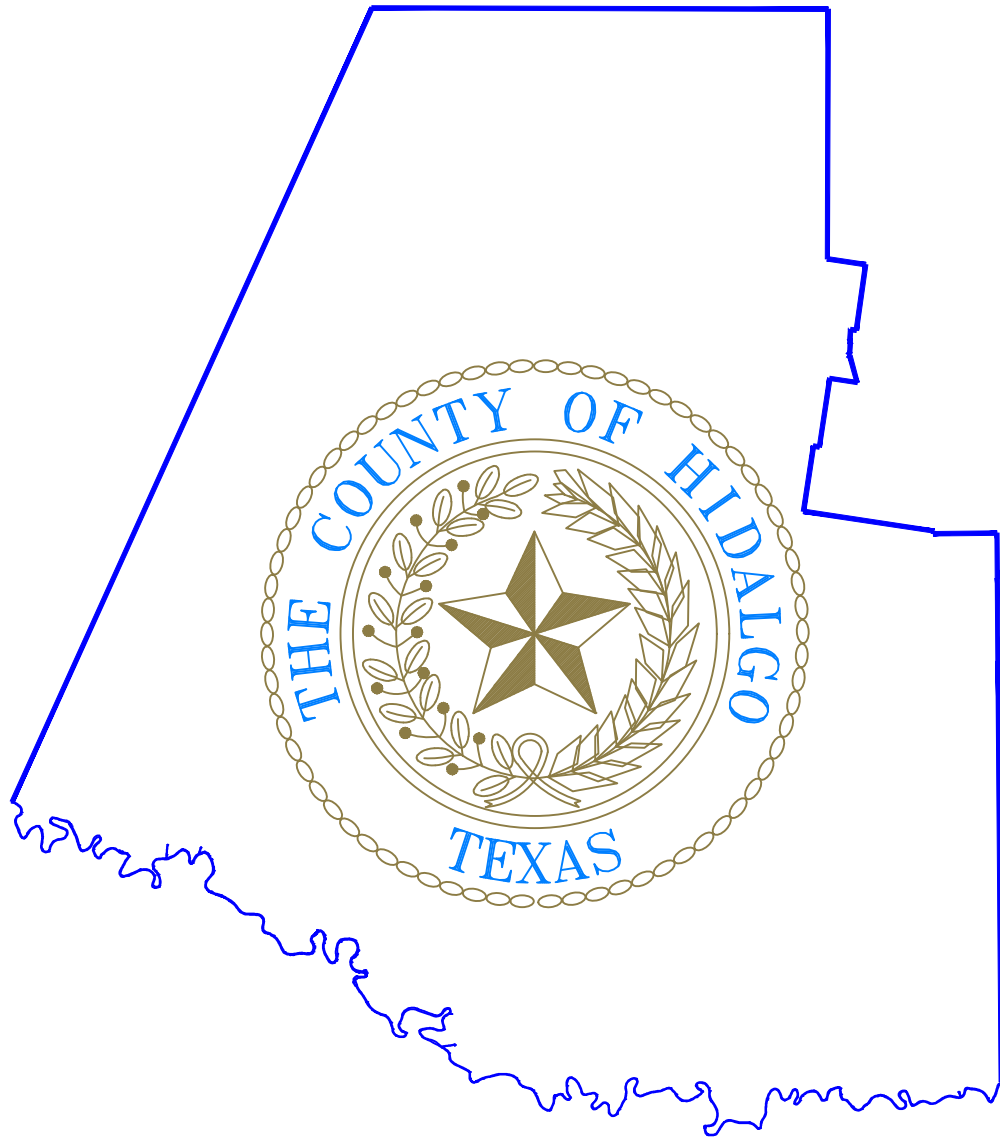


HIDALGO COUNTY SUBDIVISION RULES EFFECTIVE OCTOBER 09, 2018



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HIDALGO COUNTY SUBDIVISION RULES

As Amended and Restated, July 5, 2000
Effective July 19, 2000

Title M Amended and Restated, June 14, 2005
Effective June 14, 2005

Title A Amended and Restated, January 09, 2007

Title A & Title B Amended and Restated, September 25, 2007

Title A, Title B, Appendix 5 and Appendix 9 Amended and Restated, October 09, 2018

TABLE OF CONTENTS

TITLE G. GENERAL PROVISIONS	-1-
G.1 Authority	-1-
G.2 Applicability; Location of Land	-2-
G.3 Organization of Rules; References to Rules	-2-
G.4 Overlap of Municipal and County Subdivision Regulations under Texas Local Govt. Code, Chapter 242	-2-
G.5 Municipal ETJ Extension and Adjustment	-2-
G.6 Effective Date; Repealer; Severability	-2-
G.7 Amendment	-3-
G.8 Subdivision Advisory Board	-3-
 TITLE A. DIVISIONS OF LAND OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY AND NOT SUBJECT TO THE RULES IN TITLE B.	 -1-
 CHAPTER 1 - GENERAL AND ADMINISTRATIVE PROVISIONS	 -1-
1.1 Applicability	-1-
1.2 General Requirement; Plat Required	-1-
1.3 Responsibility for Costs	-1-
1.4 Conflict of Interest & Penalty under Local Govt. Code § 232.0048	-1-
1.5 Exception to Plat Requirement: Division of Land for Manufactured Home Rental Community	-2-
1.6 Definitions	-2-
 CHAPTER 2- GENERAL SUBDIVISION DESIGN	 -6-
2.1 General Principles	-6-
2.2 Classifications of Streets	-6-
2.3 Non-applicability to Various Driveways and Parking Lots	-7-
2.4 Street and Alley Layout	-8-
2.5 Street and Paving Standards	-10-
2.6 Drainage Standards	-10-

2.7	Easements for Utilities and Irrigation Facilities	-10-
2.8	Blocks and Lots	-11-
2.9	Streetlights	-11-
2.10	School Bus Stop	-11-
2.11	Filling	
CHAPTER 3 - STANDARD SUBMISSION & REVIEW PROCEDURES		-13-
3.0	Timely Approval of Plats	-13-
3.1	General Procedure	-14-
3.2	Preliminary conference	-14-
3.3	Application for Plat Approval and Log of Items Submitted	-15-
3.4	Preliminary Plat Processing	-15-
3.5	Preliminary Plat Submission Requirements	-16-
3.6	Final Plat Processing	-20-
3.7	Final Plat Submission Requirements	-21-
3.8	Review and Approval of Final Plats by Commissioners Court	-23-
3.9	Release of Approved Final Plat for Recording	-24-
CHAPTER 4 -INTENTIONALLY OMITTED		-25-
CHAPTER 5 - VARIANCES		-26-
5.1	General Requirements	-26-
5.2	Limitations under State Law	-26-
5.3	Special Types of Variances	-26-
5.4	Application for Variance	-26-
5.5	Procedure for Review of Application for Variance	-27-
5.6	Notation of Variance on Plat	-28-
CHAPTER 6 - ENFORCEMENT		-29-
6.1	General Enforcement Authority under Texas Local Govt. Code § 232.005(a) & (b)	-29-
6.2	Additional Enforcement	-29-

TITLE B. DIVISIONS OF LAND OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY AND SUBJECT TO SUBCHAPTER B OF CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE	-1-
CHAPTER 1 - GENERAL AND ADMINISTRATIVE PROVISIONS	-1-
1.1 Applicability; Location of Land	-1-
1.2 General Requirement; Plat Required	-1-
1.3 Responsibility for Costs	-1-
1.4 Conflict of Interest under Local Govt. Code § 232.034	-1-
1.5 Definitions	-2-
CHAPTER 2- GENERAL SUBDIVISION DESIGN	-6-
2.1 General Principles	-6-
2.2 Classifications of Streets	-6-
2.3 Non-applicability to Various Driveways and Parking Lots	-7-
2.4 Street and Alley Layout	-8-
2.5 Street and Paving Standards	-11-
2.6 Drainage Standards	-11-
2.7 Easements for Utilities and Irrigation Facilities	-11-
2.8 Blocks and Lots	-12-
2.9 Streetlights	-12-
2.10 Sidewalks	-12-
2.11 Filling Stations	-12-
2.12 Septic Tanks	-13-
2.13 Survey Monuments	-13-
2.14 Benchmark Monuments	-13-
CHAPTER 3 - STANDARD SUBMITTAL & REVIEW PROCEDURES	-14-
3.0 Timely Approval of Plats	-14-
3.1 General Procedure	-15-
3.2 Preliminary conference	-15-
3.3 Application for Plat Approval and Log of Items Submitted	-16-
3.4 Preliminary Plat Processing	-16-
3.5 Preliminary Plat Submission Requirements	-17-
3.6 Final Plat Processing	-21-
3.7 Final Plat Submission Requirements	-22-
3.8 Review and Approval of Final Plats by Commissioners Court	-25-
3.9 Release of Approved Final Plat for Recording	-26-
3.10 Plat Approval Certificate under Local Govt. Code § 232.028(a)	-26-
3.11 Water and Sewer Service Extension	-26-
CHAPTER 4 - INTENTIONALLY OMITTED	-27-

CHAPTER 5 - VARIANCES	-28-
5.1 General Requirements	-28-
5.2 Limitations under State Law	-28-
5.3 Special Types of Variances	-28-
5.4 Application for Variance	-28-
5.5 Procedure for Review of Application for Variance	-29-
5.6 Notation of Variance on Plat	-30-
CHAPTER 6 - ENFORCEMENT	-30-
6.1 General Enforcement Authority under Texas Local Government Code § 232.037	-30-
6.2 Civil Penalties under Texas Local Government Code § 232.035	-30-
6.3 Criminal Penalties under Texas Local Government Code § 232.036	-31-
6.4 Additional Enforcement	-31-
TITLE M. DIVISIONS OF LAND OUTSIDE TITLE CORPORATE LIMITS OF A MUNICIPALITY AND SUBJECT TO THE MODEL RULES	-1-
CHAPTER 1. GENERAL AND ADMINISTRATIVE PROVISIONS	-1-
1.1. Authority and Scope of Rules	-1-
1.2. Purpose	-1-
1.3. Effective Date	-1-
1.4. Repealer	-1-
1.5. Plat Required	-1-
1.6. Super session	-2-
1.7. Severability	-2-
1.8. Definitions	-2-
CHAPTER 2. MINIMUM STANDARDS	-4-
2.1. Scope of Standards	-4-
2.2. Water Facilities Development	-4-
2.3. Wastewater Disposal	-5-
2.4. Greywater Systems for Reuse of Treated Wastewater	-6-
2.5. Sludge Disposal	-6-
2.6. Setbacks	-6-
2.7. Number of Dwellings Per Lot	-6-
2.8. Other Regulations	-6-

CHAPTER 3. PLAT APPROVAL	-7-
3.1. Applications for Plat Approval	-7-
3.2. Final Engineering Report	-7-
3.3. Additional Information	-9-
3.4. Financial Guarantees for Improvements	-9-
3.5. Review and Approval of Final Plats	-9-
3.6. Time Extensions for Providing Facilities	-10-
3.7. Criteria for Subdivisions that Occurred Prior to September 1, 1989	-10-
CHAPTER 4. ENFORCEMENT	-12-
4.1. Oversight	-12-
4.2. General Enforcement Authority of County	-12-

APPENDIX

APPENDIX 1:	CHAPTER 42 ETJ OF MUNICIPALITIES IN HIDALGO COUNTY
APPENDIX 2:	CHECKLISTS FOR TITLE A
APPENDIX 3:	CHECKLISTS FOR TITLE B
APPENDIX 3-A:	CHECKLIST FOR TITLE M
APPENDIX 4:	MODEL RULES EXHIBITS
APPENDIX 4-A:	IRREVOCABLE LETTER OF CREDIT SAMPLE FORM
APPENDIX 4-B:	SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR LETTER OF CREDIT
APPENDIX 4-C:	SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR A CASH DEPOSIT
APPENDIX 5:	ROAD, DRAINAGE AND GENERAL UTILITY CONSTRUCTION SPECIFICATIONS
APPENDIX 6:	LOG OF ITEMS SUBMITTED DURING SUBDIVISION REVIEW
APPENDIX 7-A:	SAMPLE FORM FOR WATER SERVICE AGREEMENT
APPENDIX 7-B:	SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT
APPENDIX 8:	SAMPLE GENERAL COUNTY PLAT NOTES
APPENDIX 9:	COUNTY DETAILS AND SPECIFICATIONS

TITLE G. GENERAL PROVISIONS

G.1 Authority

These rules are adopted under the constitution and laws of the State of Texas, including in particular Chapters 232 and 233 of the Texas Local Government Code, Chapter 366 of the Texas Health & Safety Code, and Subchapter J of Chapter 16 of the Texas Water Code.

G.2 Applicability; Location of Land

- A.** These rules apply when land in Hidalgo County outside of a municipality is being divided into parts. Either Title A or Title B of these rules may apply, depending upon the location and the nature of the division of the land. The provisions of Title M may apply in addition to the requirements of Titles A and B, and may apply when neither Titles A nor B apply. For all such divisions of land, the owner or owners thereof and their agents shall comply with the requirements of these rules and applicable state and federal laws. A division of a tract includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- B.** When Title B applies. Title B applies when subchapter B of Chapter 232 of the Texas Local Government Code applies. Accordingly, Title B applies when:
1. land is subdivided into two or more lots that are intended primarily for residential use,
 2. the subdivision is not incident to the conveyance of the land as a gift to a person related within the third degree of affinity or consanguinity to the grantor, as determined under Chapter 573, Tex. Govt. Code, and
 3. the land is located outside the corporate limits of a municipality.

A lot is presumed to be intended for residential use if the lot is five acres or less.

- C.** When Title A applies. Title A generally applies when a tract of land outside the corporate limits of a municipality is divided into two or more parts and the division is not governed by Title B. Specifically, Title A applies when Title B does not and the tract of land is being divided into two or more parts to lay out a subdivision of the tract, including an addition; lots; or 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.
- D.** When Title M applies. Title M applies to any subdivision of land, which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be intended for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

- E. City ETJ and maps thereof. The Chapter 42 ETJ of a municipality (or “city” herein) generally extends for a distance beyond the city’s limits that can vary from ½ mile up to 5 miles. Appendix 1 lists the current sizes of the ETJ’s of the cities in Hidalgo County. The County Planning Department shall keep an updated version of Appendix 1. Municipalities are required by § 41.001 of the Local Government Code to maintain current maps of their boundaries and extraterritorial jurisdictions. The Hidalgo County Planning Department shall maintain an updated set of such municipal maps to allow determination of whether land proposed to be subdivided is situated outside the corporate limits of a municipality and whether the land is situated outside the chapter 42 ETJ and/or chapter 212 ETJ of any municipality.

G.3 Organization of Rules; References to Rules

These rules are divided into four titles and a set of appendices. Title G contains general provisions. Titles A and B contain specific requirements for certain divisions of land. Titles A, B and M are further divided into chapters and into sections. A reference in title A or title B to “these Rules” means the rules contained within that respective title and the associated appendices. A letter designating the title in which it appears may precede a reference to a particular section. For example, section B.2.3 refers to section 2.3 as contained in chapter 2 of Title B.

G.4 Overlap of Municipal and County Subdivision Regulations under Texas Local Govt. Code, Chapter 242

For an area in a municipality’s extraterritorial jurisdiction as defined by Texas Local Government Code sections 42.021 and 212.001, a subdivision is subject to regulations of both the municipality and Hidalgo County. If a municipal regulation conflicts with a county regulation, the more stringent provision prevails. In Hidalgo County, a city with a population (by census) of 5,000 generally has an ETJ under section 212.001 that extends for 5 miles from its city limits.

G.5 Municipal ETJ Extension and Adjustment

When a city’s ETJ expands, it may not, under Local Government Code § 42.022, include any area in the existing ETJ of another city. A city may consent to a reduction in its ETJ, thereby yielding the territory to regulation as part of another city’s ETJ.

G.6 Effective Date; Repealer; Severability

These rules become effective on the 19th day of July, 2000. The Hidalgo County Subdivision Rules adopted August 31, 1999, are hereby repealed, except as to such sections which are retained herein, but they remain in effect for the purpose of prosecuting a civil or criminal suit for a violation or offense that occurred there under. If any part or provision of these rules or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

rules or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these rules without any such part, provision, or application.

G.7 Amendment

The Hidalgo County Commissioners Court as provided by law may amend these rules from time to time. A reference to each order amending these rules shall be listed in this section, and these rules restated to include the amendment in its correct location.

<u>Date of order</u>	<u>Sections Amended.</u>
August 31, 1999	Numerous - to implement 1999 legislative changes
July 5, 2000	G.2, G.3, A.1.5, A.1.6, A.2.8, A.2.9, A.3.5.E.13, A.3.7.E.10, A.3.7.E.12, A.3.8.B, A.5.2.B, A.5.5.C, A.6.2, B.1.1, B.1.5, B.2.8, B.2.9, B.3.5.E.13, B.3.7.E.14, B.3.7.E.16, B.3.8.E.2, B.5.2.B, B.5.2.C, B.5.5.C, B.6.4, Chapter 4 of titles A and B, Title M., 3.3 and 3.5 of Appendix 5 - To Adopt New Model Rules, to incorporate other recent regulatory enactments and to adopt technical corrections to prior Rules.
June 14, 2005	Amendment to Title M of the Model Subdivision Rules
January 09, 2007	Title A 1.5 Added Section B Exception to Plat Requirement: Division of Land as Part of an Application for Approval of a Qualified Subdivision Filed with the Railroad Commission
September 25, 2007	Title A Section 1.6, 2.1, 2.4.B, 2.4.F.2, 2.5, 2.7, 2.8.B, 2.9, 2.10, 2.11, 3.1.A, 3.1.C, 3.3, 3.4.A, 3.5.A, 3.5.C, 3.5.5, 3.5.E.9, 3.5.E.12, 3.5.E.13, 3.5.E.14, 3.5.E.15, 3.5.E.16, 3.6.A, 3.7.A, 3.7.B, 3.7.C, 3.7.E.13, 3.7.E.14, 3.7.E.15, 3.7.E.16 Title B Section 1.5., 2.1, 2.4.B, 2.4.F.2, 2.5, 2.7, 2.8.B, 2.9, 2.10, 2.11, 3.1.A, 3.1.B, 3.3, 3.4.A, 3.5.A, 3.5.C, 3.5.5, 3.5.E.9, 3.5.E.12, 3.5.E.13, 3.5.E.14, 3.5.E.15, 3.5.E.16, 3.6.A, 3.7.A, 3.7.B, 3.7.C, 3.7, 3.7.D.14, 3.7.D.19, 3.7.D.20, 3.7.D.21 Appendix 5 Section 2.2, 2.5, 2.10 Appendix 8 – Sample General County Plat Notes Appendix 9 – County details and specifications
October 09, 2018	Title A Section 1.6, 2.2, 2.4, 2.7, 2.8, 2.9, 2.10, 2.11, 3.1, 3.3, 3.5, 3.7 Title B Section 1.5, 2.2, 2.4, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 3.1, 3.5, 3.6, 3.7 Appendix 5 – 1.1, 1.4, 1.5, 2, 2.5, 2.6, 2.7, 2.10, 2.11, 3, 3.1, 3.2, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.13, Appendix 9 – County details and specifications.

G.8 Subdivision Advisory Board

- A.** The County of Hidalgo hereby creates and establishes the Hidalgo County Subdivision Advisory Board for the purpose of providing advice to the Court regarding the approval of Preliminary and Final Plats, amendments or modifications to the Hidalgo County Subdivision Rules and the issuance of certificates under §232.028(b)-(f) and §232.029, Local Government Code.

- B.** The Subdivision Advisory Board shall be composed of five (5) members, who shall be appointed by the Court, one of who shall be designated as the Chairman by the Court. The members of the Subdivision Advisory Board shall be appointed from the citizens of the County at large. Members of the Subdivision Advisory Board shall serve without compensation. The County Clerk of Hidalgo County shall serve as the ex-officio clerk of the Subdivision Advisory Board, and shall be responsible for maintaining the minutes and official records of the Subdivision Advisory Board.

- C.** The term of office of a member of the Subdivision Advisory Board shall commence upon the member's appointment and qualification for office under the constitution and laws of the State of Texas, and shall continue for a period of two (2) years, and thereafter until a successor is appointed and qualified; provided, however, that at the initial meeting of the Subdivision Advisory Board, the members of the Subdivision Advisory Board shall draw lots to designate two (2) members of the Subdivision Advisory Board to serve a one-year initial term. Vacancies in the office of member of the Subdivision Advisory Board, whether by death, resignation or removal from office, shall be filled by a majority vote of the Court for the unexpired term.

- D.** The Subdivision Advisory Board shall meet at least monthly, at a time and place selected by majority vote of the Subdivision Advisory Board. Meetings of the Subdivision Advisory Board shall be open to the public and shall be posted in accordance with the requirements of the Texas Open Meetings Act.

Within 30 days after the date the Subdivision Advisory Board is selected, the members shall meet and prepare a detailed plan and rules for operation of the Subdivision Advisory Board. The plan and rules may include any matters relating to the organization and operation of the Subdivision Advisory Board, but must include:

1. the date and time of regular meetings of the board, and procedures for the calling of a special meeting; and
2. the procedures for the preparation of the agenda for meetings of the board, and requirements which must be met prior to a proposed Preliminary Plat or Final Plat being presented to the board.

Upon completion of the plan and rules, they shall become effective upon the ratification thereof by the Court. No amendment or modification to the plan or rules shall be effective unless it is approved by the Court.

F. Notwithstanding any provision in these Rules to the contrary, no Preliminary Plat nor any Final Plat shall be presented to the Court for approval, or acted upon by the Court, without such plat first having been reviewed by the Subdivision Advisory Board, and the recommendation of the Subdivision Advisory Board as to the approval or rejection of such plat having been attached to the plat. The Court may act contrary to the recommendation of the Subdivision Advisory Board only upon an affirmative vote of a majority of the Court present and voting on the matter.

G. Conflict of Interest as to Members of Subdivision Advisory Board.

In this section, “subdivided tract” means a tract of land, as a whole, that is subdivided into tracts or lots. The term does not mean an individual lot in a subdivided tract of land.

1. A person has an interest in a subdivided tract if the person:
 - a. has an equitable or legal ownership interest in the tract;
 - b. acts as a developer of the tract;
 - c. owns voting stock or shares of a business entity that:
 - (1) has an equitable or legal ownership interest in the tract; or
 - (2) acts as a developer of the tract; orreceives in a calendar year money or any thing of value from a business entity described by subdivision c.

A person also is considered to have an interest in a subdivided tract if the person is related in the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person who, under subsection B, has an interest in the tract.

If a member of the Subdivision Advisory Board has an interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit with the county clerk stating the nature and extent of the interest and shall abstain from further participation in the matter. The affidavit must be filed with the county clerk.

The Court may, in its sole discretion, remove a member of the Subdivision Advisory Board from office upon a finding by the Court that a member of the Subdivision Advisory Board has violated any provision of this section G.8.G.

TITLE A. DIVISIONS OF LAND OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY AND NOT SUBJECT TO THE RULES IN TITLE B.

CHAPTER 1 - GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Applicability

This title generally applies when a tract of land outside the corporate limits of a municipality is divided into two or more parts and the division is not governed by Title B. Specifically, the rules in Title A (which together with the related appendices are referred to as “these Rules”) apply when Title B does not and the tract of land is being divided into two or more parts to lay out a subdivision of the tract, including an addition; lots; or 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. A division of a tract under this section includes a division regardless of whether it is made 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.

The provisions of Section A.1.1.A. notwithstanding, this title does not apply to divisions of land described in Tex. Local Government Code § 232.0015(b)-(k).

1.2 General Requirement; Plat Required

For any division of land subject to this title, the owner or owners thereof and their agents shall comply with the requirements of these Rules and applicable state and federal laws. In particular and without limitation, the owner of the tract of land must have a plat prepared and recorded in accordance with these Rules, Chapter 232 of the Texas Local Government Code, Chapter 12 of the Texas Property Code, and (if the land is within a municipality’s ETJ under Texas Local Government Code §§ 42.021 and 212.001) the municipality’s subdivision rules and Chapter 212 of the Texas Local Government Code.

1.3 Responsibility for Costs

The owner or owners of the land being subdivided shall be responsible for costs of improvements as required by these Rules.

1.4 Conflict of Interest & Penalty under Local Govt. Code § 232.0048

- A. In this section, “subdivided tract” means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.
- B. A person has a substantial interest in a subdivided tract if the person:
 - 1. has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;
 - 2. acts as a developer of the tract;
 - 3. owns 10 percent or more of the voting stock or shares of or owns either 10 percent or more or \$5,000 or more of the fair market value of a business entity that:
 - a. has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more; or
 - b. acts as a developer of the tract; or receives in a calendar year funds from a business entity described by subdivision 3 that exceed 10 percent of the person’s gross income for the previous year.

- C. A person also is considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to another person who, under subsection B, has a substantial interest in the tract.
- D. If a member of the Commissioners Court of a county has a substantial interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. The affidavit must be filed with the county clerk.
- E. A member of the Commissioners Court of a county commits an offense if the member violates subsection D. An offense under this subsection is a Class A misdemeanor.
- F. The finding by a court of a violation of this section does not render voidable an action of the Commissioners Court unless the measure would not have passed the Commissioners Court without the vote of the member who violated this section.

1.5 Exception to Plat Requirement: Division of Land for Manufactured Home Rental Community

No formal plat shall be required for a manufactured home rental community, unless the manufactured home rental community also constitutes a subdivision governed by Titles B or M. For the purposes of this provision, a “manufactured home rental community” 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 sixty (60) months without a purchase option, exclusively for the installation of manufactured homes for use and occupancy as residences. The requirements of this provision notwithstanding, a manufactured home rental community must comply with the rules or regulations of Hidalgo County regarding OSSF and the rules of the Texas Commission on Environmental Quality governing the use of on-site sewerage facilities.

1.6 Definitions

- A. Rules of Definition: Words used in the present tense shall include the future unless the context indicates otherwise, words used in the singular number shall include the plural, and words used in the plural number shall include the singular.
- B. Definitions of words and terms: The following words and terms, when used in these Rules, shall have the following meanings unless the context indicates otherwise. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

“**Block**” means a piece or parcel of land typically surrounded by public streets on no fewer than three (3) sides normally containing several lots or the equivalent area.

“**Building**” any structure used or intended for supporting or sheltering any use or occupancy.

“**Building line**” or “**building set-back line**” means a line established, in general, parallel to the property line, between which and such property line, no part of a building shall project.

“Commissioners Court” or “Court” means the duly elected Commissioners Court of Hidalgo County, Texas, acting in its official capacity.

“Corner Lot” means a lot, which is located adjacent to, or abutting, two intersecting streets, roads or highways.

“County Engineer” means an Engineer who has been appointed, employed or retained by the Commissioners Court to be responsible for review of all engineering matters concerning compliance of proposed subdivisions with these Rules. In the absence of the County Engineer, the Hidalgo County Subdivision Advisory Board or another entity or person duly appointed by Commissioners Court shall have the authority to act in place of the County Engineer insofar as these Rules are concerned.

“County Planning Department” or “Planning Department” means the department established by the Court for the purpose of reviewing compliance with these Rules.

“Drainage easement” means an interest in land granted to the public generally, to a political subdivision of the state and/or to an individual land owner, for installing or maintaining drainage ditches, pipelines, box structures or other facilities for the conveyance of storm or runoff water across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said facilities.

“Easement” means an interest in land granted to the County, to the public generally, and/or to a utility corporation or political subdivision of the State of Texas for a specific purpose or purposes over, across, or under private land, together with the right to enter thereon with vehicles and machinery necessary for the maintenance of said interest. Unless an easement is dedicated and accepted in writing, the County shall not be obligated to maintain it.

“Engineer” means a person duly authorized under the provisions of the Texas Engineering Practice Act (Revised Civil Statutes art. 3271a) to practice engineering, or a firm employing such persons and practicing engineering in compliance with the Texas Engineering Practice Act.

“ETJ” means extraterritorial jurisdiction (see below).

“Extraterritorial jurisdiction” means the land area surrounding a municipality’s corporate limits as determined, depending upon the context, by Texas Local Government Code § 42.021 (for a distance that increases with a municipality’s population) or § 212.001 (for a distance of five miles for a municipality with population of 5,000 or more).

“Final plat” means a map or drawing showing the proposed subdivision and any accompanying material prepared as described in these Rules and state law.

“Flood Insurance Rate Map” means an official map or plat showing boundaries of flood zones published by FEMA (the Federal Emergency Management Agency) for the National Flood Insurance Program.

“Floodplain” means any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 through 4127).

“Hidalgo County Subdivision Advisory Board” or “Subdivision Advisory Board” means the group of persons chosen by the Commissioners Court with responsibilities to review proposed subdivisions as set out in these Rules.

“Irrigation easement” means an interest in land granted to the public generally, to a political subdivision of the state and/or to an individual land owner, for installing or maintaining irrigation ditches, canals, pipelines and structures across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said irrigation facilities.

“Lot depth” means the length of a line connecting the mid-points of the front and rear lot lines, which line shall usually be at right angles to the front lot line or radial to a curved lot line.

“Lot width” means the length of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or at a point no farther than 35 feet from the front lot line, if the length at such point is greater.

“Monument” means a concrete monument, an iron rod, an iron pipe or other such evidence used to mark the boundaries of subdivisions and lot or block corners.

“100-Year Flood” - Means a flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one (1) percent probability of occurrence in any year.

“Pavement width” means the portion of a street available for vehicular traffic; and which is specified in Appendix 9: County Details and Specifications for various right-of-way widths.

“Person” means an individual, firm, corporation, or other legal entity.

“Preliminary plat” means the drawing or map and accompanying documents prepared in accordance with these Rules in which the Subdivider initially presents the plan for a subdivision to the County.

“Plat” means **“final plat”** as defined above. A **re-plat** or **re-subdivision** is considered a plat.

“Private Street” means an area, parcel, or strip of land, which provides primary vehicular access to adjacent properties, or land and that is maintained under private ownership.

“Public street” means an area, parcel, or strip of land that provides primary vehicular access to adjacent property or land and provides general community vehicular circulation (whether designed as a street, highway, freeway, thoroughfare, avenue, lane, boulevard, road, place, drive, or however otherwise designated) and that is dedicated or granted for public purposes.

Residential use” includes single-family residential uses; two-family uses; and multi-family residential apartment or townhouse uses.

“Right-of-way” or “ROW” means the area within the outermost boundaries of a street or road, including the area for a constructed watercourse or drainage ditch.

“Shall” is mandatory and **“may”** is permissive.

“Street” means a ROW, however designated, which provides primary vehicular access to adjacent land. See also **“Public Street”** defined above and the classifications of streets in section 2.2 of these Rules.

“Surveyor” means a licensed state land surveyor or a registered professional land surveyor, as authorized by the Texas Professional Land Surveying Practices Act (Revised Civil Statutes art. 5282c) to practice the profession of surveying.

“Utility easement” means an interest in land granted to the public generally and/or to a private or public utility corporation or political subdivision of this state, for installing or maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

CHAPTER 2- GENERAL SUBDIVISION DESIGN

2.1 General Principles

In accordance with Texas Local Government Code Chapter 232.101 the Commissioners Court has adopted the rules contained herein for governing plats and subdivisions of land within the unincorporated area of the County to promote the health, safety, morals, or general welfare of the County and the safe, orderly, and healthful development of the unincorporated area of the County.

- A. This chapter contains many general design requirements. Further specific requirements for construction of streets and drainage are contained in the Appendix.
- B. Layout. The subdivision layout shall make reasonable provisions for development of adjacent land.
- C. Name of Subdivision. Duplication of subdivision names shall be prohibited.

2.2 Classifications of Streets

Streets are classified as follows:

- A. “Expressway” means a road so designated by the Texas Department of Transportation. It shall have a right-of-way of not less than 350 feet.
- B. “High Speed Principal Arterial” means a public street, which provides for the major vehicular circulation, or cross-towns, loops, by-pass, or radial routes of the region, county, or city. Such a street is typically over 5 miles in length. It shall have a right-of-way width of not less than 150 feet and a pavement width in accordance with TxDot standards.
- C. “Principal Arterial” means a road so designated by the Texas Department of Transportation or Hidalgo County. It shall have a right-of-way of not less than 120 feet and a pavement width of not less than 56 feet.
- D. “**Minor–Arterial Street**” means a public street, which provides for the major vehicular circulation, or cross-towns, loops, by-pass, or radial routes of the region, county, or city. Such a street is typically over 5 miles in length and shall have a right-of-way width of not less than 100 feet and a pavement width of not less than 48 feet.(Appendix 9 Plate No. 9.10)
- E. “**Collector Street**” means a public street, which provides for expeditious movement of vehicular traffic within a neighborhood, collecting traffic from minor streets and connecting to other major streets. Such a street is typically 2 to 5 miles in length. It shall have a right-of-way width of not less than 80 feet and a pavement width of not less than 36 feet. (Appendix 9 Plate No. 9.8)
- F. “**Minor Collector Street**” means a public street, which provides for expeditious movement of vehicular traffic within a neighborhood, collecting traffic from minor streets and connecting to other major streets. Such a street is typically 2 to 5 miles in length. It shall have a right-of-way width of not less than 60 feet and a pavement width of not less than 24 feet. (Appendix 9 Plate No. 9.7)

- G. **“Minor Commercial/Industrial Street”** means a public right-of-way which provides vehicular access abutting properties which is used primarily for Commercial and/or Industrial purposes. It shall have a right-of-width of no less than 60 feet and a pavement width of no less than 36 feet with curb and gutter. (Appendix 9 Plate No. 9.6)
- H. **“Minor Residential Street”** means a street which is used primarily for access and circulation to abutting residential properties and which is intended to serve traffic within a limited area. It shall have a right-of-width of no less than 50 feet and a pavement width of no less than 32 feet with curb and gutter for lots that are less than 1 Acre net and a pavement width of no less than 24 feet for lots that are 1 acre net or greater. (Appendix 9 Plate No. 9.5)
- I. **“Alley”** means a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a “public street” as that term is defined herein.
- J. **“Cul-de-sac”** means a short public street having but one opening or access to another public street and terminating in a vehicular turn-around.
- K. **“Dead-end street”** means that portion of a public street, which initially has only one opening or access to another public street but which will be extended at a later date.

2.3 Non-applicability to Various Driveways and Parking Lots

Notwithstanding the foregoing classifications, the following shall not be considered to be within the purview of these Rules:

- A. Any driveway designed or used principally to provide vehicular access to the outbuildings appurtenant to any principal building, or to provide vehicular access to a delivery platform or an entrance of a building appropriate for the delivery thereto of goods or merchandise, and located wholly on private property.
- B. An area appurtenant to a store or a group of stores, a theater, a church, or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons, or employees of the establishment or group of establishments in question.
- C. An entrance or roadway designed or used to provide either vehicular entrance to or communication or passage between the several units of a single industrial or commercial establishment or group of such establishments which are under common control or management; provided such industrial or commercial entranceway or roadway shall be considered a public street under the terms of these Rules if it has entrances upon two or more public streets unless there are at each of such entrances gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial or commercial establishment in question.
- D. An entrance or driveway designed or used to provide principal or primary vehicular access to any apartment building or a group of apartment buildings designed for multi-family occupancy and under one ownership. Such entrance or driveway shall not be used to provide public access to adjacent areas.

2.4 Street and Alley Layout

A. **General** - The street pattern of a neighborhood shall provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade, and locations of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and to the proposed uses of the land to be served by such streets. If any portion of a collector or main arterial street traverses any part of the land being subdivided, that portion of the main or collector street, as planned at the proposed right-of-way width, shall be incorporated in the subdivision plat and shall be dedicated to the appropriate government. The street layout shall be devised for the most advantageous development of the entire neighborhood and shall conform to connecting streets in land adjacent to the new subdivision. Provisions shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. Dead end streets shall be terminated with a temporary cul-de-sac easement, which will be automatically abandoned upon the extension of a street into adjacent properties. Where a subdivision abuts or contains an existing or proposed Major Street, reverse frontage lots may be appropriate. When reverse frontage lots are designated, access shall be denied to the major street, and a 6 foot buffer fence shall be installed by the Subdivider along the rear property line abutting such existing or proposed major streets. Paved alleys shall be provided in commercial and industrial developments, except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with an adequate plan for the uses proposed. The street system layout shall be so designed, insofar as practicable, to preserve natural features such as trees, brooks, hilltops, and scenic views and other such features. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use. The street system layout shall provide for the acceptable disposal of storm water, and provision shall be made by the Subdivider to handle storm water to comply with provisions elsewhere in these Rules and other regulations of the County.

B. **Minimum Right-of-Way Width Requirements - including streets in commercial and industrial subdivisions:**

Expressway – not less than 350 feet,
High Speed Principal Arterial - not less than 150 feet;
Principal Arterial - not less than 120 feet;
Minor Arterial – not less than 100 feet;
Collector – not less than 80 feet;
Minor Collector – not less than 60 feet;
Minor Commercial/Industrial – not less than 60 feet;
Minor Residential – not less than 50 feet;

In any event The Hidalgo County Thoroughfare Plan shall govern all right-of-way widths as identified in said plan.

Where proposed streets are extensions of existing or planned streets, having a right-of-way width greater than that specified herein, the proposed streets shall be the same width as the existing or planned streets. Where the proposed subdivision abuts upon an existing street that does not conform to these width

requirements, the Subdivider shall dedicate right-of-way sufficient to provide for the full right-of-way width. Alleys are not permitted, unless required by a municipality-exercising jurisdiction over the subdivision within its ETJ. Where required by a municipality, Alleys shall conform to the municipality's requirements.

- C. **Curves** - The minimum centerline radius on curves shall be 2,000 feet for a Main Arterial, 800 feet for a Collector, and 100 feet for a Minor street. The minimum tangent distance between reverse curves shall be 100 feet.
- D. **Offsets** - Street centerlines, if offset, must be offset a minimum distance of 125 feet on centerline. Offset distances shall be indicated on the final plat.
- E. **Intersections**
1. All streets and alleys are to intersect at a 90-degree angle with departures of more than 20 degrees subject to approval through the variance procedure upon evidence of good cause such as topography. Corners are to be rounded or have a corner clip or radii as shown below:
 - a. Expressway, High Speed Principal Arterial, Principal Arterial, Minor Arterial - 50' tangent clip.
 - b. Collector, Minor Collector, Minor Commercial/Industrial - 25' tangent clip or radii
 - c. Minor Residential - 25' external tangent clip or radii, or 15' internal tangent clip or radii, as applicable.
 2. Acute angle intersections, as may be approved, are to have 30-foot additional radii at acute corners.
 3. Street or alley intersections with or extending to meet an existing street or alley, will be tied to the existing street or alley on centerline, with dimensions and bearings to show the relationship.
- F. **Cul-De-Sac Streets**
1. Turn-around are to have a minimum right-of-way radius of fifty feet (50') for single family use where curbed and guttered; a radius of sixty feet (60') for single family use where a rural section is utilized; and a one hundred feet (100') radius for apartment, commercial, or other uses.
 2. Maximum length of cul-de-sac streets shall be 660 feet as measured from the centerline of intersection to radius point for subdivision streets serving 10 or more lots and not longer than 1320 feet as measured from the centerline of intersection to cul-de-sac radius point for subdivision streets serving less than 10 lots. A cross street may be required where the proposed internal street exceeds the maximum length allowed of cul-de-sac street. A cross street shall not be required where the adjacent property has been developed without a viable connection to the proposed extension.
 3. Temporary turn-around, conforming to the minimum radii requirements, are to be used where improvements are not installed at the end of a street which will be extended in the future. The following note shall be provided on the final plat when a temporary turn-around is used: "Cross-hatched area is temporary easement for turn-around until street is extended (direction) in a recorded plat".

- G. **Street Names** - The names of proposed streets shall conform to the names of existing street of which they may be or become extensions, and shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.

The Subdivider shall provide street signs and posts as per County standards, and traffic control signs as may be required by the County.

2.5 Street and Paving Standards

Streets shall be designed and constructed in accordance with the requirements in Appendix 5. Where further guidance for construction specifications is needed, the County Planning Department may require construction in accordance with the Standard Specifications for Construction of Highways, Streets and Bridges, (latest edition), as published by the Texas Department of Transportation or other appropriate standards.

2.6 Drainage Standards

Drainage shall be designed in accordance with the requirements in these Rules, the current edition of the Hidalgo County Master Drainage Plan (a copy of which is available from Hidalgo County Drainage District No. 1) and, if the subdivision is located within its boundaries of Hidalgo County Drainage District No. 1 or contemplates the use of such district's facilities for drainage, approved by Hidalgo County Drainage District No. 1. Appendix 5 contains detailed requirements for drainage design. Where further guidance for construction specifications is needed, the County Planning Department and/or Hidalgo County Drainage District No. 1 may require construction in accordance with the latest edition of Standard Specifications for Construction of Highways, Streets and Bridges, as published by the Texas Department of Transportation, or other appropriate standards.

2.7 Easements for Utilities and Irrigation Facilities

- A. When not located in an alley having a width of 20 feet or more, the location and width of necessary utility easements shall be determined by the public and private utility companies and shall connect with easements established in adjoining properties. Easements shall not be less than 15 feet in width. A written confirmation shall be required from all public and private utility companies that will occupy the easement to reduce an easement width less than the minimum required width. An easement located between abutting lots may be reduced to 10 feet.
- B. There also shall be shown on the plat and dedicated for utilities unobstructed aerial easements and guy wire easements as may be required for overhead facilities.
- C. Easements as set forth in any applicable County or regional plan for the location of future sewerage or utility facilities shall be provided and indicated upon the plat.
- D. In rural areas where the future utility needs have not yet been established, easements will be dedicated along all rear lot lines and along side lot lines as deemed necessary.
- E. The location and width of necessary irrigation easements shall be determined by the irrigation or water control and improvement district, or private property owner holding the dominant estate and shall connect with easements established in adjoining properties. Easements shall not be less than 15 feet in width. Easement widths for irrigation lines may be reduced with the written consent of the Irrigation District utilizing said easement.

- F. All utility facilities in existing right-of-way including but not limited to utility poles, underground lines pedestals, etc. shall be relocated within the 2 foot corridor adjacent to the new right-of-way line.
- G. See the Appendix for further specifications regarding location and construction of utilities.

2.8 Blocks and Lots

- A. Block Length - The minimum and maximum block length are 300' and 1,300' respectively, as measured along the center of the block or street.
- B. Lots - In general, the lot design shall provide for lots of adequate width, depth, and shape to provide open area, to eliminate over-crowding, and to be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall have the side lot lines at right angles to the streets on which the lot faces, or radial to curved street lines. In Subdivisions that are to be serviced by an organized sewerage facility, the minimum lot width for residential use shall be: 50 feet for lots measured at 90 degrees from the property line, 35 feet chord length or chord for cul-de-sac lots, and 60 feet for corner lots. In Subdivisions that are to be serviced by a "septic tank" or other on-site sewage facilities (OSSF) system and are half (1/2) acre in size, the minimum lot width for residential use lots shall be 50 feet for lots measured at 90 degrees from the property line, 40 feet chord length or chord for cul-de-sac lots, and 60 feet for corner lots. Lots that are greater than half (1/2) acre in size the minimum lot width for residential use lots shall be 65 feet for lots measured at 90 degrees from the property line, 40 feet chord length or chord for cul-de-sac lots, and 70 feet for corner lots. Lots fronting an eighty foot (80) public right-of-way or greater, whether the right of way is proposed or existing, shall have a minimum lot width of one hundred (100) feet. Shared driveways may be utilized to reduce the minimum required width on lots fronting an eighty foot (80) public right-of-way or greater, whether the right of way is proposed or existing, from one hundred (100) feet to seventy (70) feet. Where shared driveway will be utilized, a note shall be placed on the plat designating which lots will use shared driveways and said shared driveways shall be constructed prior to final approval in accordance with these rules.

2.9 Streetlights

Streetlight infrastructure including but not limited to poles, lamps and transformers shall be required in all subdivisions that are proposing internal streets and shall be provided by developer. Streetlights shall be installed at all intersections, at cul-de-sacs and at every 250 feet along the length of all internal streets. Any specifications which differ from the above mentioned shall require utility company and Hidalgo County approval. In addition, the subdivider shall deposit an escrow of not less than \$180 per streetlight in order for service to be provided to the subdivision for one calendar year.

2.10 School Bus Stop

Bus stop shall be placed at every subdivision entrance and constructed as per specifications found in (Appendix 9 Plate No. 9.20)

2.11 Filling Stations; See Appendix 5 County Specifications 2.11 Filling Stations (Fire Hydrants)

2.12 Septic Tanks

A preliminary conference with the County Health Department is highly recommended to determine the suitability of an area for development using septic tanks for sewage disposal.

If a subdivision is proposed to contain buildings containing restroom or kitchen facilities and is not to be served by a public sanitary sewer system, and septic tanks or other on-site sewage facilities (“OSSF”) are to be used, lot sizes shall be adequate to accommodate the size of drain field as necessary, because of soil type, to effectively absorb the effluent without creating a health hazard or nuisance. The rules, requirements, and procedures adopted by the Hidalgo County Commissioners Court on February 8, 1999, or in the most recently adopted OSSF Order, shall apply to all of the area of Hidalgo County except for the areas within boundaries of any municipality in Hidalgo County. In no event shall applicable state laws, regulations as may be established by separate regulation, or the orders of the Texas Commission on Environmental Quality be violated. Septic tanks are restricted in all Floodplain Hazard Areas within the County and may be prohibited in certain other areas as may be determined by the Commissioners Court upon the recommendation of the County Health Department.

2.13 Survey Monuments

Monuments shall be permanent in nature and suitable for the purpose intended. Concrete monuments shall be provided at subdivision corners with x, y, and z coordinates, and each lot and block corner shall be marked by not less than a ½" diameter by 24" long reinforcing rod set at or below the existing ground level. At least two concrete monuments shall be located at readily accessible sites within each subdivision. Monuments shall be set by or under the supervision of a surveyor prior to presentation of the Final Plat

2.14 Benchmark Monuments

Monuments shall be permanent in nature as established by the Texas State Board of Land Surveying and suitable for the purpose intended. One (1) Concrete benchmark monument is required for up to 10 acres of development. For developments of 10 acres or greater, a minimum of two (2) monuments shall be set throughout the subdivision and the Planning Department shall have the discretion to require the amount needed for each proposed development. Location of each monument shall be the responsibility of the Surveyor. Each benchmark with datum in accordance with the latest adopted and accepted County datum shall be described and labeled on the face of the plat.

CHAPTER 3 - STANDARD SUBMISSION & REVIEW PROCEDURES

3.0 Timely Approval of Plats

These Rules and the applicable appendices shall constitute a written list of the documentation and other information that must be submitted with a plat application. An application submitted to the Planning Department that contains the documents and other information required in these Rules and the applicable appendices is considered complete.

If a person submits a plat application to the Planning Department that does not include all of the documentation or other information required by Subsection A, the Planning Department shall, no later than the tenth (10th) business day after the date the Planning Department receives the application, notify the applicant of the missing documents or other information. No further action will be taken on the application until all documentation or other information contained in the notice is submitted to the Planning Department.

Acceptance by the Planning Department of a complete plat application shall not be construed as approval of the application or the information or documentation contained therein.

Except as provided by Subsection F of this section, the Commissioners Court shall take final action on a preliminary or final plat application, including the resolution of all appeals, not later than the sixtieth (60th) day after the date a completed plat application is received by the Planning Department.

If the Commissioners Court disapprove a plat application, the applicant shall be given a complete written list of the reasons for the disapproval within ten (10) business days of the date of disapproval.

The sixty- day (60) period under Subsection D:

May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Advisory Board;

May be extended up to sixty (60) additional days by the Advisory Board if Chapter 2007, Texas Government Code, requires the County to perform a takings compact assessment in connection with a plat application; and

Applies only to a decision wholly within the control of the Commissioners Court.

The Advisory Board shall make the determination under Subsection F.(2) regarding extension of the sixty (60) day period not later than the twentieth (20th) day after the date a completed plat application is received by the Planning Department.

The County may not compel a application to waive the time limits contained in this Section.

If the Commissioners Court fails to take final action on a complete plat application as required by Subsection D:

The Commissioners Court shall direct the County Treasurer to refund to the applicant the greater of the unexpended portion of any plat application fee or deposit or fifty percent (50%) of the plat application fee or deposit that has been paid:

The plat application is granted by operation law; and the applicant may apply to a district court with civil jurisdiction in the county for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the approval of the plat.

This Section A.3.0 applies only to applications for preliminary or final plat approval received by the Planning Department on or after October 1, 1999.

3.1 General Procedure

The general procedure ultimately leading to the recording of a subdivision plat is the following sequence of steps:

- A. Preliminary conference with Planning Department, Precinct Right of Way Agents, Health Department, and Hidalgo County Drainage District No. 1
- B. Submission of pre-application variance request (optional and only if information on the preliminary plat is not required for determination of variance).
- C. Submission, review, and approval of preliminary/final plat (with concurrent consideration of variance request or requests). Plats will be reviewed by staff and presented to Advisory Board for approval or disapproval. If the plat is approved with conditions then all conditions shall be met prior to the plat being presented for Final approval. If the Plat is approved as Final then the Plat will be submitted to Commissioners Court for Final approval. No conditional approval shall be granted on Final Plats. Final plats will not be placed on the Subdivision Advisory Board agenda unless all items have been addressed from staff and approval from the City has been given, if required (ETJ plats).
- D. Modification of preliminary plat and fulfillment of any conditions of preliminary plat approval.
- E. Submission, review, and approval of final plat (with concurrent consideration of variance request or requests).
- F. Posting of bonds or other financial guarantees.
- G. Release of final plat for recording.
- H. Recording of final plat in the map records of Hidalgo County.

3.2 Preliminary conference

The owner and/or the owner's engineer is strongly urged to meet with the County Planning Department to discuss any proposed subdivision or development. In this manner certain concerns and requirements can be addressed prior to expending time and money on property, which cannot be developed in compliance with these rules or, for which it is uneconomical to do so. A preliminary conference is not required, and any agreement reached with staff personnel is not binding upon the Commissioners Court.

3.3 Application for Plat Approval and Log of Items Submitted

The application for approval of a plat shall be filed in the County Planning Department by the record owner of the property to be subdivided or the owner's duly authorized agent shall file the application for approval of a plat in the County Planning Department. If the application is submitted by the owner's agent, then the agent shall submit such information as is necessary to verify that the agent has the authority to submit for and bind the owner by his actions on a form to be provided by the Planning Department. The application shall have attached a copy of the deed or deeds showing the ownership of the land.

The Planning Department shall keep a log in the form attached in Appendix 6 or on a form as developed by the County Planning Department that identifies, for each document submitted during the process of seeking subdivision approval, a sequential log number, and a description of the document, the date received, and the initials of the person making the log entry. The log number shall be written upon the document and the information shall be entered upon the log promptly after the document is received by the Planning Department.

3.4 Preliminary Plat Processing

- A. The Hidalgo County Health Department and the Hidalgo County Drainage District No. 1 shall have reviewed the preliminary plat prior to submission of the application for approval. The Planning Department will review preliminary plat applications as submitted for completeness within ten (10) business days following filing of the plat application. If the submission is substantially complete and a recommendation can be made to the Subdivision Advisory Board and Commissioners Court based on the information contained therein, the preliminary plat will be put on the desired agenda date for action by the Subdivision Advisory Board and Commissioners Court. If the submission is not substantially complete or is not complete enough to secure the recommendation of the Planning Department, then a correspondence detailing the required additional information will be sent to the Subdivider within ten (10) business days following the filing of the plat application. Once the requested information is provided, the preliminary plat will be processed in the same manner as an original submission, and this procedure shall continue until such time as a recommendation can be made to the Subdivision Advisory Board and Commissioners Court for its consideration. A plat located within the Extra Territorial Jurisdiction of a Municipality shall first receive approval from the City prior to the County considering the plat for preliminary or final approval.
- B. Preliminary plats may be approved as submitted, approved conditionally, or disapproved. If approved conditionally or disapproved, the reasons for such conditional approval or disapproval shall be stated in a letter from the Subdivision Advisory Board or Planning Department to the Subdivider or his agent of record.
- C. The approval of a preliminary plat shall be good for a period of twelve (12) months from the date of Commissioners Court action. If eleven months after approval the County has not received information which would necessitate revision of a preliminary plat, then upon written application by the owner before the end of the twelve month period, the Commissioners Court may extend the approval for an additional period of six (6) months.
- D. Preliminary plats which expire due to inactivity within the twelve (12) or six (6) month period noted above shall be required to be resubmitted as any new subdivision.

3.5 Preliminary Plat Submission Requirements

- A. Form. The preliminary plat shall be drawn to a minimum scale of 1" = 100'. Acceptable scales for a subdivision plat are 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', and 1" = 60'. The preliminary plat shall be drawn on sheets twenty-four inches (24") wide and thirty-six inches (36") long, with a binding margin of not less than two inches (2") on the left side of the sheet and margins on the other three sides of not less than one-half inch (½"). A 3" x 5" area on each page, within the margins and preferably in the lower right-hand corner, shall be enclosed by a heavy line and be left blank in order to allow space for officials to note approvals or other actions on the plat. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

The use of sticky backs, press on lettering, or transfer lettering which may lift, separate, or be removed from the original plat over a period of time shall not be accepted. Sepias or other diazo process reproducibles, which may fade, are also not acceptable.

- B. Coverage. The preliminary plat shall include topographic information on all land within five hundred feet (500') of the proposed subdivision.
- C. Quantity. The owner must submit one 24" x 36" copy and one 11" x 17" reduction, an approved drainage report by HCDD No. 1, and a memorandum of approval from the Right of Way Agent of the County Precinct and the Department overseeing the On-Site Sewage Facilities Program (OSSF) indicating the soil is adequate for OSSF use. Comments will be provided based on the aforementioned submittals. No review will be conducted until the aforementioned items are received by the Planning Department. Comment sheets will be returned to the owner or authorized representative identifying any information lacking on the proposed plats. The owner or authorized agent shall submit one 24" x 36" copy and one 11" x 17" reduction addressing the comments provided by County staff. Once it is determined that comments have been addressed, the owner or authorized agent shall submit (6) six 11" x 17" copies of the complete set of the preliminary plat and its supporting information.
- D. Required Supporting Information. The following information shall be provided with or upon the preliminary plat. Proposed topographic and utility details may be shown on the preliminary plat or on a separate plat for clarity. All work by an engineer and surveyor must be signed, sealed, and dated.
1. Legal description. The legal description of the land to be subdivided shall be sufficient for the requirements of title examination.
 2. Statement of conformance or list of variances. The statement shall declare that the preliminary plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 3. Location map. A location map or sketch at a scale of not more than 4000 feet to one inch shall show the proposed subdivision, existing adjacent subdivisions, school district lines, and state and county roads in the vicinity.

4. Vicinity map. A vicinity sketch or map at approximately 1" to 400' scale shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities, tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.
5. Location with respect to any municipal ETJ line. A statement of the whether any part of the proposed subdivision lies within any extraterritorial jurisdiction of a municipality (under Texas Local Govt. Code § 42.021 or 212.001) shall be provided. If an ETJ line traverses the subdivision, it shall be delineated and identified upon the preliminary plat. Label the Precinct in which the proposed Subdivision is located.
6. Map of earlier plat. If the subdivision is part of a previously filed subdivision plat, a map shall be provided showing the portion of the earlier-filed plat that is owned by the Subdivider and included in the preliminary plat.
7. Restrictive covenant. Any restrictive covenants proposed to be imposed for the subdivision should be attached for reference. It should be noted whether these are existing or proposed and if proposed, at what time they will be recorded, prior to or subsequent to the recording of the final plat.
8. Certification by the owner of conformance or submittal for review. The owner shall certify:
 - a. that the preliminary plat has been reviewed by and conforms to the requirements of the school district, the gas, electricity, water, telephone, and television cable companies, irrigation or water control and improvement districts and the U.S. Post Office; or,
 - b. that the agencies mentioned in the preceding paragraph were given at least ten (10) working days to review the proposed preliminary plat.

This certification shall be in letterform and shall include the name, title, address, and telephone number of the person to whom the Subdivider delivered the preliminary plat for review.

E. The preliminary plat shall:

1. include the name, address, and telephone number of the record owner(s) of lands being subdivided, and of the engineer, the surveyor, and any other persons responsible for the preparation of the data and information being submitted.
2. include the subdivision name, which shall not duplicate the spelling or the pronunciation of any existing subdivision in the County.
3. delineate the boundary of the subdivision by metes and bounds sufficiently for the requirements of title examination. Subdivision boundaries shall be indicated by a heavy line at least 1/16 inch wide. The total acreage in the subdivision shall be noted.
4. Locate the subdivision with respect to an original corner of an original survey of which it is a part.

5. Show the primary control points or description used to establish the subdivision. The description, location, and tie to such control points, including all dimensions, angles, bearings, block numbers, and summary data, shall be noted.
6. Note the existing conditions within or immediately adjacent to the subdivision, including the:
 - a. location, dimension, name, and description of each existing or recorded street, alley, reservation, easement, or other public rights-of-way or visible private encumbrance upon the land within or adjacent to the subdivision, intersecting or contiguous with its boundaries, or forming such boundaries. Include the name of the subdivisions in which a street, alley, etc., is located.
 - b. location, dimension, description, and flow line of any existing watercourses, drainage structures, or irrigation structures within the subdivision or within one hundred and fifty feet (150') of the boundary of the subdivision.
 - c. location, dimension, description, and name of all existing or recorded lots and blocks, parks, public areas, or permanent structures within the subdivision or contiguous with the subdivision.
 - d. location, dimension, grade, description, and name of all existing water, sewer, electric, gas, telephone, television cable, irrigation or other utilities.
7. Show the adjoining property owners' names and references to the deeds under which they hold ownership, or if the adjoining property is within a recorded subdivision, state the subdivision's name and provide the reference for where its plat is recorded in the Map Records of Hidalgo County.
8. Note the date of preparation, date of survey, the scale of the plat, and the North arrow.
9. Include topographic information, including contour lines for every one vertical foot. The Information shall include the flow lines of existing gutters and drainage ways. It shall be sufficiently detailed to determine the existing drainage to and from the proposed subdivision and to determine the adequacy of the proposed drainage plan. Elevations shall be based on published U.S.C. & G.S. datum and/ or the latest adopted and accepted County datum and the benchmark used shall be noted on the plat. The location of the required benchmarks shall be determined by Plat Engineer and approved by the Planning Department. The Planning Department as deems necessary may require additional benchmarks on the plat to provide a closer spacing between benchmarks.
10. Show the proposed general plan for storm water drainage in sufficient detail to indicate the location of drainage ditches or structures and the direction of flow.
11. Show the approximate location, dimensions, and description of all proposed street rights-of-way, alleys, drainage structures, parks, squares, other public areas, reservations, easements, other rights-of-way, blocks, lots (lettered or numbered consecutively), permanent survey monuments, and other sites within the subdivision. The proposed width of each proposed street shall be measured at right angles, or radially where curved.

- 12. Name the proposed streets. The name of a proposed street shall conform to the name of an existing street of which it may become an extension of or is in alignment with but otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these Rules.

- 13. show building setback lines, as follows, on all lot lines or label them on the plat within the general note section:
 - (a) **FRONT SETBACK:** Building shall be setback a minimum of one half (1/2) of the width of the Street right-of-way which it faces, but not to exceed 50 feet if the R.O.W. is 100' or greater.

 - (b) **SIDE SETBACK:** Building shall be setback a minimum of six (6) feet from side property lines.

 - (c) **REAR SETBACK:** Building shall be setback a minimum of fifteen (15) feet from rear property lines.

 - (d) **CORNER SETBACK:** Building shall be setback a minimum of ten (10) feet from the side property line on Corner Lots adjacent to internal residential streets.

 - (e) **GARAGE/CARPORT SETBACKS:** Building shall be setback a minimum of eighteen feet (18') from the side property line on corner lots accessing a minor residential street. Front entry garages shall be setback a minimum of eighteen feet (18') from the front building setback.

 - (f) **FRONT SETBACK TO ENCLOSED GARAGE/CARPORT:** Building shall meet the front building setback as listed above or 18 feet when fronting on a cul-de-sac.

 - (g) **SETBACKS FOR STRUCTURES LOCATED ON VARIOUS DESIGNATED ROADS AS PER THE COUNTY THOROUGHFARE PLAN:** Building shall be setback as follows:

<u>Road Designation</u>	<u>Front</u>	<u>Corner Side</u>
Arterial	50'	20'
Collector	40'	20'

 - (h) **CUL-DE-SAC LOT FRONT SETBACK:** Except for garages, Structures shall be setback a minimum of fifteen feet (15') from the front property line.

Note: If the setback lines conflict with the lines adopted by the Municipality, the Municipality setback lines prevail if they are in the extraterritorial jurisdiction of the Municipality.

- 14. Show the gross area contained within each lot or tract to the nearest one-tenth (1/10) of an acre.

15. Show the limits of any special flood hazard areas and the proposed finish floor elevation of any building within these flood hazard areas. Each finish floor elevation documented within these flood hazard areas shall reference a U.S.G.S. datum and/or the latest adopted and accepted County datum and shall identify the elevation in inches required to elevate the structure to the proposed finish floor elevation. This information may be provided on the lots or in a table format on the face of the plat. The Engineer shall use the centerline of the street as a reference point when stating the height the structure will be raised to meet minimum flood plain regulations. In cases where the lot is larger than average, the Engineer may use the natural ground elevation where the structure will be located as a reference point when stating the height the structure will be raised to meet minimum flood plain regulations.
16. Note minimum floor elevations on each Lot, depicting the minimum finished habitable floor elevation which shall be not less than eighteen (18") inches above the center line of the street the lot faces or eighteen inches (18") above natural ground, whichever is greater, unless otherwise noted by the Engineer of record and approved by the County in accordance with local drainage patterns and topography for the area. This information may be provided on the lots or in a table format on the face of the plat.

3.6 Final Plat Processing

- A. Application. The Subdivider shall sign and date an application for final plat approval on a form to be provided by the Planning Department. On the application the Subdivider shall fully describe all infrastructure (streets, drainage facilities, water facilities, wastewater facilities, etc.) that has been completed or installed or will be completed or installed (applies to plats being approved with letter of credit) to serve the subdivision as of the date of the application for final plat approval. As part of the application, the Subdivider shall also sign and list all the documents accompanying or attached to the final plat. A set of these documents shall be kept together during the review and approval process and through the recordation of the plat and the identified documents. Any substitutions or additions to the documents to be recorded shall be noted and dated on an addendum to the application form.
- B. The final plat and its accompanying data shall be reviewed by the County Planning Department, the Hidalgo County Subdivision Advisory Board and the Commissioners Court within the 60 day period following submission of the complete application. If all required information is contained within the submission and the final plat is complete in every respect, the plat shall be presented to the Subdivision Advisory Board and the Commissioners Court for its approval. If the application is incomplete, the County Planning Department shall make note of such requirements in letters to the Subdivider and the engineer or surveyor of record within ten (10) business days of the date of the application.
- C. Upon submission of the requested additional information, the process of review will continue, and this process of review and resubmission shall continue until the application is complete in every respect. The final plat shall then be placed before the Subdivision Advisory Board and the Commissioners Court for approval or disapproval. No conditional approval of the final plat shall be granted.

3.7 Final Plat Submission Requirements

- A. **Form.** The final plat shall be drawn to a minimum scale of 1" = 100'. Acceptable scales for a subdivision plat are 1" = 10', 1" = 20', 1" = 30", 1" = 40', 1" = 50', and 1" = 60'. The final plat shall be drawn on sheets twenty-four inches (24") wide and thirty-six inches (36") long, with a binding margin of not less than two inches (2") on the left side of the sheet and margins on the other three sides of not less than one-half inch (½"). A 3" x 5" area on each page, within the margins, and preferably in the lower right-hand corner, shall be enclosed by a heavy line and be left blank except for notations by officials of approvals or other actions on the plat. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The documents attached to or accompanying the final plat that are required to be recorded shall likewise be placed on a sheet or sheets twenty-four inches (24") wide and thirty-six inches (36") long.
- B. **General Content.** The final plat and its accompanying information shall be complete and in conformance with the approved preliminary plat and its conditions of approval, and shall incorporate all changes, corrections, and conditions required during the preliminary plat approval process. The topography shown on the final plat shall be the post-development topography if the development has been constructed prior to recording the Plat. If a plat is being submitted for recording with a letter of credit then the topography shown on the final plat may be the existing condition. Engineer/Surveyor shall certify that all proposed construction will be in accordance with the County requirements and all changes and post-development topography will be documented on the As Built submitted to the Planning Department.
- C. **Quantity.** Six (6) 11" x 17" copies of the final plat and its required supporting information shall be submitted, along with one reproducible original of the final plat itself.
- D. **Required Supporting Information.** The following information shall be provided with or upon the final plat. All work by an engineer or a surveyor must be signed, sealed, and dated.
1. **Statement of conformance or list of variances.** The statement shall declare that the final plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 2. **Utility provider letters.** Letters from utility providers, including irrigation or water control and improvement districts, other than water and sewer, shall be submitted showing that the utility has reviewed the proposed subdivision, that easements shown on the proposed plat are adequate, and that the Subdivider has made all arrangements necessary for the utility company to service the subdivision. All approvals must be dated not more than 6 months prior to the date the final plat application is received. The approval may be noted on the face of the plat in lieu of a letter being provided.
 3. **Street and drainage plans.** Six sets of construction plans and specifications for streets and drainage improvements and the associated construction cost estimates shall be provided. The plans and specifications shall conform to these Rules (including the Appendix).
 4. **Water and sewage plans.** When necessitated by the Model Rules, six sets of construction plans and specifications for water and sewer improvements and the associated construction cost estimates shall be provided. The plans and specs shall conform to these Rules (including the Appendix).

5. Tax certificates. Tax certificates from the school district, the county, and any other taxing district stating that all ad valorem taxes and flat rate or other assessments have been paid shall be provided.

E. The final plat shall:

1. Be certified by a surveyor or engineer registered to practice in this state.
2. Define the subdivision by metes and bounds.
3. Locate the subdivision with respect to an original corner of an original survey of which it is a part.
4. Describe each lot, number each lot in progression, and give the dimensions of each lot.
5. State the dimensions of and accurately describe each already existing or recorded lot, street, alley, square, park, reservation, easement, or other right-of-way or encumbrance within the land being subdivided.
6. State the dimensions of and accurately describe each lot, street, alley, square, park, 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.
7. Note the type and location of all monuments and whether each was found or set.
8. Describe the general drainage pattern for the area and note all drainage easements, channels, and structures.
9. Identify and describe all easements for utilities and irrigation facilities.
10. Note minimum floor elevations on each Lot, depicting the minimum finished habitable floor elevation which shall be not less than eighteen (18") inches above the center line of the street the lot faces or eighteen (18") inches above natural ground, whichever is greater, unless otherwise noted by the Engineer of record and approved by the County in accordance with local drainage patterns and topography for the area. This information may be provided on the lots or in a table format on the face of the plat.
11. A digital copy of the plat in DWG, DXF, or a format as required by the County shall be submitted to the Hidalgo County Planning Department with the initial plat review and prior to final approval from the Subdivision Advisory Board and Hidalgo County Commissioner's Court. Any changes conducted during the construction of the improvements shall be documented on the plat.
12. As-Built plans in DWG, DXF, or a format as required by the County shall be submitted along with a letter of certification stating that all construction has been conducted in accordance with County specifications and that said As-Built are a true representation of the improvements conducted at the site.
13. Provide plat notes on the face of the plat as outlined in the Appendix of these rules.

- F. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

3.8 Review and Approval of Final Plats by Commissioners Court

- A. Scope of Review. The Commissioners Court will review the final plat (and its supporting information) to determine whether it meets the requirements of these Rules and state law.
- B. Disapproval. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Rules or state law.
- C. Disapproval of any preliminary plat or final plat by the Commissioners Court shall be deemed a refusal by the County to accept the offered dedications, if any, shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the County concerning the maintenance or improvements of any such dedicated parts until the proper authorities of the County have actually appropriated the same by an order of the Hidalgo County Commissioners Court, or by entry, use, or improvement.

Road and drainage bond requirements.

- 1. The Commissioners Court may require the owner to execute a bond or other financial guarantee to assure the construction of the streets and drainage improvements. The bond must:
 - a. be payable to the county judge or to the judge's successors in office;
 - b. be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads and streets in the subdivision and the drainage improvements, but not to exceed the estimated cost of construction of the roads and streets and the drainage improvements;
 - c. be executed with sureties as may be approved by the Court;
 - d. be executed by a company authorized to do business as a surety in this state if the Court requires a surety bond executed by a corporate surety; and be conditioned that the roads and streets and the drainage improvements will be constructed:
 - (1) in accordance with the specifications adopted by the Court; and
 - (2) within a reasonable time set by the Court.
- 2. In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.
- 3. If a letter of credit is used, it must:
 - a. list as the sole beneficiary the county judge; and
 - b. be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision and the drainage improvements:
 - (1) in accordance with the specifications adopted by the Court; and
 - (2) within a reasonable time set by the Court.
- E. As noted in 3.7.D.10.C, if the subdivision is subject to the Model Rules, a bond or other financial guarantee is required to assure completion of unconstructed water and wastewater facilities.

3.9 Release of Approved Final Plat for Recording

- A. Any variance granted by the Commissioners Court shall be noted on the face of the plat, along with the date such variance was granted, prior to release of the plat for recording.
- B. Upon submission to the County Planning Department of all required bonds and other financial guarantees, and the tender of the recording fee as required by the County Clerk, the County Planning Department will release the plat for recording.
- C. The plat (with its required attachments) must be filed and recorded with the County Clerk. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

CHAPTER 4 -INTENTIONALLY OMITTED

CHAPTER 5 - VARIANCES

5.1 General Requirements

Where literal enforcement of some provision contained in these Rules will result in undue hardship to the Subdivider, and when a variance from such provision is in harmony with the general purpose and intent of these Rules so that the public health, safety, and welfare may be secured and substantial justice done, the Commissioners Court shall, subject to the limitations under state law, have the authority to grant a variance from the provision. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship. A variance shall not be granted if it would have the effect of preventing the orderly development of other land in the area in accordance with the Hidalgo County Subdivision Rules.

5.2 Limitations under State Law

- A. A variance may be granted to a requirement of these Rules only insofar as that requirement is not mandated by state law.
- B. Variance from the Model Rules. The Commissioners Court may grant an exemption for a subdivision from the requirements of the Model Rules (Title M) only if the county supplies the subdivision with water supply and sewer services that meet the standards of the Model Rules.

5.3 Special Types of Variances

- A. Type 1 - Pre-existing Conditions Variance. A request for a Type 1 variance must be based upon facts that existed prior to the effective date of these Rules. It must be shown that the property and the conditions for which a variance are being requested existed prior to July 3, 1990, that the Subdivider has no other property adjacent to or within two hundred feet (200') of the subject tract, that there is no possible way that the Subdivider could comply with strict literal enforcement to these Rules, and that granting of such a variance would not injure the public health, safety, or welfare.
- B. Type 2 - Harmless Variance. A variance that would not be harmful to the public health, safety, or welfare.

5.4 Application for Variance

An application for a variance shall be made in writing to the County Planning Department. The application shall state specifically which chapter, section, or subsection a variance is being requested from and shall contain all information which the Subdivider feels supports the requested variance.

An application for an exemption from the requirements of the Model Rules must be accompanied by an estimate, prepared by an engineer, of the cost for the county to supply the subdivision with water supply and sewer services that meet the standards of the Model Rules.

5.5 Procedure for Review of Application for Variance

The Commissioners Court makes the ultimate decision on an application for a variance, following review and recommendation by the County Planning Department and the Hidalgo County Subdivision Advisory Board or both, as applicable. The applicant may withdraw a request for a variance at any point in the process. A variance is usually requested at the time of submission of the preliminary plat. A variance may be sought before the submission of a preliminary plat provided the information on or with the preliminary plat is not required for determination of the variance request. A variance may also be requested at the time of submission of the final plat.

A. Review by County Planning Department.

An application is first reviewed for completeness by the County Planning Department. The County Health Department, Hidalgo County Drainage District No. 1, and the Planning Department then review the complete application on its merits. If the requested variance meets the criteria of a Type 1 or Type 2 variance, the County Planning Department may make a recommendation to deny the variance, to grant it, or to grant it with conditions. After the County Planning Department has determined that a variance does not meet the Type 1 or Type 2 criteria, or after the County Planning Department has made a recommendation on a Type 1 or Type 2 variance, or upon the written request of the applicant (either before or after the County Planning Department has made a determination or a recommendation), an application shall be scheduled for review and recommendation at a public hearing of the Hidalgo County Subdivision Advisory Board. Additional information may be attached to the application by the County Planning Department (with a copy being provided to the applicant), and packages of all information shall be forwarded to the Hidalgo County Subdivision Advisory Board members at least four days prior to the meeting date.

B. Review by Hidalgo County Subdivision Advisory Board.

The Subdivider shall have the opportunity to make an oral presentation. The representative of the County Planning Department shall be given an opportunity to present such additional information as he or she feels necessary. The public hearing shall be conducted in a courteous manner with everyone being given ample chance to speak without interruption by others. The Board's decision--a recommendation to deny the variance, to grant it, or to grant it with conditions--shall be reached by a simple majority of the members present. Minutes of the meeting will be kept by the County Clerk or a Deputy County Clerk.

The applicant shall be mailed a written notice of the decision, or of the Board's failure to reach a decision, within five (5) days after the conclusion of the hearing. The notice shall be signed by the chair of the Board or by two members thereof. Copies shall also be provided to the County Planning Department and the County Clerk. The Planning Department shall then request a public hearing on the variance before the Commissioners Court.

C. Consideration by Commissioners Court

The Commissioners Court shall hold a public hearing on the application for the variance. The applicant and the County Planning Department shall have at least five (5) days notice of the Commissioners Court's hearing on the application. The Commissioners shall be provided copies of all pertinent written information developed during the review of the variance. After providing an opportunity for all concerned to be heard, the Commissioners Court shall proceed to deny the variance, to grant it, or to grant it with conditions. The full extent of the reasons for such a variance, when granted, shall be duly recorded in the Minutes of the Commissioners Court. If the Commissioners Court grant an exemption for a subdivision from the requirements of the Model Rules (Title M hereof), the Court shall identify the source of funding to supply the subdivision with water and sewer services that meet the requirements of the Model Rules.

5.6 Notation of Variance on Plat

Any variance granted shall be noted on the face of the plat, along with the date such variance was granted, prior to recording of the plat.

CHAPTER 6 - ENFORCEMENT

6.1 General Enforcement Authority under Texas Local Govt. Code § 232.005(a) & (b)

- A. At the request of the Commissioners Court, the criminal district attorney, or other attorney employed by the Court for this purpose, may file an action in a court of competent jurisdiction to:
 - 1. enjoin the violation or threatened violation of a requirement established by, or adopted by the Commissioners Court under Sections 232.001 through 232.0045, Texas Local Government Code; or
 - 2. recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by the Commissioners Court under Sections 232.001 through 232.0045, Texas Local Government Code.
- B. A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the Commissioners Court under Sections 232.001 through 232.0045, Texas Local Government Code. An offense under this subsection is a Class B misdemeanor. This subsection does not apply to a violation for which a criminal penalty is prescribed by Section 232.0048, Texas Local Government Code.

6.2 Additional Enforcement

See state law and Chapter 4 of Title M for other provisions related to enforcement.

TITLE B. DIVISIONS OF LAND OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY AND SUBJECT TO SUBCHAPTER B OF CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE

CHAPTER 1 - GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Applicability; Location of Land

The rules in this title (which together with the related appendices are referred to as “these Rules”) apply to land that is subdivided into two or more lots that are intended primarily for residential use in the jurisdiction of Hidalgo County. A lot is presumed to be intended for residential use if the lot is five acres or less. For purposes of these Rules, land is considered to be in the jurisdiction of Hidalgo County if the land is located in the County and outside the corporate limits of a municipality. These Rules do not apply if the subdivision is incident to the conveyance of the land as a gift between persons related to each other within the third degree of affinity or consanguinity, as determined under Chapter 573, Government Code. A subdivision of a tract under this section includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

1.2 General Requirement; Plat Required

For any division of land subject to this title, the owner or owners thereof and their agents shall comply with the requirements of these Rules and applicable state and federal laws. In particular and without limitation, the owner of the tract of land must have a plat prepared and recorded in accordance with these Rules, Chapter 232 of the Texas Local Government Code, Chapter 12 of the Texas Property Code, and (if the land is within a municipality’s ETJ under Texas Local Government Code §§ 42.021 and 212.001) the municipality’s subdivision rules and Chapter 212 of the Texas Local Government Code.

1.3 Responsibility for Costs

The owner or owners of the land being subdivided shall be responsible for costs of improvements as required by these Rules.

1.4 Conflict of Interest under Local Govt. Code § 232.034

- A. In this section, “subdivided tract” means a tract of land, as a whole, that is subdivided into tracts or lots. The term does not mean an individual lot in a subdivided tract of land.
- B. A person has an interest in a subdivided tract if the person:
 - 1. has an equitable or legal ownership interest in the tract;
 - 2. acts as a developer of the tract;
 - 3. owns voting stock or shares of a business entity that:
 - a. has an equitable or legal ownership interest in the tract; or
 - b. acts as a developer of the tract; or
 - 4. receives in a calendar year money or any thing of value from a business entity described by subdivision 3.
- C. A person also is considered to have an interest in a subdivided tract if the person is related in the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person who, under subsection B, has an interest in the tract.

- D. If a member of the Commissioners Court has an interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit with the county clerk stating the nature and extent of the interest and shall abstain from further participation in the matter. The affidavit must be filed with the county clerk.
- E. A member of the Commissioners Court of a county commits an offense if the member violates subsection D. An offense under this subsection is a Class A misdemeanor.
- F. The finding by a Court of a violation of this section does not render voidable an action of the Commissioners Court unless the measure would not have passed the Commissioners Court but for the vote of the member who violated this section.
- G. A conviction under subsection E constitutes official misconduct by the member and is grounds for removal from office.

1.5 Definitions

- A. Rules of Definition: Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular.
- B. Definitions of words and terms: The following words and terms, when used in these Rules, shall have the following meanings unless the context indicates otherwise. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

“Block” means a piece or parcel of land typically surrounded by public streets on no fewer than three (3) sides and normally containing several lots or the equivalent area.

“Building” any structure used or intended for supporting or sheltering any use or occupancy.

“Building line” or “building set-back line” means a line established, in general, parallel to the property line, between which and such property line, no part of a building shall project.

“Common Promotional Plan” means any plan or scheme of operation undertaken by a single Subdivider or a group of Subdividers acting in concert, either personally or through an agent, to offer for sale or lease lots when the land is (a) contiguous or part of the same area of land; or (b) known, designated, or advertised as a common unit or by a common name.

“Commissioners Court” or “Court” means the duly elected Commissioners Court of Hidalgo County, Texas, acting in its official capacity.

“Corner Lot” means a lot, which is located adjacent to, or abutting, two intersecting streets, roads or highways.

“County Engineer” means an Engineer who has been appointed, employed or retained by the Commissioners Court to be responsible for all engineering matters concerning compliance of proposed subdivisions with these Rules. In the absence of the County Engineer, the Hidalgo County Subdivision Advisory Board or another entity or person duly appointed by Commissioners Court shall have the authority to act in place of the County Engineer insofar as these Rules are concerned.

“County Planning Department” or “Planning Department” means the department established by the Court for the purpose of reviewing compliance with these Rules.

“Drainage Easement” means an interest in land granted to the public generally, to a political subdivision of the state and/or to an individual land owner, for installing or maintaining drainage ditches, pipelines, box structures or other facilities for the conveyance of storm or runoff water across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said facilities.

“Easement” means an interest in land granted to the County, to the public generally, and/or to a utility corporation for a specific purpose or purposes over, across, or under private land, together with the right to enter thereon with vehicles and machinery necessary for the maintenance of said interest. Unless an easement is dedicated and accepted in writing, the County shall not be obligated to maintain it.

“Engineer” means a person duly authorized under the provisions of the Texas Engineering Practice Act (Revised Civil Statutes art. 3271a) to practice engineering, or a firm employing such persons and practicing engineering in compliance with the Texas Engineering Practice Act.

“ETJ” means extraterritorial jurisdiction (see below).

“Extraterritorial jurisdiction” means the land area surrounding a municipality’s corporate limits as determined, depending upon the context, by Texas Local Government Code § 42.021 (for a distance that increases with a municipality’s population) or § 212.001 (for a distance of five miles for a municipality with population by decennial census of 5,000 or more).

“Final plat” means a map or drawing showing the proposed subdivision and any accompanying material prepared as described in these Rules and state law.

“Flood Insurance Rate Map” means an official map or plat showing boundaries of flood zones published by FEMA (the Federal Emergency Management Agency) for the National Flood Insurance Program.

“Floodplain” means any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 through 4127).

“Hidalgo County Subdivision Advisory Board” or “Subdivision Advisory Board” means the group of persons chosen by the Commissioners Court with responsibilities to review proposed subdivisions as set out in these Rules.

“Irrigation easement” means an interest in land granted to the public generally, to a political subdivision of the state and/or to an individual land owner, for installing or maintaining irrigation ditches, canals, pipelines, and structures across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said irrigation facilities.

“Lease” includes an offer to lease.

“Lot” means a parcel into which land that is intended for residential use is divided.

“Lot depth” means the length of a line connecting the mid-points of the front and rear lot lines, which line shall usually be at right angles to the front lot line or radial to a curved lot line.

“Lot width” means the length of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or at a point no farther than 35 feet from the front lot line if the length at such point is greater.

“Minimum state standards” means the minimum standards set out for:

- (A) adequate drinking water by or under Section 16.343(b)(1), Water Code;
- (B) adequate sewer facilities by or under Section 16.343(c)(1), Water Code; or
- (C) the treatment, disposal, and management of solid waste by or under Chapter 361 and 364, Texas Health and Safety Code.

“Monument” means a concrete monument, an iron rod, an iron pipe or other such evidence used to mark the boundaries of subdivisions and lot or block corners.

“100-Year Flood” - Means a flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one (1) percent probability of occurrence in any year.

“Pavement width” means the portion of a street available for vehicular traffic and which is specified in Appendix 9: County Details and Specifications for various right-of-way widths.

“Person” means an individual, firm, corporation, or other legal entity.

“Preliminary plat” means the drawing or map and accompanying documents prepared in accordance with these Rules in which the plan for a subdivision is initially presented by the Subdivider to the County.

“Plat” means **“final plat”** as defined above. A re-plat or re-subdivision is considered a plat.

“Private Street” means an area, parcel, or strip of land, which provides primary vehicular access to adjacent properties, or land and that is maintained under private ownership.

“Public Street” means an area, parcel, or strip of land, which provides primary vehicular access to adjacent property, or land and provides general community vehicular circulation (whether designed as a street, highway, freeway, thoroughfare, avenue, lane, boulevard, road, place, drive, or however otherwise designated) and which is dedicated or granted for public purposes.

“Residential use” includes single-family residential uses; two-family uses; and multi-family residential apartment or townhouse uses.

“Right-of-way” or “ROW” means the area within the outermost boundaries of a street or road, including the area for a constructed watercourse or drainage ditch.

“Sell” includes an offer to sell.

“Sewer,” “sewer services,” or “sewer facilities” means treatment works as defined by Section 17.001, Water code, or individual, on-site, or cluster treatment systems such as septic tanks and includes drainage facilities and other improvements for proper functioning of septic tank systems.

“Shall” is mandatory and **“may”** is permissive.

“Street” means a ROW, however designated, which provides primary vehicular access to adjacent land. See also **“Public Street”** defined above and the classifications of streets in section 2.2 of these Rules.

“Subdivide” means to divide the surface area of land into lots intended primarily for residential use.

“Subdivider” means an individual, firm, corporation, or other legal entity that owns any interest in land and that directly or indirectly subdivides land into lots as part of a common promotional plan in the ordinary course of business.

“Subdivision” means an area of land that has been subdivided into lots for sale or lease.

“Surveyor” means a licensed state land surveyor or a registered professional land surveyor, as authorized by the Texas Professional Land Surveying Practices Act (Revised Civil Statutes art. 5282c) to practice the profession of surveying.

“Utility” means a person, including a legal entity or political subdivision, which provides the services of:

- (A) an electric utility, as defined by Section 31.002, Texas Utilities Code;
- (B) a gas utility, as defined by Section 101.003 Utilities Code; or
- (C) a water and sewer utility, as defined by Section 13.002, Water Code.

“Utility easement” means an interest in land granted to the public generally and/or to a private or public utility corporation or political subdivision of the state, for installing or maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

CHAPTER 2- GENERAL SUBDIVISION DESIGN

2.1 General Principles

In accordance with Texas Local Government Code Chapter 232.101 the Commissioners Court has adopted the rules contained herein for governing plats and subdivisions of land within the unincorporated area of the County to promote the health, safety, morals, or general welfare of the County and the safe, orderly, and healthful development of the unincorporated area of the County.

- A. This chapter contains many general design requirements. Further specific requirements for construction of streets and drainage are contained in the Appendix.
- B. Layout. The subdivision layout shall make reasonable provisions for development of adjacent land.
- C. Name of Subdivision. Duplication of subdivision names shall be prohibited.

2.2 Classifications of Streets

Streets are classified as follows:

- A. “Expressway” means a road so designated by the Texas Department of Transportation. It shall have a right-of-way of not less than 350 feet.
- B. “High Speed Principal Arterial” means a public street, which provides for the major vehicular circulation, or cross-towns, loops, by-pass, or radial routes of the region, county, or city. Such a street is typically over 5 miles in length. It shall have a right-of-way width of not less than 150 feet and a pavement width in accordance with TxDot standards.
- C. “Principal Arterial” means a road so designated by the Texas Department of Transportation or Hidalgo County. It shall have a right-of-way of not less than 120 feet and a pavement width of not less than 56 feet.
- D. “**Minor–Arterial Street**” means a public street, which provides for the major vehicular circulation, or cross-towns, loops, by-pass, or radial routes of the region, county, or city. Such a street is typically over 5 miles in length and shall have a right-of-way width of not less than 100 feet and a pavement width of not less than 48 feet.(Appendix 9 Plate No. 9.10)
- E. “**Collector Street**” means a public street, which provides for expeditious movement of vehicular traffic within a neighborhood, collecting traffic from minor streets and connecting to other major streets. Such a street is typically 2 to 5 miles in length. It shall have a right-of-way width of not less than 80 feet and a pavement width of not less than 36 feet. (Appendix 9 Plate No. 9.8)
- F. “**Minor Collector Street**” means a public street, which provides for expeditious movement of vehicular traffic within a neighborhood, collecting traffic from minor streets and connecting to other major streets. Such a street is typically 2 to 5 miles in length. It shall have a right-of-way width of not less than 60 feet and a pavement width of not less than 24 feet. (Appendix 9 Plate No. 9.7)

- G. **“Minor Commercial/Industrial Street”** means a public right-of-way which provides vehicular access abutting properties which is used primarily for Commercial and/or Industrial purposes. It shall have a right-of-width of no less than 60 feet and a pavement width of no less than 36 feet with curb and gutter. (Appendix 9 Plate No. 9.6)
- H. **“Minor Residential Street”** means a street which is used primarily for access and circulation to abutting residential properties and which is intended to serve traffic within a limited area. It shall have a right-of-width of no less than 50 feet and a pavement width of no less than 32 feet with curb and gutter for lots that are less than 1 Acre net and a pavement width of no less than 24 feet for lots that are 1 acre net or greater. (Appendix 9 Plate No. 9.5)
- I. **“Alley”** means a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a “public street” as that term is defined herein.
- J. **“Cul-de-sac”** means a short public street having but one opening or access to another public street and terminating in a vehicular turn-around.
- K. **“Dead-end street”** means that portion of a public street, which initially has only one opening or access to another public street but which will be extended at a later date.

2.3 Non-applicability to Various Driveways and Parking Lots

Notwithstanding the foregoing classifications, the following shall not be considered to be within the purview of these Rules:

- A. Any driveway designed or used principally to provide vehicular access to the outbuildings appurtenant to any principal building, or to provide vehicular access to a delivery platform or an entrance of a building appropriate for the delivery thereto of goods or merchandise, and located wholly on private property.
- B. An area appurtenant to a store or a group of stores, a theater, a church, or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons, or employees of the establishment or group of establishments in question.
- C. An entrance or roadway designed or used to provide either vehicular entrance to or communication or passage between the several units of a single industrial or commercial establishment or group of such establishments which are under common control or management; provided such industrial or commercial entranceway or roadway shall be considered a public street under the terms of these regulations if it has entrances upon two or more public streets unless there are at each of such entrances gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial or commercial establishment in question.
- D. An entrance or driveway designed or used to provide principal or primary vehicular access to any apartment building or a group of apartment buildings designed for multi-family occupancy and under one ownership. Such entrance or driveway shall not be used to provide public access to adjacent areas.

2.4 Street and Alley Layout

- A. General** - The street pattern of a neighborhood shall provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade, and locations of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and to the proposed uses of the land to be served by such streets. If any portion of a collector or main arterial street traverses any part of the land being subdivided, that portion of the main or collector street, as planned at the proposed right-of-way width, shall be incorporated in the subdivision plat and shall be dedicated to the appropriate government. The street layout shall be devised for the most advantageous development of the entire neighborhood and shall conform to connecting streets in land adjacent to the new subdivision. Provisions shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. Dead end streets shall be terminated with a temporary cul-de-sac easement, which will be automatically abandoned upon the extension of a street into adjacent properties. Where a subdivision abuts or contains an existing or proposed Major Street, reverse frontage lots may be appropriate. When reverse frontage lots are designated, access shall be denied to the major street, and a 6 foot buffer fence shall be installed by the subdivider along the rear property line abutting such existing or proposed major streets. The street system layout shall be so designed, insofar as practicable, to preserve natural features such as trees, brooks, hilltops, and scenic views and other such features. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use. The street system layout shall provide for the acceptable disposal of storm water, and provision shall be made by the Subdivider to handle storm water to comply with provisions elsewhere in these regulations and other regulations of the County.
- B. Minimum Right-of-Way Width Requirements including streets in commercial and industrial subdivisions:**
- Expressway – not less than 350 feet,
 - High Speed Principal Arterial - not less than 150 feet;
 - Principal Arterial - not less than 120 feet;
 - Minor Arterial – not less than 100 feet;
 - Collector – not less than 80 feet;
 - Minor Collector – not less than 60 feet;
 - Minor Commercial/Industrial – not less than 60 feet;
 - Minor Residential – not less than 50 feet;

In any event The Hidalgo County Thoroughfare Plan shall govern all right-of-way widths as identified in said plan.

Where proposed streets are extensions of existing or planned streets, having a right-of-way width greater than that specified herein, the proposed streets shall be the same width as the existing or planned streets. Where the proposed subdivision abuts upon an existing street that does not conform to these width requirements, the Subdivider shall dedicate right-of-way sufficient to provide for the full right-of-way width. Alleys are not permitted, unless required by a municipality-exercising jurisdiction over the subdivision within its ETJ. Where required by a municipality, Alleys shall conform to the municipality's requirements.

- C. Curves** - The minimum centerline radius on curves shall be 2,000 feet for a Main Arterial, 800 feet for a Collector, and 100 feet for a Minor street. The minimum tangent distance between reverse curves shall be 100 feet.
- D. Offsets** - Street centerlines, if offset, must be offset a minimum distance of 125 feet on centerline. Offset distances shall be indicated on the final plat.
- E. Intersections:**
1. All streets and alleys are to intersect at a 90-degree angle with departures of more than 20 degrees subject to approval through the variance procedure upon evidence of good cause such as topography. Corners are to be rounded or have a corner clip or radii as shown below:
 - a. Expressway, High Speed Principal Arterial, Principal Arterial, Minor Arterial - 50' tangent clip
 - b. Collector, Minor Collector, Minor Commercial/Industrial - 25' tangent clip or radii
 - c. Minor Residential - 25' external tangent clip or radii, or 15' internal tangent clip or radii, as applicable.
 2. Acute angle intersections, as may be approved, are to have 30-foot additional radii at acute corners.
 3. Street or alley intersections with or extending to meet an existing street or alley will be tied to the existing street or alley on centerline, with dimensions and bearings to show the relationship.
- F. Cul-De-Sac Streets**
1. Turn-arounds are to have a minimum right-of-way radius of fifty feet (50') for single family use where curbed and guttered; a radius of sixty feet (60') for single family use where a rural section is utilized; and a one hundred feet (100') radius for apartment, commercial, or other uses.
 2. Maximum length of cul-de-sac streets shall be 660 feet as measured from the centerline of intersection to radius point for subdivision streets serving 10 or more lots and not longer than 1320 feet as measured from the centerline of intersection to cul-de-sac radius point for subdivision streets serving less than 10 lots. A cross street may be required where the proposed internal street exceeds the maximum length allowed of cul-de-sac street. A cross street shall not be required where the adjacent property has been developed without a viable connection to the proposed extension.
 3. Temporary turn-arounds, conforming to the minimum radii requirements, are to be used where improvements are not installed at the end of a street, which will be extended in the future. The following note shall be provided on the final plat when a temporary turn-around is used: "Cross-hatched area is temporary easement for turn-around until street is extended (direction) in a recorded plat.

- G. Street Names** - The names of proposed streets shall conform to the names of existing street of which they may be or become extensions, and shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.

The Subdivider shall provide street signs and posts as per County standards, and traffic control signs as may be required by the County.

2.5 Street and Paving Standards

Streets shall be designed and constructed in accordance with the requirements in **Appendix 5**. Where further guidance for construction specifications is needed, the County Planning Department may require construction in accordance with the Standard Specifications for Construction of Highways, Streets and Bridges, (latest edition), as published by the Texas Department of Transportation, or other appropriate standards.

2.6 Drainage Standards

Drainage shall be designed in accordance with the requirements in these Rules, the Hidalgo County Master Drainage Plan (a copy of which is available from Hidalgo County Drainage District No. 1) and, if the subdivision is located within its boundaries of Hidalgo County Drainage District No. 1 or contemplates the use of such district's facilities for drainage, approved by Hidalgo County Drainage District No. 1. Appendix 5 contains detailed requirements for drainage design. Where further guidance for construction specifications is needed, the County Planning Department and/or Hidalgo County Drainage District No. 1 may require construction in accordance with appropriate standards.

2.7 Easements for Utilities and Irrigation Facilities

- A. When not located in an alley having a width of 20 feet or more, the location and width of necessary utility easements shall be determined by the public and private utility companies and shall connect with easements established in adjoining properties. Easements shall not be less than 15 feet in width. A written confirmation shall be required from all public and private utility companies that will occupy the easement to reduce an easement width less than the minimum required width. An easement located between abutting lots may be reduced to 20 feet.
- B. There also shall be shown on the plat and dedicated for utilities unobstructed aerial easements and guy wire easements as may be required for overhead facilities.
- C. Easements as set forth in any applicable County or regional plan for the location of future sewerage or utility facilities shall be provided and indicated upon the plat.
- D. In rural areas where the future utility needs have not yet been established, easements will be dedicated along all rear lot lines and along side lot lines as deemed necessary.
- E. The location and width of necessary irrigation easements shall be determined by the irrigation or water control and improvement district, or private property owner holding the dominant estate and shall connect with the easements established in adjoining properties. Easements shall not be less than 15 feet in width. Easement widths for irrigation lines may be reduced with the written consent of the Irrigation District utilizing said easement.

F. All utility facilities in existing right-of-way including but not limited to utility poles, underground lines pedestals, etc. shall be relocated within the 2 foot corridor adjacent to the new right-of-way line.

G. See the Appendix for further specifications regarding location and construction of utilities.

2.8 Blocks and Lots

A. Block Length - The minimum and maximum block length are 300' and 1,300' respectively, as measured along the center of the block or street.

B. Lots - In general, the lot design shall provide for lots of adequate width, depth, and shape to provide open area, to eliminate over-crowding, and to be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall have the side lot lines at right angles to the streets on which the lot faces, or radial to curved street lines. In Subdivisions that are to be serviced by an organized sewerage facility, the minimum lot width for residential use shall be: 50 feet for lots measured at 90 degrees from the property line, 35 feet chord length or chord for cul-de-sac lots, and 60 feet for corner lots. In Subdivisions that are to be serviced by a "septic tank" or other on-site sewage facilities (OSSF) system and are half (1/2) acre in size, the minimum lot width for residential use lots shall be 50 feet for lots measured at 90 degrees from the property line, 40 feet chord length or chord for cul-de-sac lots, and 60 feet for corner lots. Lots that are greater than half (1/2) acre in size the minimum lot width for residential use lots shall be 65 feet for lots measured at 90 degrees from the property line, 40 feet chord length or chord for cul-de-sac lots, and 70 feet for corner lots. Lots fronting an eighty foot (80) public right-of-way or greater, whether the right of way is proposed or existing, shall have a minimum lot width of one hundred (100) feet. Shared driveways may be utilized to reduce the minimum required width on lots fronting an eighty foot (80) public right-of-way or greater, whether the right of way is proposed or existing, from one hundred (100) feet to seventy (70) feet. Where shared driveway will be utilized, a note shall be placed on the plat designating which lots will use shared driveways and said shared driveways shall be constructed prior to final approval in accordance with these rules.

2.9 Streetlights

Streetlight infrastructure including but not limited to poles, lamps and transformers shall be required in all subdivisions that are proposing internal streets and shall be provided by subdivider. Streetlights shall be installed at all intersections, at cul-de-sacs and at every 250 feet along the length of all internal streets. Any specifications which differ from the above mentioned shall require utility company and Hidalgo County approval. In addition, the subdivider shall deposit an escrow of not less than \$180 per streetlight in order for service to be provided to the subdivision for one calendar year.

2.10 School Bus Stop

Bus stop shall be placed at every subdivision entrance and constructed as per specifications found in (Appendix 9 Plate No. 9.20)

2.11 Filling Stations

See Appendix 5 County Specifications 2.11 Filling Stations (Fire Hydrants)

2.12 Septic Tanks

A preliminary conference with the County Health Department is highly recommended to determine the suitability of an area for development using septic tanks for sewage disposal.

If a residential subdivision is not to be served by a public sanitary sewer system, and septic tanks or other on-site sewage facilities (“OSSF”) are to be used, lot sizes shall be adequate to accommodate the size of drain field as necessary, because of soil type, to effectively absorb the effluent without creating a health hazard or nuisance. The rules, requirements, and procedures adopted by the Hidalgo County Commissioners Court on February 8, 1999, or in the most recently adopted OSSF order shall apply to all of the area of Hidalgo County except for the areas within boundaries of any municipality in Hidalgo County. In no event shall applicable state laws, regulations as may be established by separate regulation, or the orders of the Texas Commission on Environmental Quality be violated. Septic tanks are restricted in all Floodplain Hazard Areas within the County and may be prohibited in certain other areas as may be determined by the Commissioners Court upon the recommendation of the County Health Department.

2.13 Survey Monuments

Monuments shall be permanent in nature and suitable for the purpose intended. Concrete monuments shall be provided at subdivision corners with x, y, and z coordinates in accordance with the latest adopted and accepted County datum, and each lot and block corner shall be marked by not less than a ½" diameter by 24" long reinforcing rod set at or below the existing ground level. At least two concrete monuments shall be located at readily accessible sites within each subdivision. Monuments shall be set by or under the supervision of a surveyor prior to presentation of the Final Plat.

2.14 Benchmark Monuments

Monuments shall be permanent in nature as established by the Texas State Board of Land Surveying and suitable for the purpose intended. One (1) Concrete benchmark monument is required for up to 10 acres of development. For developments of 10 acres or greater, a minimum of two (2) monuments shall be set throughout the subdivision and the Planning Department shall have the discretion to require the amount needed for each proposed development. Location of each monument shall be the responsibility of the Surveyor. Each benchmark with datum in accordance with the latest adopted and accepted County datum shall be described and labeled on the face of the plat.

CHAPTER 3 - STANDARD SUBMITTAL & REVIEW PROCEDURES

3.0 Timely Approval of Plats

These Rules and the applicable appendices shall constitute a written list of the documentation and other information that must be submitted with a plat application. An application submitted to the Planning Department that contains the documents and other information required in these Rules and the applicable appendices is considered complete.

If a person submits a plat application to the Planning Department that does not include all of the documentation or other information required by Subsection A, the Planning Department shall, no later than the tenth (10th) business day after the date the Planning Department receives the application, notify the applicant of the missing documents or other information. No further action will be taken on the application until all documentation or other information contained in the notice is submitted to the Planning Department.

Acceptance by the Planning Department of a complete plat application shall not be construed as approval of the application or the information or documentation contained therein.

Except as provided by Subsection F of this section, the Commissioners Court shall take final action on a preliminary or final plat application, including the resolution of all appeals, not later than the sixtieth (60th) day after the date a completed plat application is received by the Planning Department. If the Commissioners Court disapprove a plat application, the applicant shall be given a complete written list of the reasons for the disapproval within ten (10) business days of the date of disapproval.

The sixty- day (60) period under Subsection D:

May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Advisory Board;

May be extended up to sixty (60) additional days by the Advisory Board if Chapter 2007, Texas Government Code, requires the County to perform a takings compact assessment in connection with a plat application; and

Applies only to a decision wholly within the control of the Commissioners Court.

The Advisory Board shall make the determination under Subsection F.(2) regarding extension of the sixty (60) day period not later than the twentieth (20th) day after the date a completed plat application is received by the Planning Department.

The County may not compel a application to waive the time limits contained in this Section.

If the Commissioners Court fails to take final action on a complete plat application as required by Subsection D:

The Commissioners Court shall direct the County Treasurer to refund to the applicant the greater of the unexpended portion of any plat application fee or deposit or fifty percent (50%) of the plat application fee or deposit that has been paid:

The plat application is granted by operation law; and

The applicant may apply to a district court with civil jurisdiction in the county for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the approval of the plat.

This Section A.3.0 applies only to applications for preliminary or final plat approval received by the Planning Department on or after October 1, 1999.

3.1 General Procedure

The general procedure ultimately leading to the recording of a subdivision plat is the following sequence of steps:

- A. Preliminary conference with Planning Department, Precinct Right of Way Agent, Health Department, and Hidalgo County Drainage District No. 1
- B. Submission, review, and approval of preliminary/final plat (with concurrent consideration of variance request or requests). Plats will be reviewed by staff and presented to Advisory Board for approval or disapproval. If the plat is approved with conditions then all conditions shall be met prior to the plat being presented for Final Approval. If the Plat is approved as Final, then the Plat will be submitted to Commissioners Court for Final approval. No conditional approval shall be granted on Final Plats. Final plats will not be placed on the Subdivision Advisory Board agenda unless all items have been addressed from staff and approval from the City has been given, if required (ETJ plats).
- C. Submission, review, and approval of preliminary plat (with concurrent consideration of variance request or requests).
- D. Modification of preliminary plat and fulfillment of any conditions of preliminary plat approval.
- E. Submission, review, and approval of final plat (with concurrent consideration of variance request or requests).
- F. Posting of bonds or other financial guarantees.
- G. Release of final plat for recording.
- H. Recording of final plat in the map records of Hidalgo County

3.2 Preliminary conference

The owner and/or the owner's engineer is strongly urged to meet with the County Planning Department to discuss any proposed subdivision or development. In this manner certain concerns and requirements can be addressed prior to expending time and money on property, which cannot be developed in compliance with these rules or, for which it is uneconomical to do so. A preliminary conference is not required, and any agreement reached with staff personnel is not binding upon the Commissioners Court.

3.3 Application for Plat Approval and Log of Items Submitted

The application for approval of a plat shall be filed in the County Planning Department by the record owner of the property to be subdivided or the owner's duly authorized agent on a form to be provided by the Planning Department. The application shall have attached a copy of the deed or deeds showing the ownership of the land. If the application is submitted by the owner's agent, then the agent shall submit such information as is necessary to verify that the agent has the authority to submit for and bind the owner by his actions.

The Planning Department shall keep a log in the form attached as Appendix 6 or on a form as developed by the County Planning Department that identifies, for each document submitted during the process of seeking subdivision approval, a sequential log number, and a description of the document, the date received, and the initials of the person making the log entry. The log number shall be written upon the document and the information shall be entered upon the log promptly after the document is received by the Planning Department.

3.4 Preliminary Plat Processing

- A. The Hidalgo County Health Department and the Hidalgo County Drainage District No. 1 shall have reviewed the preliminary plat prior to submission of the application for approval. The County Planning Department will review preliminary plats as submitted for completeness within ten (10) business days following filing of the plat application. If the submission is substantially complete and a recommendation can be made to the Subdivision Advisory Board and Commissioners Court based on the information contained therein, the preliminary plat will be put on the desired agenda date for action by the Subdivision Advisory Board and Commissioners Court. If the submission is not substantially complete or is not complete enough to secure the recommendation of the County Planning Department, then a correspondence detailing the required additional information will be sent to the Subdivider within ten (10) business days following the filing of the plat application. Once the requested information is provided, the preliminary plat will be processed in the same manner as an original submission, and this procedure shall continue until such time as a recommendation can be made to the Subdivision Advisory Board and Commissioners Court for its consideration. A plat located within the Extra Territorial Jurisdiction of a Municipality shall first receive approval from the City prior to the County considering the plat for preliminary or final approval.
- B. Preliminary plats may be approved as submitted, approved conditionally, or disapproved. If approved conditionally or disapproved, the reasons for such conditional approval or disapproval shall be stated in a letter from the County Planning Department to the Subdivider or his agent of record.
- C. The approval of a preliminary plat shall be good for a period of twelve (12) months from the date of Commissioners Court action. If eleven months after approval the County has not received information which would necessitate revision of a preliminary plat, then upon written application by the owner before the end of the twelve month period, the County Commissioners Court may extend the approval for an additional period of six (6) months.
- D. Preliminary plats which expire due to inactivity within the twelve (12) or six (6) month period noted above shall be required to be resubmitted as any new subdivision.

3.5 Preliminary Plat Submission Requirements

- A. Form. The preliminary plat shall be drawn to a minimum scale of 1" = 100'. Acceptable scales for a subdivision plat are 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', and 1" = 60'. The preliminary plat shall be drawn on sheets twenty-four inches (24") wide and thirty-six inches (36") long, with a binding margin of not less than two inches (2") on the left side of the sheet and margins on the other three sides of not less than one-half inch (1/2"). A 3" x 5" area on each page, within the margins and preferably in the lower right-hand corner, shall be enclosed by a heavy line and be left blank in order to allow space for officials to note approvals or other actions on the plat. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

The use of sticky backs, press on lettering, or transfer lettering which may lift, separate, or be removed from the original plat over a period of time shall not be accepted. Sepias or other diazo process reproducibles, which may fade, are also not acceptable.

- B. Coverage. The preliminary plat shall include topographic information on all land within five hundred feet (500') of the proposed subdivision.
- C. Quantity. The owner must submit two 24" x 36" copies and one 11"x17" reduction, an approved drainage report by HCDD No. 1, and a memorandum of approval from the Right of Way Agent of the County Precinct and the Department overseeing the On-Site Sewage Facilities Program (OSSF) indicating the soil is adequate for OSSF use. Comments will be provided based on the aforementioned submittals. No review will be conducted until the aforementioned items are received by the Planning Department. Comment sheets will be returned to the owner or authorized representative identifying any information lacking on the proposed plats. The owner or authorized agent shall submit one 24" x 36" copy and one 11" x 17" reduction addressing the comments provided by County staff. Once it is determined that comments have been addressed, the owner or authorized agent shall submit (6) six 11" x 17" copies of the complete set of the preliminary plat and its supporting information.
- D. Required Supporting Information. The following information shall be provided with or upon the preliminary plat. Proposed topographic and utility details may be shown on the preliminary plat or on a separate plat for clarity. All work by an engineer and surveyor must be signed, sealed, and dated.
1. Legal description. The legal description of the land to be subdivided shall be sufficient for the requirements of title examination.
 2. Statement of conformance or list of variances. The statement shall declare that the preliminary plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 3. Location map. A location map or sketch at a scale of not more than 4000 feet to one inch shall show the proposed subdivision, existing adjacent subdivisions, school district lines, and state and county roads in the vicinity.

4. Vicinity map. A vicinity sketch or map at approximately 1" to 400' scale shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities, tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.
5. Location with respect to any municipal ETJ line. A statement of the whether any part of the proposed subdivision lies within any extraterritorial jurisdiction of a municipality (under Texas Local Govt. Code § 42.021 or 212.001) shall be provided. If an ETJ line traverses the subdivision, it shall be delineated and identified upon the preliminary plat. Label the Precinct in which the proposed Subdivision is located.
6. Map of earlier plat. If the subdivision is part of a previously filed subdivision plat, a map shall be provided showing the portion of the earlier-filed plat that is owned by the Subdivider and included in the preliminary plat.
7. Restrictive covenant. Any restrictive covenants proposed to be imposed for the subdivision should be attached for reference. It should be noted whether these are existing or proposed and if proposed, at what time they would be recorded, prior to or subsequent to the recording of the final plat.
8. Certification by the owner of conformance or submittal for review. The owner shall certify:
 - a. That the preliminary plat has been reviewed by and conforms to the requirements of the school district, the gas, electricity, water, telephone, and television cable companies, irrigation or water control and improvement districts and the U.S. Post Office; or,
 - b. that the agencies mentioned in the preceding paragraph were given at least ten (10) working days to review the proposed preliminary plat.

This certification shall be in letterform and shall include the name, title, address, and telephone number of the person to whom the Subdivider delivered the preliminary plat for review.

E. The preliminary plat shall:

1. Include the name, address, and telephone number of the record owner(s) of lands being subdivided, and of the engineer, the surveyor, and any other persons responsible for the preparation of the data and information being submitted.
2. Include the subdivision name, which shall not duplicate the spelling or the pronunciation of any existing subdivision in the County.
3. Delineate the boundary of the subdivision by metes and bounds sufficiently for the requirements of title examination. Subdivision boundaries shall be indicated by a heavy line at least 1/16 inch wide. The total acreage in the subdivision shall be noted.
4. Locate the subdivision with respect to an original corner of an original survey of which it is a part.

5. show the primary control points or description used to establish the subdivision. The description, location, and tie to such control points, including all dimensions, angles, bearings, block numbers, and summary data, shall be noted.
6. Note the existing conditions within or immediately adjacent to the subdivision, including the:
 - a. location, dimension, name, and description of each existing or recorded street, alley, reservation, easement, or other public rights-of-way or visible private encumbrance upon the land within or adjacent to the subdivision, intersecting or contiguous with its boundaries, or forming such boundaries. Include the name of the subdivisions in which a street, alley, etc., is located.
 - b. location, dimension, description, and flow line of any existing watercourses, drainage structures, or irrigation structures within the subdivision or within one hundred and fifty feet (150') of the boundary of the subdivision.
 - c. location, dimension, description, and name of all existing or recorded lots and blocks, parks, public areas, or permanent structures within the subdivision or contiguous with the subdivision.
 - d. location, dimension, grade, description, and name of all existing water, sewer, electric, gas, telephone, television cable, irrigation or other utilities.
7. Show the adjoining property owner's names and references to the deeds under which they hold ownership, or if the adjoining property is within a recorded subdivision, state the subdivision's name and provide the reference for where its plat is recorded in the Map Records of Hidalgo County.
8. Note the date of preparation, date of survey, the scale of the plat, and the North arrow.
9. Include topographic information, including contour lines for every one vertical foot. The information shall include the flow lines of existing gutters and drainage ways. It shall be sufficiently detailed to determine the existing drainage to and from the proposed subdivision and to determine the adequacy of the proposed drainage plan. Elevations shall be based on published U.S.C. & G.S. datum and/or the latest adopted and accepted County datum and the benchmark used shall be noted on the plat. The location of the required benchmarks shall be determined by Plat Engineer and approved by the Planning Department. The Planning Department as deems necessary may require additional benchmarks on the plat to provide a closer spacing between benchmarks.
10. Show the proposed general plan for storm water drainage in sufficient detail to indicate the location of drainage ditches or structures and the direction of flow.
11. Show the approximate location, dimensions, and description of all proposed street rights-of-way, alleys, drainage structures, parks, squares, other public areas, reservations, easements, other rights-of-way, blocks, lots (lettered or numbered consecutively), permanent survey monuments, and other sites within the subdivision. The proposed width of each proposed street shall be measured at right angles, or radially where curved.

12. Name the proposed streets. The name of a proposed street shall conform to the name of an existing street of which it may become an extension of or is in alignment with but otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these Rules.
13. Show building setback lines, as follows, on all lot lines or label them on the plat:
- (a) **FRONT SETBACK:** Building shall be setback a minimum of one half ($\frac{1}{2}$) of the width of the Street right-of-way which it faces, but not to exceed 50 feet if the R.O.W. is 100' or greater.
 - (b) **SIDE SETBACK:** Building shall be setback a minimum of six (6) feet from side property lines.
 - (c) **REAR SETBACK:** Building shall be setback a minimum of fifteen (15) feet from rear property lines.
 - (d) **CORNER SETBACK:** Building shall be setback a minimum of ten (10) feet from the side property line on Corner Lots adjacent to internal residential streets
 - (e) **GARAGE/CARPORT SETBACKS:** Building shall be setback a minimum of eighteen feet (18') from the side property line on corner lots accessing a minor residential street. Front entry garages shall be setback a minimum of eighteen feet (18') from the front building setback.
 - (f) **SETBACKS FOR STRUCTURES LOCATED ON VARIOUS DESIGNATED ROADS AS PER THE COUNTY THOROUGHFARE PLAN:** Building shall be setback as follows:

<u>Road Designation</u>	<u>Front</u>	<u>Corner Side</u>
Arterial	50'	20'
Collector	40'	20'

- (g) **CUL-DE-SAC LOT FRONT SETBACK:** Except for garages, Structures shall be setback a minimum of fifteen feet (15') from the front property line.

Note: If the setback lines conflict with the lines adopted by the Municipality, the Municipality set-back lines prevail if they are in the extraterritorial jurisdiction of the Municipality.

14. Show the gross area contained within each lot or tract to the nearest one-tenth (1/10) of an acre.
15. Show the limits of any special flood hazard areas and the proposed finish floor elevation of any building within these flood hazard areas. Each finish floor elevation documented within these flood hazard areas shall reference a U.S.G.S. datum and/or the latest adopted and accepted County datum and shall identify the elevation in inches required to elevate the structure to the proposed finish floor elevation. This information may be provided on the lots or in a table format on the face of the plat. The Engineer shall use the top of curb or centerline of street where no curb and gutter is proposed as a reference point when stating the height the structure will be raised to meet minimum flood plain regulations. In cases where the lot is larger than average the Engineer may use the natural ground elevation where the structure will be located as a reference point when stating the height the structure will be raised to meet minimum flood plain regulations.
16. Note minimum floor elevations on each Lot, depicting the minimum finished habitable floor elevation which shall be not less than eighteen (18") inches above the center line of the Street the Lot faces or eighteen (18") inches above natural ground, whichever is greater, unless otherwise noted by the Engineer of record and approved by the County in accordance with local drainage patterns, topography for the area, and FEMA maps & regulations. This information may be provided on the lots or in a table format on the face of the plat.

3.6 Final Plat Processing

- A. Application. The Subdivider shall sign and date an application for final plat approval on a form to be provided by the Planning Department. On the application the Subdivider shall fully describe all infrastructure (streets, drainage facilities, water facilities, wastewater facilities, etc.) that has been completed or installed or will be completed or installed (applies to plats being approved with letter of credit) to serve the subdivision as of the date of the application for final plat approval. As part of the application, the Subdivider shall also sign and list all the documents accompanying or attached to the final plat. A set of these documents shall be kept together during the review and approval process and through the recordation of the plat and the identified documents. Any substitutions or additions to the documents to be recorded shall be noted and dated on an addendum to the application form.
- B. The final plat and its accompanying data shall be reviewed by the County Planning Department, the Hidalgo County Subdivision Advisory Board and the Commissioners Court within the 60 day period following submission of the complete application. If all required information is contained within the submission and the final plat is complete in every respect, the plat shall be presented to the Subdivision Advisory Board and Commissioners Court for their approval. If the application is incomplete, the County Planning Department shall make note of such requirements in letters to the Subdivider and the engineer or surveyor of record within ten (10) business days of the date of the application.
- C. Upon submission of the requested additional information, the process of review will continue, and this process of review and resubmission shall continue until the application is complete in every respect. The final plat shall then be placed before the Subdivision Advisory Board and Commissioners Court for approval or disapproval. No conditional approval of the final plat shall be granted.

3.7 Final Plat Submission Requirements

- A. **Form.** The final plat shall be drawn to a minimum scale of 1" = 100'. Acceptable scales for a subdivision plat are 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', and 1" = 60'. The final plat shall be drawn on sheets twenty-four inches (24") wide and thirty-six inches (36") long, with a binding margin of not less than two inches (2") on the left side of the sheet and margins on the other three sides of not less than one-half inch (½"). A 3" x 5" area on each page within the margins, and preferably in the lower right-hand corner, shall be enclosed by a heavy line and be left blank except for notations by officials of approvals or other actions on the plat. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- B. **General Content.** The final plat and its accompanying information shall be complete and in conformance with the approved preliminary plat and its conditions of approval, and shall incorporate all changes, corrections, and conditions required during the preliminary plat approval process. The topography shown on the final plat shall be the post-development topography if the development has been constructed prior to recording the Plat. If a plat is being submitted for recording with a letter of credit then the topography shown on the final plat may be the existing condition. Engineer/Surveyor shall certify that all proposed construction will be in accordance with the County requirements and all changes and post-development topography will be documented on the As-Built submitted to the Planning Department.
- C. **Quantity.** Six (6) 11" x 17" copies of the final plat and its required supporting information shall be submitted, along with one reproducible original of the final plat itself.
- D. **Required Supporting Information.** The following information shall be provided with or upon the final plat. All work by an engineer or a surveyor must be signed, sealed, and dated.
1. **Statement of conformance or list of variances.** The statement shall declare that the final plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 2. **Utility provider letters.** Letters from utility providers, including irrigation and water control and improvement districts, other than water and sewer, shall be submitted showing that the utility has reviewed the proposed subdivision, that easements shown on the proposed plat are adequate, and that the Subdivider has made all arrangements necessary for the utility company to service the subdivision. All approvals must be dated not more than 6 months prior to the date the final plat application is received. The approval may be noted on the face of the plat in lieu of a letter being provided.
 3. **Street and drainage plans.** Six sets of construction plans and specifications for streets and drainage improvements and the associated construction cost estimates shall be provided. The plans and specs shall conform to these Rules (including the Appendix).
 4. **Water and sewage plans.** Six sets of construction plans and specifications for water and sewer improvements and the associated construction cost estimates shall be provided. The plans and specs shall conform to these Rules (including the Appendix).
 5. **Tax certificates.** Tax certificates from the school district, the county, and any other taxing district stating that all ad valorem taxes and flat rate or other assessments have been paid shall be provided.

E. The final plat shall:

1. Be certified by a surveyor and engineer registered to practice in this state.
2. Define the subdivision by metes and bounds.
3. Locate the subdivision with respect to an original corner of an original survey of which it is a part.
4. Describe each lot, number each lot in progression, and give the dimensions of each lot.
5. State the dimensions of and accurately describe each already existing or recorded lot, street, alley, square, park, reservation, easement, or other right-of-way or encumbrance within the land being subdivided.
6. State the dimensions of and accurately describe each lot, street, alley, square, park, 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.
7. Note the type and location of all monuments and whether each was found or set.
8. Include or have attached a document containing a description in English and Spanish of the water and sewer facilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable.
9. Have attached a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities proposed under subdivision 8 above are in compliance with the Model Rules adopted under Section 16.343, Water Code, and a certified estimate of the cost to install water and sewer service facilities.
10. Identify and dedicate unobstructed aerial easements and guy wire easements as may be required for overhead utilities.
11. Identify the topography of the area.
12. Describe the general drainage pattern for the area and all drainage channels and structures.
13. Identify and describe all easements for drainage and irrigation facilities.
14. Include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a floodplain. If any area of the subdivision is in a floodplain, the boundaries of the floodplain and the minimum finish floor elevations shall be shown on the face of the final plat, and there shall be at least one benchmark located at a readily accessible site within the proposed subdivision. A complete description of said benchmark and its elevation relative to a recognized U.S.C. & G.S. or U.S.G.S. benchmark or the latest adopted and accepted County datum shall be placed on the face of the plat. Additionally, the required minimum finish floor elevation of structures to be constructed on the property shall be noted on the face of the final plat. The minimum floor elevations on each Lot, depicting the minimum finished habitable floor elevation which shall be not less than eighteen (18") inches above the center line of the Street the Lot faces or eighteen (18") inches above natural ground, whichever is greater, unless otherwise noted by the Engineer of record and approved by the County in accordance with local drainage patterns, topography for the area, and FEMA maps & regulations. This information may be provided on the lots or in a table format on the face of the plat. If any part of a plat applies to land intended for residential housing and any part of that land lies in a floodplain, the Commissioners Court shall not approve the plat unless the plat has a restrictive covenant. The restrictive covenant shall prohibit the construction of residential housing in any area of the subdivision that is in a floodplain unless the housing qualifies for insurance under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127).

15. Include certification that the Subdivider has complied with the requirements of Section 232.032 and that:
 - a. the water quality and connections to the lots meet, or will meet, the minimum state standards;
 - b. sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards;
 - c. electrical connections provided to the lot meet, or will meet, the minimum state standards; and
 - d. gas connections, if available, provided to the lot meet, or will meet, the minimum state standards.

(A Subdivider may meet the requirements of subsection 15.b through the use of a certificate issued by the appropriate county or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic systems together with the posting of a financial guaranty under Chapter B.4 to assure the construction of such facilities prior to the property being occupied.)

16. Comply with various requirements in Title M (Model Rules), if the subdivision falls within the scope of sections M.1.5(a) and M.2.1, including requirements related to:
 - a. the minimum standards set out in Chapter 2 of Title M regarding water, wastewater, greywater, sludge disposal, setbacks, and the number of dwelling units per lot.
 - b. the final engineering report described in section M.3.2.
 - c. the execution of an agreement with the county for the provision of certain improvements, and a bond or other financial guarantee (such as a cash deposit or a letter of credit) securing the agreement, as described in section M.3.4.
17. Note on the face of the plat any variance already granted by the Commissioners Court, along with the date such variance was granted.
18. Note on the face of the plat the requirement that each purchase contract made between a Subdivider and a purchaser of the land in the subdivision contain a statement describing how and when water, sewer, electricity, and gas services will be made available to the subdivision.
19. A digital copy of the plat in DWG, DXF, or a format as required by the County shall be submitted to the Hidalgo County Planning Department with the initial plat review and prior to final approval from the Subdivision Advisory Board and Hidalgo County Commissioner's Court. Any changes conducted during the construction of the improvements shall be documented on the plat.
20. As-Built plans in DWG, DXF, or a format as required by the County shall be submitted along with a letter of certification stating that all construction has been conducted in accordance with County specifications and that said As-Built are a true representation of the improvements conducted at the site.
21. Provide plat notes on the face of the plat as outlined in the Appendix of these rules.
- F. The Subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters asserted in the attached documents and in the plat.

3.8 Review and Approval of Final Plats by Commissioners Court

- A. Scope of Review. The Commissioners Court will review the final plat (and its supporting information) to determine whether it meets the requirements of these Rules and state law.
- B. Disapproval. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Rules and state law.
- C. Disapproval of any preliminary plat or final plat by the Commissioners Court shall be deemed a refusal by the County to accept the offered dedications, if any, shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the County concerning the maintenance or improvements of any such dedicated parts until the proper authorities of the County have actually appropriated the same by an order of the Hidalgo County Commissioners Court, or by entry, use, or improvement.

Road and drainage bond requirements.

- 1. The Commissioners Court may require the owner to execute a bond or other financial guarantee to assure the construction of the streets and drainage improvements. The bond must:
 - a. be payable to the county judge or to the judge's successors in office;
 - b. be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads and streets in the subdivision, but not to exceed the estimated cost of construction of the roads and streets;
 - c. be executed with sureties as may be approved by the Court;
 - d. be executed by a company authorized to do business as a surety in this state if the Court requires a surety bond executed by a corporate surety; and
 - e. be conditioned that the roads and streets will be constructed:
 - (1) in accordance with the specifications adopted by the Court; and
 - (2) within a reasonable time set by the Court.
- 2. In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.
- 3. If a letter of credit is used, it must:
 - a. list as the sole beneficiary the county judge; and
 - b. be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision:
 - (1) in accordance with the specifications adopted by the Court; and
 - (2) within a reasonable time set by the Court.

Water and sewer bond requirements.

1. Unless a person has completed the installation of all water and sewer service facilities required by these Rules or state law on the date that person applies for final approval of a plat, the Commissioners Court shall require the Subdivider of the tract to execute and maintain in effect a bond or, in the alternative, a person may make a cash deposit in an amount the Commissioners Court determines will ensure compliance with this subchapter. A person may not meet the requirements of this subsection through the use of a letter of credit unless that letter of credit is irrevocable and issued by an institution guaranteed by the FDIC. The Subdivider must comply with the requirement before subdividing the tract.
2. The bond must be conditioned on the construction or installation of water and sewer service facilities that will be in compliance with the Model Rules adopted under Section 16.343, Water Code (see, generally, Title M and the related portions of the Appendix).

3.9 Release of Approved Final Plat for Recording

- A. Any variance granted by the Commissioners Court shall be noted on the face of the plat, along with the date such variance was granted, prior to release of the plat for recording.
- B. Upon submission to the County Planning Department of all required bonds and other financial guarantees, and the tender of the recording fee as required by the County Clerk, the County Planning Department will release the plat for recording.
- C. The plat (with its required attachments) must be filed and recorded with the County Clerk. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

3.10 Plat Approval Certificate under Local Govt. Code § 232.028(a)

On the approval of a plat by the Commissioners Court, the Commissioners Court shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the Commissioners Court.

3.11 Water and Sewer Service Extension

The Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the water and sewer service facilities must be fully operable if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.

The Commissioners Court may not grant an extension under subsection A if it would allow an occupied residence to be without water or sewer services.

If the Commissioners Court provides an extension, the Commissioners Court shall notify the attorney general of the extension and the reason for the extension. The attorney general shall notify all other state agencies having enforcement power over subdivisions in affected counties of the extension.

CHAPTER 4 - INTENTIONALLY OMITTED

CHAPTER 5 - VARIANCES

5.1 General Requirements

Where literal enforcement of some provision contained in these Rules will result in undue hardship to the Subdivider, and when a variance from such provision is in harmony with the general purpose and intent of these Rules so that the public health, safety, and welfare may be secured and substantial justice done, the Commissioners Court shall, subject to the limitations under state law, have the authority to grant a variance from the provision. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship. A variance shall not be granted if it would have the effect of preventing the orderly development of other land in the area in accordance with the Hidalgo County Subdivision Rules.

5.2 Limitations under State Law

Except as provided by Section 16.350(d), Texas Water Code, or Section 232.042 or 232.043, Texas Local Government Code, the Commissioners Court may not grant a variance or adopt any regulations that waive any requirements of subchapter B of chapter 232 of the Texas Local Government Code.

Variance from the Model Rules. The Commissioners Court may grant an exemption for a subdivision from the requirements of the Model Rules (Title M) only if the county supplies the subdivision with water supply and sewer services that meet the standards of the Model Rules.

A variance or delay from compliance with the requirements of Texas Local Government Code § 232.040 may be granted as provided by Texas Local Government Code § 232.042.

5.3 Special Types of Variances

Type 1 - Pre-existing Conditions Variance. A request for a Type 1 variance must be based upon facts that existed prior to July 3, 1990. It must be shown that the property and the conditions for which a variance is being requested existed prior to the effective date of these Rules, that the Subdivider has no other property adjacent to or within two hundred feet (200') of the subject tract, that there is no possible way that the Subdivider could comply with strict literal enforcement of these Rules, and that granting of such a variance would not injure the public health, safety, or welfare.

Type 2 - Harmless Variance. A variance that would not be harmful to the public health, safety, or welfare.

5.4 Application for Variance

An application for a variance shall be made in writing to the County Planning Department. The application shall state specifically which chapter, section, or subsection a variance is being requested from and shall contain all information which the Subdivider feels supports the requested variance.

An application for an exemption from the requirements of the Model Rules must be accompanied by an estimate, prepared by an engineer, of the cost for the county to supply the subdivision with water supply and sewer services that meet the standards of the Model Rules.

5.5 Procedure for Review of Application for Variance

The Commissioners Court makes the ultimate decision on an application for a variance, following review and recommendation by the County Planning Department or the Hidalgo County Subdivision Advisory Board or both, as applicable. The applicant may withdraw a request for a variance at any point in the process. A variance is usually requested at the time of submission of the preliminary plat. A variance may be sought before the submission of a preliminary plat provided the information on or with the preliminary plat is not required for determination of the variance request.

A. Review by County Planning Department.

An application is first reviewed for completeness by the County Planning Department. The County Health Department, Hidalgo County Drainage District No. 1, and the Planning Department then review the complete application on its merits. If the requested variance meets the criteria of a Type 1 or Type 2 variance, the County Planning Department may make a recommendation to deny the variance, to grant it, or to grant it with conditions. After the County Planning Department has determined that a variance does not meet the Type 1 or Type 2 criteria, or after the County Planning Department has made a recommendation on a Type 1 or Type 2 variance, or upon the written request of the applicant (either before or after the County Planning Department has made a determination or a recommendation), an application shall be scheduled for review and recommendation at a public hearing of the Hidalgo County Subdivision Advisory Board. Additional information may be attached to the application by the County Planning Department (with a copy being provided to the applicant), and packages of all information shall be forwarded to the Hidalgo County Subdivision Advisory Board members at least four days prior to the meeting date.

B. Review by Hidalgo County Subdivision Advisory Board.

The Subdivider shall have the opportunity to make an oral presentation. The representative of the County Planning Department shall be given an opportunity to present such additional information as he or she feels necessary. The public hearing shall be conducted in a courteous manner with everyone being given ample chance to speak without interruption by others. The Board's decision--a recommendation to deny the variance, to grant it, or to grant it with conditions--shall be reached by a simple majority of the members present. Minutes of the meeting will be kept by a secretary chosen by the Hidalgo County Subdivision Advisory Board.

The applicant shall be mailed a written notice of the decision, or of the Board's failure to reach a decision, within five (5) days after the conclusion of the hearing. The notice shall be signed by the chair of the Board or by two members thereof. Copies shall also be provided to the County Planning Department and the County Clerk. The Planning Department shall then request a public hearing on the variance before the Commissioners Court.

C. Consideration by Commissioners Court

The Commissioners Court shall hold a public hearing on the application for the variance. The applicant and the County Planning Department shall have at least five (5) days notice of the Commissioners Court's hearing on the application. The Commissioners shall be provided copies of all pertinent written information developed during the review of the variance. After providing an opportunity for all concerned to be heard, the Commissioners Court shall proceed to deny the variance, to grant it, or to grant it with conditions. The full extent of the reasons for such a variance, when granted, shall be duly recorded

in the Minutes of the Commissioners Court. If the Commissioners Court grants an exemption for a subdivision from the requirements of the Model Rules (Title M hereof), the Court shall identify the source of funding to supply the subdivision with water and sewer services that meet the requirements of the Model Rules.

5.6 Notation of Variance on Plat

Any variance granted shall be noted on the face of the plat, along with the date such variance was granted, prior to recording of the plat.

CHAPTER 6 - ENFORCEMENT

6.1 General Enforcement Authority under Texas Local Government Code § 232.037

The attorney general, the criminal district attorney, or attorney employed by the Court for this purpose may take any action necessary in a Court of competent jurisdiction on behalf of the state or on behalf of residents to:

1. enjoin the violation or threatened violation of the Model Rules adopted under Section 16.343, Water Code;
2. enjoin the violation or threatened violation of a requirement of subchapter B of chapter 232, Texas Local Government Code, or a rule adopted by the Commissioners Court under said subchapter B;
3. recover civil or criminal penalties, attorney's fees, litigation costs, and investigation costs; and require platting or re-platting under Section 232.040, Texas Local Government Code.

The attorney general, at the request of the district or county attorney with jurisdiction, may conduct a criminal prosecution under Section 232.033(h) or 232.036, Texas Local Government Code.

This Title B and Subchapter B of Chapter 232, Texas Local Government Code, are subject to the applicable enforcement provisions prescribed by Sections 16.352, 16.353, 16.354 and 16.3545, Texas Water Code.

6.2 Civil Penalties under Texas Local Government Code § 232.035

A Subdivider or an agent of a Subdivider may not cause, suffer, allow, or permit a lot to be sold in a subdivision if the subdivision has not been platted as required by subchapter B of chapter 232, Texas Local Government Code.

Notwithstanding any other remedy at law or equity, a Subdivider or an agent of a Subdivider may not cause, suffer, allow, or permit any part of a subdivision in an affected county over which the Subdivider or an agent of the Subdivider has control, or a right of ingress and egress, to become a public health nuisance as defined by Section 341.011, Texas Health and Safety Code.

A Subdivider who fails to provide, in the time and manner described in the plat, for the construction or installation of water or sewer service facilities described on the plat or on the document attached to the plat or who otherwise violates subchapter B of chapter 232, Texas Local Government Code or a rule or requirement adopted by the Commissioners Court under said subchapter is subject to a civil penalty of not less than \$500 or more than \$1,000 for each violation and for each day of a continuing violation but not to exceed \$5,000 each day and shall also pay Court costs, investigative costs, and attorney's fees for the governmental entity bringing the suit.

Except as provided by subsection E, a person who violates subsection A or B is subject to a civil penalty of not less than \$10,000 or more than \$15,000 for each lot conveyed or each subdivision that becomes a nuisance. The person must also pay Court costs, investigative costs, and attorney's fees for the governmental entity bringing the suit.

A person who violates subsection B is not subject to a fine under subsection D if the person corrects the nuisance not later than the 30th day after the date the person receives notice from the attorney general or a local health authority of the nuisance.

Venue for an action under this section is in a district Court of Travis County, a district Court in the county in which the defendant resides, or a district Court in Hidalgo County.

6.3 Criminal Penalties under Texas Local Government Code § 232.036

A Subdivider commits an offense if the Subdivider knowingly fails to file a plat required by subchapter B of chapter 232, Texas Local Government Code. An offense under this subsection is a Class A misdemeanor.

A Subdivider who owns a subdivision commits an offense if the Subdivider knowingly fails to timely provide for the construction or installation of water or sewer service as required by Section 232.032, Texas Local Government Code, or fails to make a reasonable effort to have electric utility service and gas utility service installed by a utility as required by said Section 232.032. An offense under this subsection is a Class A misdemeanor.

If it is shown at the trial of an offense under Subsection A that the defendant caused five or more residences in the subdivision to be inhabited, the offense is a state jail felony.

A Subdivider commits an offense if the Subdivider allows the conveyance of a lot in the subdivision without the appropriate water and sewer utilities as required by Section 232.032, Texas Local Government Code, or without having made a reasonable effort to have electric utility service and gas utility service installed by a utility as required by said Section 232.032. An offense under this subsection is a Class A misdemeanor. Each lot conveyed constitutes a separate offense.

Venue for prosecution for a violation under this section is in the county in which any element of the violation is alleged to have occurred or in Travis County.

6.4 Additional Enforcement

See state law and Chapter 4 of Title M for other provisions related to enforcement.

TITLE M. DIVISIONS OF LAND OUTSIDE TITLE CORPORATE LIMITS OF A MUNICIPALITY AND SUBJECT TO THE MODEL RULES

CHAPTER 1. GENERAL AND ADMINISTRATIVE PROVISIONS

1.1. Authority and Scope of Rules

These rules are adopted by Hidalgo County, Texas, under the authority of the Local Government Code, Chapter 232 and Water Code, §16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision, which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

1.2. Purpose

It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this county, and to apply the minimum state standards for water and wastewater facilities to these subdivisions.

1.3. Effective Date

See Section G.6.

1.4. Repealer

See Section G.6.

1.5. Plat Required

- (a) The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- (b) No subdivided land shall be sold or conveyed until the Subdivider:
 - (1) has received approval of a final plat of the tract; and
 - (2) has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
- (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

1.6. Supersession

These rules supersede any conflicting regulations of the county.

1.7. Severability

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The commissioner's court hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

1.8. Definitions

The following words and terms, when used in this Title, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Commission – the Texas Commission on Environmental Quality and any of its predecessor or successor entities
- (2) Commissioners court (or court) - The commissioners court of Hidalgo County, Texas.
- (3) County - Hidalgo County, Texas.
- (3A) County OSSF Order - The order adopted by the court on February 8, 1999, pertaining to administration of the County OSSF program, as amended, replaced or recodified.
- (4) Drinking water - 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.
- (5) Engineer - A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (6) Final plat - A 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 these regulations.
- (7) Lot - An undivided tract or parcel of land.
- (8) Non-public water system - Any water system supplying water for domestic purposes, which is not a public water system.
- (9) OSSF - On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.
- (10) Platted - Recorded with the county in an official plat record.

- (11) Public water system - A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms “individual” or “served,” an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.
- (12) Purchaser - Shall include purchasers under executory contracts for conveyance of real property.
- (13) Retail public utility - Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.
- (14) Sewerage facilities - 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 rules.
- (15) Subdivider - Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.
- (16) Subdivision - Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (re-plat) of land, which was previously divided.
- (17) TAC - Texas Administrative Code, as compiled by the Texas Secretary of State.
- (18) Water facilities - Any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

CHAPTER 2. MINIMUM STANDARDS

2.1. Scope of Standards

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this Chapter is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

2.2. Water Facilities Development

(a) **Public water systems.**

- (1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 7-B. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.
- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38- 290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1- 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

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

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

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

2.3. Wastewater Disposal

(a) **Organized sewerage facilities.**

- (1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.
- (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 7-B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(b) **On-site sewerage facilities.**

- (1) On-site facilities, which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day, must comply with 30 TAC Chapter 285 and the County OSSF Order.
- (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317 and the County OSSF order.
- (3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30-285.39 and the County OSSF Order. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

2.4. Greywater Systems for Reuse of Treated Wastewater

- (a) **Organized or municipal sewerage systems.** Any proposal for sewage collection, treatment and disposal, which includes greywater reuse, shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.
- (b) **On-site sewerage facilities.** Any proposal for on-site sewage disposal, which includes provisions for greywater use, shall meet the minimum criteria of 30 TAC Chapter 285.

2.5. Sludge Disposal

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

2.6. Setbacks

In areas that lack a nationally recognized fire code as listed in Local Government Code, §233.062(c) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

2.7. Number of Dwellings Per Lot

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

2.8 Other Regulations

The Subdivision shall meet Road, Drainage and General Utility Construction Standards contained in Appendix 5.

CHAPTER 3. PLAT APPROVAL

3.1. Applications for Plat Approval

- (a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Chapter 2 and the requirements of Chapter 3 of this subchapter.

3.2. Final Engineering Report

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

- (1) Public Water Systems
 - (A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §365.32(a)(1) of this title. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.
 - (B) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale

water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

- (2) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §of this title. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to §364.32 (b) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.
- (3) Organized sewerage facilities
 - (A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specification for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
 - (B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.
- (4) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.30 and all other information required by the county's OSSF order.

3.3. Additional Information

Additional information is necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information includes, but is not limited to:

- (1) layout of proposed street and drainage work;
- (2) legal description of the property;
- (3) existing area features;
- (4) topography;
- (5) flood plains;
- (6) description of existing easements;
- (7) layout of other utilities;
- (8) notation of deed restrictions;
- (9) public use areas; and
- (10) proposed area features.

3.4. Financial Guarantees for Improvements Construction Agreement

3.5. Review and Approval of Final Plats

- (a) Scope of review. The county will review the final plat to determine whether it meets the standards of Chapter 2 and the requirements of Chapter 3 of this subchapter.
- (b) Disapproval authority. The commissioner's court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.
- (c) Prerequisites to approval. Final plat approval shall not be granted unless the Subdivider has accomplished the following:
 - (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
 - (2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from commission of the plans and specifications for such construction, including any change orders filed with these agencies; or
 - (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Chapter 3 of this Title.

3.6. Time Extensions for Providing Facilities

- (a) Reasonableness. The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
 - (1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with §364.54 are submitted which will be effective for the period of the extension; and
 - (2) the court finds the extension is reasonable and not contrary to the public interest.
- (b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- (c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Chapter 2 of this Title.

3.7. Criteria for Subdivisions that Occurred Prior to September 1, 1989

- (a) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the county to grant a delay or variance pursuant to Local Government Code §232.043 or a rule of the county adopted pursuant to such provision.
- (b) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.
- (c) Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out 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, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.
- (d) Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of 1.5(b) of this title (sale restrictions), 2.6 of this title (Setbacks), 2.7 of this title (Number of Dwellings per Lot), 3.2 of this title (Final Engineering Report), and 3.4 of this title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.
 - (1) Owners of individual lots in a single un-platted subdivision may file a joint request for approval of their respective individual residential lots.

- (2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation, which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including:
 - (A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;
 - (B) the name and address of the original Subdivider or the Subdividers authorized agent, if known;
 - (C) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and
 - (D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
- (3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the commissioners court that:
 - (A) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original Subdivider;
 - (B) a plat was required for the subdivision, but has not been filed with the county by the Subdivider legally obligated to file it;
 - (C) an existing, currently occupied residential dwelling is located on the lot;
 - (D) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and
 - (E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.
- (e) Final determination. The commissioner's court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioner's court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

CHAPTER 4. ENFORCEMENT

4.1. Oversight

The owner, by submitting a plat, acknowledges the authority of the county and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

4.2. General Enforcement Authority of County

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.

APPENDIX 1: CHAPTER 42 ETJ OF MUNICIPALITIES IN HIDALGO COUNTY

City	Ch. 42 ETJ Size	Ch. 212 ETJ Size
Alamo		
Alton		
Donna		
Edcouch		
Edinburg		
Elsa		
La Joya		
La Villa		
McAllen		
Mercedes		
Mission		
Palmhurst		
Palmview		
Penitas		
Pharr		
Progreso		
San Juan		
Sullivan City		
Weslaco		

Note:

- (1) Title B of the Hidalgo County Subdivision Rules applies only in areas that are beyond the municipal limits of any municipality and only to subdivisions of two or more lots intended primarily for residential use (see § 232.022 of Texas Local Government Code).
- (2) Subject to resolution of questions of overlapping ETJ's, a city has authority to review and approve subdivisions both within its city limits and its chapters 42 and 212 ETJ (see §§ 212.001 and 212.003 of Texas Local Government Code).
- (3) Within a city's ETJ as defined by 212.001, a plat may not be filed without the approval of both the city and the county. If a plat is exempted from a city's or the county's plat requirements, the city or the county must when requested issue a certificate stating that a plat is not required by that entity, and the certificate must be attached to the plat. (See § 242.001 of Texas Local Government Code.)

APPENDIX 2: CHECKLISTS FOR TITLE A

These checklists are to be used in conjunction with the Hidalgo County Subdivision Rules and state statutes to help keep track of whether a preliminary or final plat and its associated information and documents meet legal requirements. Beneath each item’s description are citations to the key rule(s) and statute(s) related to the checklist item. Rules are referred to by title, chapter, and number. References to the Texas Local Government Code (typically chapter 232 thereof) are given simply by section number, for example, 232.022. The status of an item is “YES,” “NO” (or blank), “INC.” (for “Incomplete”), or “NA” (for “Not Applicable”). The log number of the document or documents submitted by the applicant containing the information fulfilling the checklist requirement should be put in the “Log # of Reference” blank. The initials of the county official making the particular status determination and the date of that determination appear in the last column.

Checklist for Title A: Preliminary Plat

Description of Item	Status	Log # of Reference	Checker’s Initials	Date
Application by owner or duly authorized agent [A.3.3]	_____	_____	_____	_____
Verification of title A applicability [G.2, A.1.1, B.1.1; 232.001, 232.022]	_____	_____	_____	_____
GENERAL SUBDIVISION DESIGN				
Provision for development of adjacent land [A.2.1.B]	_____	_____	_____	_____
Street classification [A.2.2]	_____	_____	_____	_____
Street and alley layout [A.2.4.A]	_____	_____	_____	_____
Minimum right-of-way widths [A.2.4.B]	_____	_____	_____	_____
Curves [A.2.4.C]	_____	_____	_____	_____
Street offsets [A.2.4.D]	_____	_____	_____	_____

Intersections [A.2.4.E]	_____	_____	_____	_____
Cul-de-sac streets [A.2.4.F]	_____	_____	_____	_____
Street names [A.2.4.G]	_____	_____	_____	_____
Street paving designated [A.2.5 and Appendix 5]	_____	_____	_____	_____
Drainage design [A.2.6 and Appendix 5]	_____	_____	_____	_____
Utility easements [A.2.7 and Appendix 5]	_____	_____	_____	_____
Irrigation easements [A.2.7 and Appendix 5]	_____	_____	_____	_____
Block lengths [A.2.8]	_____	_____	_____	_____
Lot design [A.2.8]	_____	_____	_____	_____
Street Lights [A.2.9]	_____	_____	_____	_____
School Bus Stop [A.2.10]	_____	_____	_____	_____
Filling Stations [A.2.11]	_____	_____	_____	_____
Adequate lot size and soil type for septic system [A.2.12]	_____	_____	_____	_____
Survey monuments [A.2.13]	_____	_____	_____	_____
Benchmark Monuments [A.2.14]	_____	_____	_____	_____

SUBMISSION REQUIREMENTS

Application, authorization, deed [A.3.3.A] _____

Form: scale, size, margins, index [A.3.5.A] _____

Topographic coverage within 500 feet [A.3.5.B] _____

Quantity: 10 sets of plat and supporting info [A.3.5.C] _____

REQUIRED SUPPORTING INFORMATION

May be on or with final plat. All work by an engineer or surveyor must be signed, sealed, and dated. [A.3.5.D] _____

Legal description sufficient for title examination [A.3.5.D.1] _____

Statement of conformance or list of variances [A.3.5.D.2] _____

Location map [A.3.5.D.3] _____

Vicinity map [A.3.5.D.4] _____

Location with respect to ETJ lines [A.3.5.D.5] _____

Map of earlier plat [A.3.5.D.6] _____

Proposed or existing restrictive covenants [A.3.5.D.7] _____

Certification by owner of utility conformance or submittal for review [A.3.5.D.8] _____

INFO ON PRELIMINARY PLAT

Names, addresses, and phone numbers of owner, engineer, surveyor, others responsible [A.3.5.E.1]	_____	_____	_____	_____
Subdivision name: no duplication [A.3.5.E.2, A.2.1.C]	_____	_____	_____	_____
Boundary delineated; total acreage [A.3.5.E.3]	_____	_____	_____	_____
Location tie to original survey corner [A.3.5.E.4]	_____	_____	_____	_____
Control points shown or described [A.3.5.E.5]	_____	_____	_____	_____
Existing or recorded streets, alleys, etc. [A.3.5.E.6.a]	_____	_____	_____	_____
Existing watercourses, drainage structures, etc. [A.3.5.E.6.b]	_____	_____	_____	_____
Existing or recorded lots, blocks, structures, etc. [A.3.5.E.6.c]	_____	_____	_____	_____
Existing water, sewer, & other utilities [A.3.5.E.6.d]	_____	_____	_____	_____
Adjoining property ownership, or subdivision [A.3.5.E.7]	_____	_____	_____	_____
Preparation and survey dates; scale; north [A.3.5.E.8]	_____	_____	_____	_____
Topographic info; benchmark [A.3.5.E.9]	_____	_____	_____	_____
General drainage plan [A.3.5.E.10]	_____	_____	_____	_____
Approximate locations of all proposed streets,	_____	_____	_____	_____

drainage structures, parks, public areas,
easements, blocks, lots, monuments, etc.
[A.3.5.E.11]

Proposed street names; extensions _____
[A.3.5.E.12]

Building set-back lines _____
[A.3.5.E.13]

Net area in each lot _____
[A.3.5.E.14]

Flood hazard areas & finish floor elevation _____
[A.3.5.E.15]

Checklist for Title A: Final Plat

Log # of	Checker's			
Description of Item	Status	Reference	Initials	& Date
Application				
[A.3.6A]				

Preliminary plat approved within 12 or 18 months				
[A.3.4.C]				

Form: scale, size, margins, index				
[A.3.7.A]				

Conformance with preliminary plat approval				
[A.3.7.B]				

Quantity: one reproducible original and 4 sets of copies of plat and supporting info				
[A.3.7.C]				

REQUIRED SUPPORTING INFORMATION
May be on or with final plat. All work by an
engineer or surveyor must be signed, sealed,
and dated. [A.3.7.D]

Statement of conformance or list of variances				
[A.3.7.D.1]				

Utility provider letters or notation on plat [A.3.7.D.2]	_____	_____	_____	_____
Street and drainage plans: 3 sets [A.3.7.D.3]	_____	_____	_____	_____
Water and sewage plans: 3 sets with costs [A.3.7.D.4]	_____	_____	_____	_____
Tax certificates [A.3.7.D.5]	_____	_____	_____	_____
INFO ON FINAL PLAT				
Certification by surveyor or engineer [A.3.7.E.1]	_____	_____	_____	_____
Define subdivision by metes and bounds [A.3.7.E.2; 232.001(b)(1)]	_____	_____	_____	_____
Location tie to original survey corner [A.3.7.E.3; 232.001(b)(2)]	_____	_____	_____	_____
Each lot described, numbered, and dimensioned [A.3.7.E.4; 232.001(b)(3)]	_____	_____	_____	_____
Any existing or recorded lot, street, alley, easement, encumbrance, etc. [A.3.7.E.5]	_____	_____	_____	_____
Dimensions and description of each lot, street, alley, park, easement, etc. [A.3.7.E.6; 232.001(b)(3)]	_____	_____	_____	_____
Monuments: type, location, found or set [A.3.7.E.7]	_____	_____	_____	_____
Drainage: pattern, easements, channels, and structures [A.3.7.E.8]	_____	_____	_____	_____
Utility easements [A.3.7.E.9]	_____	_____	_____	_____

Variance(s) and date(s) approved _____
[A.3.7.E.11]

Requirement for purchase contract statement
about utility availability _____
[A.3.7.E.12]

Owner or proprietor's acknowledgment _____
[A.3.7.F; 232.001(c)]

RELEASE OF APPROVED FINAL PLAT

Variance(s) and date(s) approved _____
[A.3.9.A; A.5.6]

Road and drainage bond submitted _____
[A.3.8.D; A.3.9.B]

All other bonds submitted _____
[A.3.9.B]

Recording fee tendered _____
[A.3.9.B]

Plat filed and recorded with county clerk
(with its required attachments) _____
[A.3.9.C]

APPENDIX 3: CHECKLISTS FOR TITLE B

These checklists are to be used in conjunction with the Hidalgo County Subdivision Rules and state statutes to help keep track of whether a preliminary or final plat and its associated information and documents meet legal requirements. Beneath each item’s description are citations to the key rule(s) and statute(s) related to the checklist item. Rules are referred to by title, chapter, and number. References to the Texas Local Government Code (typically chapter 232 thereof) are given simply by section number, for example, 232.022. The status of an item is “YES,” “NO” (or blank), “INC.” (for “Incomplete”), or “NA” (for “Not Applicable”). The log number of the document or documents submitted by the applicant containing the information fulfilling the checklist requirement should be put in the “Log # of Reference” blank. The initials of the county official making the particular status determination and the date of that determination appear in the last column.

Checklist for Title B: Preliminary Plat

Description of Item	Status	Log # of Reference	Checker’s Initials	Date
Application by owner or duly authorized agent [B.3.3]	_____	_____	_____	_____
Verification of title B applicability [G.2, B.1.1; 232.022, 232.023(a)]	_____	_____	_____	_____
GENERAL SUBDIVISION DESIGN				
Provision for development of adjacent land [B.2.1.B]	_____	_____	_____	_____
Street classification [B.2.2]	_____	_____	_____	_____
Street and alley layout [B.2.4.A]	_____	_____	_____	_____
Minimum right-of-way widths [B.2.4.B]	_____	_____	_____	_____
Curves [B.2.4.C]	_____	_____	_____	_____
Street offsets [B.2.4.D]	_____	_____	_____	_____

Intersections [B.2.4.E]	_____	_____	_____	_____
Cul-de-sac streets [B.2.4.F]	_____	_____	_____	_____
Street names [B.2.4.G]	_____	_____	_____	_____
Street paving designated [B.2.5 and Appendix 5]	_____	_____	_____	_____
Drainage design [B.2.6 and Appendix 5]	_____	_____	_____	_____
Utility easements [B.2.7 and Appendix 5]	_____	_____	_____	_____
Irrigation easements [B.2.7 and Appendix 5]	_____	_____	_____	_____
Block lengths [B.2.8]	_____	_____	_____	_____
Lot design [B.2.8]	_____	_____	_____	_____
Street Lights [A.2.9]	_____	_____	_____	_____
School Bus Stop [A.2.10]	_____	_____	_____	_____
Filling Stations [A.2.11]	_____	_____	_____	_____
Adequate lot size and soil type for septic system [B.2.12]	_____	_____	_____	_____
Survey monuments [B.2.13]	_____	_____	_____	_____
Benchmark Monuments [A.2.14]	_____	_____	_____	_____

SUBMISSION REQUIREMENTS

Application, authorization and deed [B.3.3A]	_____	_____	_____	_____
Form: scale, size, margins, index [B.3.5.A]	_____	_____	_____	_____
Topographic coverage within 500 feet [B.3.5.B]	_____	_____	_____	_____
Quantity: 10 sets of plat and supporting info [B.3.5.C]	_____	_____	_____	_____

REQUIRED SUPPORTING INFORMATION

May be on or with final plat. All work by an engineer or surveyor must be signed, sealed, and dated. [B.3.5.D]

Legal description sufficient for title examination [B.3.5.D.1]	_____	_____	_____	_____
Statement of conformance or list of variances [B.3.5.D.2]	_____	_____	_____	_____
Location map [B.3.5.D.3]	_____	_____	_____	_____
Vicinity map [B.3.5.D.4]	_____	_____	_____	_____
Location with respect to ETJ lines [B.3.5.D.5]	_____	_____	_____	_____
Map of earlier plat [B.3.5.D.6]	_____	_____	_____	_____
Proposed or existing restrictive covenants [B.3.5.D.7]	_____	_____	_____	_____
Description of water & sewer facilities and easements, and date to be operable [B.3.5.D.8]	_____	_____	_____	_____

Certification by owner of utility conformance
or submittal for review _____
[B.3.5.D.9]

INFO ON PRELIMINARY PLAT

Names, addresses, and phone numbers of owner,
engineer, surveyor, others responsible _____
[B.3.5.E.1]

Subdivision name: no duplication _____
[B.3.5.E.2, B.2.1.C]

Boundary delineated; total acreage _____
[B.3.5.E.3]

Location tie to original survey corner _____
[B.3.5.E.4]

Control points shown or described _____
[B.3.5.E.5]

Existing or recorded streets, alleys, etc. _____
[B.3.5.E.6.a]

Existing watercourses, drainage structures, etc. _____
[B.3.5.E.6.b]

Existing or recorded lots, blocks, structures, etc. _____
[B.3.5.E.6.c]

Existing water, sewer, & other utilities _____
[B.3.5.E.6.d]

Adjoining property ownership, or subdivision _____
[B.3.5.E.7]

Preparation and survey dates; scale; north _____
[B.3.5.E.8]

Topographic info; benchmark _____
[B.3.5.E.9]

General drainage plan _____
[B.3.5.E.10]

Approximate locations of all proposed streets, drainage structures, parks, public areas, easements, blocks, lots, monuments, etc. [B.3.5.E.11]	_____	_____	_____	_____
Proposed street names; extensions [B.3.5.E.12]	_____	_____	_____	_____
Building set-back lines [B.3.5.E.13]	_____	_____	_____	_____
Net area in each lot [B.3.5.E.14]	_____	_____	_____	_____
Flood hazard areas & finish floor elevation [B.3.5.E.15]	_____	_____	_____	_____

Checklist for Title B: Final Plat

Description of Item	Log # of	Status	Checker's Reference	Initials & Date
Application for final plat approval [B.3.6.A]	_____	_____	_____	_____
Preliminary plat approved within 12 or 18 months [B.3.4.C]	_____	_____	_____	_____
Form: scale, size, margins, index [B.3.7.A]	_____	_____	_____	_____
Conformance with preliminary plat approval [B.3.7.B]	_____	_____	_____	_____
Quantity: one reproducible original and 4 sets of copies of plat and supporting info [B.3.7.C]	_____	_____	_____	_____
REQUIRED SUPPORTING INFORMATION May be on or with final plat. All work by an engineer or surveyor must be signed, sealed, and dated. [B.3.7.D]	_____	_____	_____	_____

Statement of conformance or list of variances [B.3.7.D.1]	_____	_____	_____	_____
Utility provider letters or notation on plat [B.3.7.D.2]	_____	_____	_____	_____
Street and drainage plans: 3 sets [B.3.7.D.3]	_____	_____	_____	_____
Water and sewage plans: 3 sets with costs [B.3.7.D.4]	_____	_____	_____	_____
Tax certificates [B.3.7.D.5]	_____	_____	_____	_____
 INFO ON FINAL PLAT				
Certification by surveyor or engineer [B.3.7.E.1; 232.023(b)(1)]	_____	_____	_____	_____
Define subdivision by metes and bounds [B.3.7.E.2; 232.023(b)(2)]	_____	_____	_____	_____
Location tie to original survey corner [B.3.7.E.3; 232.023(b)(3)]	_____	_____	_____	_____
Each lot described, numbered, and dimensioned [B.3.7.E.4; 232.023(b)(4)]	_____	_____	_____	_____
Any existing or recorded lot, street, alley, easement, encumbrance, etc. [B.3.7.E.5]	_____	_____	_____	_____
Dimensions and description of each lot, street, alley, park, easement, etc. [B.3.7.E.6; 232.023(b)(5)]	_____	_____	_____	_____
Monuments: type, location, found or set [B.3.7.E.7]	_____	_____	_____	_____
Description of water & sewer facilities and easements, and date to be operable [B.3.7.E.8; 232.023(b)(6)]	_____	_____	_____	_____
Engineer's certification of compliance of water &	_____	_____	_____	_____

sewer facilities with Model Rules; cost [B.3.7.E.9; 232.023(b)(7)]	_____	_____	_____	_____
Aerial & guy wire easements [B.3.7.E.10]	_____	_____	_____	_____
Topography of the area [B.3.7.E.11; 232.023(b)(10)]	_____	_____	_____	_____
Drainage: pattern, channels, and structures [B.3.7.E.12; 232.023(b)(8) & (9)]	_____	_____	_____	_____
Drainage easements [B.3.7.E.13; 232.023(b)(8) & (9)]	_____	_____	_____	_____
Certification of floodplain absence, or floodplain location and finish floor elevation and benchmark and restrictive covenant [B.3.7.E.14; 232.023(b)(11)]	_____	_____	_____	_____
Certification of compliance with LGC 232.032 and minimum state standards for utilities [B.3.7.E.15; 232.023(b)(12)]	_____	_____	_____	_____
Variance(s) and date(s) approved [B.3.7.E.17]	_____	_____	_____	_____
Requirement for purchase contract statement about utility availability [B.3.7.E.18]	_____	_____	_____	_____
Subdivider’s acknowledgment and attestation to veracity and completeness [B.3.7.F; 232.023(d)]	_____	_____	_____	_____
 RELEASE OF APPROVED FINAL PLAT				
Variance(s) and date(s) approved [B.3.9.A; B.5.6]	_____	_____	_____	_____
Road and drainage bond submitted [B.3.8.D; B.3.9.B]	_____	_____	_____	_____
Water and sewer bond submitted	_____	_____	_____	_____

[B.3.8.E; B.3.9.B; 232.027]

All other bonds submitted _____
[B.3.9.B] _____

Recording fee tendered _____
[B.3.9.B] _____

Plat filed and recorded with county clerk _____
(with its required attachments) _____
[B.3.9.C; 232.023(e)] _____

APPENDIX 4: MODEL RULES EXHIBITS

APPENDIX 4-A. IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

**APPENDIX 4-B: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR
LETTER OF CREDIT**

**APPENDIX 4-C: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR CASH
DEPOSIT**

APPENDIX 4-A. IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

IRREVOCABLE LETTER OF CREDIT NO.

TO: County Judge (in his or her official capacity) Hidalgo County, Texas

DATE: _____, 20__

We hereby authorize you to draw at sight on [NAME AND LOCATION OF BANK] , for the account of [NAME OF CUSTOMER] (the Customer), up to the aggregate amount of _____ DOLLARS (\$_____) (the Stated Amount) available by our draft, accompanied by a certification by the county judge, any county commissioner, or the county treasurer that the following condition exists:

“A Condition of Draw exists under Subdivision Construction Agreement dated _____, 20__, by and between Subdivider and the County of Hidalgo (the Agreement). County is in substantial compliance with the terms of said Agreement and has calculated the amount of this draft in accordance with the terms of the Agreement.”

Drafts must be drawn and presented by or on [EXPIRATION DATE] by the close of business of the Issuer of this credit and must specify the date and number of this credit. Drafts will be honored within five calendar days of presentment. We hereby engage all drawers that drafts drawn and presented in accordance with this credit shall be duly honored. Partial draws are permitted and the letter of credit shall be reduced by the amount of such partial draws as well as by any reduction letters authorized by the County. The sum of such partial draws shall on no account exceed the Stated Amount of this credit, and upon any draw or reduction letter which exhausts this credit, the original of this credit will be surrendered to us.

Except as expressly stated, this credit shall be subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce (Publication No. 500).

This credit is irrevocable prior to its expiration date unless both parties consent to revocation in writing.

Address of Issuer:

Signature of Issuer’s Authorized Officer

Printed Name:

Title:

APPENDIX 4-B: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR LETTER OF CREDIT

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is Hidalgo County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.
2. Effective Date. This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and
4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and
5. County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and
6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and
7. This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

8. Improvements. The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to

commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. Completion. Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified “as built” by the engineer responsible for preparing the approved construction plans and specifications.
10. Warranty. The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (1) year from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdividers's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.
11. Security. To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of _____ Dollars (\$_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than one year from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the

performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

12. **Reduction In Letter of Credit.** After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County's Obligations

13. **Inspection and Certificate.** The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.
14. **Notice of Defect.** The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and if the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.
15. **Use of Proceeds.** The County will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit

or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disburse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. Return of Excess Escrowed Funds. No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the County shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred ten percent (110%) of the estimated cost of constructing Improvements the County intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the County shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.
17. Cost Participation by County. If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.
18. Conditions of Draw on Security The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:
 - (a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
 - (b) Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
 - (c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or
 - (d) Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall include a statement that the County intends to perform some or all of Subdivider's obligations under

Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

19. Procedures for Drawing on the Letter of Credit. The County may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The County may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.
20. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.
21. Remedies. The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.
22. Provisions for the Benefit of Issuer. The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the

Issuer.

23. **Third Party Rights.** No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.
24. **Indemnification.** The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.
25. **No Waiver.** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.
26. **Attorney's Fees.** Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.
27. **Assignability.** The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted

the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. Expiration. This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.
29. Notice. Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:
Attn: _____
Printed Name: _____
Office or Position: _____
Address: _____

if to County:	with copy to: Hidalgo County Planning Department
Attn: County Judge	Attention: Planning Administrator
100 E. Cano, 2nd Floor	1304 S. 25th Street
Edinburg, Texas 78539	Edinburg, Texas 78539

if to the Issuer: at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.
31. Personal Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for Hidalgo County, Texas, or the United States District Court for the Southern District of Texas, McAllen Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a

Letter of Credit pursuant to the terms of-this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. Release Upon Completion. Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.
33. Captions Immaterial. The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.
34. Entire Agreement. This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.
35. Authorization to Complete Blanks. By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.
36. Binding Agreement. The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the _____ day of _____, 20_____.

County Official

Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
-------------------------------	------------------------------

- a)
- b)
- c)

APPENDIX 4-C: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM FOR CASH DEPOSIT

1. **Parties.** This Subdivision Construction Agreement (the Agreement) is made by and between the County and the Subdivider. The County is Hidalgo County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____ who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.
2. **Effective Date.** This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this Agreement (the Effective Date).
3. **Recitals.** Subdivider is the owner of the land included in the proposed final subdivision plat of the subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and
4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and
5. County ordinances require the completion of various Improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and
6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and
7. This Agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

8. **Improvements.** The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those Improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. **Completion.** Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years after the Effective Date _____(The Completion Date); Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified “as built” by the engineer responsible for preparing the approved construction plans and specifications.

10. **Warranty.** The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (1) year from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdividers's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement.

11. **Security.** To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a Cashier’s Check or Personal Check representing a “Cash Deposit” to be held by the County in escrow in the amount of _____ Dollars (\$_____), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B.

12. **Reduction of Cash Deposit.** After the acceptance of any Improvement, the amount which the County is entitled to draw on the Cash Deposit shall be reduced by an amount equal to ninety percent (90%) of the quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider and if the Subdivider is not then in default under this Agreement, the County shall refund to the Subdivider that portion of the Cash Deposit associated with the completed Improvements. No later than sixty (60) days after its receipt of a written request to refund the Cash Deposit, the County shall determine the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Cash Deposit more frequently than every ninety (90) days. As used in this Paragraph, “Estimated Remaining Cost” means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County's Obligations

13. **Inspection and Certificate.** The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. **Notice of Defect.** The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and if the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. **Use of Proceeds.** The County will disburse funds drawn under the Cash Deposit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Cash Deposit or any accrued interest earned on the funds. The Cash Deposit shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are drawn and disbursed by the County pursuant to the terms as per this Agreement. The County may disburse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Subdivider no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. **Return of Excess Escrowed Funds.** No later than sixty (60) days after its receipt of a written request from the Subdivider to return Excess Escrowed Funds to the Subdivider, the County shall disburse to the Subdivider from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred ten percent (110%) of the estimated cost of constructing Improvements the County intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the County shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.

17. **Cost Participation by County.** If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

18. **Conditions of Draw on Security.** The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement; The County shall provide written notice to the Subdivider of a default, which notice shall be given no less than twenty (20) days before withdrawal of the Cash Deposit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and in such event, County shall give the Subdivider no less than five (5) days notice before withdrawal of the Cash Deposit. The County shall be entitled to draw

in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such Improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements.

19. **Measure of Damages.** The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Cash Deposit establishes the maximum amount of the Subdivider's liability.

20. **Remedies.** The remedies available to the County and the Subdivider under this Agreement and the laws of Texas are cumulative in nature.

21. **Third Party Rights.** No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds held in escrow by the County in accordance with this Agreement.

22. **Indemnification.** The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this Agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

23. **No Waiver.** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County or the Subdivider or their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

24. **Attorney's Fees.** Should either party be required to resort to litigation to enforce the terms of this Agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including

reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

25. **Assignability.** The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider.

26. **Expiration.** This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision (if not the Improvements are completed as provided in the Agreement) or if the Subdivision is vacated by the Subdivider.

27. **Notice.** Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

If to Subdivider:
Attn:
Address:

if to County:	with copy to: Hidalgo County Planning Department
Attn: County Judge	Attention: Planning Administrator
100 E. Cano, 2nd Floor	1304 S. 25th Street
Edinburg, Texas 78539	Edinburg, Texas 78539

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

28. **Severability.** If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

29. **Personal Jurisdiction and Venue.** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the

Agreement will be deemed to be property only if such action is commenced in District Court for Hidalgo County, Texas, or the United States District Court for the Southern District of Texas, McAllen Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

30. **Release Upon Completion.** Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Subdivider and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

31. **Captions Immaterial.** The numbering, order, and captions or headings of the paragraphs of this Agreement are for convenience only and shall not be considered in construing this Agreement.

32. **Entire Agreement.** This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

33. **Authorization to Complete Blanks.** By signing and delivering this Agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

34. **Binding Agreement.** The execution and delivery of this Agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date.

EXECUTED by the parties to be effective as of the _____ day of _____, 20____.

County Official

Developer

EXHIBIT A: MEETS AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
-------------------------------	------------------------------

a)

APPENDIX 5: ROAD, DRAINAGE, AND GENERAL UTILITY CONSTRUCTION SPECIFICATIONS

1. GENERAL

- 1.1 Except as provided herein, no Plat or improvements thereon shall be approved or accepted by the County unless it conforms to the Minimum Standards and Specifications contained herein, and in the Hidalgo County Model Subdivision Rules and Tex. Loc. Govt. Code Ch. 232, if applicable.
- 1.2 If a tract is Subdivided into parcels larger than ordinary building Lots, such parcels shall be arranged to allow the opening of future Streets.
- 1.3 There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- 1.4 Irrigation Canals: No open irrigation canals, except main canals, shall be permitted within a Subdivision. The Subdivider shall place said canal underground if its continued use is required by the Irrigation or Water District. The conversion of the canal system to a pipe system shall conform to Irrigation or Water District and County Standards and Specifications and shall be installed at the expense of the Subdivider
- 1.5 Electric and Gas Utilities: The Subdivider shall make reasonable efforts to have electric and gas utilities installed in the Subdivision by an entity authorized under Texas law to provide such services prior to the approval of the Final Plat.
2. Streets: All streets, whether public or private, shall be paved to the required width and to the minimum sections established herein. The Commissioners Court has the final discretion in determining the nature of a street's surface.
 - 2.1 Private Streets: Private streets serving four (4) or fewer lots shall be surfaced to a minimum pavement width of eighteen feet (18'). Private streets serving more than four (4) lots shall be paved to the minimum standards for public streets as established herein. Notwithstanding the minimum pavement widths above, a minimum private easement or right of way of fifty (50') feet must be provided on the plat.
 - 2.2 Streets in Special Flood Hazard Areas: All streets within a Flood Zone (A, AH, AE) as identified on the Hidalgo County National Flood Insurance Program Flood Insurance Rate Maps for Hidalgo County and all streets within the areas of flooding where the base flood elevation exceeds the natural ground elevation by more than two feet (2') shall utilize Class A paving as per Appendix 9 of these rules.
 - 2.3 Cul-de-sacs: Cul-de-sacs in residential subdivisions shall have a turn-around pavement radius of not less than forty (40) feet. In Subdivisions other than residential subdivisions, the turn-around pavement radius shall be no less than ninety (90) feet.
 - 2.4 Pavement Widths and rights-of-way: See A.2.4.B or B.2.4.B, as applicable for right-of-way standards. Pavement Widths shall be as follows:
 - a) Arterial Streets: shall have a Pavement Width of not more than fifty-six (56) feet, but not less than forty-eight (48) feet.
 - b) Collector Streets: shall have a Pavement Width of not more than forty-eight (48) feet, but not less than thirty-six (36) feet.

- c) Minor Streets: shall have a Pavement Width of not more than thirty-three (33) feet, but not less than twenty-nine (29) feet.
- 2.5 Specifications to be followed in the construction of any such Streets within or bounding a Subdivision must consider the amount and kind of travel over the road. Streets within a Subdivision must have a minimum base of eight (8) inches of compacted caliche which is at least four (4) feet wider than the Pavement Width, and shall be paved to the Pavement Width with two inches (2") of hot mix asphalt concrete Type "D" (*). Street and traffic control signs along with 24" thermoplastic stop bars shall conform to County standards and shall be installed at the expense of the Subdivider at intersections bounding the subdivision.
- (a) A minimum pavement thickness of one and one-half inch (1.5") will be considered if the following is provided: a Geotechnical Engineering Report signed by a Professional Engineer with pavement thickness recommendations that are based on a traffic and soils analysis.
- 2.6 Testing Requirements. Construction Material Testing shall be completed by a reputable testing laboratory at the following stages:
- (a) Subgrade Preparation: A minimum of one test per each 1,000 square yards or fraction thereof of Street area for subgrade compaction, moisture, and depth.
- (b) Compacted Caliche: A minimum of one test per 1,000 square yards or fraction of Street area for caliche compaction, moisture and depth.
- (c) Hot Mix Asphalt Concrete (HMAC): A minimum of one test per each 1,500 square yards of Street area for thickness and density to meet with State Specification Type "D" Certification. Submittal of Certified Type "D" from Supplier.
- (d) Bedding & Backfill: Testing will be required within the road right of way.
- (e) The longitudinal slope of the road shall be inspected to ensure proper grade by releasing water onto the road and observing the flow.

Construction Material Testing Reports shall be signed and sealed by a Professional Engineer, licensed to practice in the State of Texas. The Developer or his Contractor shall notify the County 24 hours in advance of any test in the event that County personnel wish to monitor any test. If notice is not given, the area is subject to removal and replacement at the expense of the Subdivider.

(*) May be reduced to 1 ½" with an approved Geo- Technical report.

- 2.7 Curb and gutter and/or driveway culverts are required in the following instances:
- (a) This subsection 2.7 (a) applies to any Subdivision in which any Lot contains an area of one acre or less (net of all easements and rights-of-way). The Subdivider shall, prior to obtaining final approval of a Plat, install rollover curb and gutter eighteen inches (18") in width in connection with all Streets installed or improved in the Subdivision, pursuant to the most current Hidalgo County Specifications.
- (b) This subsection 2.7 (b) applies to any Subdivisions in which all lots have an area of greater than one acre (net of all easements and rights of way). The Subdivider shall comply with the requirements of this subsection in one of the following manners:

(i) The Subdivider shall, prior to obtaining final approval of a Plat, install rollover curb and gutter eighteen inches (18") in width in connection with all Streets installed or improved within the Subdivision, pursuant to the most current Hidalgo County Specifications. Streets that are constructed with curb & gutter shall meet the minimum pavement width set forth in Section 2.4; or

(ii) The Purchaser of each Lot shall install or cause to be installed driveway culvert pipes which, at a minimum, are of reinforced concrete construction or High Performance Polypropylene, or as approved by Hidalgo County or Hidalgo County Drainage District, and being of no less than fifteen inches (15") in diameter and twenty four feet (24') in length, and shall otherwise conform in construction and content to the most current Hidalgo County Specifications. The Subdivider shall not be personally liable for the installation of driveway culverts under this section (2.7.2). The Subdivider shall note on the Drainage Plan and on the Plat that the purchaser of the lot will be required to provide for and install the culvert. In the event of a shared driveway; Section 2.10 shall apply.

- 2.8 Obstruction Prohibited. No wall, fence, shrubbery or other obstruction shall be permitted higher than eighteen (18) inches within the Restricted Area of a Corner Lot adjacent to an intersection with Minor Streets or Collector Streets, and there shall be no obstruction of any nature permitted within the Restricted Area of a Corner Lot adjacent to an intersection with a State Farm to Market Road, State Highway or a US Highway.
- 2.9 Frontage on existing County roads. Where the proposed Subdivision abuts an existing county road that does not conform to Section 2.4, the Subdivider shall dedicate a right-of-way width sufficient to make the full right-of-way width to conform to such Section 2.4 and the anticipated future use of the road according to the then-current version of the Hidalgo County Thoroughfare Plan. In addition, where the abutting county road is either not paved in accordance with Sections 2.4 through 2.7 or has a Pavement Width insufficient to conform to the requirements of Section 2.4, the Subdivider shall, at the time of Final Plat Approval, escrow with County a sum of money sufficient to provide for one-third of the cost of paving of the abutting portion of the road in compliance with the then-current County road construction specifications and/or requirements for the type of road in question. In determining the money amount sufficient to provide for such future work, the Engineer employed by Subdivider shall present to the County Planning Department their reasonable cost estimates for all materials and labor necessary to pave the to the normal Pavement Width required for such a road under then-current County road construction specifications and/or requirements. The County Planning Department and the County Engineer shall review the calculations and notify the Subdivider of any changes or adjustments prior to final plat approval. A copy of the current Hidalgo County Thoroughfare Plan, approved by the Hidalgo County Metropolitan Planning Organization, may be obtained from the Hidalgo County Planning Department.
- 2.10 Details Regarding Various Driveways: Included in Appendix 9, Plate No. 9-C, of these rules are details for driveways on Roads with an existing or proposed road right of way of 100 feet or greater. Shared driveways shall be constructed in accordance with specifications for driveways in Appendix 9 prior to the approval of a final plat by the Hidalgo County Subdivision Advisory Board and the Hidalgo County Commissioner's Court.
- 2.11 Filling Stations (Fire Hydrants)
Subdivisions that are proposing multi-family use, commercial use, institutional use or more than 4 single-family residential lots that are located beyond 600 feet of a filling station or fire hydrant shall install a filling station(s) so that no lot is located more than 600 feet from a fill station.

2.12 Recycled or used storm drain pipe will NOT be allowed in new subdivision construction.

3. DRAINAGE POLICIES

3.1 A detailed drainage plan shall be designed, prepared and executed by a Licensed Professional Engineer, holding a valid license to practice in the State of Texas, which shall be submitted in addition to, and along with, any Final Plat. This shall contain, but not be limited to, the following:

(a) All proposed development within the Hidalgo County Drainage District No. 1 Boundary limits shall require a storm sewer outfall in accordance with the District's Drainage Master Plan.

(b) Stormwater runoff generated from the developed property, including runoff from upstream drainage areas, shall be detained for a 50-year frequency storm event and released into the receiving downstream system at the pre-developed (before any development), peak discharge rate for a 10-year frequency storm event. Off-site peak discharge for 2-, 10-, 25- and 50-year storm events for post-development conditions shall not exceed the pre-development peak discharges for corresponding rain events.

(c) All drainage systems within the subdivision shall be designed to convey the 10-year storm runoff from the contributing areas to and through the subject property with no increase in the extent or depth of flooded areas. The proposed drainage system for the subdivision shall be analyzed for a 50-yr storm where the water surface elevation shall be a maximum of 12" above the lowest top of curb elevation.

(d) Storm drainage designs shall include provisions to account for off-site drainage patterns affected by any proposed improvements.

(e) A topographical map showing existing contours within the proposed Subdivision and five hundred (500) feet outside its boundaries shall depict: the existing elevations at one foot contours and one hundred (100) foot intervals, spot elevations at one-tenth (1/10) of a foot, and all existing drainage facilities within each area covered by the Plat.

(f) A drainage plan for the proposed Subdivision which must be illustrated on the same map depicting:

(i) Proposed finished elevations of the center line, edge of pavement, roadside ditch flow lines and the edge of right-of-way of each Street.

(ii) Proposed drainage facilities to be constructed by the Subdivider, with a drawing of how those facilities tie into the County Master Drainage Plan.

(iii) The one hundred (100) year storm contour elevation as illustrated on FEMA maps.

(g) All areas which will be subject to inundation due to pre-existing conditions or to the construction of streets and drainage facilities or to the re-grading of the land, as a result of a 10-year storm, by more than three inches (3") of water. Such areas would include, for example, the gutters and nearby portions of streets, constructed drainage swales, ditches parallel to streets, etc.

(h) A document containing the calculations of the quantity of runoff for the proposed Subdivision consistent with the overall County Master Drainage Plan, and in accordance with the calculation method for determining runoff as approved by the Hidalgo County Drainage District No. 1.

- (i) Provisions for drainage in the Subdivision to:
 - (i) avoid concentration of storm drainage water from each Lot to adjacent Lots;
 - (ii) provide positive drainage away from all buildings; and
 - (iii) coordinate individual lot drainage with the general storm drainage pattern for the area, including a description of the drainage improvements or modifications necessary to meet these criteria.

- (j) Detailed plans and specifications for all on-site and/or off-site improvements necessary to connect the drainage facilities shown on the drainage plan to the nearest existing drainage facility or public outfall, which must be completed prior to final plat approval under the Rules. Off-site improvements must consist of drainage facilities approved in advance by County and designed in accordance with proper engineering practices and considerations. Alternate methods may be utilized in accordance with Appendix 5 3.61 and 3.6.2.

- (k) Drainage Report Submittal: The following information shall be required as part of the drainage report which shall be submitted for approval. These items are noted for reference purposes only and are subject to change;
 - (i) Cover Sheet
(Firms Name, Title, Prepared by, Date, & Engineering Seal)

 - (ii) Index

 - (iii) Drainage Report Narrative Write-up
(Engineering Seal, Project Location description (City/ETJ), Flood Plain (FEMA info), Soil Conditions: Map symbol, Soil Name, Group and Unified Class, Existing Conditions, Pre Development 10-Yr CFS, Flow Direction & Outfall Location, Proposed Conditions, Proposed Use, After Development 50-Yr CFS or as required by municipality, Increase Q (CFS) rate, Detention volume (cf and Ac-ft), & Outfall location and owner

 - (iv) Project Location map

 - (v) USGS Topographical Map w/ runoff pattern

 - (vi) Hydraulic Calculations
(Title, Hydraulic Calculation & Engineering Seal)

 - (vii) “C” Values for Method

 - (viii) Rainfall Intensity for Hidalgo County

 - (ix) Flood Plain
(Community Panel, Site Location on FIRM Map, Flood Zone & Zone Description)

 - (x) Soil Survey
(Properties of Soil & Site location on Soil Survey)

(xi) Drainage Area Map

(All contributing areas delineated, contours, spot elevations, direction of flow, right-of-way, property lines, existing/proposed storm sewer systems, outfalls, design assumptions, Runoff, detention and hydraulic calculation summary: time of concentration estimates, runoff coefficient assumptions, storage volume calculations, pipe and inlet capacities, ponded widths and depths, inlet capacities and bypass, hydraulic grade line (HGL), Storm sewer plan and profile plan: right of way/property line, storm sewer alignment, direction of flow, high points, identification of existing and proposed storm sewer, identification of existing and proposed storm sewer inlets, manholes and junctions, applicable details, profile, pipe length, size, class and slope, identification and type of inlets, manholes, junctions boxes, flow lines at structures, outfalls; 100 foot intervals along storm sewer length, finished grade/natural ground, utility crossings, conflicts, hydraulic grade line (10 year), top of curb elevations, manhole rim elevations, trench protection limits, applicable details

(xii) Set of Plans (Half & Full size folded)

(Proposed Plat (Half (11x17) & Full size folded), Drainage Design (Half (11x17) & Full size folded), & Extending 500' from site, with 1' contours)

- 3.2 Specifications to be followed in the design of storm drainage in accordance with standard engineering practices shall be approved by the Hidalgo County Planning Department and if the subdivision is located within its boundaries or utilizes its facilities, Hidalgo County Drainage District No. 1.
- 3.3 Every Subdivision shall comply with the provisions of the County Flood Plain Regulations. The County Flood Plain Regulations are incorporated herein and made a part hereof as though fully set forth herein. The term "County Flood Plain Regulations" means the Regulations for Flood Plain Management adopted by County in accordance with authorizing statutes, on February 17, 2015, as amended, replaced or ratified.
- 3.4 Sites located in Special Flood Hazard Areas and Low-Lying areas
- (a) In the event all or any portion of the Subdivision is situated in a Special Flood Hazard Areas, the Subdivider shall supply and submit to the Federal Emergency Management Agency all documents, information, reports and recommendations that are required under the rules of the Federal Flood Insurance Program, and shall be responsible for obtaining a Letter of Map Amendment or Letter of Map Revision from the Federal Emergency Management Agency, as it applies to the entire Subdivision, prior to the approval of any Plat by County.
- i. When developing in Special Flood Hazard Areas, Zone A, where no depths or base flood elevations are shown, the Engineer of Record for the development shall be responsible for determining a Base Flood Elevation, obtaining a Letter of Map Amendment or Letter of Map Revision, and converting the entire Special Flood Hazard Areas, Zone A, to a Zone AE, through the Federal Emergency Management Agency.
- (b) In the event all or any portion of the Subdivision is situated in low-lying areas as determined by Hidalgo County, the Subdivider shall supply and submit to Hidalgo County all documents, information, reports and recommendations that are required under the rules of the Federal Flood Insurance Program, and shall be responsible for obtaining a Base Flood Elevation (BFE) and an Engineering Impact study, as it applies to the entire Subdivision, prior to the approval of any Plat by County.

3.5 Compliance with NPDES Program and Clean Water Act Permitting Requirements

(a) New development and redevelopment that will result in disturbance of five or more acres of land must comply with the United States Environmental Protection Agency ("USEPA") National Pollution Discharge Elimination System ("NPDES") General Permits for Storm Water Discharges from Construction Activities in Region 6. Rules covering the requirements of the General Permit are published at 63 Federal Register 36489, July 6, 1998, and are available at the USEPA Region 6 website (www.epa.gov/earthlr6/gen/w/formsw.htm.)

Individuals who intend to obtain coverage under the General Permit for Construction Activities must submit a Notice of Intent ("NOI") to the USEPA Region VI office in Dallas, Texas in accordance with the General Permit. Certification of this submittal shall also be made to the Hidalgo County Drainage District No. 1 office at least two (2) days prior to initiating construction.

The content of the NOI shall comply with the requirements of the NPDES General Permit for Storm Water Discharges from Construction Sites in Region 6, as published at 63 Federal Register 36489.

(b) In addition to compliance with the NPDES program, it may be necessary to obtain a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. (33 U.S.C. §1344). Certain activities are covered by the Nationwide Permit Program ("NWP"). NWP's, which may be applicable in the development of subdivisions, include NWP 39, 41 and 43, among others. Applicability of NWP 39 and 43 is limited in areas within the 100-year Floodplain by General Condition 26. See, 65 Fed. Reg. 12818, March 9, 2000. (New NWP provisions were effective June 7, 2000.) Copies of all materials submitted to the District Engineer under an NWP or an application for an individual permit must be simultaneously provided to Hidalgo County Drainage District No. 1.

3.6 Surface drainage from private property within a proposed subdivision shall be taken to the roads, streets, or drainage courses as directly as possible. Drainage water from the roads and streets shall be taken to defined drainage courses as directly as possible.

(a) Subdivisions with internal streets will be required to provide facilities for the post-development runoff for the subdivision at full build-out for a 10-year storm as approved by County and District at Subdivider's sole cost in addition to the design of the storm drain facilities that will discharge into a drainage ditch. A facility as used herein whether one or more shall be defined as drainage improvements dedicated to County or District, as applicable, such as, but not limited to: drainage pipe, culvert pipe, manholes, inlets and any other drainage appurtenances required by County or District.

Existing subdivisions within the surrounding drainage area basin shall be considered so that the proposed development does not adversely affect its drainage capabilities. In the event that the proposed drainage system discharges into an existing drainage system, the Engineer must submit the calculations showing that there is sufficient capacity in the existing system to accommodate for the additional Stormwater volume generated from the developed property, for a 50-year frequency storm and the surrounding contributing drainage area basin.

If the Subdivision is located adjacent to an existing drainage ditch, the ditch shall be widened at Subdivider's sole expense to accept peak discharge from a 50-year storm event from the post-developed subdivision. If the Subdivision is not adjacent to the existing drainage ditch, then the ditch that the subdivision is discharging into may be widened to County and/or Drainage District specifications to detain the peak discharge from a 50-year storm event from the post-developed

Subdivision. If the Subdivision is located where a proposed drainage ditch will be located as per the District's Master Plan then the Subdivider shall be responsible for excavating the ditch at the Subdivider's sole cost and expense. The Subdivider may use the excavated ditch as detention for the Subdivision provided that the Subdivider dedicates, in fee, such excavated ditch along with such dedicated access, in fee, as County and/or District may require. The ditch facility shall be connected via a minimum discharge pipe of 24" Rubber Gasket RCP CL III to another storm sewer system to provide positive flow. The County or District, as applicable, shall review all proposed ditch excavation. Written approval must be obtained from County or District, as applicable, before any work is to be performed. In the instance where an irrigation canal lies between a subdivision and a drainage ditch, the Subdivider shall contact the pertaining Irrigation District and provide a letter from said office stating the size of pipe required to convert the canal from an above ground canal to an underground facility. If the required pipe is 36 inches or under; it is the responsibility of the Subdivider to convert the irrigation canal to an underground facility with the piping and construction methods required by the Irrigation District. The location of the new underground facility is subject to final approval by the Irrigation District and County. The Subdivider shall also dedicate additional right-of-way to complete 75 feet from the centerline of a drainage ditch. If the future ditch Right of Way dedication is not possible, a 150-foot total right-of-way shall be dedicated. Additionally, a 15-foot irrigation easement along the rear of all lots containing irrigation line shall be provided.

The District, Subdivider's Engineer and the Hidalgo County Planning Department will evaluate the future development of the surrounding area to determine the upsize of off-site pipe needed for the area. Any Subdivider that connects to the off-site system shall pay pro-rata share of the cost to install the oversized off-site drainage line to the County or District, as applicable.

- 3.7 Streets shall not be used as major drainage courses. The Subdivider shall be responsible for constructing all necessary drainage features required to transport water from the development to an acceptable outfall, including acquisition of all necessary rights-of-ways and easements.
- 3.8 The rational method shall be used at a minimum for calculations. Other methods may be utilized for the calculation of the stormwater design discharge if sufficient supporting data is submitted to and approved by Hidalgo County Drainage District No. 1. Without supporting data other methods shall not be accepted. The engineer responsible for the preparation of the design calculations shall sign, seal, and date all work done under his authority.
- 3.9 Minor streets shall:
 - (a) be designed to contain a ten (10) year rainfall event within the gutter flow if curb and guttered or within the roadside ditches if not curb and gutter.
 - (b) have culverts designed to carry a ten (10) year rainfall event with a headwater depth not to exceed the diameter of the pipe
- 3.10 Collector streets shall:
 - (a) be designed so that a ten (10) year rainfall event is contained within the gutter flow if curb and guttered or within the roadside ditches if not curb and gutter.
 - (b) be designed so that a ten (10) year rainfall event will be contained within roadside ditches if curb and gutter are not used and have culverts designed so that the ten (10) year rainfall event will be carried with a head water depth not exceeding the diameter of the pipe.

- 3.11 Arterial streets shall:
- (a) be designed so that a ten (10) year rainfall event is contained within the gutter flow if curb and guttered or within the roadside ditches if not curb and gutter.
 - (b) be designed so that the roadside ditches, if utilized, will contain a twenty-five (25) year rainfall event within the ditches and all culverts shall be designed to carry the twenty-five (25) year rainfall event with head water depth not exceeding 1.2 times the diameter of the pipe.
- 3.12 Open drainage ditches or channels other than those contained within the right-of-way of a street or road shall comply with the Hidalgo County Master Drainage Plan, as amended.
- 3.13 Drainage structures at a crossing of a drainage courses with roads and streets shall be designed as follows:
- (a) Drainage structures under Minor streets shall be designed to carry a twenty-five (25) year rainfall event without overtopping the roadway and provide a minimum of fifteen feet (15') of clear roadway surface.
 - (b) Drainage structures under Collector streets shall be designed to carry a twenty-five (25) year rainfall event without overtopping the roadway and provide a minimum of twenty feet (20') of clear roadway surface.
 - (c) Drainage structures under Main Arterial streets shall be designed to carry a twenty-five (25) year rainfall event without overtopping any of the driving surface and shall provide a clear roadway equal to the width of the pavement plus five feet (5') on either side.
- 3.14 Easements. Where conditions require, a drainage easement adequate for the purpose (including future needs and maintenance) shall be provided, as determined by the County Planning Department and, if the subdivision is within its boundaries, Hidalgo County Drainage District No. 1. Where such easement is adjacent to lots, tracts, or reserves, restrictions regarding the use of the surface area of the easement shall be noted on the face of the final plat as follows:

“This easement shall be kept clear of fences, buildings, plantings, and other obstructions to the operation and maintenance of the drainage facility. Abutting property shall not be permitted to drain into the easement except by approved means.”

APPENDIX 7-A. SAMPLE FORM FOR WATER SERVICE AGREEMENT

**AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED
_____ SUBDIVISION**

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in Hidalgo County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Hidalgo County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility's water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by Hidalgo County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

APPENDIX 7-B. SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE PROPOSED
_____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in Hidalgo County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Hidalgo County for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by Hidalgo County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or

she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20_____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

Hidalgo Co. Subdivision Rules
Effective July 19, 2000

Appendix

Hidalgo Co. Subdivision Rules
Effective July 19, 2000

APPENDIX 8 SAMPLE GENERAL COUNTY PLAT NOTES

Section 1.0 General County Plat Notes: The following plat notes shall be provided on all subdivisions, as applicable, in accordance with these rules. The General Notes sample is being provided as guidance to the requirements to comply with the Texas Local Government Code, Texas Water Development Board Model Subdivision Rules, and Hidalgo County Subdivision Rules and Regulations. These plat notes may be amended to meet specific needs as approved by the Hidalgo County Planning Department.

HIDALGO COUNTY GENERAL SUBDIVISION PLAT NOTES

1. FLOOD ZONE STATEMENT:

FLOOD ZONE DESIGNATION: ZONE "X" & "X"(SHADED)

ZONE "X" AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN

COMMUNITY-PANEL NO. 480334 0325 D EFFECTIVE DATE: MAY 17, 2001

ZONE "X" (SHADED) COMMUNITY-PANEL NO. 480334 0325 D EFFECTIVE DATE: MAY 17, 2001.

FLOOD ZONE "AH" HAS BEEN REMOVED AS A SPECIAL FLOOD HAZARD AREA DETERMINED BY LETTER OF MAP REVISION BASED ON FILL CASE NUMBER 08-07-3402A AUGUST 8, 2007

THE AREAS WITHIN THE DRAINAGE EASEMENTS AND THE PROPOSED STREET RIGHT-OF-WAY ARE WITHIN THE 100-YEAR FLOOD PLAIN. COMMUNITY-PANEL NO. 480334 0325 D EFFECTIVE DATE: MAY 17, 2001 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS FOR HIDALGO COUNTY, TEXAS AND THE LOCAL FLOOD PLAIN ADMINISTRATOR HAVE IDENTIFIED NO OTHER AREAS AS SHOWN ON THIS PLAT ARE WITHIN THE PROPOSED SUBDIVISION TO BE WITHIN THE 100-YEAR FLOOD PLAIN.

CONSTRUCTION OF RESIDENTIAL HOUSING WITHIN ANY AREA OF THE SUBDIVISION THAT IS IN THE 100-YEAR FLOOD PLAIN IS PROHIBITED UNLESS THE HOUSING QUALIFIES FOR INSURANCE UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968 (42 U.S.C. SECTIONS 4001 THROUGH 4127).

2. SETBACKS:

FRONT: 25.00 FEET or ½ of the ROW not to exceed 50 feet
50.00 FEET When fronting a 100 foot ROW or greater
REAR: 15.00 FEET OR EASEMENT WHICHEVER IS GREATER
SIDE: 6.00 FEET OR EASEMENT WHICHEVER IS GREATER
CORNER SIDE: 10.00 FEET CORNER GARAGE SIDE: 18.00 FEET
CORNER GARAGE FRONT: 18.00 FEET
CORNER SIDE WHERE R.O.W. IS GREATER THAN 50.00 FEET: 20.00 FEET

3. NO MORE THAN ONE-SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT. NO COMMERCIAL USE SHALL BE ALLOWED ON ALL INTERNAL LOTS ___ THROUGH ___ AND LOTS ___ THROUGH ___. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACTS FOR DEEDS. (ANY OTHER USE SHALL REQUIRE PLANNING DEPARTMENT, OFFICE OF ENVIRONMENTAL COMPLIANCE, HEALTH DEPARTMENT AND FIRE MARSHALL APPROVAL). APPLICATIONS FOR CONSTRUCTION ARE REQUIRED PRIOR TO OCCUPYING THE LOT.

4. GENERAL NOTE FOR COMMERCIAL LOTS:

LOTS ___ THROUGH ___ SHALL BE FOR COMMERCIAL USE ONLY. THERE SHALL BE NO OTHER USE OTHER THAN COMMERCIAL. LOTS ___ THROUGH ___ IS FOR NONRESIDENTIAL USE. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACT FOR DEEDS. A BUFFER FENCE IS REQUIRED TO BE INSTALLED BY DEVELOPER ALONG ALL ABUTTING RESIDENTIAL LOTS. APPLICATIONS FOR CONSTRUCTION APPROVED BY THE PLANNING DEPARTMENT, OFFICE OF ENVIRONMENTAL COMPLIANCE, HEALTH DEPARTMENT AND FIRE MARSHALL ARE REQUIRED PRIOR TO OCCUPYING THE LOT.

5. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE THE CENTER LINE OF STREET OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME OF APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISHED FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.

6. THE FOLLOWING BENCHMARKS ARE IDENTIFIED ON THE FACE OF THE PLAT AND ON THE ATTACHED ENGINEERING PLANS.
 - B.M. NO. 1-ELEV. 202.50 N.G.V.D. 29 DESCRIPTIONS: 2'X2' CONCRETE SLAB SET APPROXIMATELY 10.00 FEET FROM THE SOUTH EAST CORNER OF LOT 48 OF THIS SUBDIVISION.
 - B.M. NO. 2-ELEV. 200.55 N.G.V.D. 29 DESCRIPTIONS: COTTON PICKER SPINDLE LOCATED AT MILE 8 WEST RD AND FM 1981 (HOYLE RD) INTERSECTION.
7. IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 78,888 CUBIC- FEET 1.81 ACRE- FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS: (SEE SHEET No.3 FOR STORM SEWER IMPROVEMENTS.)
8. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
9. EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF A LOT IN THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEWER, ELECTRICITY, AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.
10. ALL PUBLIC UTILITIES EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF 15.00 FEET AS PER THE HIDALGO COUNTY MODEL SUBDIVISION RULES. BY SIGNING THIS PLAT, DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.
11. CROSS-HATCHED AREA IS A TEMPORARY EASEMENT FOR TURN-AROUND UNTIL STREET IS EXTENDED (EAST) IN A RECORDED PLAT. SAID TEMPORARY EASEMENT SHALL BE AUTOMATICALLY ABANDONED UPON THE CONSTRUCTION OF A DEDICATED STREET TO THE (EAST).
12. AN OFF-STREET PARKING LOT SITE PLAN & DRAINAGE PLAN APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT SHALL BE REQUIRED FOR SCHOOLS, COMMERCIAL AND INDUSTRIAL USE AT THE TIME OF APPLICATION FOR CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING AND/OR DEVELOPMENT PERMIT. NO WATER OR LIGHT CLEARANCES SHALL BE ISSUED UNTIL THE SITE PLAN, DRAINAGE PLAN AND OSSF PLAN ARE APPROVED AND PROPOSED IMPROVEMENTS ARE CONSTRUCTED IN ACCORDANCE WITH COUNTY AND STATE STANDARDS.
13. NO INDIVIDUAL LOT ACCESS WILL BE ALLOWED FOR LOTS ____ THROUGH ____ . A ____ FOOT DRIVEWAY ENTRANCE SHALL BE CONSTRUCTED BY DEVELOPER BETWEEN LOTS ____ AND ____ TO PROVIDE INGRESS AND EGRESS TO LOTS ____ THROUGH ____ FROM FM _____).
14. ON-SITE SEWAGE FACILITIES (OSSF) NOTE: THIS SUBDIVISION SHALL USE ON-SITE SEWAGE FACILITIES IN ACCORDANCE WITH TCEQ AND HIDALGO COUNTY REGULATIONS FOR SEWAGE DISPOSAL. THE SUBDIVIDER IS RESPONSIBLE FOR PROVIDING AN OSSF ON ALL LOTS.
 - A. OSSF SYSTEM IS BEING DESIGNED FOR DISPOSAL OF DOMESTIC SEWERAGE ONLY. A SEPARATE DESIGN SHALL BE SUBMITTED FOR COMMERCIAL USE.
 - B. EACH LOT ON THIS PLAT COMPLIES WITH THE MINIMUM 21,780 SQUARE FEET LOT AREA WITH POTABLE WATER SUPPLY.
 - C. OSSF SYSTEM SHALL REQUIRE INSPECTION AND APPROVAL BY HIDALGO COUNTY AUTHORIZED DEPARTMENT
 - D. SOIL ANALYSIS HAVE BEEN SUBMITTED TO THE AUTHORIZED HIDALGO COUNTY DEPARTMENT AND EXCERPTS MAY BE ALSO SEEN ON THE UTILITY LAYOUT FOR THIS SUBDIVISION AS SUBMITTED TO THE HIDALGO COUNTY PLANNING DEPARTMENT. THE ENGINEER HAS DETERMINED THAT THE SOIL IS SUITABLE FOR A STANDARD SEPTIC TANK AND ABSORPTIVE DRAINFIELD SYSTEM.
 - E. APPROVED "OSSF" PERMIT APPLICATION IS REQUIRED INCLUDING INDIVIDUAL LOT PLANNING MATERIALS PRIOR TO OCCUPYING A LOT.
 - F. THERE ARE NO WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES ON THIS SUBDIVISION
 - G. A SPECIAL DESIGN IS REQUIRED FOR ALL OSSF SYSTEMS LOCATED WITHIN A DESIGNATED FLOOD ZONE. THE DESIGN SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING ITEMS:
 - ANCHORING OF SEPTIC TANK(S)
 - BACK FLOW VALVES
 - SEPTIC TANK COVER SHALL BE ABLE TO SEAL.
15. (_____ NAME _____), THE OWNER & SUBDIVIDER OF _____ SUBDIVISION, RETAINS A BLANKET EASEMENT UPON EACH LOT FOR THE PURPOSE OF INSTALLING AN APPROVED OSSF ON THE LOT AS DESCRIBED ON SHEET NO.2 OF THIS PLAT.

16. CLEARANCES FOR WATER METERS: (ONLY FOR LOTS BEING
AS PER LOCAL GOVERNMENT CODE REQUIREMENTS, SANITARY SEWER MUST BE CONNECTED TO A RESIDENCE PRIOR TO THE COUNTY PROCESSING A FINAL CLEARANCE FOR A WATER METER. A SEWER TAP INSPECTION SHALL BE PROVIDED FROM THE ENTITY SERVICE PROVIDER PRIOR TO RECEIVING A CLEARANCE FOR WATER METER(S).
17. NO INDIVIDUAL LOT DRIVEWAY ACCESS WILL BE ALLOWED FROM (STREET NAME) ON TO LOTS ____ THROUGH _____. A 24' SHARED DRIVEWAY ENTRANCE SHALL BE CONSTRUCTED BY DEVELOPER BETWEEN LOTS ___&___, ___&___, ___&___ TO PROVIDE INGRESS AND EGRESS FROM (STREET NAME).
18. (SCHOOL NAME) IS BEING DESIGNED FOR DISPOSAL OF INSTITUTIONAL SEWAGE IN ACCORDANCE WITH TCEQ GUIDELINES. ENGINEER CERTIFIES BY SIGNING THIS PLAT THAT THE DESIGN OF SAID SYSTEM MEETS ALL TCEQ REGULATIONS GOVERNING THIS TYPE OF WORK.
19. LOTS ____ AND ____ SHALL NOT HAVE ACCESS/DRIVEWAY ONTO (street name) UNLESS UTILIZED FOR COMMERCIAL USE. IF THE AFOREMENTIONED LOTS ARE UTILIZED FOR COMMERCIAL USE. THEN THE LOT OWNER WILL BE REQUIRED TO INSTALL A BUFFER FENCE ABUTTING ALL RESIDENTIAL LOTS. LOCATION OF ACCESS/DRIVEWAY SHALL BE SHOWN ON THE SITE PLAN AS PER NOTE 12 AND IS SUBJECT TO APPROVAL FROM THE HIDALGO COUNTY PLANNING DEPARTMENT.
20. THE HOMEOWNERS ASSOCIATION AND/OR EVERY LOT OWNER SHALL HOLD THE COUNTY OF HIDALGO, HARMLESS AND INDEMNIFY COUNTY FROM ANY AND ALL CLAIMS RELATING TO THE CONDITION OR ACCESSIBILITY OF THE PRIVATE STREETS. THE LOT OWNERS SHALL BE RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PRIVATE STREETS, PRIVATE SIDEWALKS, AND PRIVATE STREETLIGHTS. ANY REQUEST FOR DEDICATION OF THE PRIVATE ROADS TO PUBLIC USE IF APPROVED SHALL CAUSE CONSTRUCTION SPECIFICATIONS TO MEET COUNTY REQUIREMENTS.
21. LOT ____ SHALL NOT HAVE ACCESS/DRIVEWAY ONTO _____ ROAD, UNLESS SAID LOT IS DESIGNATED FOR COMMERCIAL USE. LOCATION OF ACCESS /DRIVEWAY SHALL BE SHOWN ON THE SITE PLAN AS PER NOTE _____ AND ARE SUBJECT TO APPROVAL FROM THE HIDALGO COUNTY PLANNING DEPARTMENT.
22. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE DEVELOPMENT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
23. ACCESS EASEMENT SHALL REMAIN FREE AND CLEAR OF ANY OBSTRUCTIONS SO THAT INCOMING AND OUTGOING TRAFFIC MAY TRAVEL FREELY. THE INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PAVING AND DRAINAGE IMPROVEMENTS WITHIN THE ROAD ACCESS EASEMENT WITH HIS RESPECTIVE SECTION.
24. THE PURCHASER OF EACH LOT SHALL BE RESPONSIBLE TO INSTALLED DRIVEWAY CULVERT REINFORCED CONCRETE PIPE OF ON LESS THAN 15 INCHES IN DIAMETER AND 24 FEET IN LENGTH.
25. LOT ____ SHALL BE FOR MULTI-FAMILY USES. THE ENGINEER HAS SUBMITTED PLANNING MATERIALS FOR THIS PURPOSE AND NO ALTERATIONS OR CHANGES TO THE APPROVED DESIGN OF THIS MULTI-FAMILY PROPOSAL SHALL BE MADE UNLESS A RE-SUBDIVISION PLAT IS APPROVED BY THE COUNTY FOR SUCH CHANGES. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACTS FOR DEEDS. APPLICATIONS FOR CONSTRUCTION ARE REQUIRED PRIOR TO OCCUPYING LOT.
26. ANY ADDITION TO EXISTING RESIDENCE STRUCTURE OR NEW PROPOSED DWELLING ON LOT ____ MUST COMPLY WITH ALL SETBACK RESTRICTIONS RECORDED ON THIS PLAT.
27. ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE REAR OF THE LOT TO THE CURB AND/OR ROADSIDE DITCH AT A 0.25 % SLOPE TO ACCOMPLISH POSITIVE DRAINAGE. THIS IS IN ACCORDANCE WITH HIDALGO COUNTY APPENDIX 5: COUNTY CONSTRUCTION SPECIFICATIONS 3.1.4.

Index for Appendix 9: County Details and Specifications

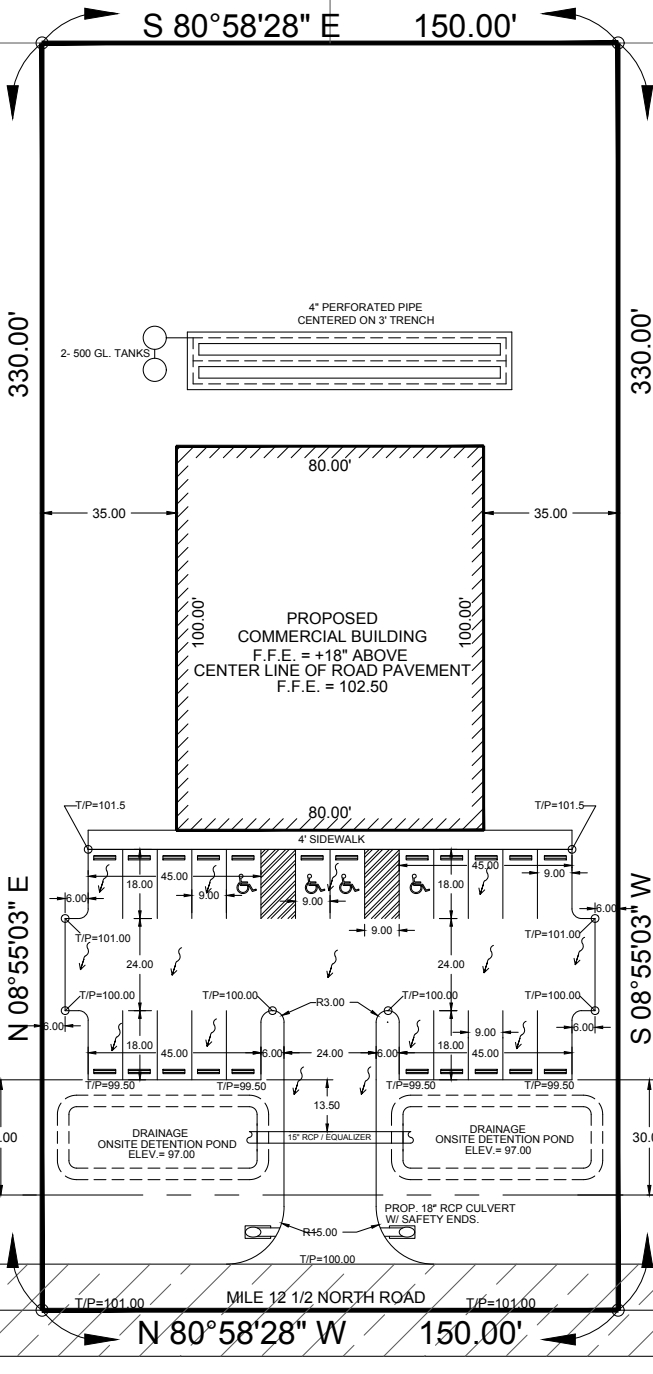
PLATE No.	Description:
9-A	Commercial Site Plan
9-B	Typical Finish Floor Elevation Above Centerline Of Street and/or Curb And Gutter and/or Natural Ground
9-C	Share Driveways For Lots Fronting a 80 ft R.O.W. or Greater
9-D	Site Plan Showing Lot Affected by Easement
9.1	Class "A" Pavement
9.2	Class "B" Pavement
9.3	Class "C" Pavement
9.4	Class "D" Pavement
9.5	Minor Residential Street Section
9.6	Minor Commercial/Industrial Street Section
9.7	Minor Collector Street Section
9.8	Collector Street Section
9.9	Private Road
9.10	Minor Arterial Street Section
9.11	Principal Arterial Street Section
9.12	Class "A" Pavement Reinforcing Detail
9.13	Class "A" Pavement Joint Detail
9.14	Typical Curb And Gutter Detail
9.15	Typical Low Profile Curb And Gutter Section
9.16	Typical Road Section With Low Profile Curb And Gutter & Type "C" Inlet
9.17	Typical Private Driveway Approach
9.18	School Bus Stop pickup area
9.19	Typical Handicapped Ramp Detail
9.20	New Asphalt Meeting Existing Pavement
9.21	Drainage Manhole Details
9.22	Standard Curb Inlet Detail
9.23	Standard Curb Inlet Section A-A
9.24	Curb Inlet Detail Side Section
9.25	Standard Curb Inlet Throat Detail
9.26	Curb Inlet-Box And Manhole Elevation
9.27	Curb Inlet-Extension Elevation
9.28	Standard Curb Inlet Gutter and Extension Plan
9.29	Standard Curb Inlet Typical Plan Section
9.30	Typical Endwall/Concrete Apron Detail
9.31	Concrete Drainage Flume
9.32	Concrete Valley Gutter Detail
9.33	Typical Endwall/Concrete Apron Detail Elevation Safety End Treatment (Type "P or C")
9.34	Typical Endwall/Concrete Apron Detail Pipe Lengths & Volumes
9.35	Typical Endwall/Concrete Apron Detail Plan View and Section Detail
9.36	Storm Trench Bedding And Backfill Detail
9.37	Reconstruction of County Road Side Ditch
9.38	HCDD#1 Discharge Structure

LOT 76
LA BLANCA AGRICULTURAL
COMPANY 'B' SUBDIVISION
VOL. 2 PG. 42 H.C.M.R.
BONHAM PROPERTIES, INC.
DEED# 927885

LOT 75
LA BLANCA AGRICULTURAL
COMPANY 'B' SUBDIVISION
VOL. 2 PG. 42 H.C.M.R.
BONHAM PROPERTIES, INC.
DEED# 927885

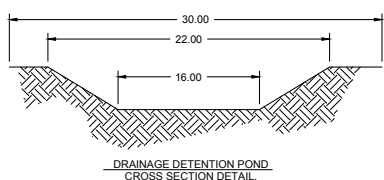
LOT 94
LA BLANCA AGRICULTURAL
COMPANY 'B' SUBDIVISION
VOL. 2 PG. 42 H.C.M.R.
BONHAM PROPERTIES, INC.
DEED# 927885

LOT 96
LA BLANCA AGRICULTURAL
COMPANY 'B' SUBDIVISION
VOL. 2 PG. 42 H.C.M.R.
BONHAM PROPERTIES, INC.
DEED# 927885



- OSSF DESIGN**
- 1) ALL CONSTRUCTION AND INSTALLATION OF THE OSSF SHALL BE IN ACCORDANCE WITH THE TEXAS ADMINISTRATIVE CODE, TITLE 30. ENVIRONMENTAL QUALITY PART I. TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, CHAPTER 285. ON-SITE SEWAGE FACILITIES (SUBCHAPTER D - PLANNING, CONSTRUCTION, AND INSTALLATION STANDARDS FOR OSSFs)
 - 2) SEPTIC TANK DESIGN SHALL BE REVIEW AND APPROVED BY THE HIDALGO COUNTY HEALTH DEPT.

- PARKING LOT NOTES'**
- 1) ALL PARKING LOTS SHALL BE PAVED ACCORDING TO COUNTY STANDARDS AND SPECIFICATIONS.
 - 2) THE PARKING LANES MUST BE CLEARLY MARKED BY WHITE/YELLOW PAINT.
 - 3) SEE TYPICAL STRIPING DETAIL FOR HANDICAP PARKING SPACES.



**HIDALGO COUNTY
PLANNING DEPARTMENT**

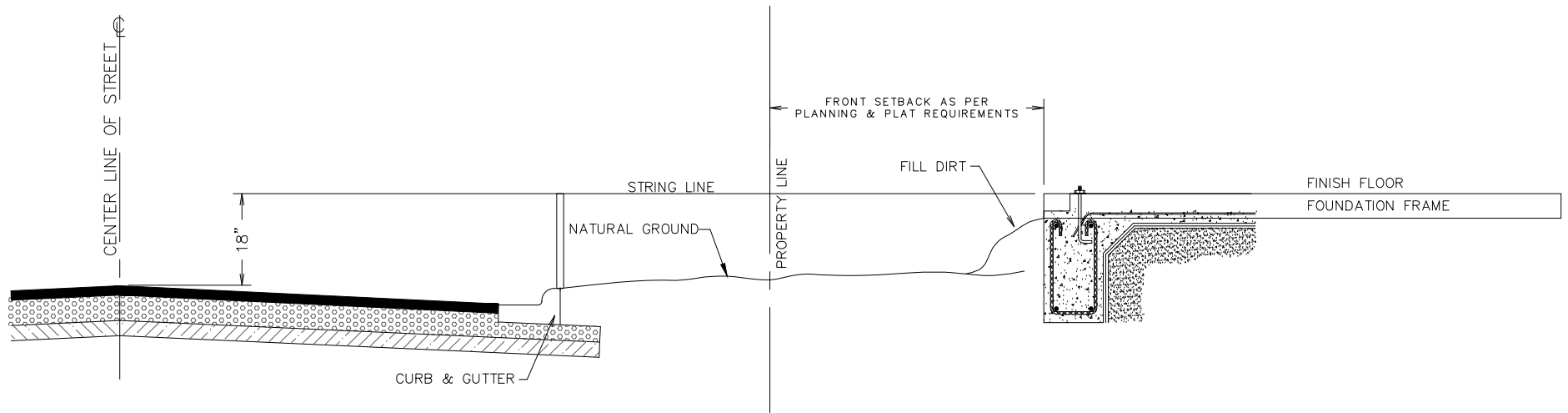
1304 S. 25 TH. STREET
EDINBURG TX. 78539
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THIS COMMERCIAL SITE PLAN/GRADING PLAN IS TO BE USED AS A SAMPLE ONLY. IT IS NOT A SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

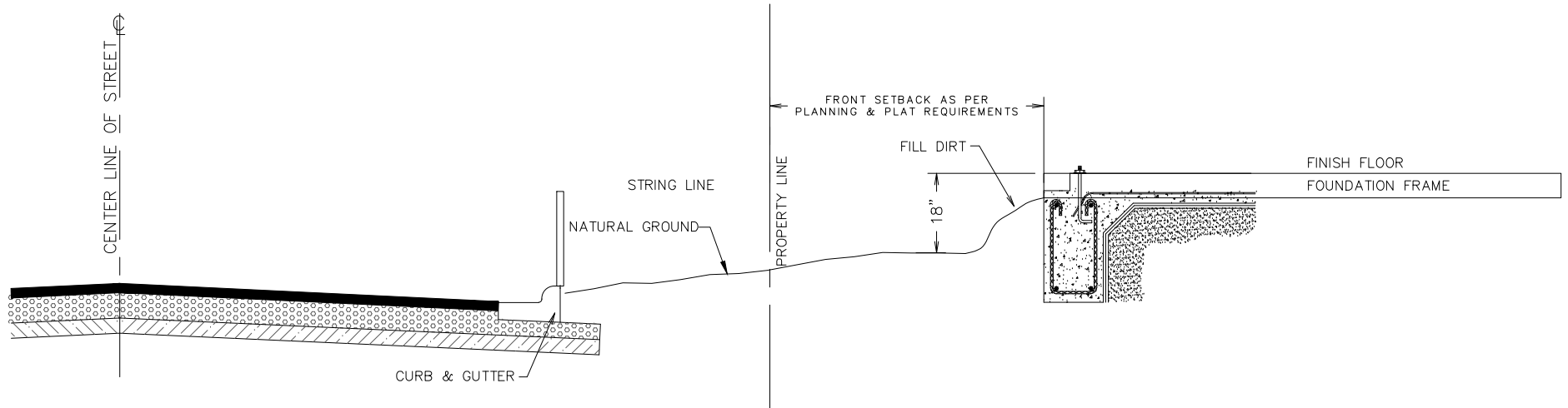
COMMERCIAL SITE PLAN

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J. TOVAR	PLATE No.: 9-A





TYPICAL FINISH FLOOR ELEVATION
18" ABOVE CENTER LINE OF STREET



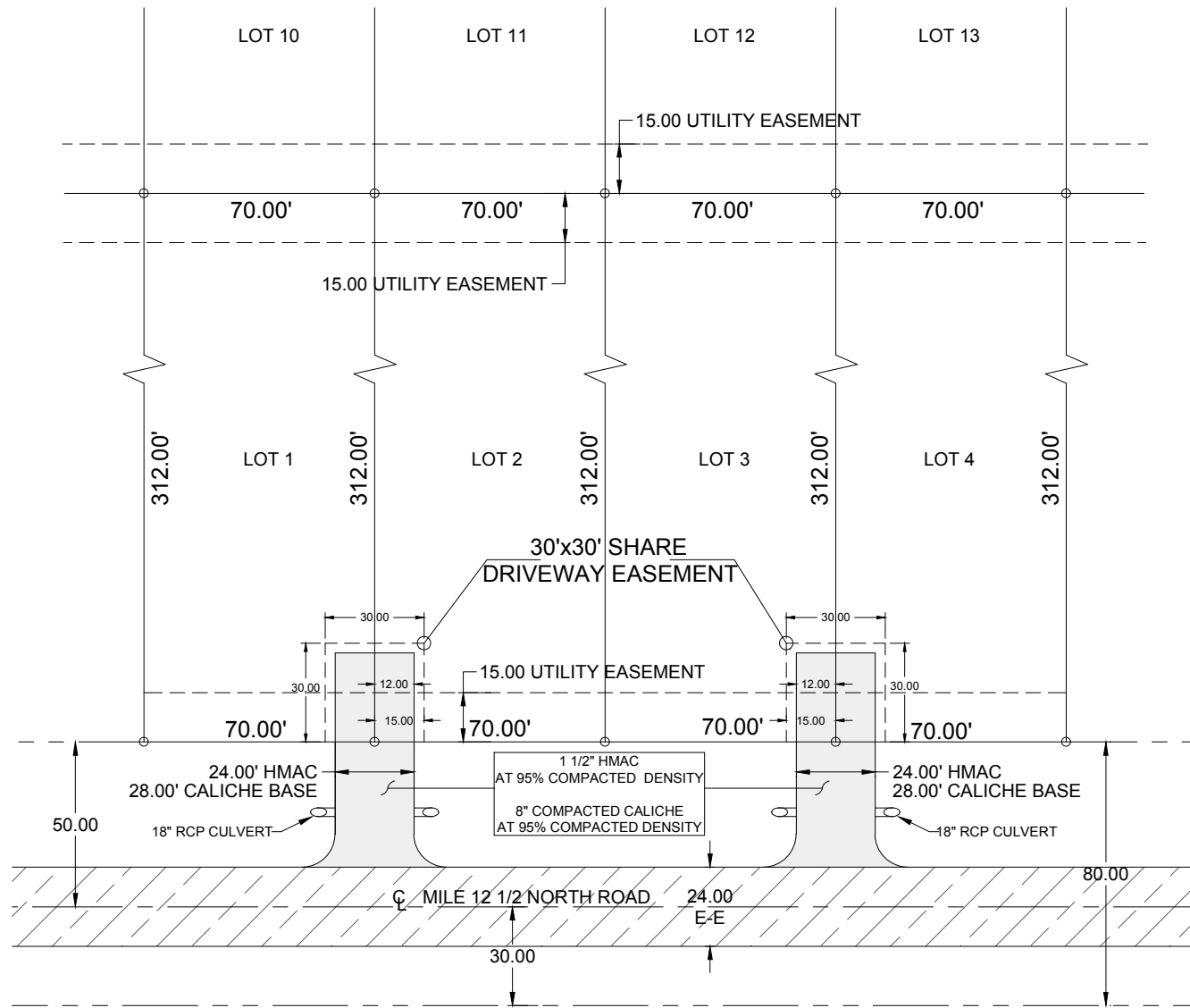
TYPICAL FINISH FLOOR ELEVATION
18" ABOVE NATURAL GROUND



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TYPICAL FINISH FLOOR ELEVATION	
SCALE:	N.T.S.
DATE:	10-09-2018
CHECKED BY:	R.E.S.
DRAWN BY:	J.TOVAR
	PLATE No. :9-B

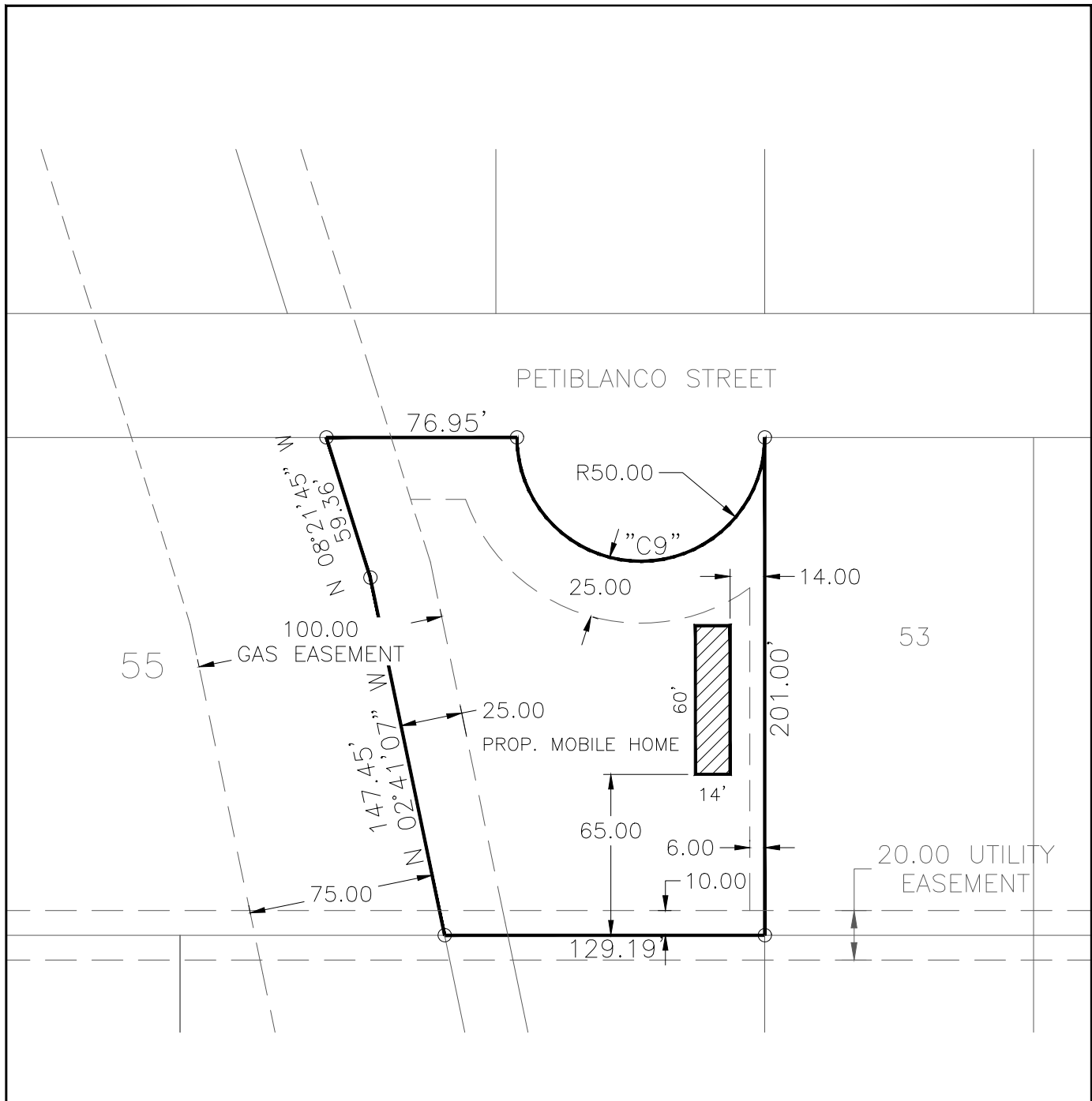


**HIDALGO COUNTY
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1304 S. 25 TH. STREET
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SHARE DRIVEWAY WHEN FRONTING
A 80 FT R.O.W. OR GREATER

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J. TOVAR	PLATE No.: 9-C



SITE PLAN SHOWING LOT AFFECTED BY GAS UTILITY LINE TRAVERSING LOT OTHER THAN 90 DEGREES AS MEASURED FROM PROPERTY LINES



HIDALGO COUNTY
PLANNING DEPARTMENT

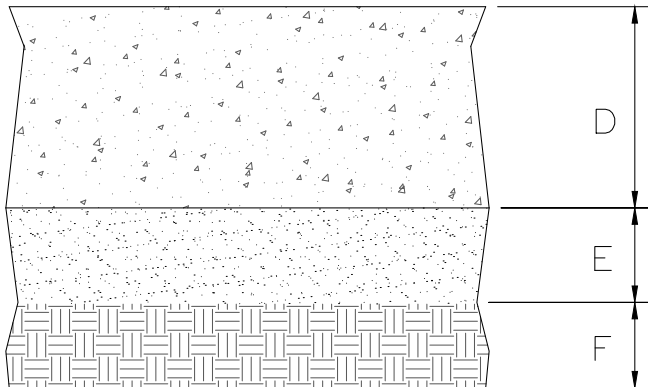
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

UTILITY EASEMENT LOT SITE PLAN

SCALE:	N.T.S.
DATE:	10-09-2018
CHECKED BY:	R.E.S.
DRAWN BY:	J.TOVAR
PLATE No. :	9-D

CLASS "A" PAVEMENT

REQUIRED IN ALL V ZONES AND ALL FLOOD ZONES AS DESIGNATED BY FEMA MAPS WHERE BASE FLOOD IS 2' OR GREATER IN DEPTH.



CONCRETE CLASS A 5 SACK/CY. MIN.
3000 P.S.I. COMP. STRENGTH; MIN. 600
P.S.I. - 7 DAYS BEAM STRENGTH;
MAX. WATER/CEMENT RATIO 0.7;
1 1/2" MAX. AGGREGATE;
ENTRAINED AIR 4-7%

SAND CUSHION

SUB-BASE

REQUIREMENTS FOR VARIABLE STREET CLASSIFICATION

VARIABLE	MINOR	COLLECTOR	ARTERIAL
D	5 1/2" MIN. WITH THICKENED EDGE	6 1/2" MIN. WITH THICKENED EDGE	8 1/2" MIN. WITH THICKENED EDGE
E	4"	6"	6"
F	P.I. <20 COMPACTION 6" THICK TO 95% STD. PROCTOR @ OR ABOVE OPT. MOISTURE P.I. > 20 SEE SUBGRADE IMPROVEMENT METHODS	P.I. <20 COMPACTION 8" THICK TO 95% STD. PROCTOR @ OR ABOVE OPT. MOISTURE P.I. > 20 SEE SUBGRADE IMPROVEMENT METHODS	P.I. <20 COMPACTION 10" THICK TO 98% STD. PROCTOR @ OR ABOVE OPT. MOISTURE P.I. > 20 SEE SUBGRADE IMPROVEMENT METHODS

SUBGRADE IMPROVEMENT METHODS:

1. MECHANICAL STABILIZATION ----- AN APPROVED GEOGRID PLACED UNDERNEATH THE BASE COURSE PER COUNTY SPECIFICATIONS. SAND CUSHION MUST BE SUBSTITUTED BY A CALICHE OR LIMESTONE BASE
2. CHEMICAL STABILIZATION ----- MODIFY SUBBASE COURSE THICKNESS AS FOLLOWS:
 - 20 < P.I. ≤ 40 3% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
 - P.I. > 40 6% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
3. OVER EXCAVATION & REPLACEMENT ----- A MINIMUM OF 18" OF SELECT FILL WITH A P.I. < 20 COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE

DESIGN ENGINEER MAY SPECIFY A DIFFERENT PAVEMENT SECTION TO ADDRESS FIELD AND TRAFFIC CONDITIONS. THESE SPECIFICATIONS OUTLINE THE MINIMUM REQUIREMENTS FOR THE COUNTY OF HIDALGO. WHERE FURTHER GUIDANCE FOR CONSTRUCTION SPECIFICATIONS IS NEEDED, THE COUNTY PLANNING DEPARTMENT MAY REQUIRE CONSTRUCTION IN ACCORDANCE WITH THE 1993 TX DOT STANDARD SPECIFICATIONS BOOK (BLUE BOOK).



HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CLASS "A" PAVEMENT

SCALE: N.T.S.

DATE: 10-09-2018

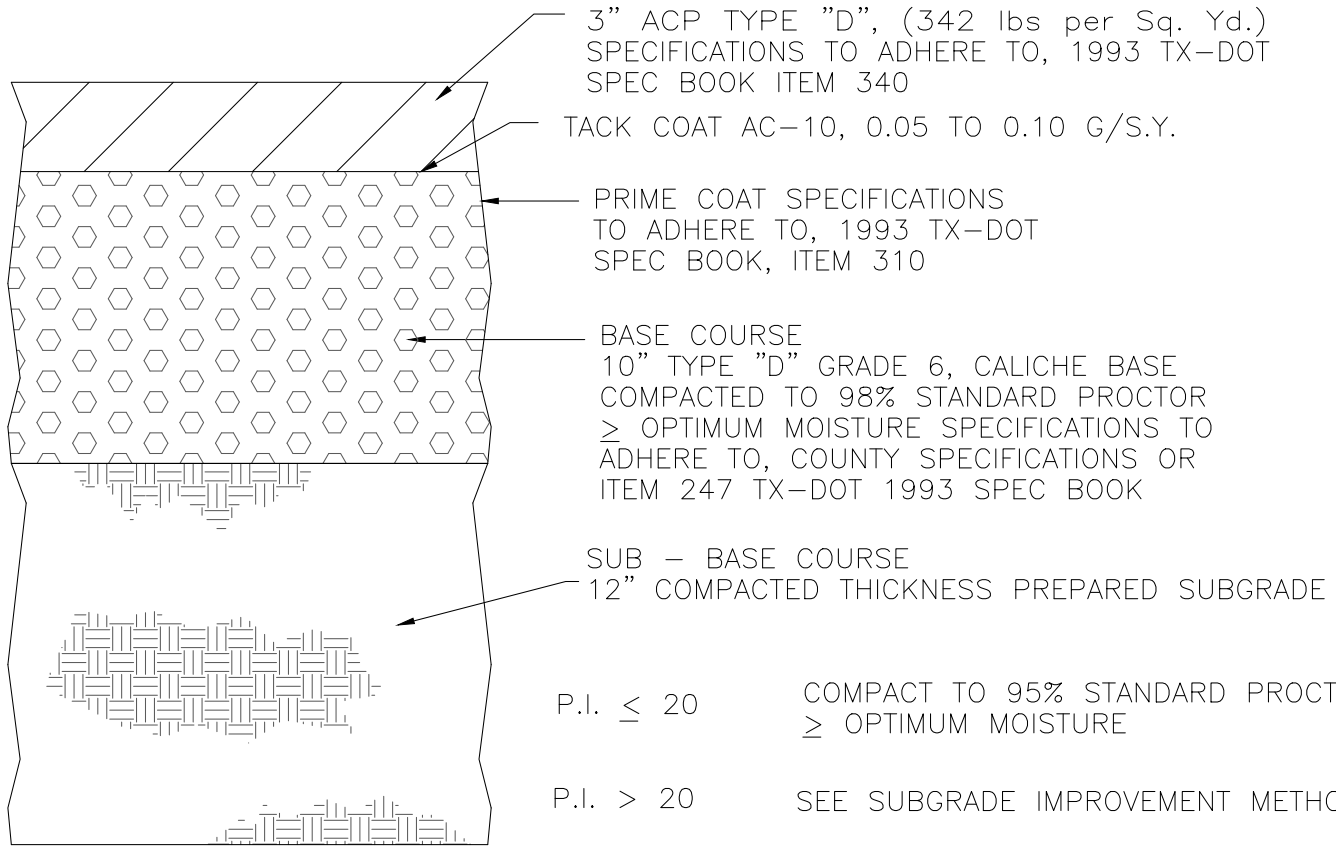
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.1

CLASS "B" PAVEMENT

REQUIRED FOR ALL ARTERIAL STREETS (EXCEPT AS NOTED)



GENERAL NOTES:

1. IN LIEU OF THE ABOVE BASE DESIGN, AN ALTERNATE BASE MAY BE USED THAT USES 8" OF TYPE "A" GRADE 1 (CRUSHED LIMESTONE) COMPACTED TO STANDARD PROCTOR > OPTIMUM MOISTURE AS PER ITEM 247 1993 TX DOT SPEC BOOK.

SUBGRADE IMPROVEMENT METHODS:

1. MECHANICAL STABILIZATION ----- AN APPROVED GEOGRID PLACED UNDERNEATH THE BASE COURSE PER COUNTY SPECIFICATIONS

2. CHEMICAL STABILIZATION ----- MODIFY SUBBASE THICKNESS COURSE AS FOLLOWS:

20 < P.I. ≤ 40 3% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR
≥ OPTIMUM MOISTURE

P.I. > 40 6% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR
≥ OPTIMUM MOISTURE

3. OVER EXCAVATION & REPLACEMENT ----- A MINIMUM OF 18" OF SELECT FILL WITH A P.I. < 20 COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE

DESIGN ENGINEER MAY SPECIFY A DIFFERENT PAVEMENT SECTION TO ADDRESS FIELD AND TRAFFIC CONDITIONS. THESE SPECIFICATIONS OUTLINE THE MINIMUM REQUIREMENTS FOR THE COUNTY OF HIDALGO. WHERE FURTHER GUIDANCE FOR CONSTRUCTION SPECIFICATIONS IS NEEDED, THE COUNTY PLANNING DEPARTMENT MAY REQUIRE CONSTRUCTION IN ACCORDANCE WITH THE 1993 TX DOT STANDARD SPECIFICATIONS BOOK (BLUE BOOK).



HIDALGO COUNTY
PLANNING DEPARTMENT

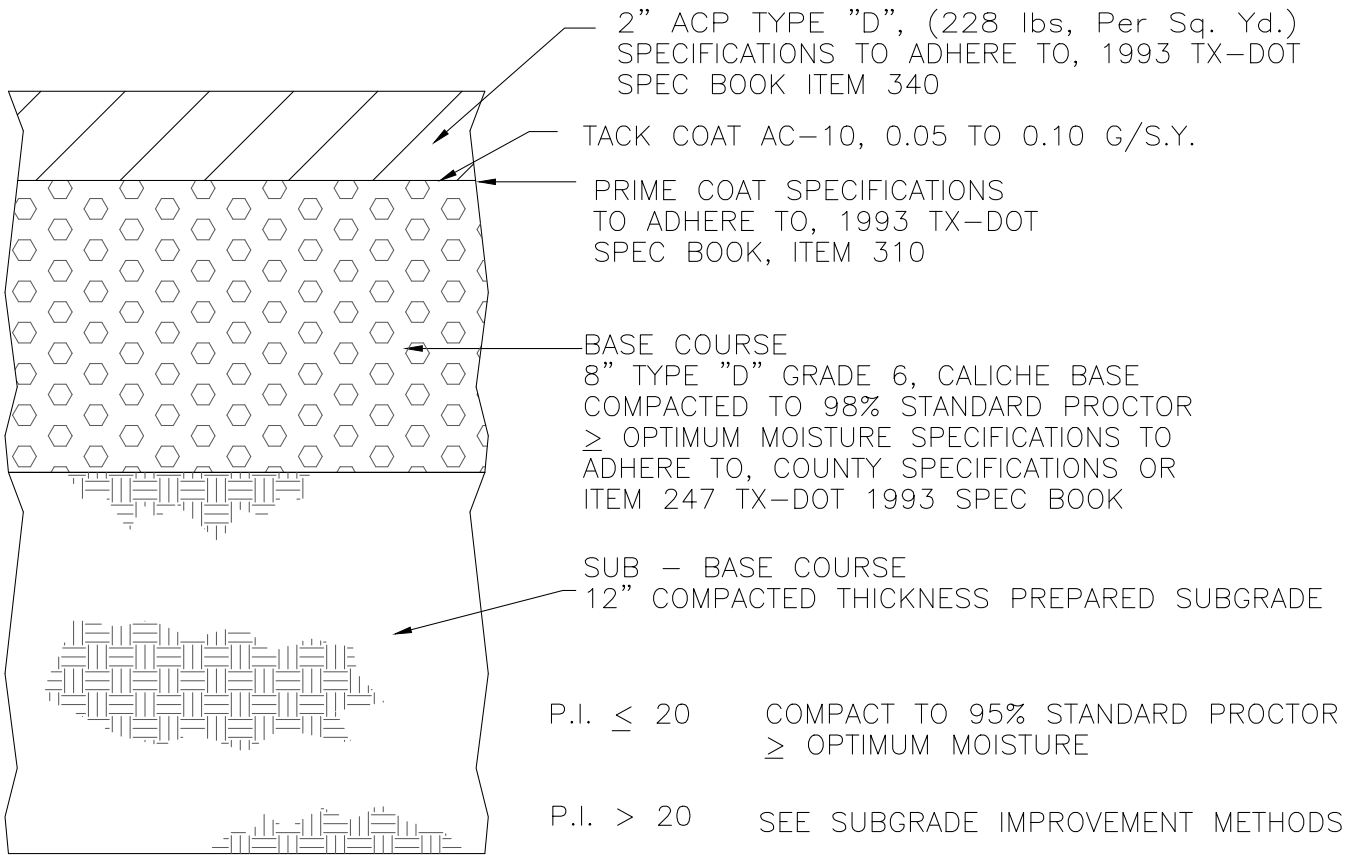
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CLASS "B" PAVEMENT

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.2

CLASS "C" PAVEMENT

REQUIRED FOR ALL COLLECTOR AND COMMERCIAL STREETS (EXCEPT AS NOTED)



GENERAL NOTES:

1. IN LIEU OF THE ABOVE BASE DESIGN, AN ALTERNATE BASE MAY BE USED THAT USES 7" OF TYPE "A" GRADE 1 (CRUSHED LIMESTONE) COMPACTED TO STANDARD PROCTOR > OPTIMUM MOISTURE AS PER ITEM 247 1993 TX DOT SPEC BOOK.

SUBGRADE IMPROVEMENT METHODS:

1. MECHANICAL STABILIZATION ----- AN APPROVED GEOGRID PLACED UNDERNEATH THE BASE COURSE PER COUNTY SPECIFICATIONS
2. CHEMICAL STABILIZATION ----- MODIFY SUBBASE COURSE THICKNESS AS FOLLOWS:
 - 20 < P.I. ≤ 40 3% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
 - P.I. > 40 6% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
3. OVER EXCAVATION & REPLACEMENT ----- A MINIMUM OF 18" OF SELECT FILL WITH A P.I. < 20 COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE

DESIGN ENGINEER MAY SPECIFY A DIFFERENT PAVEMENT SECTION TO ADDRESS FIELD AND TRAFFIC CONDITIONS. THESE SPECIFICATIONS OUTLINE THE MINIMUM REQUIREMENTS FOR THE COUNTY OF HIDALGO. WHERE FURTHER GUIDANCE FOR CONSTRUCTION SPECIFICATIONS IS NEEDED, THE COUNTY PLANNING DEPARTMENT MAY REQUIRE CONSTRUCTION IN ACCORDANCE WITH THE 1993 TX DOT STANDARD SPECIFICATIONS BOOK (BLUE BOOK).



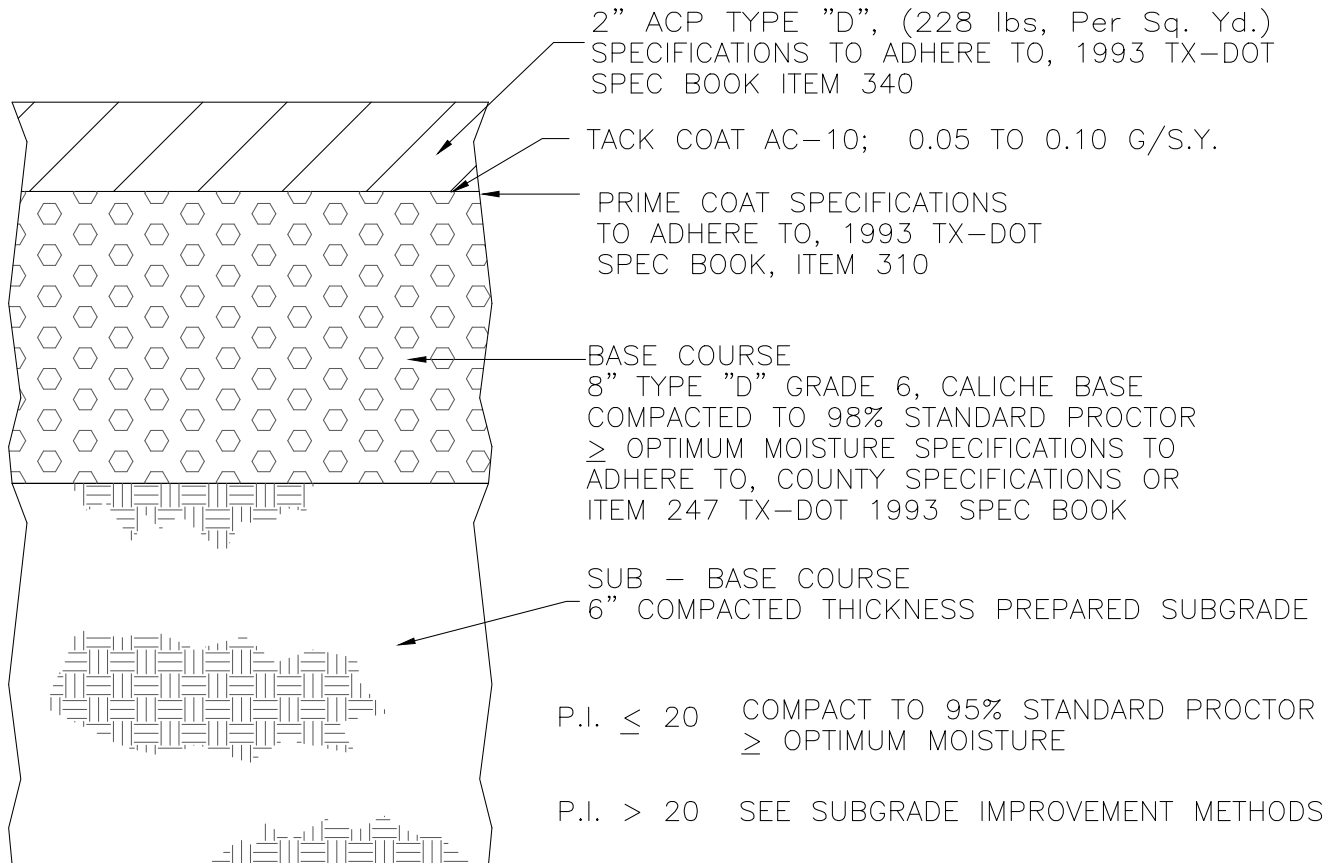
HIDALGO COUNTY
PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CLASS "C" PAVEMENT	
SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.3

CLASS "D" PAVEMENT

REQUIRED MINIMUM FOR ALL MINOR STREETS (EXCEPT AS NOTED)



GENERAL NOTES:

1. IN LIEU OF THE ABOVE BASE DESIGN, AN ALTERNATE BASE MAY BE USED THAT USES 5" OF TYPE "A" GRADE 1 (CRUSHED LIMESTONE) COMPACTED TO STANDARD PROCTOR ≥ OPTIMUM MOISTURE AS PER ITEM 247 1993 TX DOT SPEC BOOK.

SUBGRADE IMPROVEMENT METHODS:

1. MECHANICAL STABILIZATION ----- AN APPROVED GEOGRID PLACED UNDERNEATH THE BASE COURSE PER COUNTY SPECIFICATIONS
2. CHEMICAL STABILIZATION ----- MODIFY SUBBASE COURSE THICKNESS AS FOLLOWS:
 - 20 < P.I. ≤ 40 3% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
 - P.I. > 40 6% LIME BY WEIGHT COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE
3. OVER EXCAVATION & REPLACEMENT ----- A MINIMUM OF 18" OF SELECT FILL WITH A P.I. < 20 COMPACTED TO 95% STANDARD PROCTOR ≥ OPTIMUM MOISTURE

DESIGN ENGINEER MAY SPECIFY A DIFFERENT PAVEMENT SECTION TO ADDRESS FIELD AND TRAFFIC CONDITIONS. THESE SPECIFICATIONS OUTLINE THE MINIMUM REQUIREMENTS FOR THE COUNTY OF HIDALGO. WHERE FURTHER GUIDANCE FOR CONSTRUCTION SPECIFICATIONS IS NEEDED, THE COUNTY PLANNING DEPARTMENT MAY REQUIRE CONSTRUCTION IN ACCORDANCE WITH THE 1993 TX DOT STANDARD SPECIFICATIONS BOOK (BLUE BOOK).



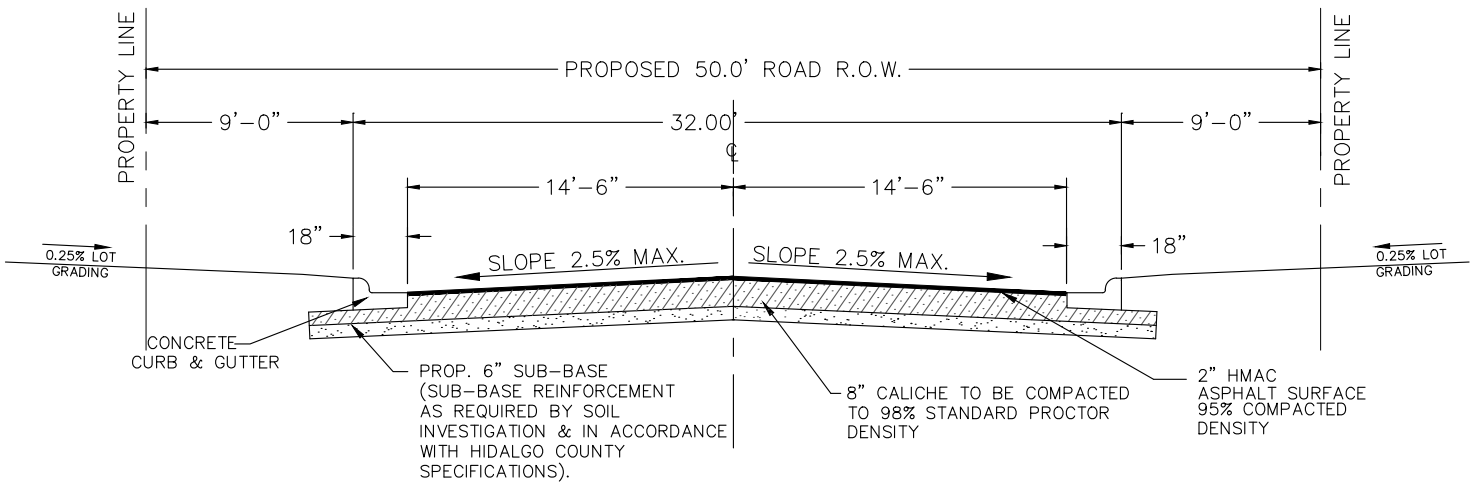
**HIDALGO COUNTY
PLANNING DEPARTMENT**

1304 S. 25 TH. STREET
EDINBURG TX. 78539
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CLASS "D" PAVEMENT	
SCALE: N.T.S.	
DATE: 10-08-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.4

MINOR RESIDENTIAL STREET SECTION

50' MINIMUM R.O.W.
NO LESS THAN 32' B-B



HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

MINOR RESIDENTIAL STREET SECTION

SCALE: N.T.S.

DATE: 10-09-2018

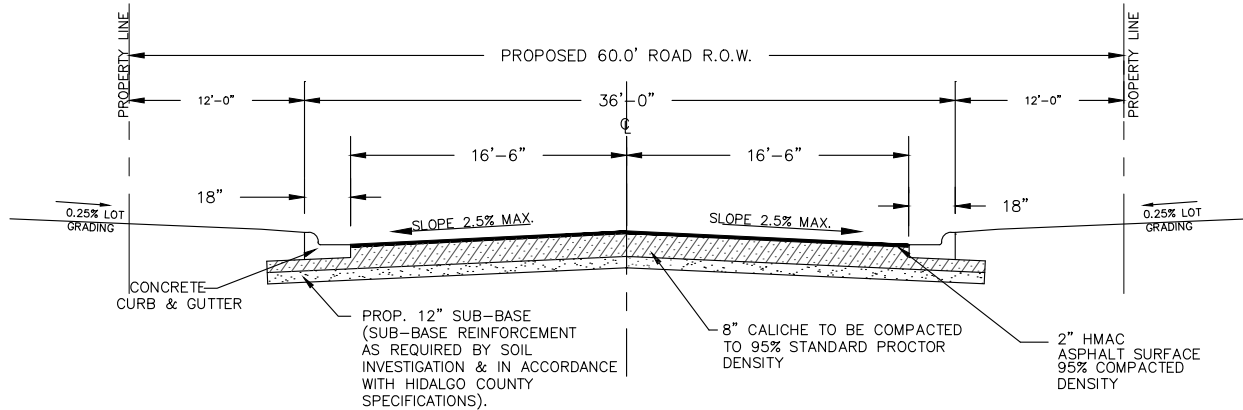
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.5

MINOR COMMERCIAL/INDUSTRIAL STREET SECTION

60' MINIMUM R.O.W.
NO LESS THAN 36' B-B



HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

MINOR COMMERCIAL/INDUSTRIAL STREET SECTION

SCALE: N.T.S.

DATE: 10-09-2018

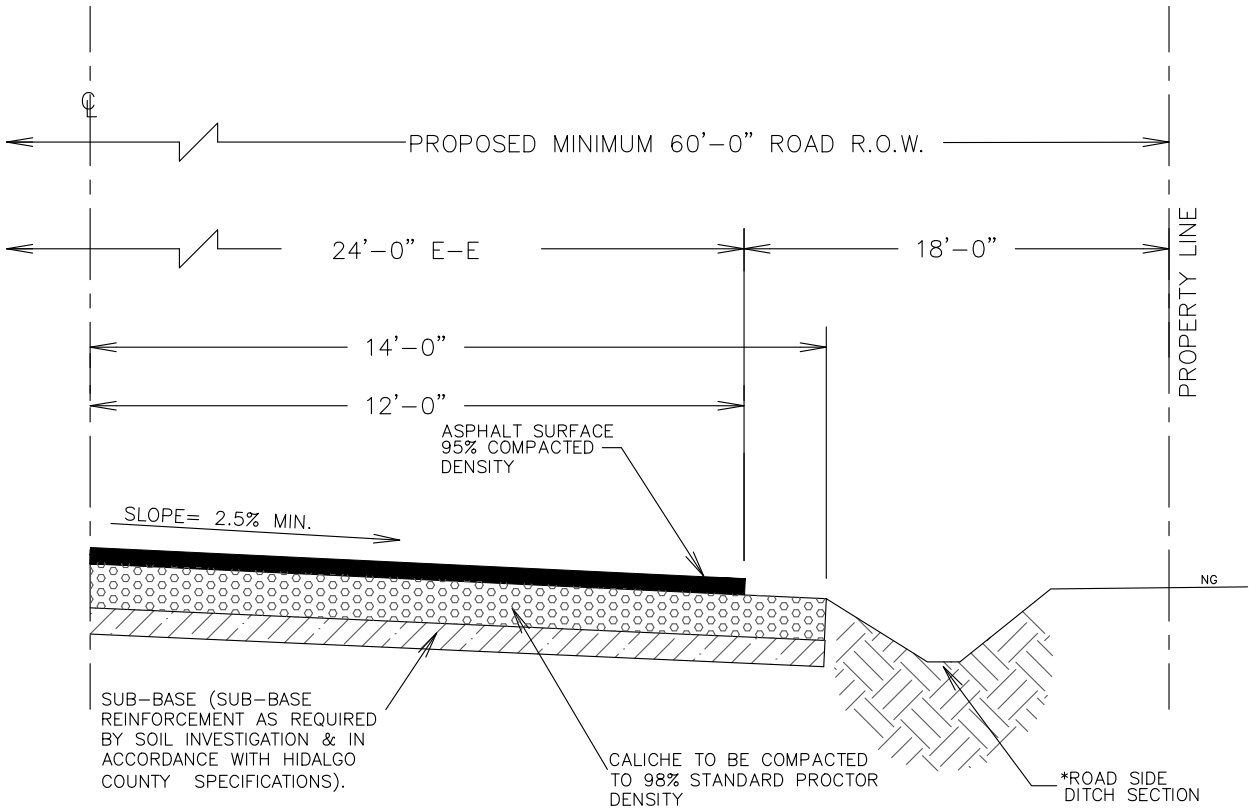
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.6

MINOR COLLECTOR STREET SECTION

PAVEMENT WIDTH OF NO LESS 24' E-E



* REFER TO ROAD SIDE DITCH CROSS SECTION DETAIL PLAT No. 9.37

HORIZONTAL CLEARANCE TO OBSTRUCTIONS
TO BE DETERMINED BY THE ENGINEER

ROAD SECTION DETAIL APPLIES TO
ANY SUBDIVISION IN WHICH ALL LOTS HAVE AN
AREA OF GREATER THAN ONE ACRE, NET OF
ALL EASEMENTS AND RIGHT OF WAYS



HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

MINOR COLLECTOR STREET SECTION

SCALE: N.T.S.

DATE: 10-09-2018

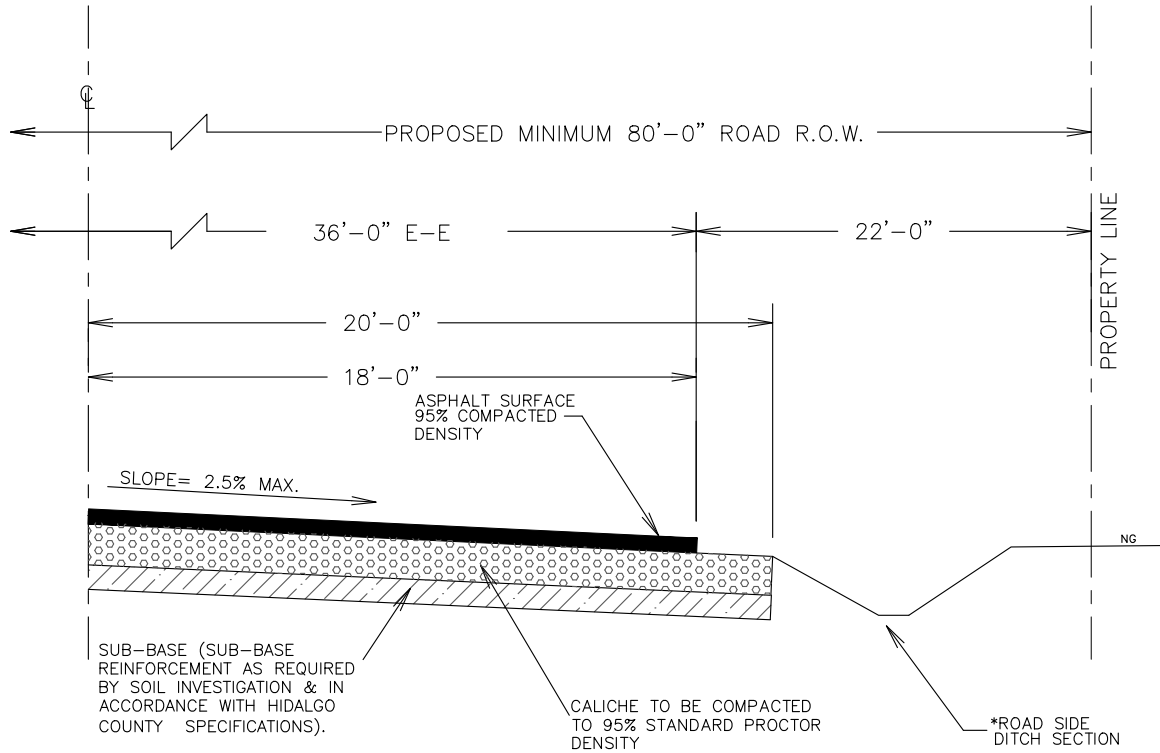
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.7

COLLECTOR STREET

PAVEMENT WIDTH OF NO LESS THAN 36' E-E



* REFER TO ROAD SIDE DITCH CROSS SECTION DETAIL PLAT No. 9.37

HORIZONTAL CLEARANCE TO OBSTRUCTIONS
TO BE DETERMINED BY THE ENGINEER

ROAD SECTION DETAIL APPLIES TO
ANY SUBDIVISION IN WHICH ALL LOTS HAVE AN
AREA OF GREATER THAN ONE ACRE, NET OF
ALL EASEMENTS AND RIGHT OF WAYS



HIDALGO COUNTY PLANNING DEPARTMENT

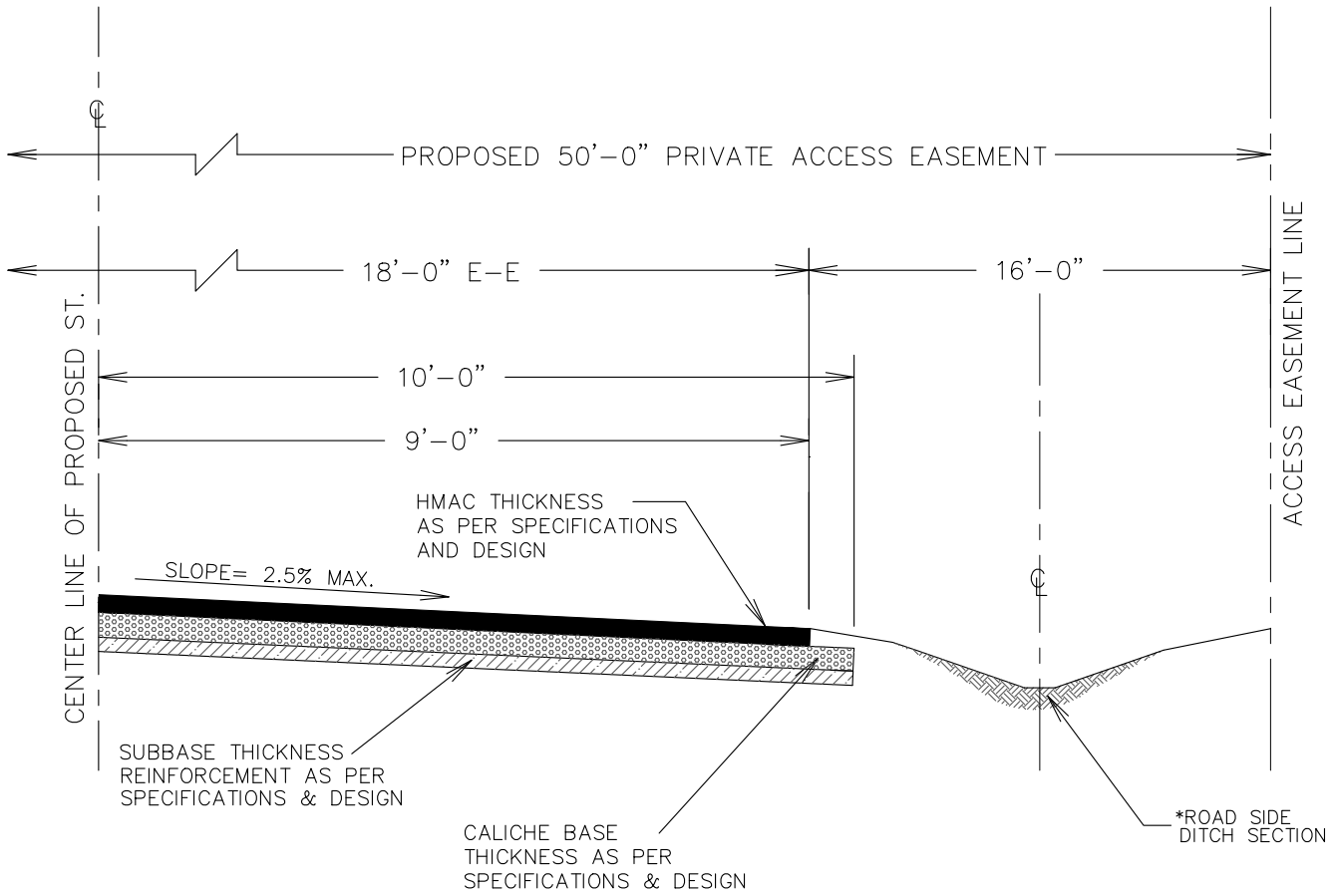
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

COLLECTOR STREET SECTION

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.8

PRIVATE ROAD

SERVING FOUR LOTS OR LESS
18' E-E



* REFER TO ROAD SIDE DITCH CROSS SECTION DETAIL PLAT No. 9.37

PRIVATE STREETS SERVING MORE THAN FOUR LOTS SHALL BE PAVED TO THE MINOR RESIDENTIAL STREET SECTION NO LESS THAN 32 FEET BACK TO BACK



HIDALGO COUNTY PLANNING DEPARTMENT

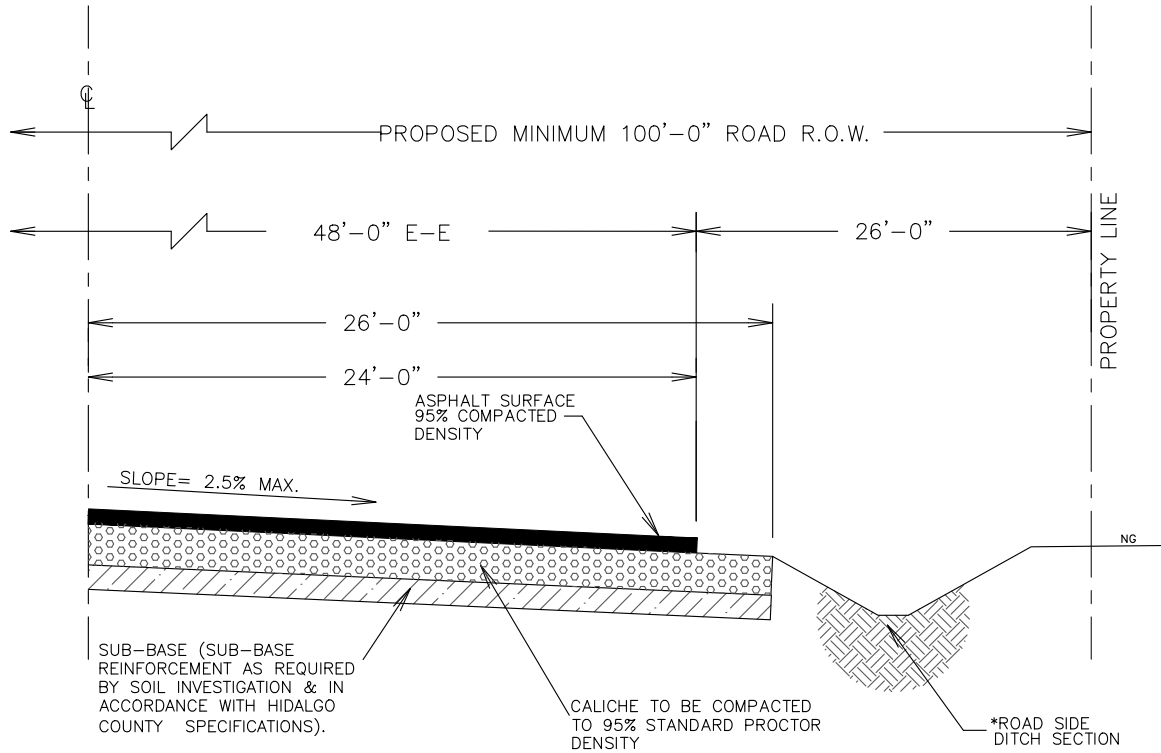
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

PRIVATE ROAD

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.9

MINOR ARTERIAL STREET

PAVEMENT WIDTH OF NO LESS THAN 48' E-E



* REFER TO ROAD SIDE DITCH CROSS SECTION DETAIL PLAT No. 9.37

HORIZONTAL CLEARANCE TO OBSTRUCTIONS
TO BE DETERMINED BY THE ENGINEER

ROAD SECTION DETAIL APPLIES TO
ANY SUBDIVISION IN WHICH ALL LOTS HAVE AN
AREA OF GREATER THAN ONE ACRE, NET OF
ALL EASEMENTS AND RIGHT OF WAYS



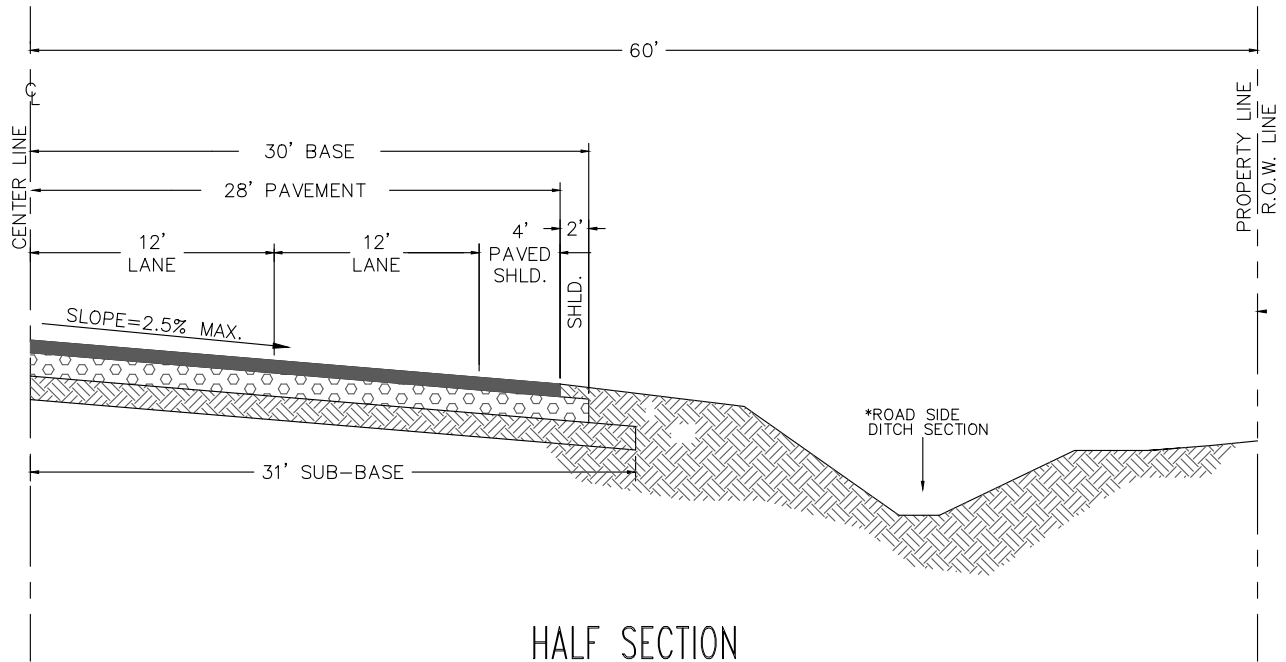
HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

MINOR ARTERIAL STREET SECTION

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.10

PRINCIPAL ARTERIAL STREET SECTION
56' E-E



HALF SECTION
120' MINIMUM R.O.W.

* REFER TO ROAD SIDE DITCH CROSS SECTION DETAIL PLAT No. 9.37



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PRINCIPAL ARTERIAL STREET SECTION

SCALE: N.T.S.

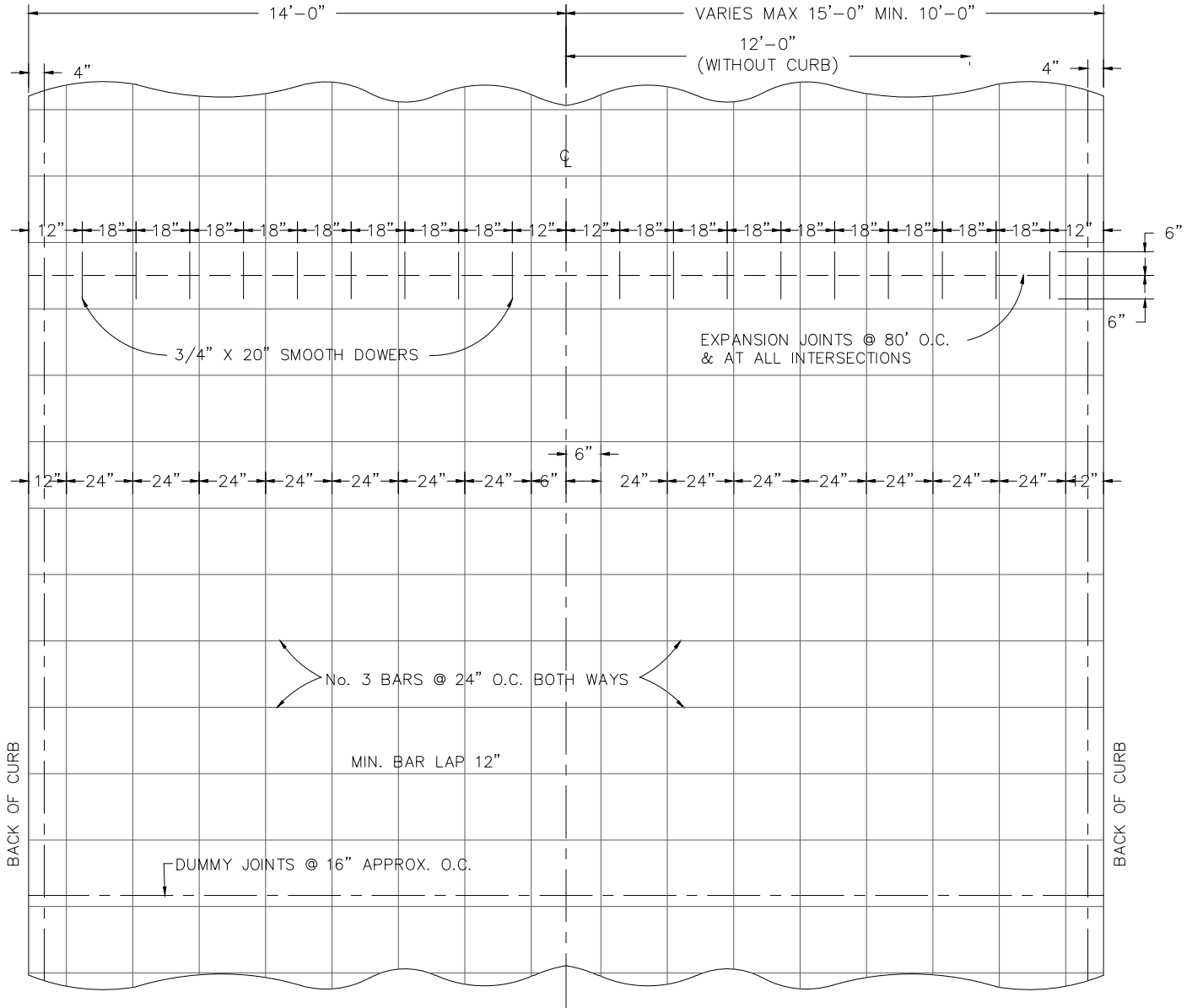
DATE: 10-09-2018

CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.11

CLASS "A" PAVEMENT REINFORCING DETAIL



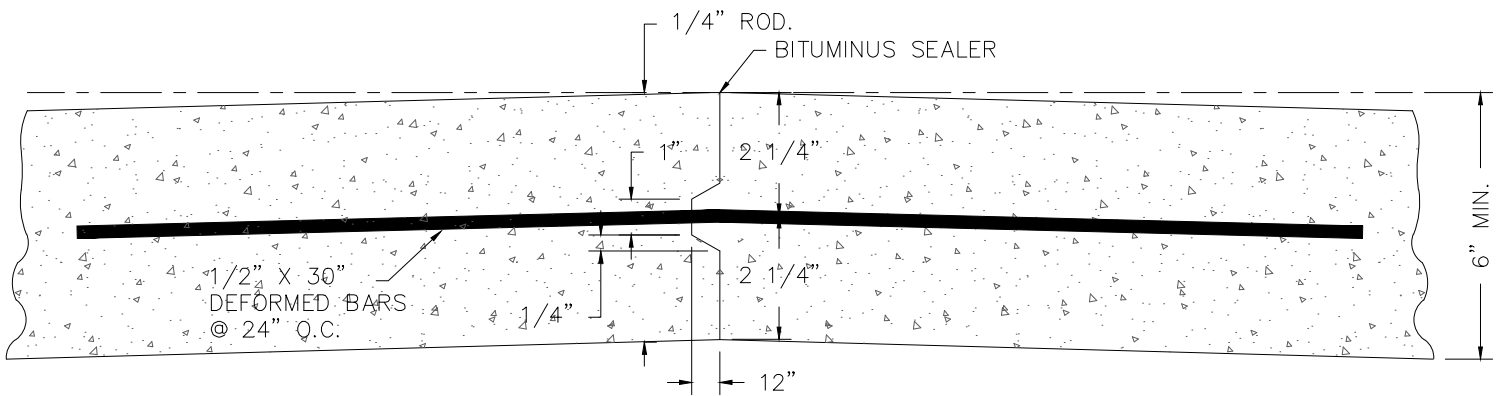
HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CLASS "A" PAVEMENT REINFORCING DETAIL.

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J. TOVAR	PLATE No. : 9.12

CLASS "A" PAVEMENT JOINT DETAILS



KEYED LONGITUDINAL CONSTRUCTION JOINT



HIDALGO COUNTY
PLANNING DEPARTMENT

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CLASS "A" PAVEMENT JOINT DETAIL.

SCALE: N.T.S.

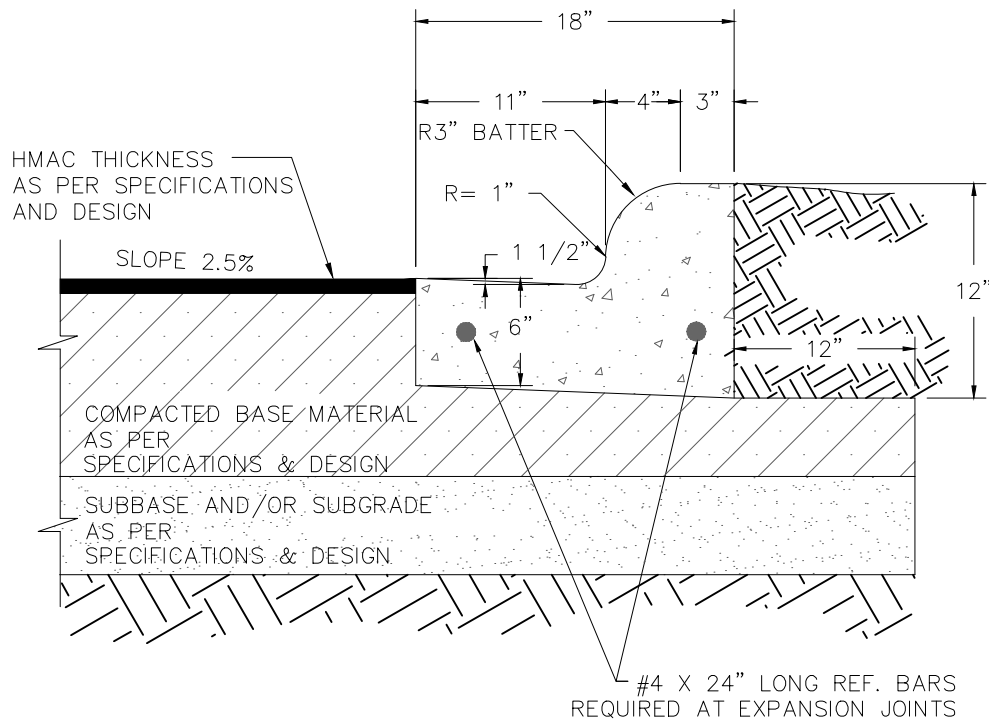
DATE: 10-09-2018

CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.13

TYPICAL CURB & GUTTER DETAIL



1. ALL HONEYCOMBING SHALL BE GROUTED TO PROVIDE A UNIFORM SURFACE.
2. WHEN HONEYCOMBING IS EXCESSIVE AS DETERMINED BY THE COUNTY OF HIDALGO DESIGNATED REPRESENTATIVE, CURB AND GUTTER SHALL BE REPLACED.
3. BACKFILL BEHIND CURBS SHALL BE ACCOMPLISHED WITHIN 24 HOURS AFTER BACK FORM IS REMOVED OR 48 HOURS AFTER SLIP FORMING.
4. CURB AND GUTTER CONCRETE SHALL BE CLASS "A" (3000 PSI).
5. REINFORCING STEEL AS SHOWN.
6. MAX. LENGTH OF CURB AND GUTTER SECTION IS 80' BETWEEN 3/4" EXPANSION JOINT.



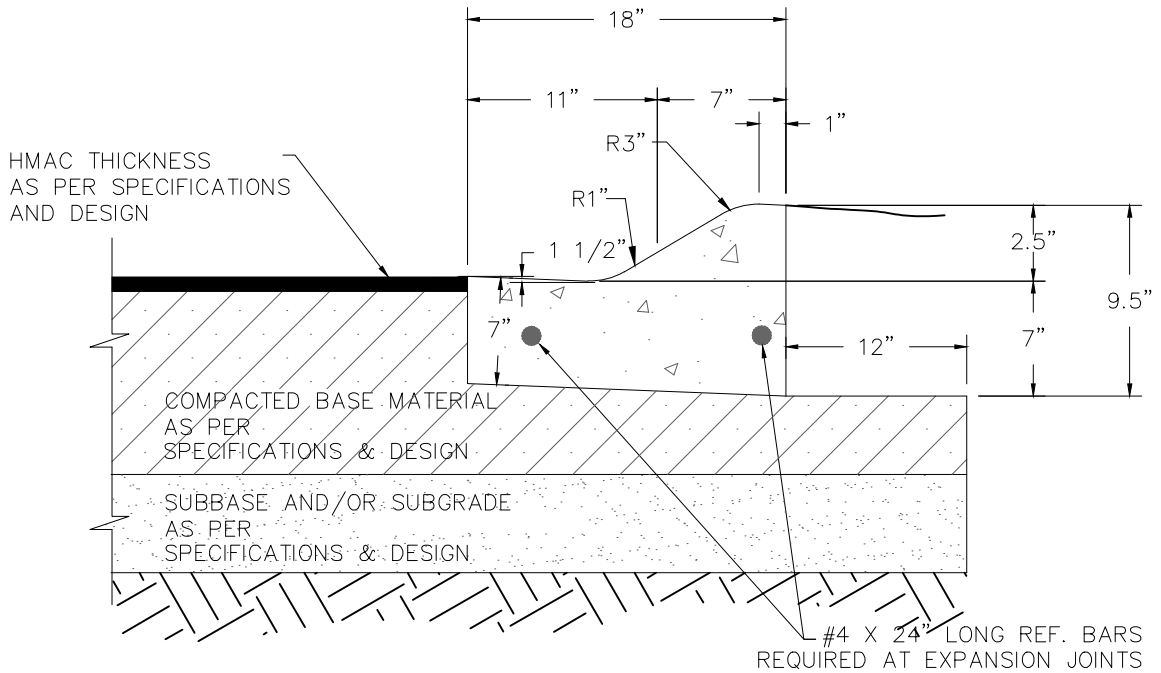
HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

TYPICAL CURB & GUTTER DETAIL

SCALE:	N.T.S.	
DATE:	10-09-2018	
CHECKED BY:	R.E.S.	
DRAWN BY:	J.TOVAR	PLATE No. : 9.14

TYPICAL LOW PROFILE CURB & GUTTER SECTION



1. ALL HONEYCOMBING SHALL BE GROUTED TO PROVIDE A UNIFORM SURFACE.
2. WHEN HONEYCOMBING IS EXCESSIVE AS DETERMINED BY THE COUNTY OF HIDALGO DESIGNATED REPRESENTATIVE, CURB AND GUTTER SHALL BE REPLACED.
3. BACKFILL BEHIND CURBS SHALL BE ACCOMPLISHED WITHIN 24 HOURS AFTER BACK FORM IS REMOVED OR 48 HOURS AFTER SLIP FORMING.
4. CURB AND GUTTER CONCRETE SHALL BE CLASS "A" (3000 PSI).
5. REINFORCING STEEL AS SHOWN.
6. MAX. LENGTH OF CURB AND GUTTER SECTION IS 80' BETWEEN 3/4" EXPANSION JOINT.



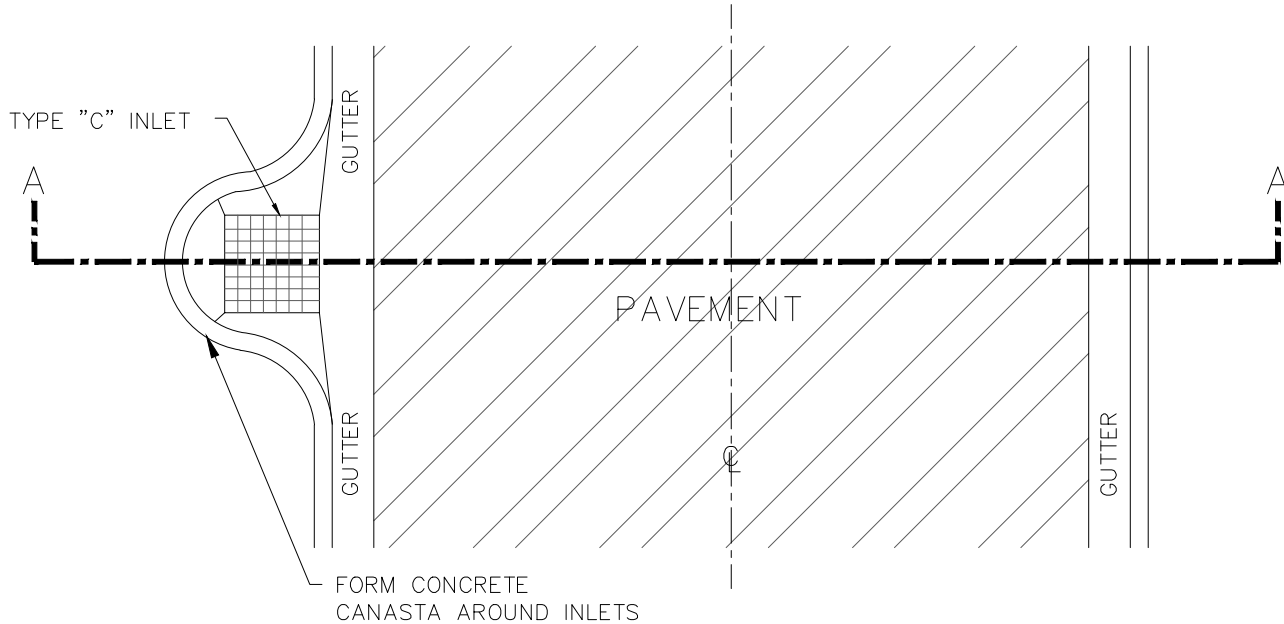
HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

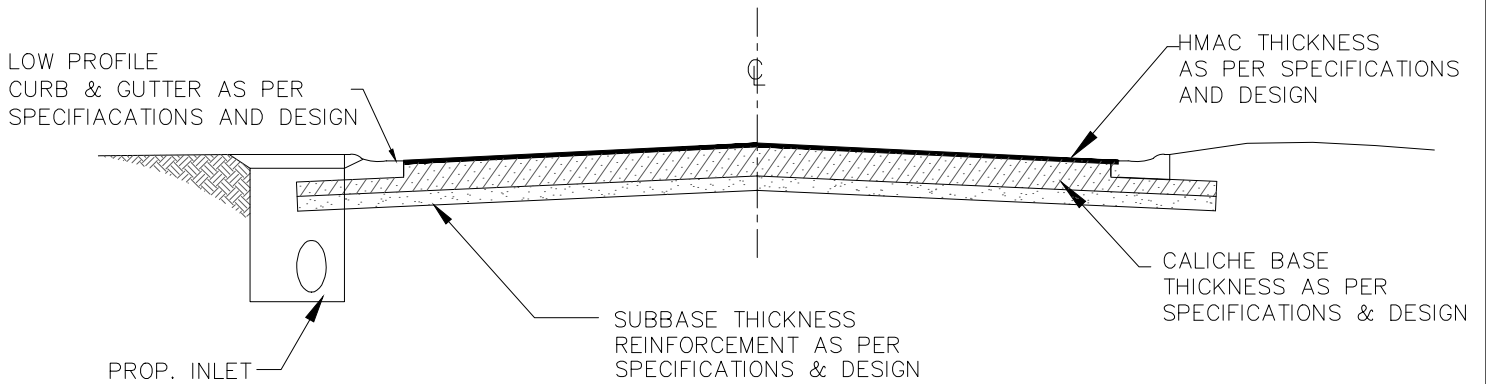
TYPICAL LOW PROFILE CURB AND GUTTER

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.15

TYPICAL ROAD SECTION W/ LOW PROFILE CURB & GUTTER & TYPE "C" INLET



PLAN



SECTION A-A



HIDALGO COUNTY
PLANNING DEPARTMENT

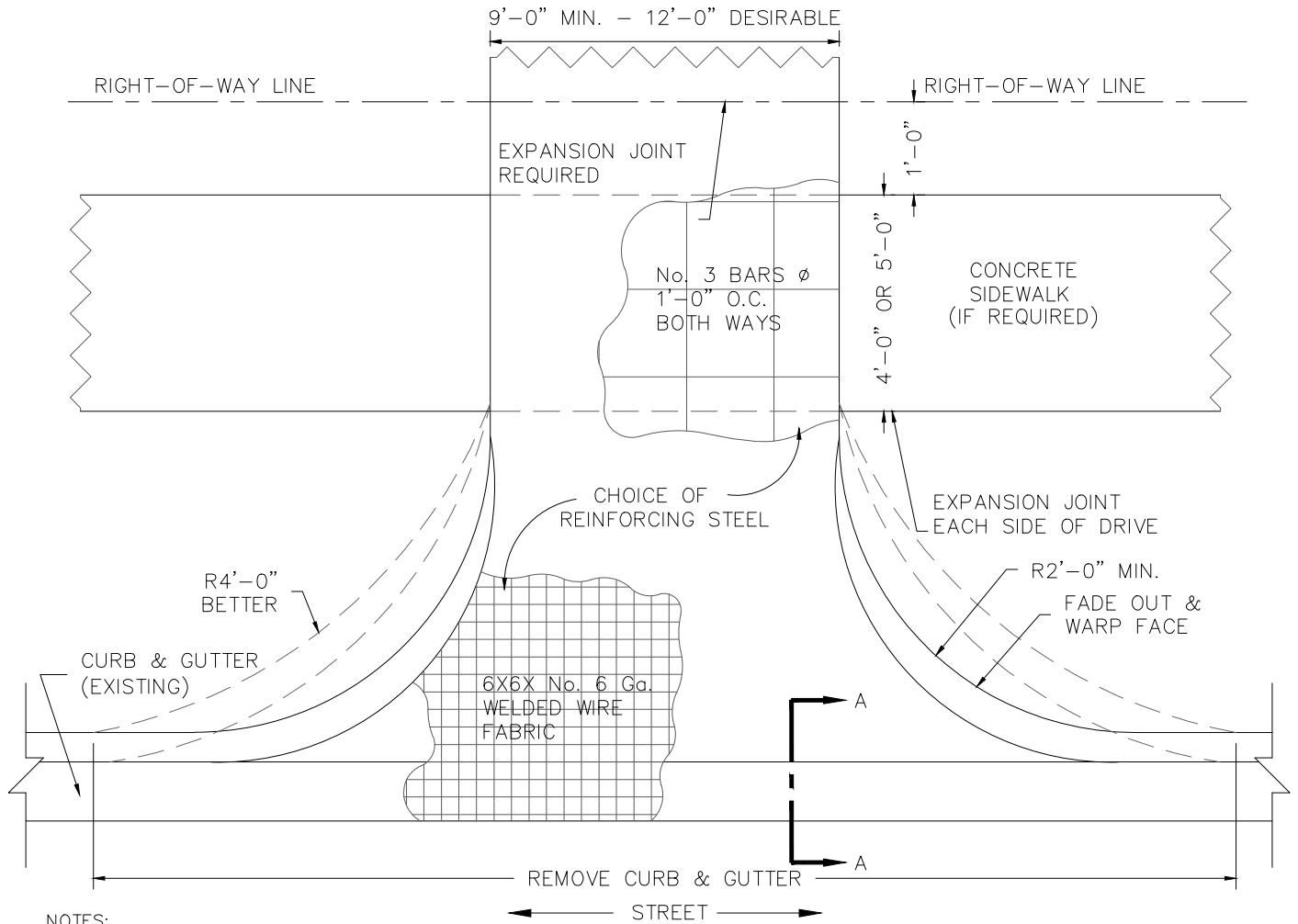
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

ROAD SECTION W/ LOW PROFILE CURB & GUTTER
AND TYPE "C" INLET

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.16

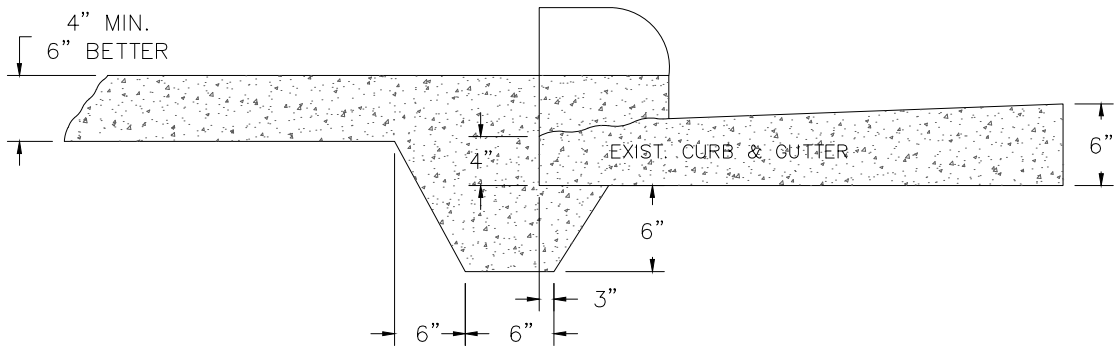
TYPICAL PRIVATE DRIVEWAY APPROACH

URBAN STREET
PRIVATE DRIVEWAY



NOTES:

1. DRIVEWAY CONCRETE SHALL BE CLASS "A" (3000 PSI)
2. DETAILS ARE NOT TO SCALE.



SECTION A-A



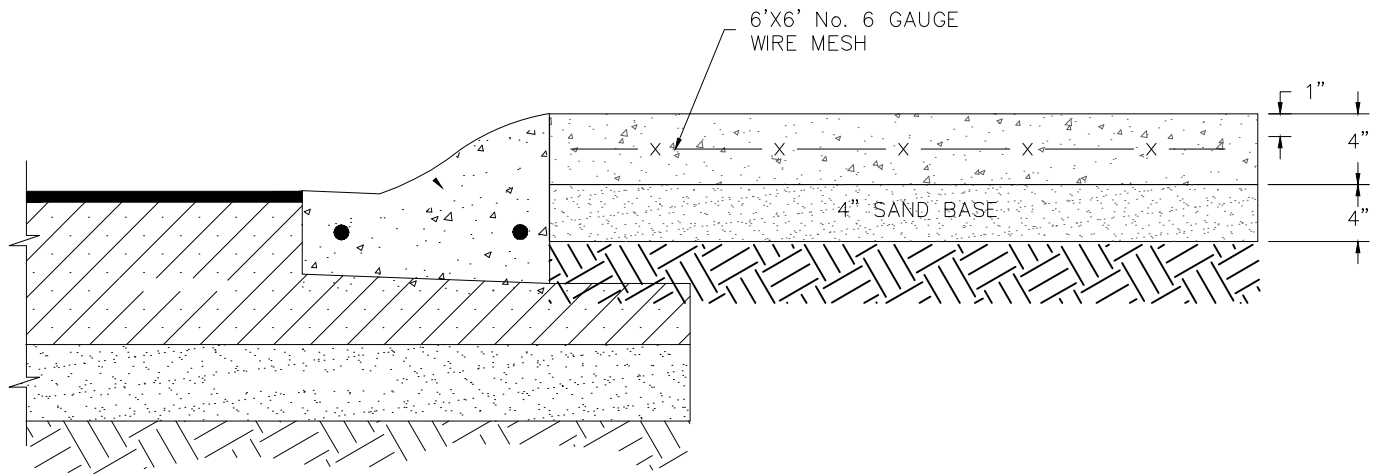
HIDALGO COUNTY
PLANNING DEPARTMENT

1304 S. 25 TH. STREET
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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

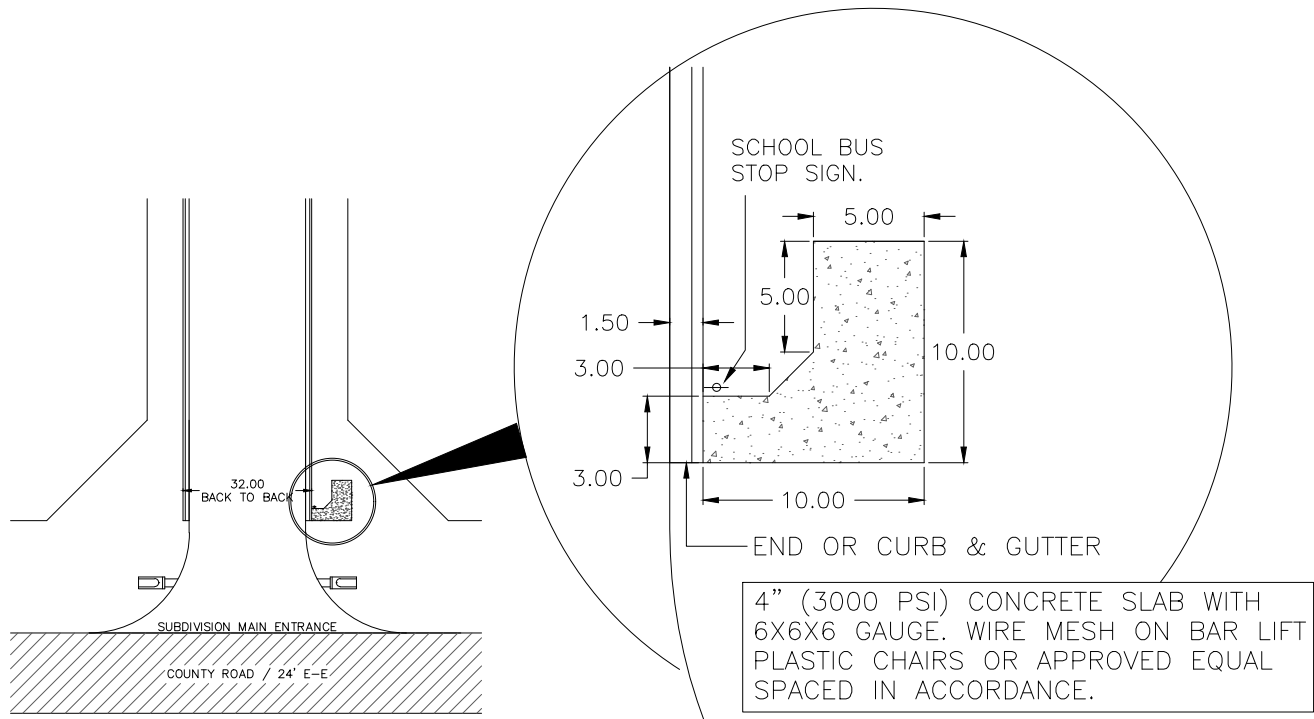
TYPICAL PRIVATE DRIVEWAY APPROACH

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.17

CONCRETE SCHOOL BUS STOP PICKUP AREA



SECTION A-A



PLAN VIEW OF SCHOOL BUS STOP PICKUP AREA



HIDALGO COUNTY
PLANNING DEPARTMENT

1304 S. 25 TH. STREET
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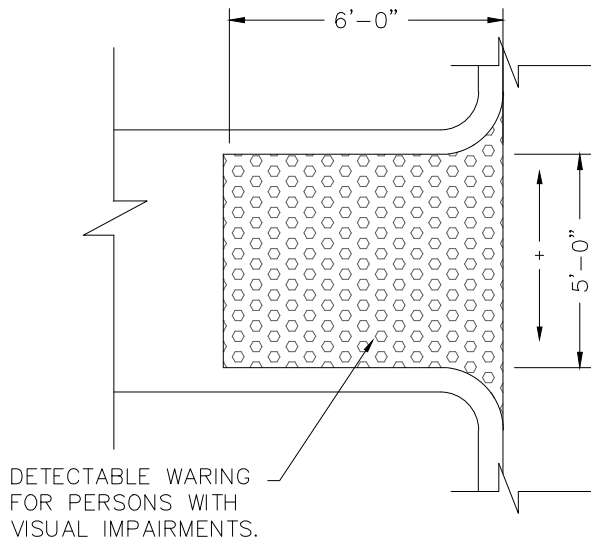
SCHOOL BUS STUDENTS PICKUP AREA

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.18

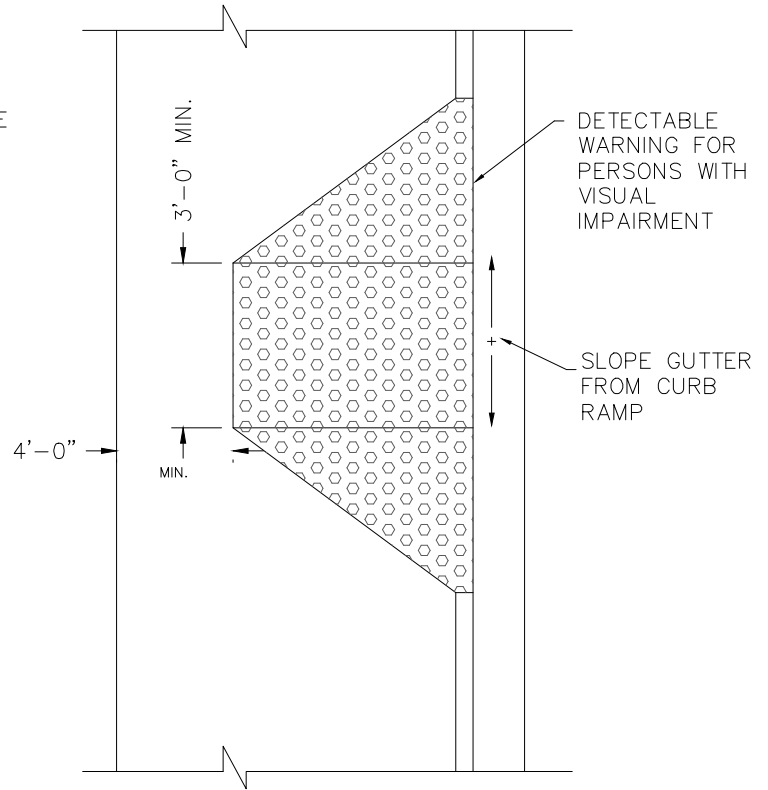
TYPICAL HANDICAPPED RAMPS DETAIL

NOTES:

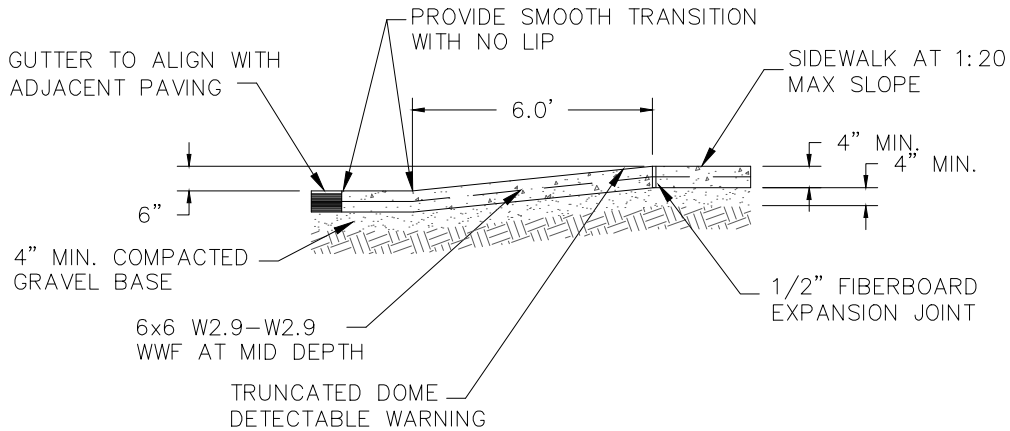
1. ALL SIDEWALKS AND HANDICAPPED RAMPS ARE FOR SCHEMATIC PURPOSES ONLY.
2. THE HANDICAPPED RAMPS MUST BE IN ACCORDANCE WITH THE FEDERAL ADA-AG SUBSECTIONS 4.1.6, 4.8 AND 429.2 AND THE STATE TMS SUBSECTION 4.3 STANDARDS.



TYPE B RAMP



TYPE E RAMP



CURB RAMP SECTION



HIDALGO COUNTY
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TYPICAL HANDICAPPED RAMPS DETAIL

SCALE: N.T.S.

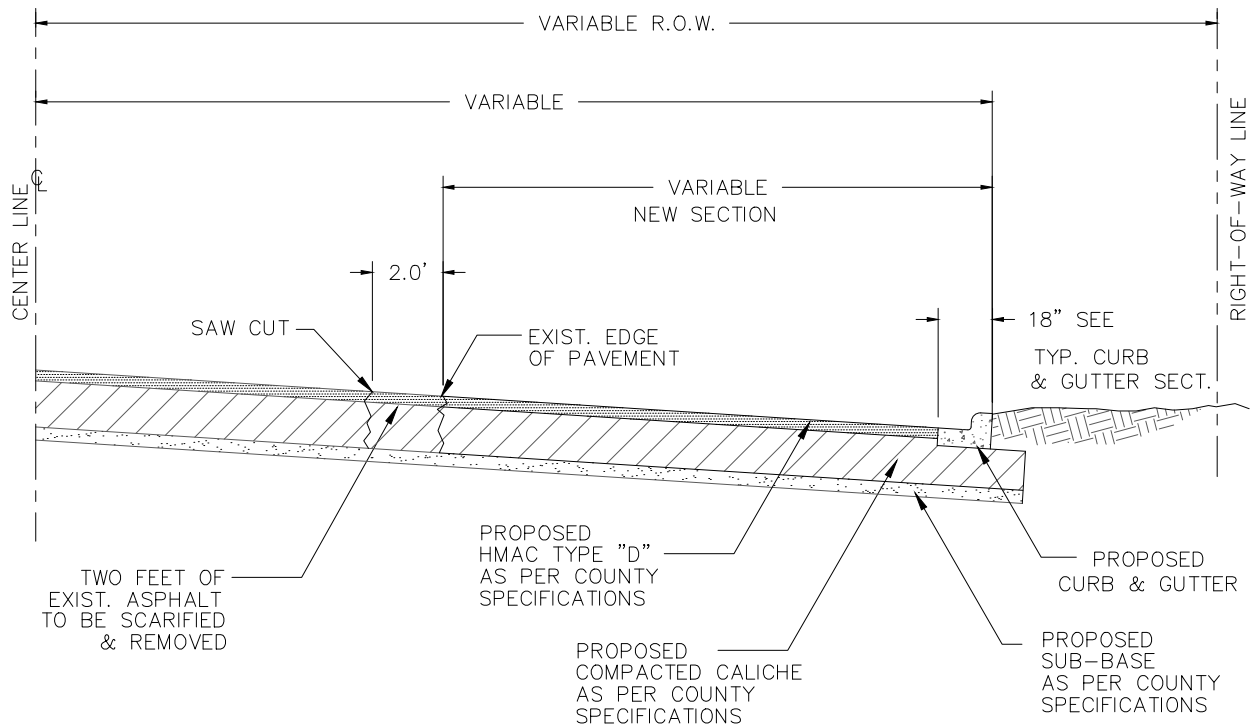
DATE: 10-09-2018

CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.19

NEW ASPHALT MEETING EXISTING PAVEMENT



NOTE: THE SAME PROCEDURE AS SHOWN ABOVE SHALL BE FOLLOWED FOR WIDENING OF ROADWAYS WITH NO CURB & GUTTER BEING PROPOSED



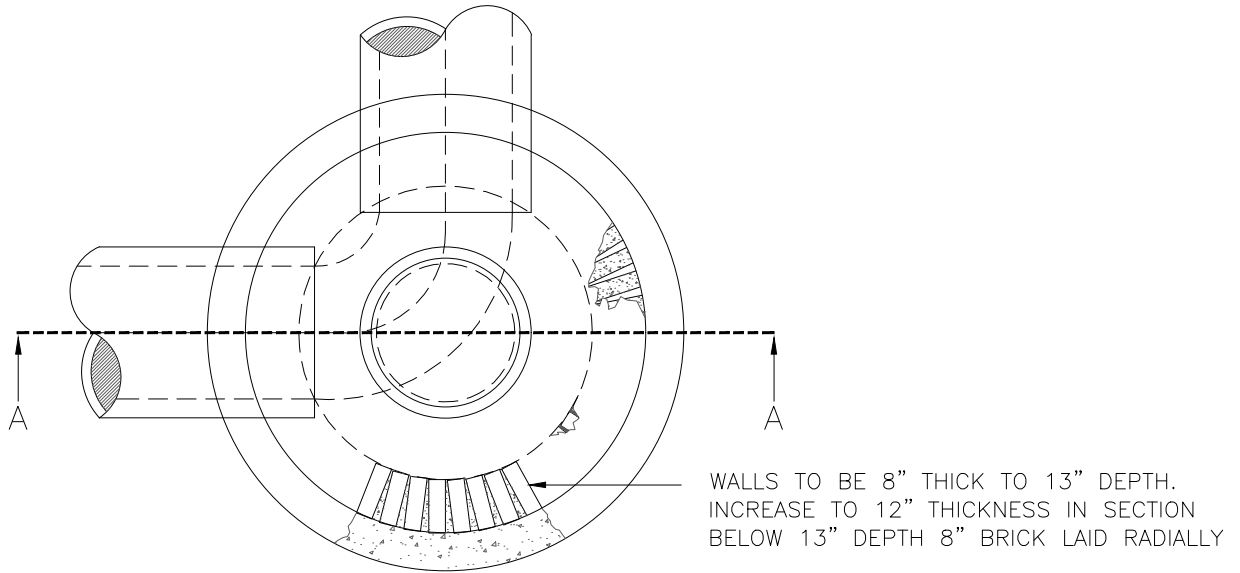
HIDALGO COUNTY PLANNING DEPARTMENT

1304 S. 25 TH. STREET
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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

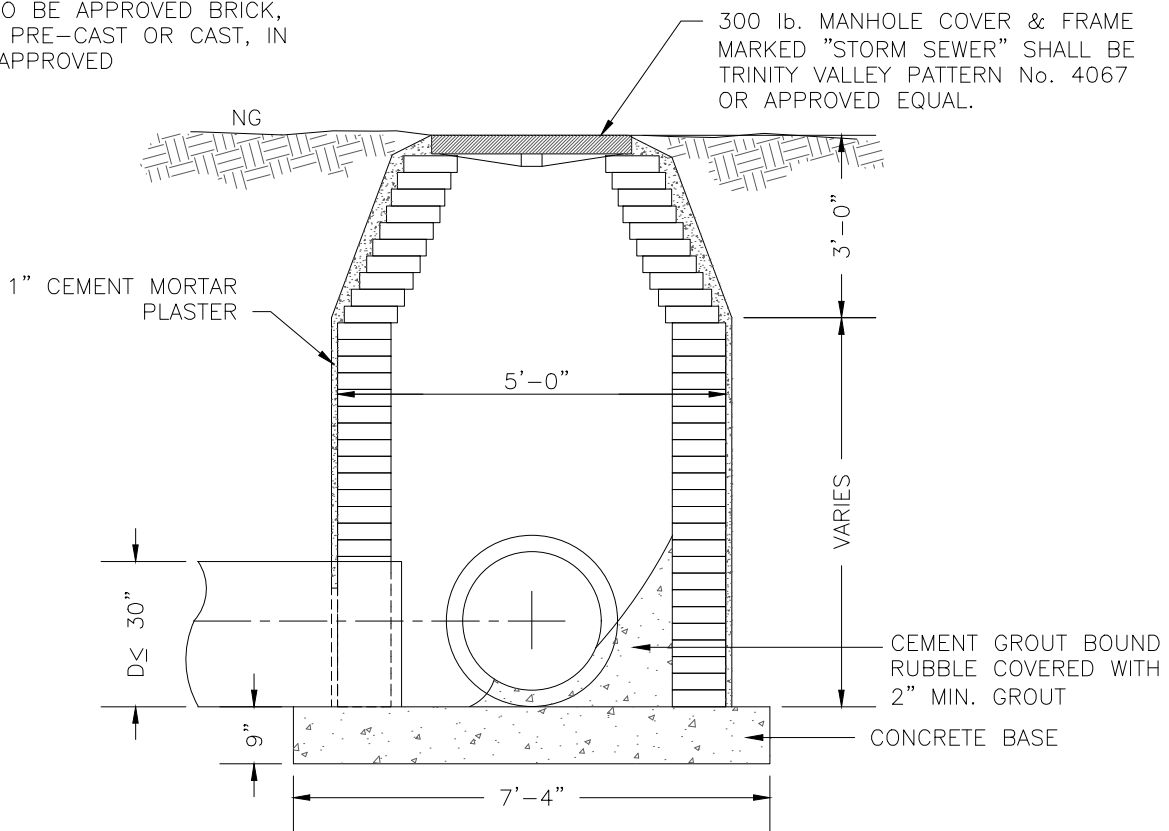
NEW ASPHALT MEETING EXISTING PAVEMENT

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.20

DRAINAGE MANHOLE DETAILS



MANHOLE TO BE APPROVED BRICK, FIBERGLAS, PRE-CAST OR CAST, IN PLACE AS APPROVED



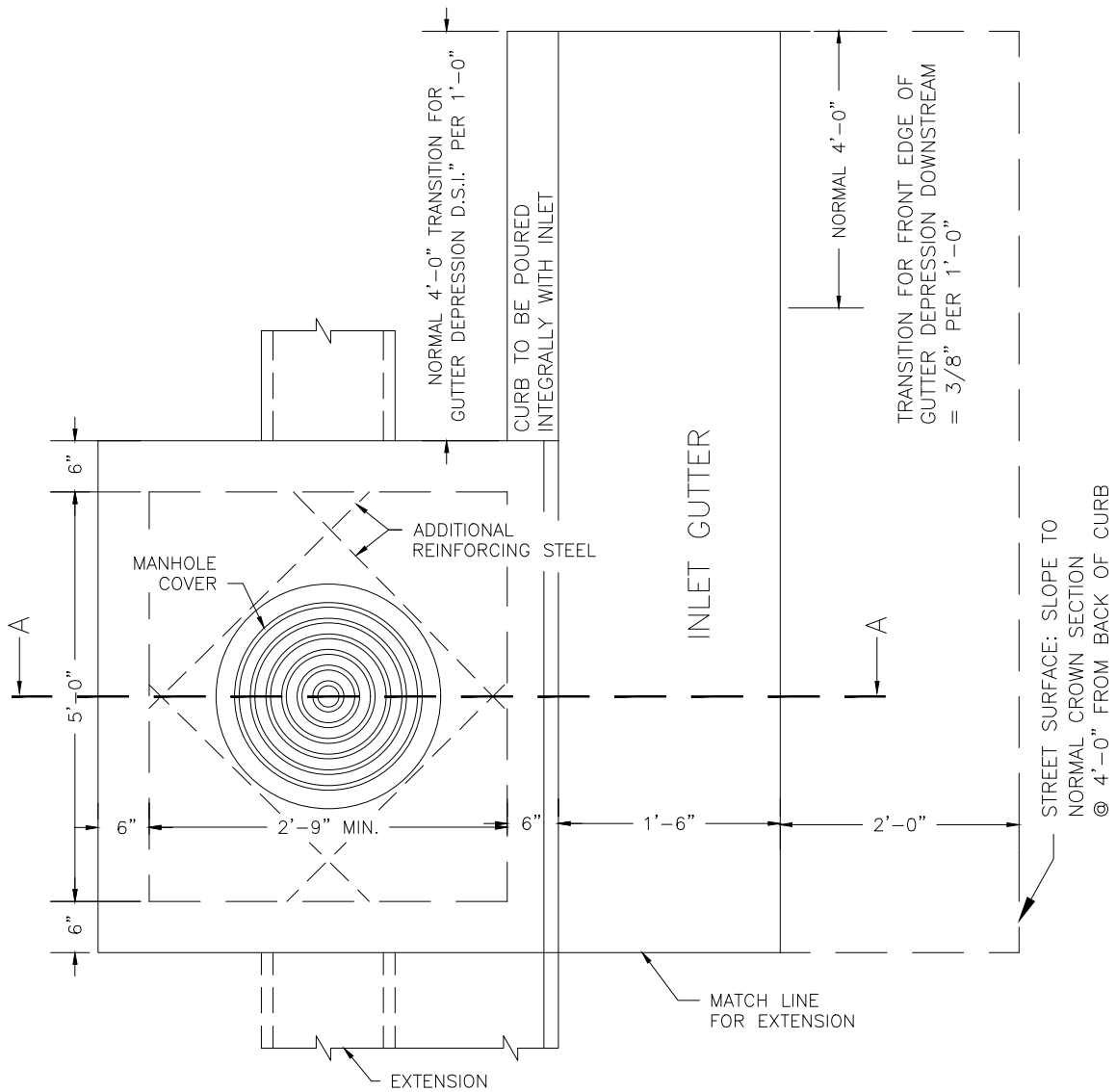
**HIDALGO COUNTY
PLANNING DEPARTMENT**

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DRAINAGE MANHOLE DETAIL

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.21

STANDARD CURB INLET DETAIL



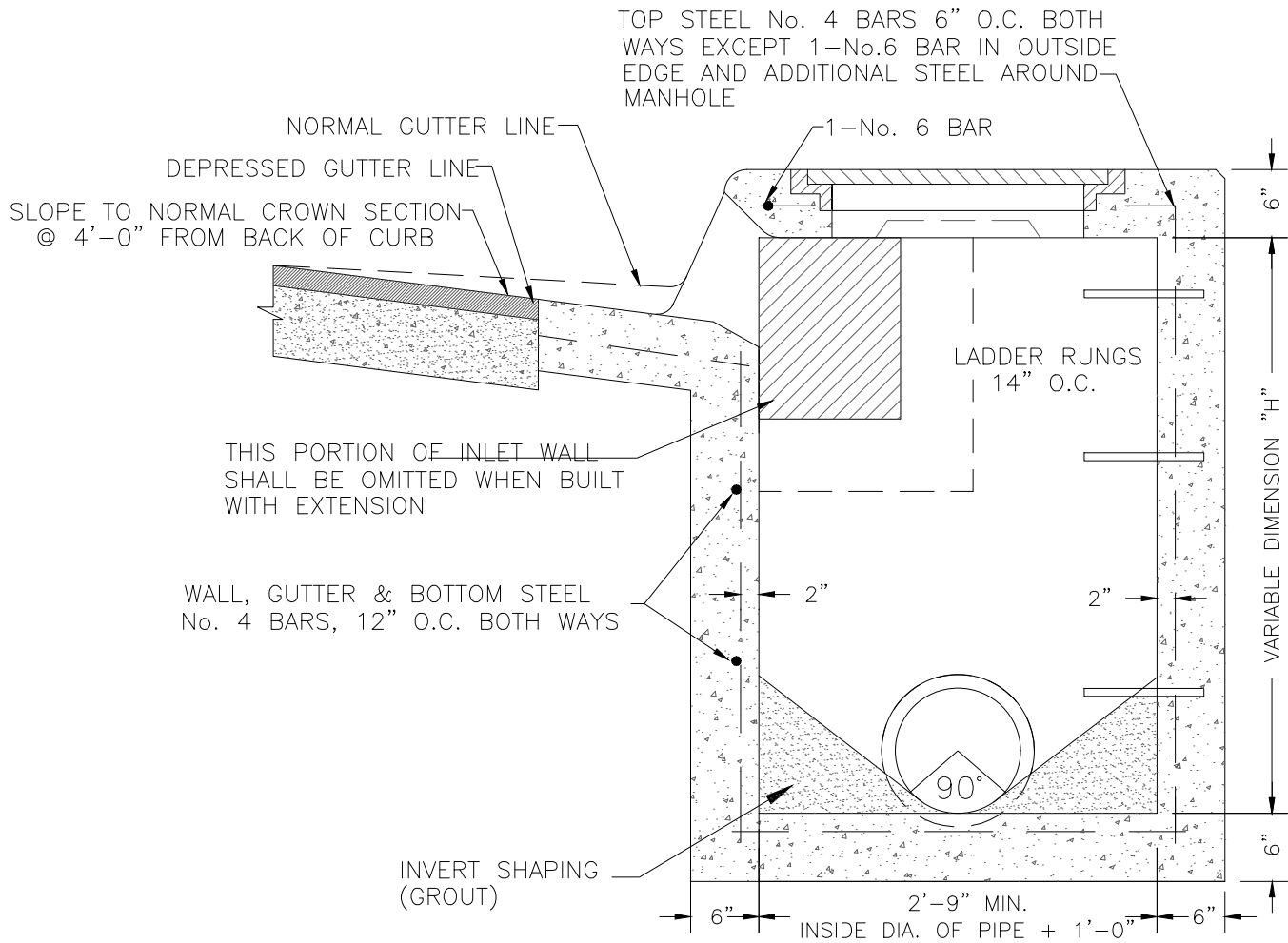
HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

STANDARD CURB INLET DETAIL

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.22

STANDARD CURB INLET SECTION



SECTION A-A



HIDALGO COUNTY
PLANNING DEPARTMENT

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STANDARD CURB INLET SECTION

SCALE: N.T.S.

DATE: 10-09-2018

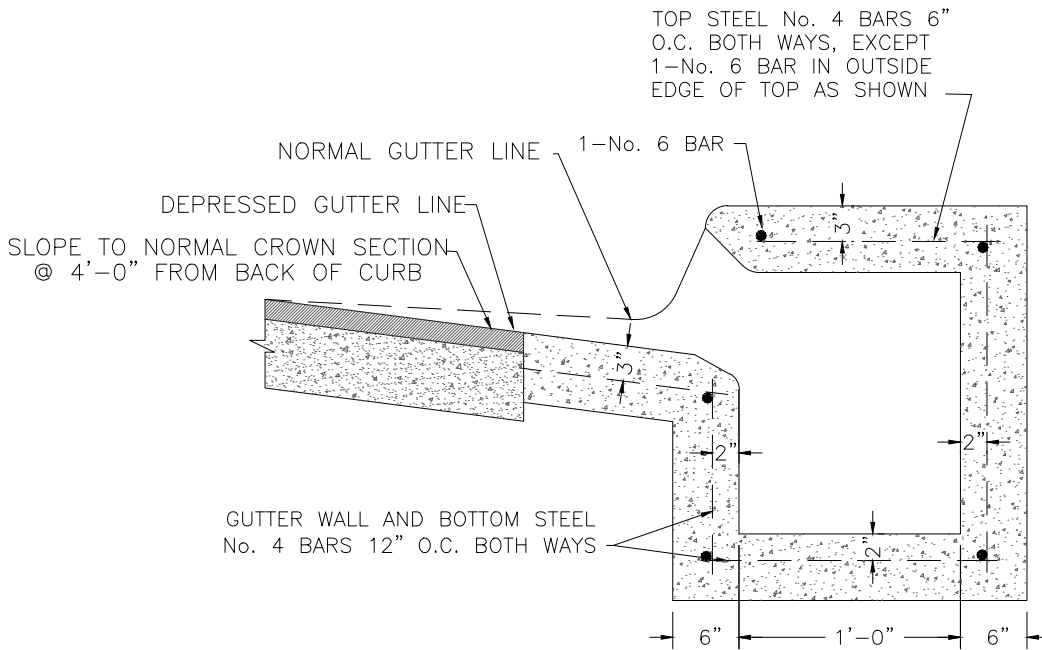
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.23

CURB INLET DETAIL

SIDE SECTION



HIDALGO COUNTY PLANNING DEPARTMENT

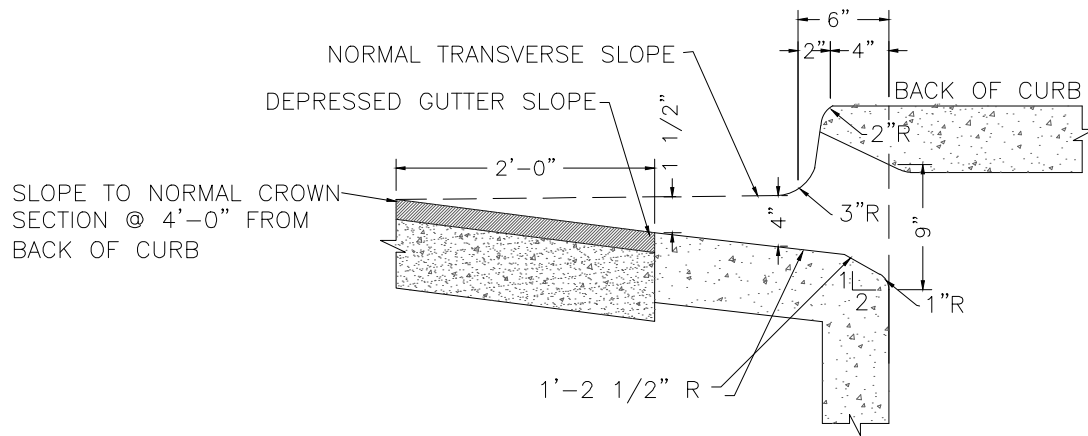
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CURB INLET DETAIL SIDE SECTION

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.24

STANDARD CURB INLET

THROAT DETAIL



HIDALGO COUNTY PLANNING DEPARTMENT

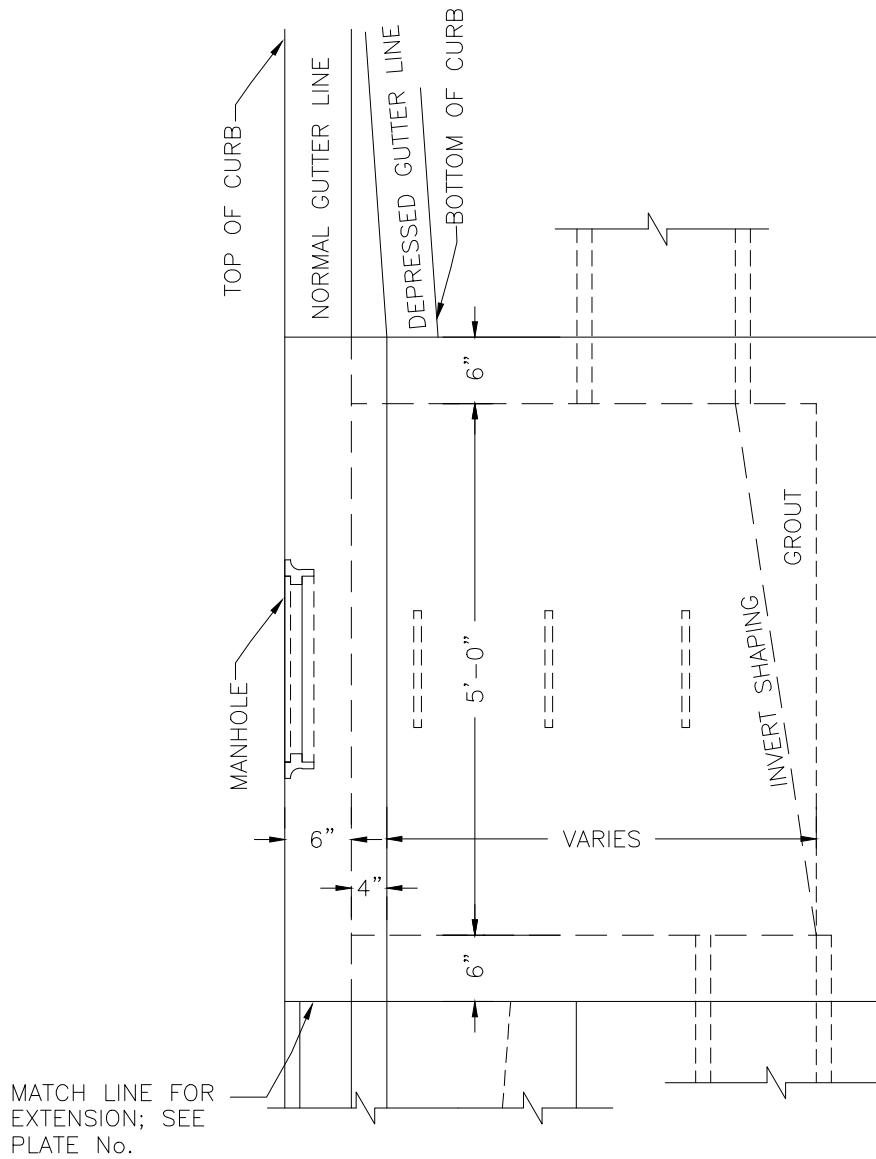
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

STANDARD CURB INLET / THROAT DETAIL

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.25

CURB INLETS

BOX AND MANHOLE ELEVATION



HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CURB INLETS; BOX AND MANHOLE ELEVATION

SCALE: N.T.S.

DATE: 10-09-2018

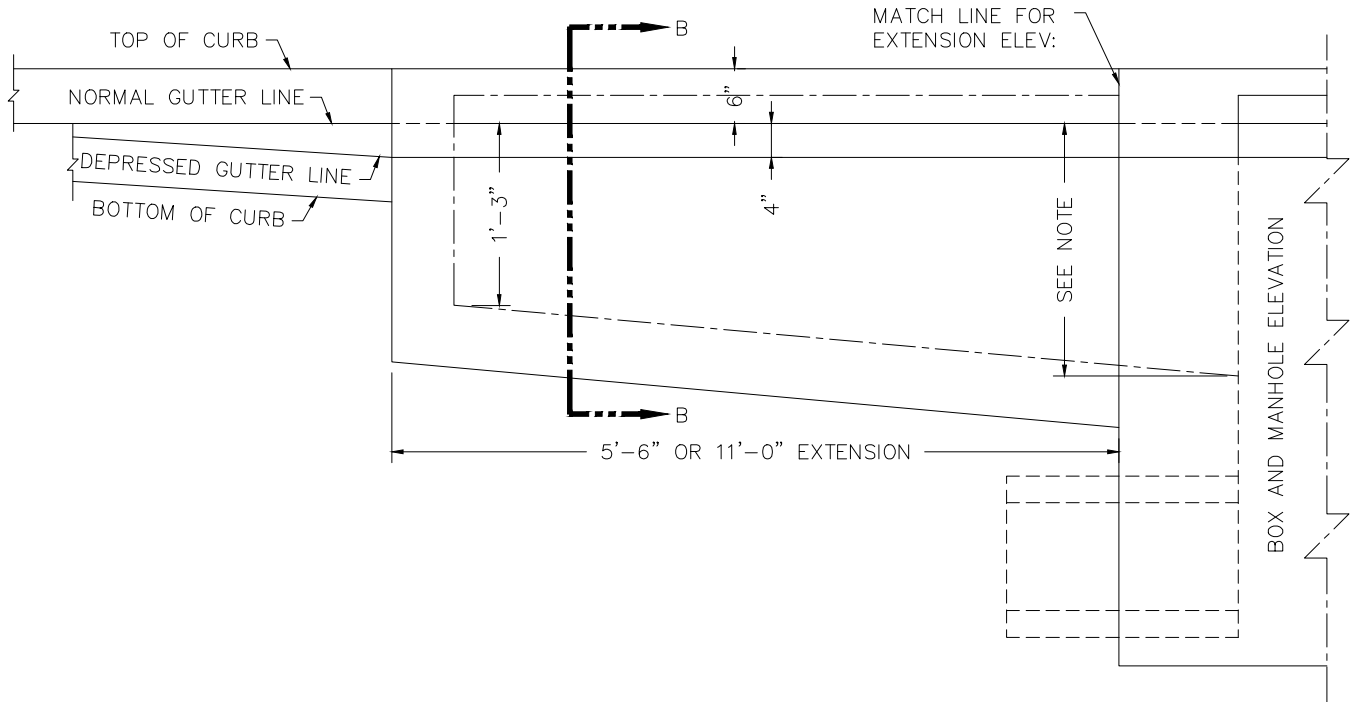
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.26

CURB INLET

EXTENSION ELEVATION



NOTES:

1. REINFORCING STEEL IS NOT INDICATED.
2. EXTENSION DEPTH AT INLET BOX.
 - A. 5'-6" EXTENSION - 1'5 13/16"
 - B. 11'-0" EXTENSION - 1'-9"



HIDALGO COUNTY PLANNING DEPARTMENT

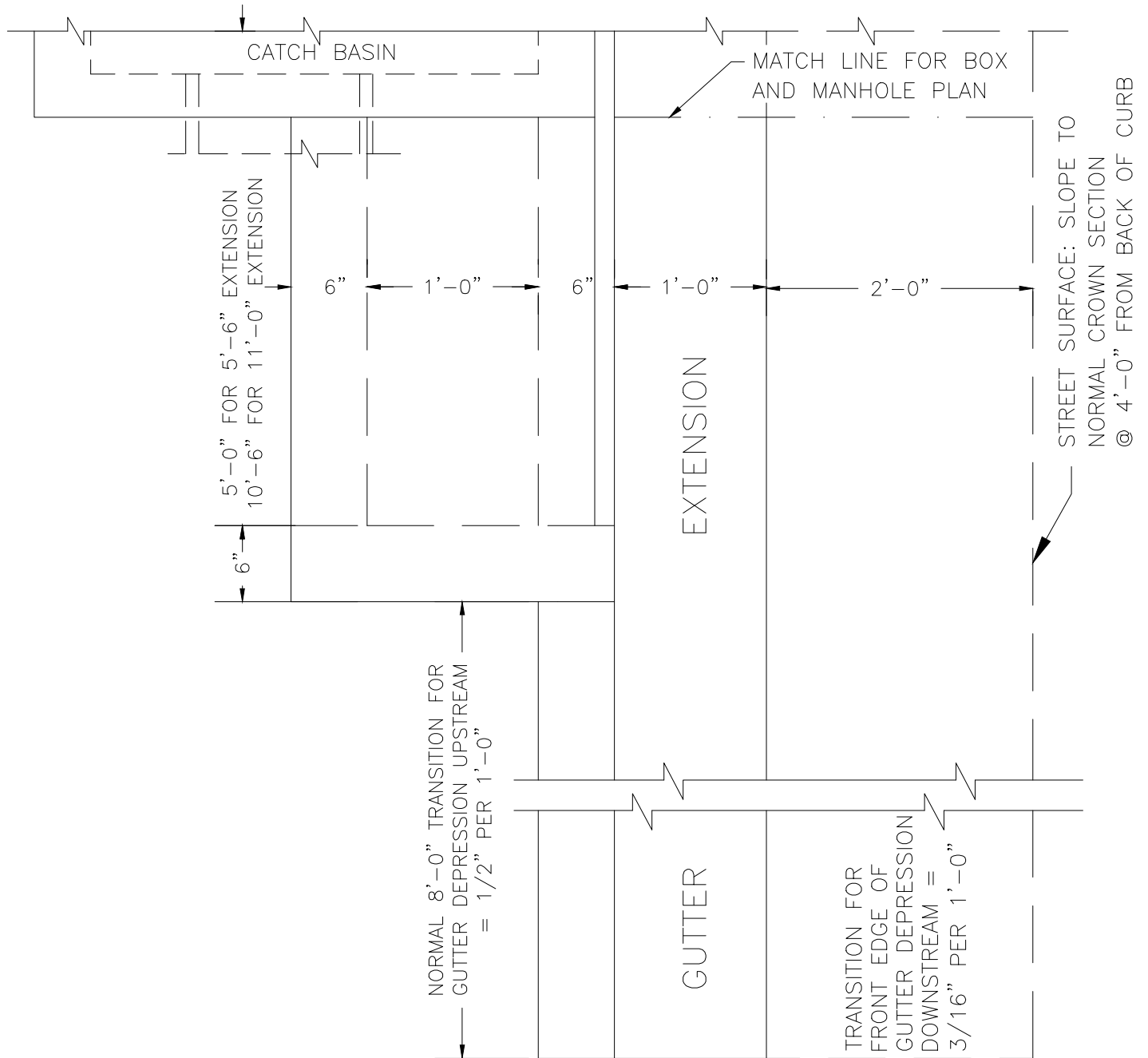
1304 S. 25 TH. STREET
EDINBURG TX. 78539
TEL: (956) 318-2840 ★ FAX: (956) 318-2844

CURB INLET EXTENSION ELEVATION

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.27

STANDARD CURB INLET

GUTTER AND EXTENSION PLAN



HIDALGO COUNTY
PLANNING DEPARTMENT

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EDINBURG TX. 78539

TEL: (956) 318-2840 ★ FAX: (956) 318-2844

STANDARD CURB INLET GUTTER AND EXTENSION PLAN

SCALE: N.T.S.

DATE: 10-09-2018

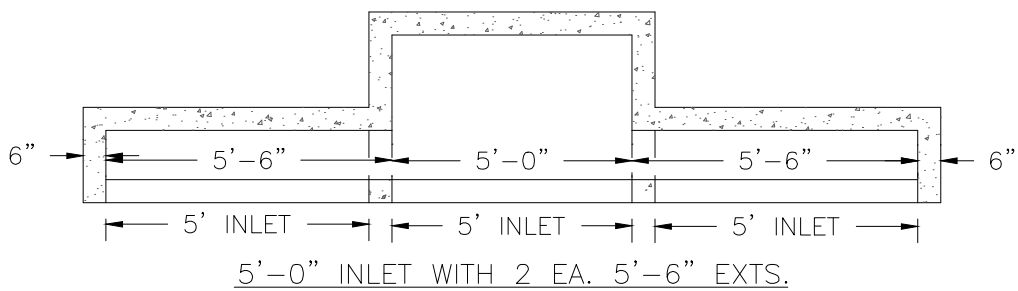
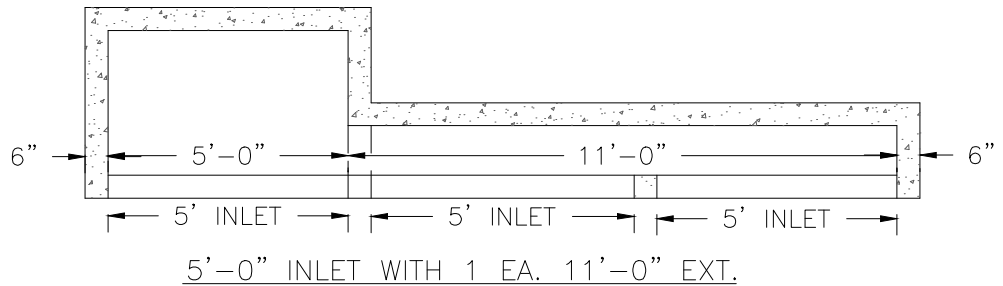
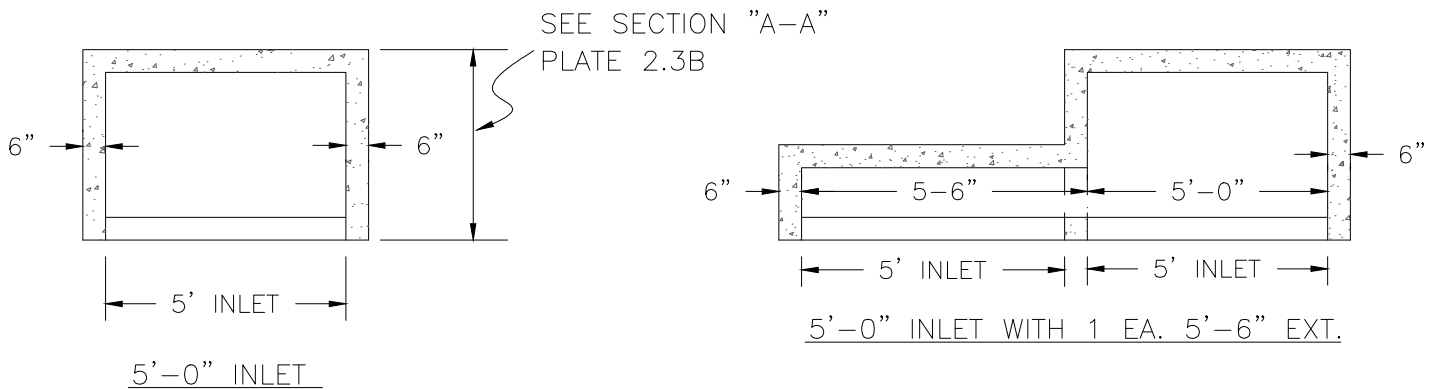
CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.28

STANDARD CURB INLET

TYPICAL PLAN SECTIONS



HIDALGO COUNTY PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

STANDARD CURB INLET; TYPICAL PLAN SECTIONS

SCALE: N.T.S.

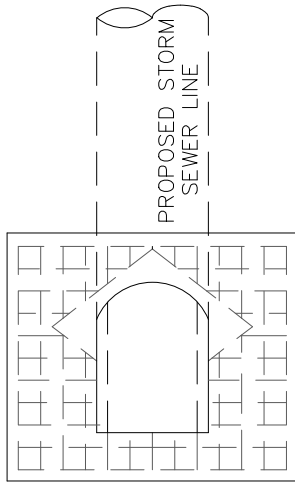
DATE: 10-09-2018

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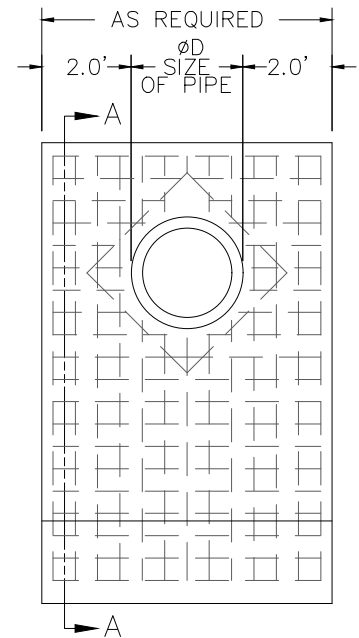
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PLATE No. : 9.29

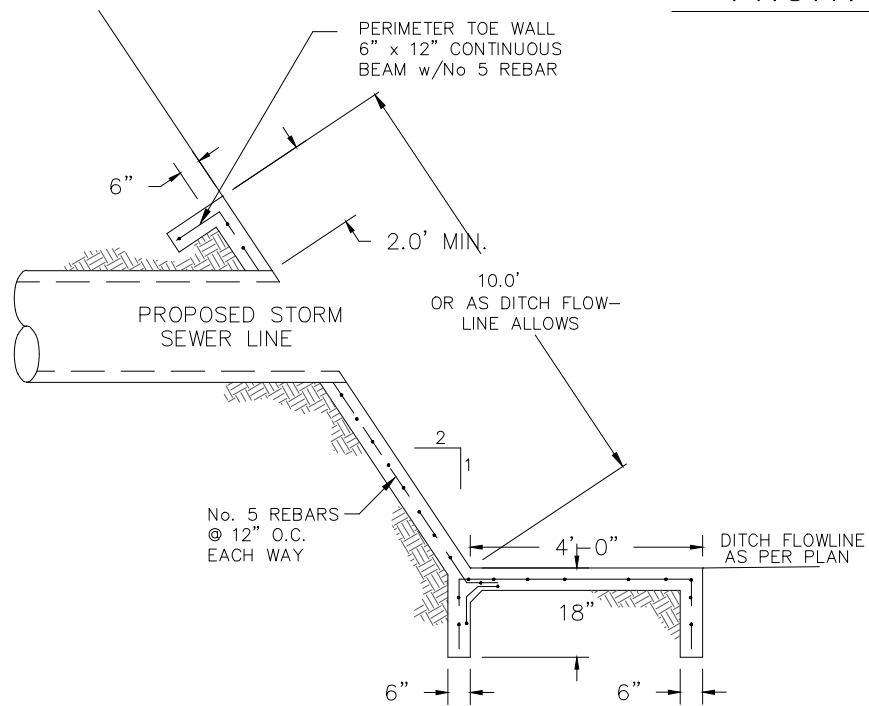
TYPICAL HEADWALL/CONCRETE APRON DETAIL



TOP VIEW



FRONT VIEW



SECTION A-A



HIDALGO COUNTY
PLANNING DEPARTMENT

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TEL: (956) 318-2840 ★ FAX: (956) 318-2844

TYPICAL ENDWALL/CONCRETE APRON DETAIL.

SCALE: N.T.S.

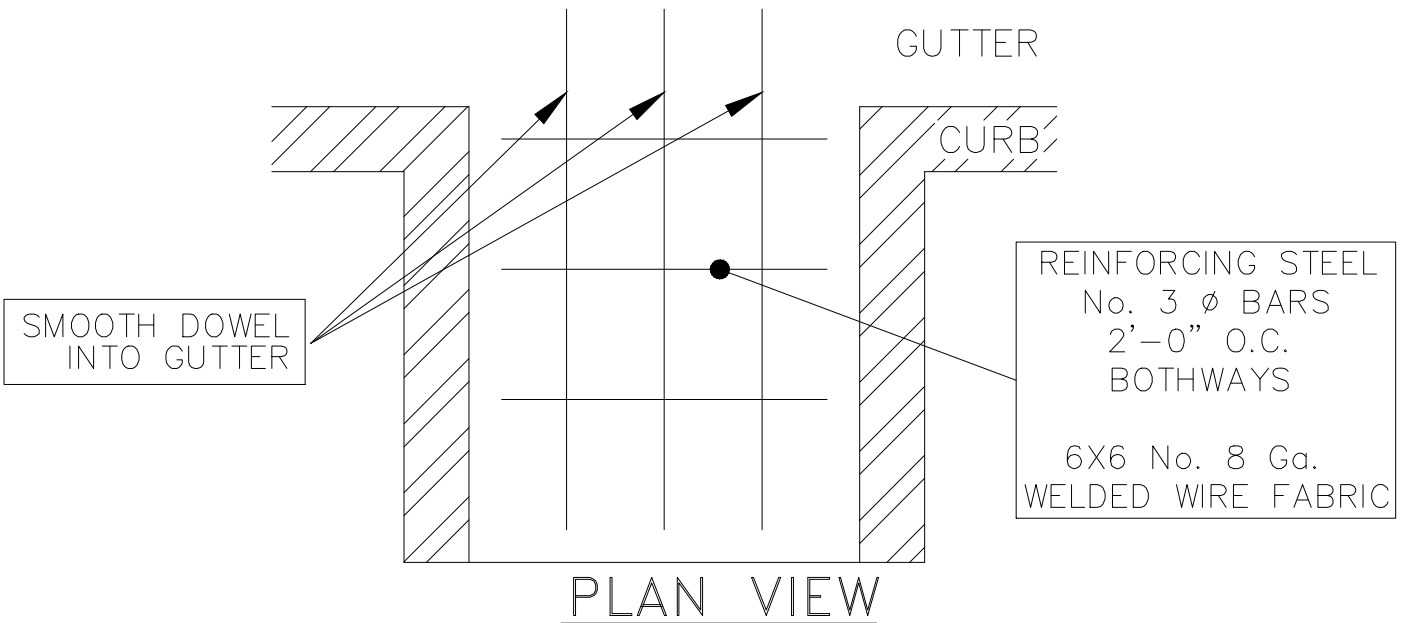
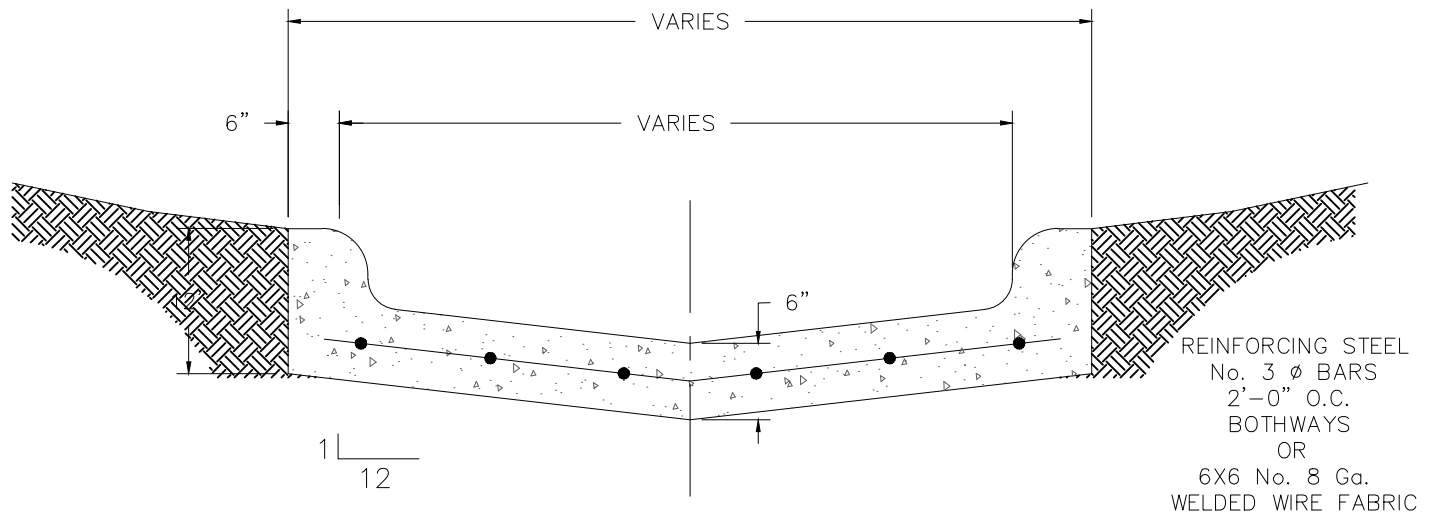
DATE: 10-09-2018

CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.30

CONCRETE DRAINAGE FLUME



NOTE: EXPANSION AND CONTROL JOINTS REQUIRED
 SAME AS FOR CONCRETE PAVING



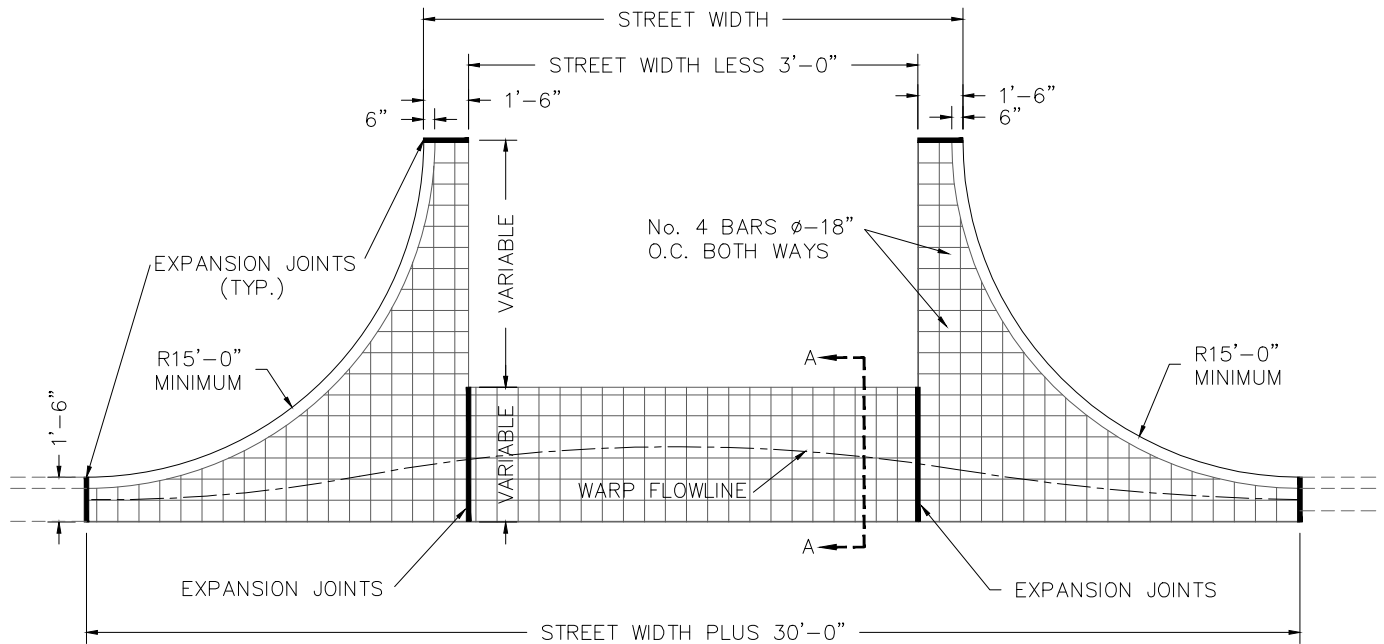
HIDALGO COUNTY
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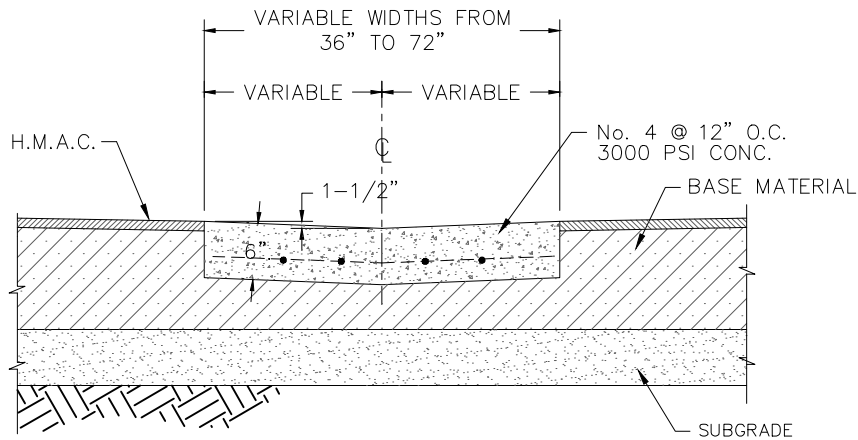
CONCRETE DRAINAGE FLUME

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.31

CONCRETE VALLEY GUTTER DETAIL



PLAN



TYPICAL VALLEY GUTTER SECTION

SECTION A-A

H.M.A.C., BASE MATERIAL & SUBGRADE
ARE AS PER SPECIFICATIONS
AND DESIGN



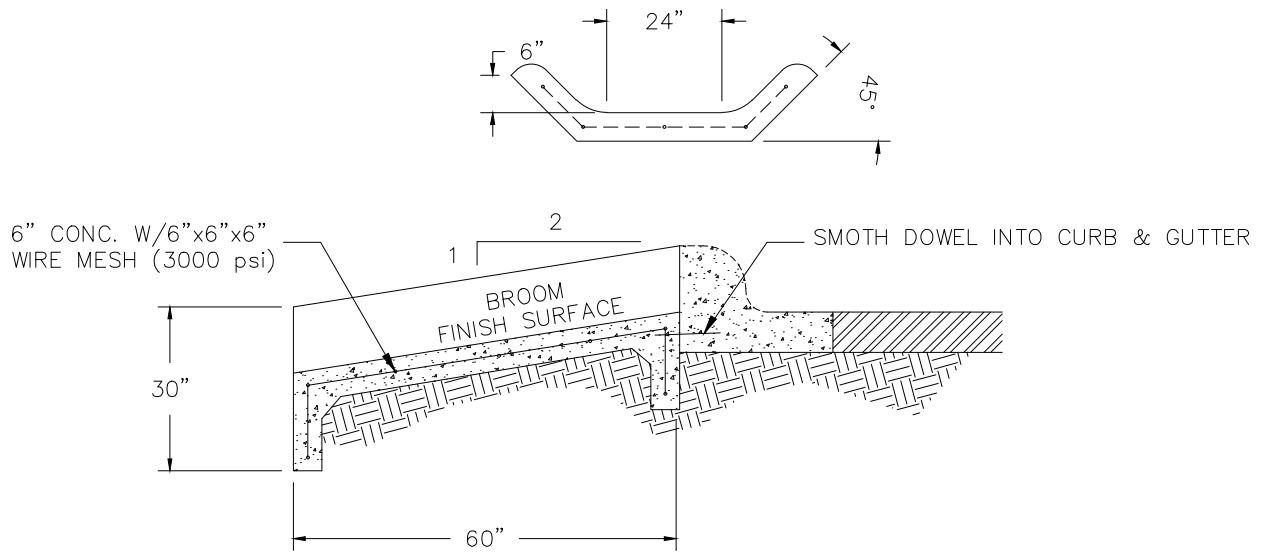
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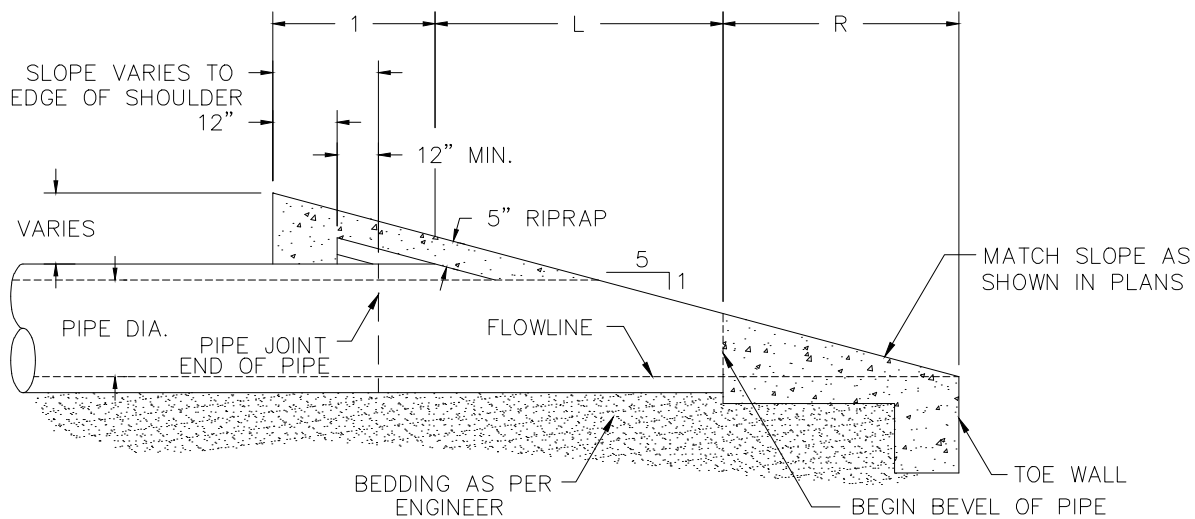
CONCRETE VALLEY GUTTER DETAIL

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.32

TYPICAL ENDWALL/CONCRETE APRON DETAIL



CONCRETE APRON DETAIL



ELEVATION SAFETY END TREATMENT (TYPE "P OR C")



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TYPICAL ENDWALL/CONCRETE APRON DETAIL

SCALE: N.T.S.	SHEET 1 OF 3
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.33

TYPICAL ENDWALL/CONCRETE APRON DETAIL

SAFETY END TREATMENT PIPE LENGTHS

PIPE DIA. (IN.)	L			
	3 : 1	4 : 1	5 : 1	6 : 1
12"	2'-0"	2'-8"	3'-4"	4'-0"
15"	2'-9"	3'-6"	4'-7"	5'-6"
18"	3'-6"	4'-8"	5'-10"	7'-0"
24"	5'-1 1/2"	6'-10"	8'-6 1/2"	10'-3"
30"	6'-9"	9'-0"	11'-3"	13'-6"
36"	8'-6"	11'-4"	14'-2"	17'-0"
42"	10'-1 1/2"	13'-6"	16'-10 1/2"	20'-3"
48"	11'-9"	15'-8"	19'-7"	23'-6"

ESTIMATED RIPRAP CL "A" VOLUME (CY)

PIPE DIA. (IN.)				
	3 : 1	4 : 1	5 : 1	6 : 1
12"	.88	1.11	1.34	1.57
15"	.98	1.23	1.49	1.75
18"	1.08	1.36	1.64	1.93
24"	1.29	1.63	1.97	2.32
30"	1.50	1.91	2.32	2.73
36"	1.73	2.21	2.69	3.17
42"	1.95	2.50	3.05	3.60
48"	2.18	2.80	3.42	4.05

RIPRAP TOE LENGTHS

SLOPE	"R"	"T"
3 : 1	2'-9"	1'-9"
4 : 1	3'-8"	2'-4"
5 : 1	4'-7"	2'-11"
6 : 1	5'-6"	3'-6"



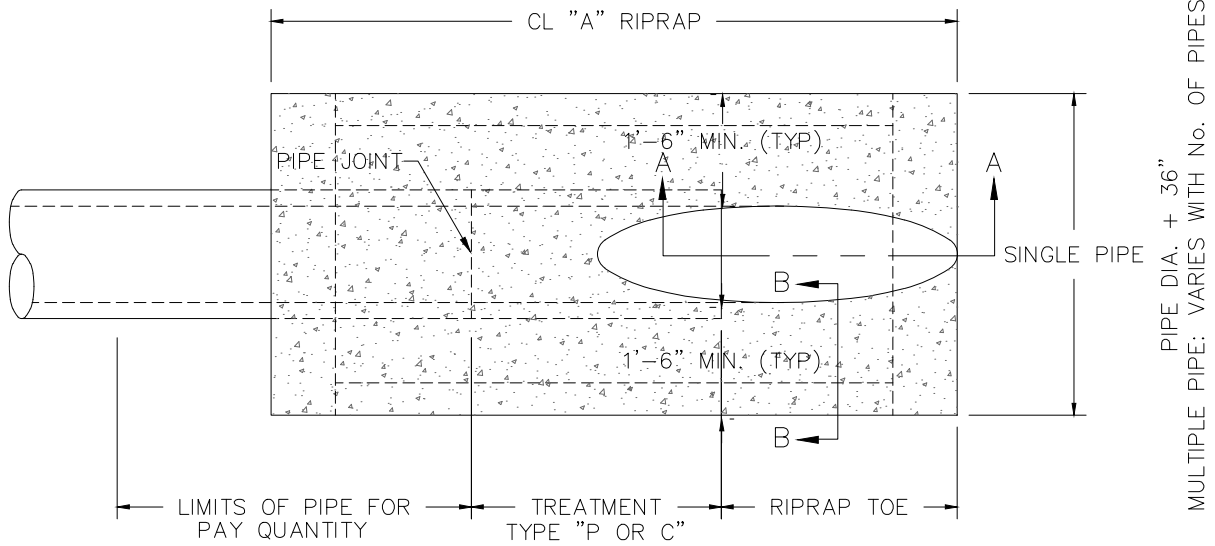
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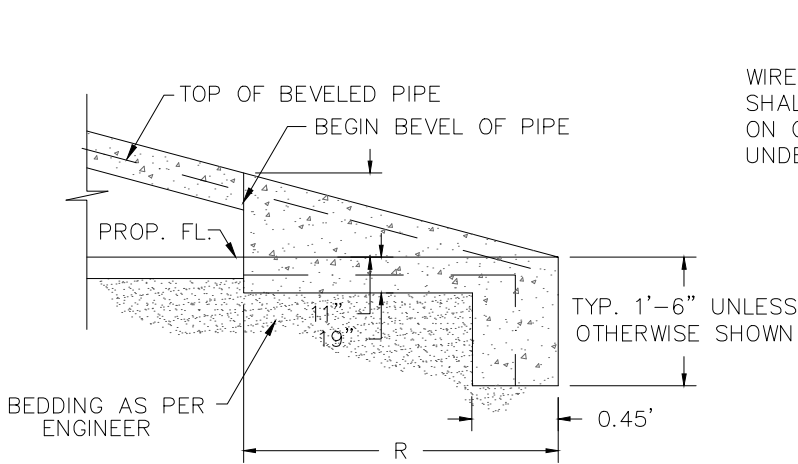
TYPICAL ENDWALL/CONCRETE APRON DETAIL

SCALE: N.T.S.	SHEET 2 OF 3
DATE: 10-09-2018	
CHECKED BY: R.E.S.	
DRAWN BY: J.TOVAR	PLATE No. : 9.34

TYPICAL ENDWALL/CONCRETE APRON DETAIL



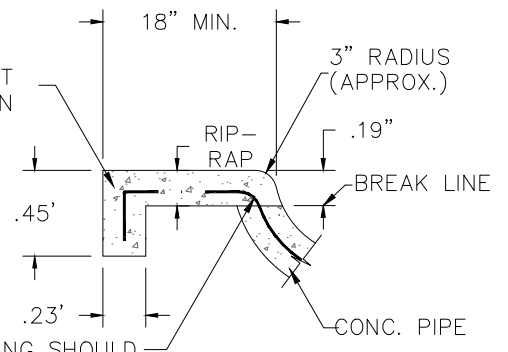
PLAN VIEW



SEC. A-A

WIRE REINFORCEMENT SHALL BE AS SHOWN ON GENERAL NOTES UNDER ITEM 432

PIPE REINFORCING SHOULD EXTEND PAST BREAK LINE AND BE FIELD BENT INTO RIPRAP



SEC. B-B

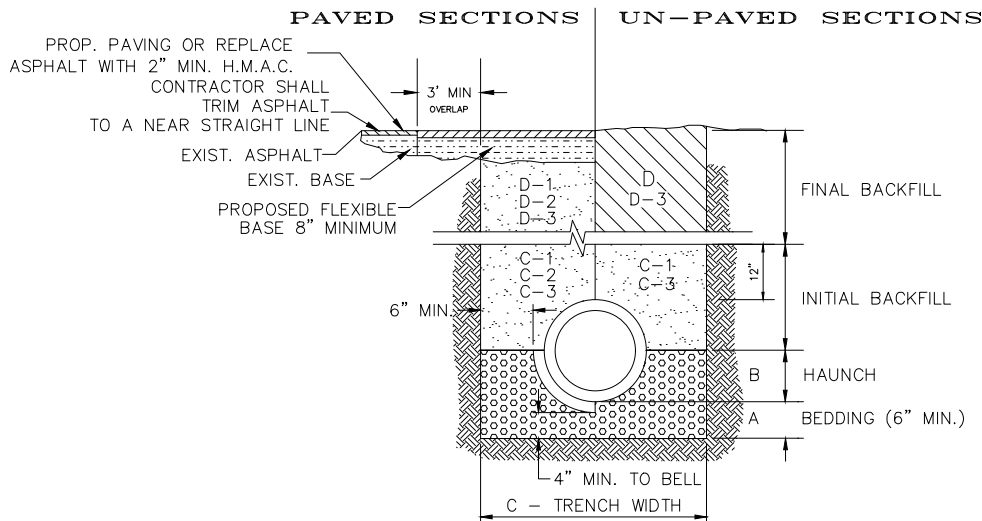


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TYPICAL ENDWALL/CONCRETE APRON DETAIL

SCALE: N.T.S.	SHEET 3 OF 3
DATE: 11-28-2016	
CHECKED BY: T.J.	
DRAWN BY: J.TOVAR	PLATE No. : 9.35



STORM TRENCH BEDDING AND BACKFILL DETAILS

N.T.S

- A. BEDDING FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SAND AND/OR GRAVEL MIX BEDDING PLACED BEFORE PIPE IS LAID UP TO FLOW OF PIPE (MIN. COMPACTED THICKNESS = 6") – PIT RUN GRAVEL ¾" MAX SIZE.
- B. HAUNCH FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SHALL BE CLASS I OR CLASS II (ASTM D2321) BACKFILL MATERIAL COMPACTED TO 92% S.P.D., 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- C. TRENCH WIDTH – SHALL BE BELL O.D. X 1.5 + 12". MINIMUM TRENCH WIDTH SHALL EQUAL STRUCTURE WIDTH + 4 FT. THROUGHOUT THE HEIGHT OF THE STRUCTURE.
- C-1 INITIAL BACKFILL FOR RCP CLASS III STORM DRAIN PIPE ON CITY STREETS, PARKING AREAS, DRIVEWAYS, COUNTY ROADS & UNPAVED AREAS – SHALL BE SOIL TYPE A1, A2, A3 WITH A MAXIMUM P.I. OF 19 (AASHTO M145) COMPACTED TO 92% S.P.D., 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- C-2 INITIAL BACKFILL FOR RCP CLASS III STORM DRAIN PIPE ON STATE MAINTAINED ROADWAYS – COMPACTED SAND/CEMENT STABILIZED BACKFILL WITH 7% PORTLAND CEMENT, COMPACTED TO 92% S.P.D. AS PER ASTM D4253 AND ASTM D698, 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- C-3 INITIAL BACKFILL FOR HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SHALL BE CLASS I OR CLASS II WITH A MAXIMUM P.I. OF 19 (ASTM D2321) BACKFILL MATERIAL COMPACTED TO 92% S.P.D., 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- D. FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE UNDER UNPAVED SECTIONS – SHALL BE CLASS I, II, III OR IV, COMPACTED TO 92% S.P.D. (12" LOOSE LIFT, MECHANICAL COMPACTION).
- D-1 FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE ON CITY STREETS, PARKING AREAS, DRIVEWAYS AND COUNTY ROADS – SHALL BE SOIL TYPE A1, A2, A3 WITH A MAXIMUM P.I. OF 19 (AASHTO M145) COMPACTED TO 92% S.P.D., 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- D-2 FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE ON STATE MAINTAINED ROADWAYS – COMPACTED SAND/CEMENT STABILIZED BACKFILL WITH 7% PORTLAND CEMENT, COMPACTED TO 92% S.P.D. AS PER ASTM D4253 AND ASTM D698, 8" LOOSE LIFTS, MECHANICAL COMPACTION.
- D-3 FINAL BACKFILL FOR STRUCTURES (INLETS, MANHOLES, ETC.) – STRUCTURES UNDER THE ROADWAY AND UP TO 5 FT BEYOND THE EDGE OF PAVEMENT/BACK OF CURB SHALL HAVE CLASS I OR CLASS II (ASTM D2321) OR SOIL TYPE A1, A2, OR A3 (AASHTO M145) WITH A MAXIMUM P.I. OF 19 BACKFILL MATERIAL. STRUCTURES BEYOND 5 FT FROM THE E.O.P./B.O.C. SHALL HAVE CLASS I, II, III OR IV (ASTM D2321) BACKFILL MATERIAL. FOUNDATION PREPARATION (WELLPOINTS, MINIMUM 4" GRAVEL OR CEMENTS STABILIZATION, OR APPROVED SUBSTITUTE) SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE. BACKFILLING AT STRUCTURES SHALL BE PLACED IN UNIFORM LAYERS, MOISTENED AS REQUIRED TO APPROXIMATE OPTIMUM MOISTURE CONTENT AND COMPACTED TO 95% S.P.D. (USE RELATIVE DENSITY TEST PER ASTM D4253 & ASTM D698). THE THICKNESS OF EACH LOOSE LAYER SHALL NOT EXCEED 8".

- NOTES:
1. MAXIMUM COVER SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
 2. FOR D-1 AND D-2 THE COMPACTION REQUIREMENT SHALL BE 95% S.P.D. WITHIN 12 IN. BELOW THE FLEXIBLE BASE.
 3. FOR PAVED SECTIONS THE ABOVE REQUIREMENTS SHALL APPLY WHEN ANY PART OF THE TRENCH WIDTH IS WITHIN 5 FT. FROM THE E.O.P./B.O.C.
 4. THE ABOVE REQUIREMENTS SHALL APPLY TO UTILITY PIPELINES AND UTILITY STRUCTURES OF OTHER UTILITY ENTITIES.

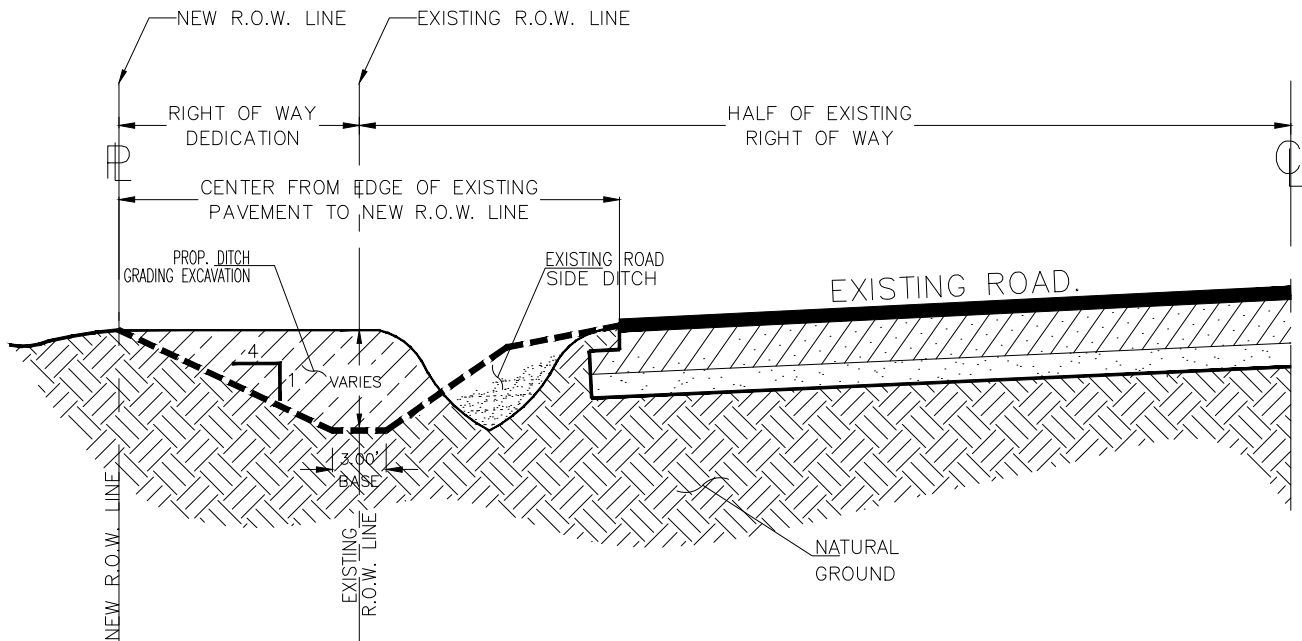


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STORM TRENCH BEDDING AND BACKFILL DETAIL

SCALE:	N.T.S.	
DATE:	10-09-2018	
CHECKED BY:	R.E.S.	
DRAWN BY:	J.TOVAR	PLATE No. : 9.36



RECONSTRUCTION OF ROAD SIDE DITCH



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RE CONSTRUCTION OF COUNTY ROAD SIDE DITCH

SCALE: N.T.S.

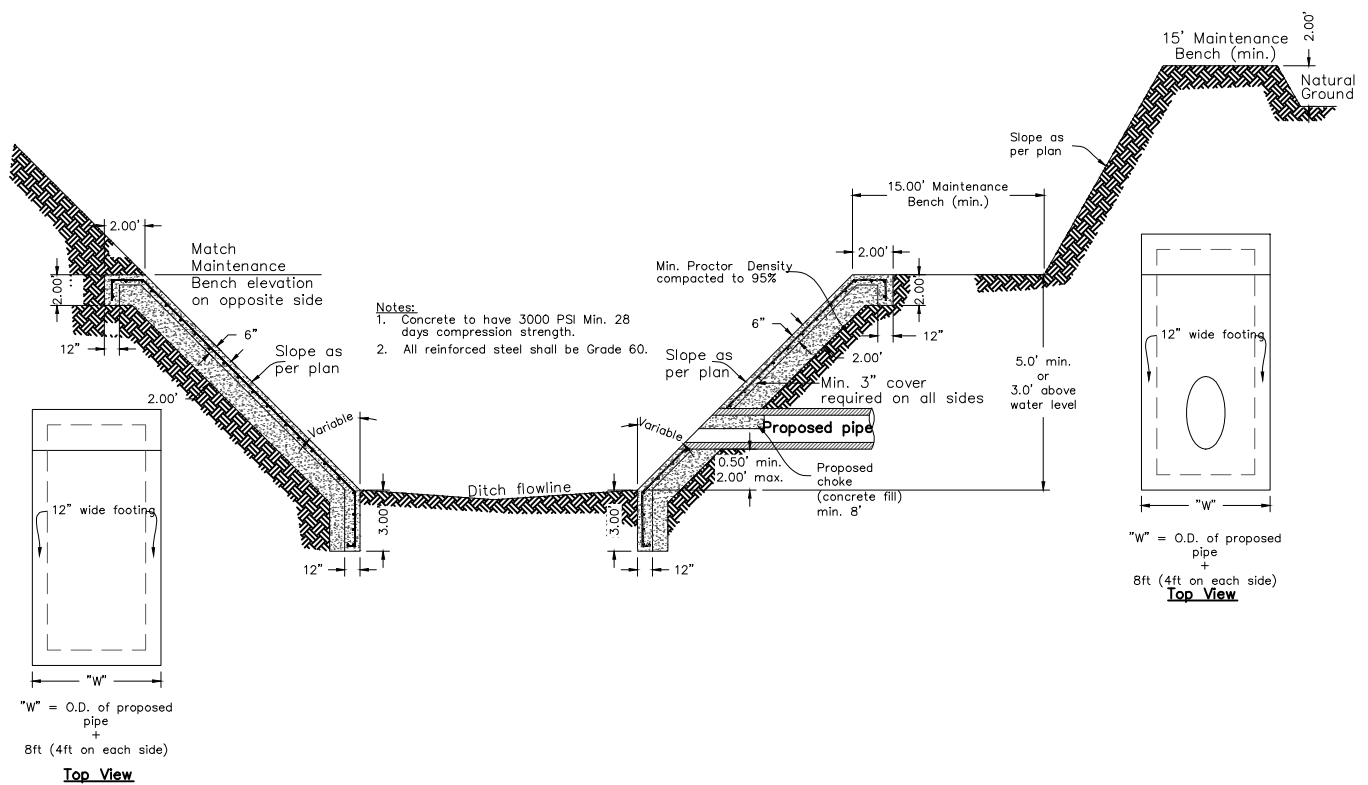
DATE: 10-09-2018

CHECKED BY: R.E.S.

DRAWN BY: J.TOVAR

PLATE No. : 9.37

HCDD#1 DISCHARGE STRUCTURE DETAIL



HIDALGO COUNTY
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HCDD#1 DISCHARGE STRUCTURE DETAIL

SCALE: N.T.S.	
DATE: 10-09-2018	
CHECKED BY: R.E.S	
DRAWN BY: J.TOVAR	PLATE No. : 9.38