

FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM
Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 12/03/2009 Submitted By: P. Batts
Court Agenda Date: ~~12/08/2009~~ Department: Engineering
FS-10 Phone Number: 281 633 7507

SUMMARY OF ITEM: Set public hearing for adopting revised Fort Bend County Regulations of Subdivisions for Precincts 1,2,3 &4. (Tuesday, January 5,2010, at 1:00 p.m.)
RENEWAL AGREEMENT/APPOINTMENT YES NO
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO
List Supporting Documents Attached:

FINANCIAL SUMMARY:
BUDGETED ITEM: YES NO
FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):
DESCRIPTION OF LAWSON ACCOUNT: _____

Instructions to submit Agenda Request Form:
• Completely fill out agenda form: incomplete forms will not be processed.
• Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
• All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.
DISTRIBUTION:
Original Form Submitted with back up to County Judge's Office (✓ when completed)
If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609
Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor (281-341-3774)	<input type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input type="checkbox"/> Budget Officer (281-344-3954)	<input type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:
Special Handling Requested (specify):

FORT BEND COUNTY

REGULATIONS OF SUBDIVISIONS



FORT BEND COUNTY ENGINEERING
D. Jesse Hegemier, County Engineer
P. O. Box 1449
1124 Blume Road
Rosenberg, Texas 77471
Phone (281) 633-7501
Fax (281) 342-7366
Web site: www.FortBendCountyGov.com

ADOPTED January 5, 2010

TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
SECTION 1 - DEFINITIONS		
1.1	Definitions	1-5
SECTION 2 - GENERAL POLICY		
2.1	Plat Required	1
2.2	Exceptions to Plat Requirement	1-3
2.3	Plat Requirements	3
2.4	Plat Approval	3
2.5	Approval by Fort Bend County Commissioners' Court Required	3-4
2.6	Timely Approval of Plats	4-5
2.7	Plat Recording	5
2.8	Construction	5
2.9	Revised Plat	5
2.10	Supplemental Subdivision Platting Policy	5-6
2.11	Bond Requirements	6-7
2.12	One Year Maintenance Period	7
2.13	Drainage Systems	7
2.14	Road and Street Design	7
2.15	Traffic Impact Study	7
2.16	Concurrent Jurisdiction	7
2.17	Water and Wastewater Facilities	7
2.18	Utilities in Unincorporated Areas	8
2.19	Outdoor Lighting in the Unincorporated Areas	8
2.20	Use of Groundwater	8
2.21	Variances	8-10
2.22	Regulations and Addenda	10
2.23	Plat Recordation Fees	10
2.24	Platting Fees	10
2.25	Validity	10-11
2.26	Enforcement	11
SECTION 3 - PLAT SUBMITTAL PROCEDURES AND REQUIREMENTS		
3.1	Preliminary Conference	1
3.2	Submitting Requirements	1
3.3	Digital Recorded Final Plat Submittal Guidelines	2-3
3.4	Construction Documents	3
3.5	Title Report	4
3.6	Subdivision, Development or Street Names	4
3.7	Private Easement Holder's Agreement	4-5
3.8	Tax Certificates	5
3.9	Bond or Letter of Credit	6-7
3.10	Departmental Reviews	7

SECTION	DESCRIPTION	PAGE
3.11	Subdivision within the Extraterritorial Jurisdiction of a City	7-8
3.12	Amending Plat within Extraterritorial Jurisdiction of a Town or City	8-9
3.13	Replat within Extraterritorial Jurisdiction of a Town or City	9
3.14	Revision of Plat - Subdivision located outside the Municipalities and Extraterritorial Jurisdiction of Municipalities	10
3.15	Subdivision outside the Extraterritorial Jurisdiction of a City	10-12
3.16	Engineer Certification	12
3.17	Transmittal Letters	12

SECTION 4 - PLAT GRAPHIC REQUIREMENTS

4.0	General Graphics	1
4.1	Engineering	1
4.2	Plat Size	1
4.3	Orientation	1
4.4	Scale	1
4.5	Vicinity Map	1
4.6	Legal Description	1
4.7	Acerage	1-2
4.8	Names	2
4.9	Date	2
4.10	Engineering and Surveying Requirements	2
4.11	Plat Boundaries	2
4.12	Adjacent Areas	2
4.13	Pipeline and Pipeline Easements	2
4.14	Lots, Tracts, Reserves, Easements and Right-of-way	3
4.15	Contour Lines	3
4.16	Minimum Slab Elevation	3
4.17	Vertical and Horizontal Control	3-6
4.18	Surveyor Certification	7
4.19	Survey Closure	7
4.20	Dedication Statements and Certificates	7
4.21	Public Facilities Listing	7-8
4.22	Drainage Statement	8
4.23	Easements	8
4.24	Side Lot Lines	9
4.25	Key Lots	9
4.26	Access Denied	9

SECTION 5 - DESIGN CRITERIA

5.1	General Public Street Arrangement and Layout	1-2
5.2	Major Thoroughfares	2
5.3	Major Collector Streets	3
5.4	Minor Collector Streets	3-4
5.5	Residential Streets	4-5
5.6	Other Street Requirements	5

SECTION	DESCRIPTION	PAGE
5.7	Construction Standards and Details	5
5.8	Sidewalks	5
5.9	Private Streets	6
5.10	Street Names	6
5.11	Easements	7-8
5.12	General Building Setback Restrictions	8-9
5.13	Reserve Tracts	9-10
5.14	Lots - General Provisions	10-11
5.15	Drainage Outfall	11
5.16	Landscaping	11
5.17	Minimum Standards for Water and Wastewater	11-14
5.18	Plat Approval Requirements for Water and Wastewater	14-17
SECTION 6 - ACCEPTANCE OF IMPROVEMENTS WITHIN SUBDIVISION		
6.1	General Acceptance Procedures	1-2
6.2	One Year Maintenance Period	2
6.3	Acceptance into the County Road Maintenance System	2
6.4	Acceptance into the Drainage District Maintenance System	2-3
6.5	Conditions of Acceptance	3
6.6	Release of Bond	3
SECTION 7 - GREEN SPACE REGULATIONS		
7.0	Definitions	1
7.1	Subdivision Green Space Requirements	1-2
7.2	Maintenance and Ownership	2
7.3	Green Space Along Major Thoroughfares	2-3
7.4	Tree Preservation Credit	4
7.5	Effective Date of Regulations	4
APPENDIX		
A	Owner's Acknowledgment	1-2
B	Fort Bend County Plat Approval Certificate	3
C	Subdivision Plat Application Form	4
D	FBC Supplemental Regulations of Subdivisions for the Extraterritorial Jurisdiction of Sugar Land, Texas	5-6
E	Bond	7-9
F	Bond Water and Wastewater Facilities	10-11
G	Letter of Credit	12-13
H	Irrevocable Letter of Credit for Water & Wastewater Facilities	14
I	Order Imposing Restrictions on the Connection of Utilities in the Unincorporated Areas	15
J	Fee Calculation Form	16
K	Taxing Entity Letter	17
L	Street and Road Inventory	18
M	Engineer's Construction Compliance Statement	19
N	Subdivision Construction Agreement	20-29

SECTION	DESCRIPTION	PAGE
O	Engineer's Construction Document Certification Statement	30
P	Execution of Owner's Acknowledgment	31
Q	Lienholder's Acknowledgment and Subordination Statement	32
R	Notary Public Acknowledgment for All Signatures	33
S	Certificate for Surveyor	34
T	Certificate of Fort Bend County Engineer and Commissioners' Court	35
U	County Clerk's Filing Acknowledgment Statement	36
V	Engineer's Plat Affidavit	37
W	Water Service Agreement	38-39
X	Wastewater Service Agreement	40-41
Y	Independent Testing Laboratory Certification	42
Z	Contractor/Contractors Affidavit of Construction Compliance	43
AA	Engineer's Drainage Facilities Construction Certification	44
BB	Utility District Construction Certification for Acceptance of Water and/or Wastewater Facilities	45
CC	Trees Acceptable for Greenspace Landscape Reserves	46-47
DD	Extraterritorial Jurisdiction Exemption Plat Note	48
EE	Typical Roadway Section (Drawing No. FBC-077)	49

SECTION 1 - DEFINITIONS

1.0 Statement

For the purpose of this Manual, the definition of various terms, phrases, words and their derivations will have the meaning ascribed to them herein. When not consistent with the context, words used in the present tense include the future, words used in the singular number include the plural number and words used in the plural number include the singular number. Any office referred to herein by title will mean the person employed or appointed for that position or his duly authorized deputy or representative. Definitions not expressly authorized herein are to be considered in accordance with customary usage. The definition of specific terms, phrases, words and their derivations applicable to matters contained in the Manual are as follows.

1.1 Definitions

Alley: A public right-of-way which is used only for secondary access to individual properties which otherwise have primary access from an adjacent public street or approved common open space or courtyard which is adjacent to a public street.

Amending Plat: A plat submitted by the applicants for the purpose of improving or making changes for the better by removing defects or faults.

Block: A numbered tract or parcel of land established and identified within a subdivision which is surrounded by streets or a combination of streets and other physical features and intended to be further subdivided into individual lots or reserves.

Bonds: The approved form of security furnished by the Principle and his sureties conditioned upon the faithful performance of the work in strict accordance with all applicable regulations, plans and specifications.

Building Setback: A defined area designated on a subdivision plat in which no building structure may be constructed and is located between the adjacent street right-of-way and the proposed face of a building.

Commission: The Texas Commission on Environmental Quality and any of its predecessor or successor entities.

Commissioners Court: The Commissioners Court of Fort Bend County, Texas.

Construction Completion: A point in time when all construction is complete and the roads or streets are in a condition to be used by the public.

Construction Document: Complete set of construction documents including plans and specifications required to fully define the scope of work and limits of construction.

County: Fort Bend County, Texas.

County Engineer: The Fort Bend County Engineer or his designated representative.

Development: A subdivision of a tract of land or a change in land use.

Drainage Criteria Manual: The Fort Bend County Drainage Criteria Manual adopted by the Fort Bend County Drainage District Board.

Drainage District: Fort Bend County Drainage District.

Drainage District Engineer: The Fort Bend County Drainage District Engineer or his designated representative.

Drainage Easement: An area intended for restricted use on property upon which an authorized governmental agency shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective drainage system within any of these easements. An authorized governmental agency shall at all time have the right of unobstructed ingress and egress to and from and upon the drainage easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of the respective drainage systems without the necessity at any time of procuring the permission of anyone.

Engineer: Project Engineer or Developer Engineer responsible for the preparation of the plat and/or construction documents.

Extraterritorial Jurisdiction (ETJ): The unincorporated territory extending beyond the city limits of a city is set forth by *Chapter 42.021, Local Government Code*.

Filing Fee: A charge for filing documents with the Fort Bend County Clerk. The fee for filing plats is set by Commissioners' Court.

Final Acceptance: Road acceptance by Fort Bend County into the County Maintenance system.

Fort Bend County Design Standards and Details: Standards which describe the general requirements for the preparation and contents of construction documents required for approval by Fort Bend County.

Frontage: That portion of any tract of land which abuts a public street right-of-way and from where the primary access to said tract is derived.

General Plan: A map of a Planned Development showing intended land uses within its boundaries.

Interior Street: Any public street within a subdivision designed to serve only those properties within the boundaries of the subdivision in which it is dedicated and established. Cul-de-sacs and loop streets or street systems beginning from streets within a subdivision may be considered as interior streets. Interior streets may not, however, be any street which would allow access through the subdivision to other properties or

directly connect with other streets outside the plat boundary.

Letter of Credit: An irrevocable standby letter of credit furnished by the Principle and his sureties conditioned upon the faithful performance of the work in strict accordance with all applicable regulations, plans and specifications.

Local Street: Any public street not designated as a major thoroughfare, freeway or highway.

Lot: A physically undivided tract or parcel of land having frontage on a public or private street or other approved facility and which is or in the future may be offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on an approved subdivision plat which had been recorded.

Major Collector Street: A public street that consists of two or more lanes, divided or undivided roadway that is used as a collector for residential streets and originates and terminates outside of the subdivision boundaries.

Major Thoroughfare: A public street designed for fast, heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the Fort Bend County Major Thoroughfare and Freeway Plan.

Minor Collector Street: A public street that consists of two or more lanes, undivided or divided roadway that is used as a collector for residential streets and originates within and terminates outside of the subdivision boundaries.

Non-public Water System: Any water system supplying water for domestic purposes which is not a public water system.

One Year Maintenance Period: A mandatory one year period between the date of construction completion and the date of final acceptance in the County Maintenance System.

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.

Planned Development: A development that contains a minimum of 500 contiguous acres under the control of one entity and having a General Plan for development showing a maximum average density of 5.5 lots per acre.

Plat: A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County Clerk's records and containing accurate and detail engineering data, dimensions, and dedicatory statements and certificates.

Preliminary Plat: Preliminary map or drawing of a proposed subdivision with sufficient detail to fully describe or convey the full intent of the proposed subdivision including, but not limited to major thoroughfares, and local and interior streets.

Private Street: Any street that is not specifically designated or dedicated as a public street.

Public Street: A public right-of-way, however designated, dedicated or acquired which provided vehicular access to adjacent private or public properties.

Replat: A change to the previous plat of a subdivision, or part of a subdivision, not amending or removing any covenants or restrictions, signed and acknowledged by the owners of the property.

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.

Purchaser: Shall include purchasers under executory contracts for conveyance of real property.

Retail Public Utility: Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.

Residential Street: A public street that consist of a two lane undivided roadway primarily used by local single family residents and originates and terminates within the subdivision boundaries.

Revised Plat: A revision of a previous approved plat that corrects minor errors in the original plat.

Sewage 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.

Specifications: These will include but not be limited to descriptive, performance, reference and proprietary specifications approved by the Engineering Department, the Drainage District and the Commissioners' Court.

Street Dedication Plat: A map or drawing illustrating the location of a public street passing only through a specific tract of land and suitable for recording.

Street Name: The unique name of a street.

Stub Street: A public street ending adjacent to the undeveloped property of acreage and intended to be extended at such time the adjacent undeveloped property or acreage is subdivided.

Subdivider (Developer): Any person or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions set out in this Manual. The term "developer" shall mean the same as "subdivider" for the purposes of this Manual.

Subdivision: The division of any tract or parcel of land located outside of a municipality by plat, map or description into two or more parts to lay out:

- (1) a subdivision of the tract, including and addition;
- (2) lots; or
- (3) 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.
- (4) including a division regardless of whether it is made by using a meets and bounds description in a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

Subdivision shall also include the subdivision, replatting or other alterations of any tract of land, reserve, or lot which is part of a previously recorded subdivision. Subdivision shall not include the division of land for agricultural purposes only, land divided by partition deeds executed by co-tenants for the purpose of effecting a partition of land, division of land for the purpose of settling family estates providing that the division does not include any dedication or layout of streets or other public or private access ways, and division of a tract of land separated into two or more spaces or lots that are to be rented, leased, or offered for rent or lease for a term of less than 60 months without a purchase option, for installation of manufactured homes for use and occupancy as residences.

TAC: Texas Administrative Code, as compiled by the Texas Secretary of State.

Title Certificate: A certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record which affect the property. Such certificate shall include all property within the platted area.

Water Facilities: Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

SECTION 2 - GENERAL POLICY

2.1 Plat Required

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.001.

- A. The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
 - 1. a subdivision of the tract, including an addition;
 - 2. lots;or
 - 3. streets, alleys, squares, parks, or other parts of the tract intended 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.
 - 4. 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. 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.
- C. To be recorded, the plat must:
 - 1. describe the subdivision by metes and bounds;
 - 2. locate the subdivision with respect to an original corner of the original survey of which it is a part; and
 - 3. state the dimensions of the subdivision and of each lot, street, alleys, 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.
- D. 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. Refer to *(Appendix A)*.
- E. Commercial Development - Unless otherwise specifically exempted, a plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

2.2 Exceptions to Plat Requirement

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.0015.

- A. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
 - 1. the owner does not lay out a part of the tract described by *(Section 2, 2.1*

-
- A.3.) and;
2. the land is to be used primarily for agricultural use, as defined by (*Section 1-d, Article VIII, Texas Constitution*), or for farm, ranch, wildlife management, or timber production use within the meaning of (*Section 1-d-1, Article VIII, Texas Constitution*).
 3. If a tract described by (*Section 2, 2.2, A.2.*) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.
- B. The owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by (*Section, 2 2.1 A.3.*) is not required to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under (*Chapter 573, Government Code*). If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.
- C. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
1. all of the lots of the subdivision are more than 5 acres in area; and
 2. the owner does not lay out a part of the tract described by (*Section 2, 2.1 A.3.*)
- D. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by (*Section 2, 2.1 A 3.*) to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.
- E. The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or an other dedicated funds of the state unless the subdivision lays out a part of the tract described by (*Section 2, 2.1 A.3.*).
- F. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
1. the owner of the land is a political subdivision of the state;
 2. the land is situated in a flood plain; and
 3. the lots are sold to adjoining landowners.
- G. The owner of a tract of land located outside the limits of a municipality who divides the tract into two parts is not required to have a plat of the subdivision prepared if:
1. the owner does not lay out a part of the tract described by (*Section 2, 2.1 A.3.*), and;
 2. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.
- H. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:

1. the owner does not lay out a part of the tract described by (*Section 2, 2.1 A.3.*), and;
2. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

2.3 Plat Requirements

- A. The final plat shall be submitted with complete construction documents including plans and specifications with plan and profiles showing line and grade of all streets, roads, bridges, water, sanitary and storm sewers, ditches, utility easements and course and the location of all existing pipelines or pipeline easements through the proposed subdivision.
- B. The final plat shall be submitted with complete plans to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of Fort Bend County. All water and wastewater facilities must comply with the minimum current state standards.
- C. The following restriction shall be placed on the final plat and in all deeds and contracts for deeds: "No more than one single family detached dwelling shall be located on each lot intended for residential purposes".

2.4 Plat Approval

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.101. Subchapter E (SB873).

- A. In approving the plat for recording in Fort Bend County, the Commissioners' Court will consider the health, safety, morals, or general welfare of the citizens of Fort Bend County and the safe, orderly, and healthful development of the unincorporated area of the County. This will include all the specific items listed below plus other considerations that are important to citizens of the area and Fort Bend County. These will include and not be limited to street specifications and widths, traffic patterns and traffic control, drainage and flood protection, water and wastewater facilities, recreational facilities, school sites and any other amenity that applies to the area being considered.
- B. The final plat and the construction documents must be reviewed, approved and signed by the County Engineer and the drainage plans must be reviewed and approved by the Drainage District Engineer before the final plat is presented to Commissioners' Court for approval.

2.5 Approval by Fort Bend County Commissioners' Court Required

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.002.

- A. The Commissioners Court of the Fort Bend County must approve, by an order entered in the minutes of the court, a plat required by (*Section 2, 2.1A.*). The Commissioners' Court may refuse to approve a plat if it does not meet the requirements prescribed by or under this chapter or if any bond required under this chapter is not filed with the County.

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.076.

- B. Certification Regarding Compliance with Plat Requirements
 - 1. On the approval of a plat by the Commissioner's Court, the Commissioner's Court shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the Commissioner's Court.
 - 2. On its own motion or on the written request of a subdivider, an owner or resident of a lot in a subdivision, or an entity that provides a utility service, the commissioners court shall:
 - a. determine whether a plat is required under this subchapter for an identified tract of land that is located within the jurisdiction of the county; and
 - b. if a plat is required for the identified tract, determine whether a plat has been reviewed and approved by the commissioners court.
 - 3. The request made under Subsection (2) must adequately identify the land that is the subject of the request.
 - 4. Whenever a request is made under Subsection (2), the Commissioner's Court shall issue the requesting party a written certification of its determinations.
 - 5. The Commissioner's Court shall make its determinations within 20 days after the date it receives the request under Subsection (2) and shall issue the certificate, if appropriate, within 10 days after the date the determinations are made.
 - 6. The Commissioner's Court may adopt rules it considers necessary to administer its duties under this section.

2.6 Timely Approval of Plats

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.0025.

- A. The County Engineer shall issue a written list of the documentation and other information that must be submitted with a plat application. Required by *(Appendix (C))*. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the County Engineer that contains the documents and other information on the list will be considered complete.
- B. If a person submits a plat application to the County Engineer that does not include all of the documentation or other information required by *(Section 2, 2.6 A.)*, the County Engineer shall, not later than the 10th business day after the date the County Engineer receives the application, notify the applicant of the missing documents or other information. The County Engineer shall allow an applicant to timely submit the missing documents or other information.
- C. An application is considered complete when all documentation or other information required by *(Section 2, 2.6 A.)* is received. Acceptance by the County Engineer of a completed plat application with the documentation or other information required by *(Section 2, 2.6 A.)* shall not be construed as approval of the documentation or other information.
- D. Except as provided by *(Section 2, 2.6 F.)*, the County Engineer shall present a completed plat application, including the resolution of all appeals, to the County

- Commissioner's Court not later than the 60th day after the date a completed plat application is received by the County Engineer.
- E. If the County Commissioner's Court disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval.
- F. The 60-day period under (*Section 2, 2.6 D.*).
1. may be extended for a reasonable period, if agreed to in writing by the applicant and approved by the County Engineer;
 2. may be extended 60 additional days if (*Chapter 2007, Government Code*), requires the county to perform a takings impact assessment in connection with a plat application; and
 3. applies only to a decision wholly within the control of the County Engineer
- G. The County Engineer shall make the determination under (*Section 2, 2.6 F.2.*) of whether the 60-day period will be extended not later than the 20th day after the date a completed plat application is received by the County Engineer.
- H. The County Engineer may not compel an applicant to waive the time limits contained in this section.
- I. If the Commissioner's Court fails to take final action on the plat as required by (*Section 2, 2.6 D.*).
1. the plat application is granted by operation of law; and
 2. the applicant may apply to a District Court in the county where the tract of land is located for a writ of mandamus to compel the Commissioner's Court to issue documents recognizing the plat's approval.

2.7 Plat Recording

- A. The plat must be filed and recorded with the Fort Bend County Clerk.
- B. The plat is subject to the filing and recording provisions of (*Section 12.002 Property Code*).
- C. No tract, lot or subdivided land shall be sold or conveyed until the final plat has been approved by Fort Bend County Commissioner's Court and filed and recorded with the Fort Bend County Clerks office.

2.8 Construction

- A. Construction shall not begin until the final plat has been approved by Commissioner's Court and recorded by the County Clerk, unless an early start date is authorized, in writing, by the Precinct Commissioner.

2.9 Revised Plat

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.009.

- A. A revised subdivision plat may be submitted for recording with the County Clerk with written approval of the Engineering Department and Commissioner's Court. Refer to (*Section 3, 3.14*) for the requirement for submitting a revised plat.

2.10 Supplemental Subdivision Platting Policy

- A. Refer to (*Appendix D*) for *Regulation of Subdivisions* for areas within the

Extraterritorial Jurisdiction of cities or towns. This supplemental subdivision platting policy shall apply only to the subdivision of land and development of property which is both in Fort Bend County and within the Extraterritorial Jurisdiction of the city or town designated in the appendix.

2.11 Bond Requirements

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.004.

- A. Fort Bend Commissioners’ Court requires the owner of the tract to execute a bond, before subdividing the tract unless an alternative financial guarantee is provided under *(Section 232.0045 of the V. T. C. A. Local Government Code)*, the bond must:
 - 1. be payable to the County Judge of the county in which the subdivision will be located or to the Judge’s successor in office;
 - 2. be in an amount determined by the Commissioners’ Court to be adequate:
 - a. to ensure proper construction of the roads and streets and drainage requirements for the subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;
 - b. to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to serve the subdivisions, but not to exceed the estimated cost of construction of the water and wastewater facility requirements.
 - (1) Water and wastewater bonds are not required for subdivisions with all lot sizes greater than five acres.
 - 3. be executed with sureties as may be approved by the court;
 - 4. 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
 - 5. be conditioned that the roads, streets, water and wastewater facilities and the drainage requirements for the subdivision will be constructed:
 - a. in accordance with the specifications adopted by the court; and
 - b. within a reasonable time set by the court.
 - 6. Bonds shall have a minimum standard rating of “A” or better according to the most current issue of the A.M. Best Key Rating Guide.
 - 7. Bonds or Letters of Credit shall be original only. No poorly copied copies or faxed copies shall be accepted. Refer to *(Appendix E)* for bond form. Refer to *(Appendix F)* for Water & Wastewater Facilities bond form.
- B. Financial Guarantee in Lieu of Bond.
 - 1. In lieu of the bond an owner may deposit cash or, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee. Refer to *(Appendix G)* for Letter of Credit form. Refer to *(Appendix H)* for Water & Wastewater Facilities Letter of Credit form.
 - 2. If a letter of credit is used, it must:
 - a. list as the sole beneficiary the Fort Bend County Judge; and
 - b. be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets, and water and wastewater

facilities in the subdivision:

- (1) in accordance with the specifications adopted by the Commissioners Court; and
- (2) within a reasonable time set by the court.

C. Bond amounts are given in (*Section 3, 3.9*) of the regulations.

2.12 One Year Maintenance Period

A. The conditions and requirements for the mandatory one year maintenance period for roads, streets, drainage and detention facilities and acceptance of such roads, streets, drainage and detention facilities into the County Maintenance System are given in (*Section 6, 6.2 A.*).

2.13 Drainage Systems

A. The design and construction of all drainage systems within Fort Bend County shall comply with the established standard principles and practices given in the Fort Bend County DRAINAGE CRITERIA MANUAL.

2.14 Road and Street Design

A. The design and construction of all roads and streets within Fort Bend County shall comply with requirement of these regulations and the Fort Bend County DESIGN STANDARDS AND DETAILS.

2.15 Traffic Impact Study

A. A traffic impact study shall be required for any development proposal expected to generate traffic volumes that will significantly impact the capacity and/or safety of the street system. All proposed developments generating volumes of 5,000 trips per day or greater shall meet this criteria. The trip estimates shall be based on the latest version of the Institute of Transportation Engineers, Trip Generation Manual.

2.16 Concurrent Jurisdiction

A. If the tract of land to be subdivided is within or partially within the extraterritorial jurisdiction of any city or town within Fort Bend County, Texas, the more stringent regulations of the two governing bodies shall apply.

2.17 Water and Wastewater Facilities

A. Refer to Section 5.17 in the Fort Bend County Regulations of Subdivisions for requirements for subdivisions to be serviced by water and wastewater facilities.

2.18 Utilities in Unincorporated Areas

- A. An order imposing restrictions on the connection of utilities in the unincorporated areas of Fort Bend County was adopted by Commissioners Court on January 7, 2003. Refer to *(Appendix I)* for order adopted.

2.19 Outdoor Lighting in the Unincorporated Areas

- A. An order for regulation of outdoor lighting in the unincorporated areas of Fort Bend County was adopted by Commissioners Court on March 23, 2004. Refer to the County web site www.co.fort-bend.tx.us, available on the home page under "Fort Bend County Lighting Ordinance", for order adopted.
- B. The conditions associated with this order shall be placed upon the face of the plat as referred to in *(Appendix A)* Owner's Acknowledgment. The Owner hereby acknowledges the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004.
- C. The applicable lighting zone shall be designated upon the face of the plat.

2.20 Use of Groundwater

Refer to Section 5.17 (A) (1)(b).

2.21 Variances

- A. The County Engineering Department shall review the variance request and make a recommendation to the Commissioners Court. The Commissioners Court may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the Commissioners Court may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the county clerk either on the face of the subdivision plat or as an attachment thereto. The Commissioners Court shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the Commissioners Court finds that an undue hardship exists. The following conditions must be present for consideration:
1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

2. The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;
 3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and
 4. A more appropriate design solution exists which is not currently allowed in this chapter.
- B. A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- C. Such recommendations of the County Engineering Department and findings of the Commissioners Court, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the County Engineering Department and the Commissioners Court meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. The Commissioners Court may reach a conclusion that a hardship exists if it finds that:
1. The applicant complies strictly with the provisions of this chapter, and no other reasonable use of the property may be made except for the use that is proposed and recommended;
 2. The hardship to which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 3. The hardship relates to the applicant's land, rather than personal circumstances;
 4. The hardship is unique to the property, rather than one shared by many surrounding properties; and
 5. The hardship is not the result of the applicant's own actions or neglectful conduct.
- D. In granting variances, the County may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. All conditions as are imposed shall be placed of record on the face of the subdivision plat or may, as an alternative thereof, be placed of record by separate instrument duly filed for record with the subdivision plat in the office of the County Clerk.
- E. A variance may, at the sole discretion of the Commissioners Court, be issued for an indefinite duration or for a specified period of time.

- F. All conditions imposed by the Commissioners Court are enforceable in the same manner as any other applicable requirement of this variance.
- G. No variances or deviations will allow for any water or wastewater facilities requirements.

2.22 Regulations and Addenda

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.0015.

- A. These regulations and any and all future additions to and changes of will be binding for all new subdivision plats, revised plats or replats in Fort Bend County that are not within the legal limits of any incorporated city or town that are submitted to Commissioners' Court for approval after August 27, 2002.
- B. These regulations shall not apply to any roads being maintained by Fort Bend County.
- C. Any deviation or variances from the requirements of these regulations is subject to review and approval by the Commissioners' Court. Any deviations or variance from these regulations must be presented in a separate written document submitted to and approved by the County Engineer.

2.23 Plat Recordation Fees

- A. The following Plat Recordation Fees is applicable to all subdivision plats approved by Fort Bend County Commissioners Court and is payable to the County Clerk at the time the plat is presented for recordation. Refer to (*Appendix J*) for Fee Calculation Form.

Plat	Contact the County Clerks office for current fee schedule.
Bond Letter of Credit Lienholder Subordination Owners Ratification to Plat	Contact the County Clerks office for current fee schedule.

2.24 Platting Fees

- A. Platting fees are determined by Fort Bend County Commissioners Court and are applicable to all subdivision plats. The platting fees are payable to the County Clerk at the time the plat is presented for recordation. Contact the Fort Bend County Engineer's office for the current fee schedule.

2.25 Validity

- A. The several provisions of these regulations are separable, in accordance with the following.
 - 1. If any sentence, phrase, section, paragraph, article of any part of these rules, regulations and requirements is declared invalid, unenforceable or unconstitutional for any cause or reason, such invalidity, non-enforceable or unconstitutionality shall not be held to affect, invalidate or impair the

validity, force or effect of any other sentence, phrase, section, paragraph, article or any other part of these rules, regulations and requirements.

2. If any court of competent jurisdiction shall judge invalid the application of any provision of these regulations to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

2.26 Enforcement

- A. The Commissioners' Court may request the County's attorney or any other prosecuting attorney representing the County to file an action in a court of competent jurisdiction to:
 1. Enjoin the violation or threatened violation of a requirement established by this order.
 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 this order.

END OF SECTION TWO

SECTION 3 - PLAT SUBMITTAL PROCEDURES AND REQUIREMENTS

3.1 Preliminary Conference

- A. A preliminary conference with the Commissioner of the Precinct, where the proposed project is located, the County Engineer and the Drainage District Engineer is recommended prior to submitting a plat. The following information should be made available prior the meeting.
1. Preliminary plat.
 2. Preliminary construction plans (plan view only) with sufficient detail to convey the full intent of the proposed project including major drainage patterns, routing of major storm drains, sanitary sewers, other utilities, and adjacent thoroughfares and streets, and the effects of the proposed project on any existing facilities.

3.2 Submitting Requirements

- A. To comply with state statutes and/or ensure archival quality plat records the following items are required to file a plat:
1. Plat size is 24" x 36".
 2. All drawings, printing and signatures must be in permanent black ink.
 3. Ink must be on mylar with image on top.
 4. 3 mil or greater matte finish mylar material.
 5. An engineering or surveying firm must prepare the plat. Architectural plans are not acceptable.
 6. The engineering or surveying firms' name and address and the engineer's or surveyor's signature and seal.
 7. Owner's printed name and notarized signature.
 8. Key Map reference number(s).
 9. Provide one (1) or more original of each plat page. The clerk will retain one (1) original and return it to the filer within five business days after recording and scanning.
 10. Provide adequate space for the clerk's certificate information including: "Filed in Plat No. _____ of the Plat Records of Fort Bend County, Texas" (volume and page are not used as the clerk's file reference number).
 11. Municipal approved plats must include the following or similar wording: "All of the property subdivided in the foregoing plat is within the incorporated boundaries of the City of _____, Texas".
 12. Current original tax certificates from all the property's taxing entities.
 13. A letter on letterhead from the person or company filing that lists all taxing entities and states it is a complete list. The signer must print their name and title under their signature. Refer to *(Appendix K)* for the sample letter.
 14. Filing fee is set by Commissioner's Court. Contact the County Clerk's office for current fees.

Note: A plat will be rejected for filing if any of the above requirements are not met.

3.3 Digital Recorded Final Plat Submittal Guidelines

- A. Data shall be in either .DWG or .DXF format.
- B. Data Layer Information (please see the following page):

Engineering and design firms MUST have separate layers within their AutoCad or Microstation final plat files. Each layer must include the line, annotation, or polygon type specific only to that unique layer. Engineering firm level and symbol methodology must be applied or exported into the county data layer format, which is provided within this document. "Uncleaned" CAD files will not be accepted.

- C. All digital data shall be presented in true scale (1:1 ratio).
- D. All X and Y and Z coordinate data will be in Texas South Central Zone, State Plane, North American Datum 1983, and feet coordinates. (Refer to Section 4.17 for Vertical & Horizontal Control).
- E. The .dxf or .dwg plat file will be geo-rectified based upon either the benchmark point(s) or GPS points that have been utilized.
- F. Digital data will be provided to the Engineering Department submitted with final plat via CD, or e-mailed to the AutoCad specialist on the day, upon which mylars have been submitted for recordation to the Engineering Department or any particular government entity.
- G. All digital data files will be converted from surface to grid units for geo-rectification.

Layer Names and Definitions

The following graphical features will be organized in the following manner within the digital file:

	Layer Name	Description
1	CL	Centerlines of Roads/Streets
2	ROW	Right of Way
3	LOTLINE	Lot Lines / Reserves
4	BOUNDARY	Exterior Plat Boundaries; Subdivision Boundaries
5	BMARK	Bench Marks; (X,Y) Coordinates
6	TEXT	Lot Numbers / Block Numbers; Subdivision Names / Section Numbers ; Street Names
7	PVMNT_PROP	Pavement (Proposed)
8	PVMNT_EXI	Pavement (Existing)
9	CURVEDT	Curve Data
10	EASEMENT	Easements – Utility / Landscaping / Drainage
11	TBLOCK	Title Block / Vicinity Map / Legend / Scale/North Arrow/ Dedication Information / Notes
12	MATCHLN	Match Lines
13	BUILDNG	Building Lines / Building Footprint
14	TOPO	Topographic Lines
15	UTIL_PROP	Utilities (Proposed)
16	UTIL_EXI	Utilities (Existing)
17	DRAINAGE	Detention /Retention Ponds, Ditches
18	HYDRO	Creeks / Bayous / Rivers / Lakes / Ponds / Canals
19	CITYLIM	City Limits
20	ETJ	Extra Territorial Jurisdictions
21	COUNTYLN	Fort Bend County Line
22	STORM	Storm Lines / Inlets / Manholes
23	WATERLN	Water Lines /Hydrants / Valves /T's
24	SANSEWER	Sanitary Sewer Lines/ Lift Stations/ Stacks
25	COMMUNICATION	Telephone/ Cable pedestals/ Lines/ Cable TV
26	GAS	Natural Gas Meters/ Gas Lines

3.4 Construction Documents

- A. Construction documents shall be submitted with the final plat. The plat will not be considered by Commissioners' Court until the construction documents have been approved by the County Engineer and the outfall drainage documents have been approved by the Drainage District Engineer. Two prints should be submitted for review and approval, one will be retained in the Engineering Department files and one will be returned.

3.5 Title Report

- A. A current title report, statement or opinion, title policy or certificate or letter from a title guaranty company authorized to do business in the State of Texas or an attorney licensed as such in the State of Texas shall be provided with the plat, certifying that a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:
 - 1. The date of the examination of the records.
 - 2. A legal description of the property proposed to be subdivided including a metes and bounds description of the boundaries of said land.
 - 3. The name of the owner of record owning fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title.
 - 4. The names of all lienholders together with the recording information and dates of the instruments by which such lienholder acquired their interest.
 - 5. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their interest.
 - 6. A statement certifying that no delinquent ad valorem taxes are due on the property being platted.
 - 7. The title report must be an original and signed by an officer of the title company.
- B. A supplemental update letter may be submitted when date of the title report is in excess of the allowed 30 days.

3.6 Subdivision, Development or Street Names

- A. The proposed names of the subdivision, development or streets shall not be a duplicate of any other subdivision or development or street name respectively on record in Fort Bend County.
- B. Submit Plat Reviews to:
 - 1. For street names: (submit to)
FBC Engineering will review street names upon receipt of preliminary or final plat. A review letter will be e-mailed to the sender.
 - 2. For subdivision names: (submit to)
Fort Bend County Clerk
301 Jackson Street, Suite 101
Richmond, Texas 77469-3108

3.7 Private Easement Holder's Agreement

- A. The following items shall be submitted with any plat which contains a private easement or fee strip within its boundary.

1. A letter, statement or instrument from the holder of any privately owned easement or fee strip within the plat boundaries must be provided where such easements or fee strips are proposed to be crossed by streets (both public and private) or public utility or drainage easements, stating that the holder of such easement or fee strip approves such crossings of their private easement or fee strip for the purposes intended and depicted upon the plat. In those instances where an instrument of record is submitted in lieu of a letter of statement from the holder of any such private easement or fee strip, the County will make a determination as to whether the conditions contained in such instrument are sufficient to adequately provide or accommodate the crossings of such private easements or fee strips by the proposed streets (both public and private) or public utility or drainage easements depicted on the plat.

3.8 Tax Certificates

- A. An original certificate, for the current year, from each tax collector of each political subdivision in which the property is located shall accompany the plat, indicating that no delinquent ad valorem taxes are owned on the real property. If a taxing entity does not collect taxes, submit a letter on official stationery stating that the "Name of Taxing Entity" does not collect taxes.
- B. Map Clearance Certificate issued by the Fort Bend County Tax Assessor/Collector's Office.
- C. Tax Research Department Review Form issued by the Fort Bend County Tax Assessor/Collector's Office.
- D. Texas Property Code 12.002 (HB3101): If a plat or replat is filed after September 1 of a year, the plat or replat must also have attached to it the tax receipt issued by the collector for each taxing unit with jurisdiction of the property indicating that the taxes imposed by the taxing unit for the current year have been paid OR if the taxes for the current year have not been calculated, a statement from the collector indicating that the taxes to be imposed for the current year have not been calculated.

Pursuant to Texas Property Code 12.002, plats being filed after September 1, but prior to tax calculation date (date tax notices are mailed), must have a statement from the Fort Bend County Tax Assessor Collector indicating the current year taxes have not been calculated.

Any plat presented for filing that has been approved by the county or city after tax notice has been mailed, will not be filed by the Office of the County Clerk unless a current paid tax receipt is attached. This will mainly affect plats presented for filing after November 1 of each year. The county clerk staff will confirm with the Tax Office the exact mailing date of tax notices to determine when a paid receipt is required.

3.9 Bond or Letter of Credit

- A. The Commissioner's Court will not approve any plat of any subdivision or re-subdivision unless such plat is accompanied by a bond, the amount of which shall be determined by the Commissioner's Court from time to time and shall be made payable to the County Judge. The bond will guarantee that the owner or owners will construct and maintain the roads, streets, driveway entrance structures, and all storm drainage and detention facilities in the subdivision in accordance with the specifications set out herein and in the Fort Bend County DRAINAGE CRITERIA MANUAL, and DESIGN STANDARDS AND DETAILS and as shown on the approved plat, construction plans and specifications and other County requirements. The form of the bond must be approved by the County's Attorney. Refer to (*Appendix E*) for the approved bond form. Refer to (*Appendix F*) for Water & Wastewater Facilities bond form.
- B. The Commissioner's Court of Fort Bend County may at its discretion, in lieu of the above bond, accept an irrevocable letter of credit from an acceptable Texas bank. The form of the letter of credit must be approved by the County's Attorney. Refer to (*Appendix G*) for the approved letter of credit form. Refer to (*Appendix H*) for Water & Wastewater Facilities letter of credit form.
- C. A listing of all street names, locations and lengths should be provided at the time the Bond or Letter of Credit is submitted. Refer to (*Appendix L*) for the form of the street listing.
- D. At the time of this order, the bond requirements for roads and streets are as follows:
 - 1. For gravel open ditch sections -
 \$25.00/lineal foot of roadway
 - 2. For asphalt open ditch sections -
 \$50.00/lineal foot of roadway
 - 3. For curb and gutter sections -
 \$70.00/lineal foot of roadway
 - 4. For boulevard sections (major thoroughfares) -
 \$140.00/lineal foot of roadway
 - 5. For each bridge of two lane width -
 \$1500.00/lineal foot of roadway
- E. After road construction has been certified complete by the development engineer using (*Appendix M*), Engineer's Construction Compliance Statement, and accepted by the County Engineer, the bond or letter of credit requirements may be reduced as follows:
 - 1. Gravel open ditch sections - \$12.50/lineal foot of roadway.
 - 2. For asphalt open ditch sections - \$25.00/lineal foot of roadway.
 - 3. For curb and gutter sections - \$35.00/lineal foot of roadway.
 - 4. For boulevard sections (major thoroughfares) - \$70.00/lineal foot of roadway.
 - 5. For each bridge of two lane width - \$750.00/lineal foot of roadway.
 - 6. For street lights and sidewalks (see City requirements if in E.T.J.).

- F. The bond or letter of credit shall remain in full force and effect until all roads, streets, driveway entrance structures, and all storm drainage and detention facilities in the subdivision have been completed and accepted by the County. Refer to (*Section 6*) for the policies and procedures for road acceptance.
- G. Subdivision construction agreement between Fort Bend County and the Subdivider. Refer to (*Appendix N*).

3.10 Departmental Reviews

- A. Applicant is to submit review plats and required information to the Tax Assessor/Collector, County Clerk and Drainage District Engineer. The County Engineer will send the bond or letter of credit to the County Attorney for review.

3.11 Subdivisions within the Extraterritorial Jurisdiction of a City

- A. For properties located within the extraterritorial jurisdiction (ETJ) of an incorporated city or town and subject to the jurisdiction of the Planning Commission of the city or town, the subdivision design criteria and layout requirements as established by the applicable Commission will apply.
 - 1. Refer to (*Appendix D*) for applicable Supplemental Regulations of Subdivisions, for properties located within the extraterritorial jurisdiction of an incorporated city or town.
 - 2. Preliminary plat and preliminary drawing are to be submitted to the Fort Bend County Engineers office and the Fort Bend County Drainage District for review and recommendations to conform to the applicable Fort Bend County regulations.
 - 3. The final plat and construction documents must be submitted to the Fort Bend County offices of County Clerk, Tax Assessor/Collector, Drainage District and County Engineer for review and approval.
 - 4. The final plat and construction documents submitted must be accompanied by the Certificate of Approval from the applicable city or town.
 - 5. The original mylars of the plat shall be transmitted directly from the City to the County Engineer by either City personnel or County personnel.
 - 6. The County Bonds requirement are given in (*Section 3, 3.9*).
 - 7. Refer to the applicable City regulations for additional bond requirements.
 - 8. If revisions are required after the City approval, the revisions are to be made only with the written authorization of the City and must be made in the presence of the County Engineer.
 - 9. After the required approvals, the Final Plat will be considered by the Commissioner's Court and one of the following actions taken:
 - a. Approve
 - b. Defer action until the next regular scheduled meeting
 - c. Disapprove
 - 10. No revisions to the plat will be allowed after approval of the plat by Commissioner's Court.
 - 11. Upon approval of the plat by Commissioner's Court the original mylars will be transmitted directly to the office of the County Clerk by County

personnel. The County Clerk will inform the owner of the required recording fee. The plat will be recorded by the County Clerk upon receipt of the required fee. Mylars will be scanned and returned after recording.

- B. Subdivisions within ETJ of a City. Whenever an Original Tract lies within the extraterritorial jurisdiction of a municipality and is subject to the subdivision regulations of such municipality, the applicant should obtain approval of the application from the municipality before obtaining final review by the County. As required by the Texas Property Code, the County Clerk will not accept a Record Plat for recordation unless it has been approved by the County and, with respect to the Municipality, it has either been approved or exempted from the municipality's subdivision regulations. The County Clerk may require written proof of exemption from the municipality's subdivision authority to be filed with the Record Plat. A plat note will be required stating that the subdivision is either exempt or not exempt from the particular city's ETJ ordinances. (See applicable plat note in *Appendix DD*). In the event the land is subject to both municipal subdivision regulations and these Subdivision regulations then the stricter standard shall apply and may be enforced by either the City or the County or both. The applicant bears the burden of establishing to the Commissioners Court that no municipal subdivision approval is required.

3.12 Amending Plat within Extraterritorial Jurisdiction of a Town or City

Authority for these regulations is given in V.T.C.A., Local Government Code § 212.016.

- A. This section is applicable only if the applicable city regulations allows an amending plat and the amended plat is approved by the city.
 - 1. The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
 - a. to correct an error in a course or distance shown on the preceding plat;
 - b. to add a course or distance that was omitted on the preceding plat;
 - c. to correct an error in a real property description shown on the preceding plat;
 - d. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - e. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
 - f. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

- g. to correct an error in courses and distances of lot lines between two adjacent lots if:
 - (1) both lot owners join in the application for amending the plat;
 - (2) neither lot is abolished;
 - (3) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (4) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
 - h. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - i. to relocate one or more lot lines between one or more adjacent lots if:
 - (1) the owners of all those lots join in the application for amending the plat;
 - (2) the amendment does not attempt to remove covenants or restrictions; and
 - (3) the amendment does not increase the number of lots; or
 - j. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (1) the changes do not affect applicable zoning and other regulations of the municipality;
 - (2) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (3) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approval and issuance of an amending plat.
- B. An amended plat must be submitted for review and approval of the County Engineer and Commissioners' Court prior to recording with the County Clerk.

3.13 Replat within Extraterritorial Jurisdiction of a Town or City

Authority for these regulations is given in V.T.C.A., Local Government Code § 212.014, Section § 212.0145, and Section § 212.015.

- A. This section is applicable only if the applicable city regulations allows a replat and the replat is approved by the city. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
- 1. is signed and acknowledged by only the owners of the property being replatted;
 - 2. is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats;
 - 3. does not attempt to amend or remove covenants or restriction.

3.14 Revision of Plat Subdivision located outside the Municipalities and Extraterritorial Jurisdiction of Municipalities

Authority for these regulations is given in V.T.C.A., Local Government Code § 232.009.

- A. A person who has subdivided land that is subject to the subdivision controls of the County in which the land is located may apply in writing to the commissioners court of the County for permission to revise the subdivision plat filed for record with the County Clerk.
- B. After the application is filed with the Commissioners Court, the court shall publish a notice of the application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. Except as provided by *Subsection (f)*, if all or part of the subdivided tract has been sold to non-developer owners, the court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
 - 1. The public hearing notice will be placed in the newspaper by the Fort Bend County Clerk's Office.
 - 2. A certified letter shall be sent to all adjoining landowners (within 200 feet of the previously platted section), by the County Clerk's Office. The engineering firm certifying the replat, shall provide a complete listing of the adjoining landowners and their respective addresses to the County Clerk.
- C. During a regular term of the Commissioner's Court, the court shall adopt an order to permit the revision of the subdivision plat if it is shown to the court that:
 - 1. the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
 - 2. each owner whose rights may be interfered with has agreed to the revision.
- D. If the Commissioner's Court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the county clerk a revised plat or part of a plat that indicates the changes made to the original plat.
- E. The Commissioner's Court is not required to give notice by mail under *Subsection (c)* if the plat revision only combines existing tracts.

3.15 Subdivisions outside the Extraterritorial Jurisdiction of a City

- A. For properties located outside of the extraterritorial jurisdiction (ETJ) of an incorporated city or town and not subject to the jurisdiction the Planning Commission of the city or town.
 - 1. Preliminary plat and preliminary construction documents are to be submitted to the Fort Bend County Engineers office and the Fort Bend

- County Drainage District for review and recommendations to conform to the applicable Fort Bend County regulations.
2. The final plat and construction documents must be submitted to the Fort Bend County offices of County Clerk, Tax Assessor/Collector, Drainage District and County Engineer for review and approval.
 3. Bonds must be in the county name.
 4. After the required approvals, the final plat will be considered by the Commissioner's Court and one of the following actions taken:
 - a. Approve
 - b. Defer action until the next regular scheduled meeting
 - c. Disapprove
 5. No revisions to the plat will be allowed after approval of the plat by Commissioner's Court.
 6. Upon approval of the plat by Commissioner's Court the original mylars will be transmitted directly to the office of the County Clerk by County personnel. The County Clerk will inform the owner of the required recording fee. The plat will be recorded by the County Clerk upon receipt of the required fee. Mylars will be scanned and returned after recording.
 7. Revision of Plat

This section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities.

 - a. A person who has subdivided land that is subject to the subdivision controls of the county in which the land is located may apply in writing to the Commissioner's Court of the County for permission to revise the subdivision plat filed for record with the County Clerk.
 - b. After the application is filed with the Commissioner's Court, the court shall publish a notice of the application in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 20th day and ends on the seventh day before the date of the meeting. If all or part of the subdivided tract has been sold to non-developer owners, the court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
 - c. During a scheduled meeting of Commissioner's Court, the Court may adopt an order to permit the revision of the subdivision plat if it is shown to the Court that:
 - (1) the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
 - (2) each owner whose rights may be interfered with has agreed to the revision.
 - d. If the Commissioner's Court permits a person to revise a subdivision plat, the person may make the revision by filing for

record with the county clerk a revised plat or part of a plat that indicates the changes made to the original plat.

3.16 Engineer Certification

- A. A Professional Engineer, registered in the State of Texas, is required to seal, sign and date each sheet of the drawings in accordance with the rules set forth by the Texas State Board of Registration for Professional Engineers.
- B. The Certification Statement shown in (*Appendix O*) shall be placed on the cover sheet.

3.17 Transmittal Letters

- A. All submissions made to the County Engineers office must be accompanied by a transmittal letter (Subdivision Plat Application Form), giving the purpose of the submissions such as for information only, preliminary or final review, the name and location of the project, and the controlling jurisdiction such as City, City ETJ, or County. A listing of all enclosed documents or drawings must be included. The Subdivision Plat Application Form is shown in (*Appendix C*).

END OF SECTION THREE

SECTION 4 - PLAT GRAPHIC REQUIREMENTS

4.0 General Graphics

- A. All plats of proposed subdivisions which are to be submitted to Commissioners' Court shall be drawn in the form given below and contain the following specific information:

4.1 Engineering

- A. All plats shall be prepared by engineering or surveying firms. Plats prepared by architectural firms will not be accepted. The engineering or surveying firm's name, address and telephone number shall be shown on the plat.

4.2 Plat Size

- A. The plat size shall be 24 inches x 36 inches and the minimum print or type sizes shall be 6 cpi.

4.3 Orientation

- A. The preferred orientation of the drawing of the subdivision drawing orientation is with the north point to the top of the drawing. It is acceptable to have north to the left of the drawing. Title block shall be in the lower right hand corner.

4.4 Scale

- A. The scale shall be shown both numerically and graphically. The preferred scale is one (1) inch equals 100 feet. A smaller scale may be used, where appropriate, with the approval of the County Engineer.

4.5 Vicinity Map

- A. A vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well known streets, railroads, water courses and similar features adjacent to and within one (1) mile of the subdivision. The vicinity map should be in the upper right hand corner of the plat or on the cover sheet and shall be oriented with north to the top of the drawing.

4.6 Legal Description

- A. A legal description of the property to be subdivided listing the name of the County, survey and abstract number shall be noted on the plat.

4.7 Acreage

- A. The total acreage and total number of lots, blocks and reserves shall be noted on

the plat.

4.8 Names

- A. The name, address, and telephone number of the subdivision owner shall be shown on the plat. If the subdivider is a company or corporation, the name of the principal officer of the company or corporation responsible for the subdivision must also be shown.

4.9 Date

- A. The plat shall be dated.

4.10 Engineering and Surveying Requirements

- A. Engineering and surveying data shall be shown on the plat in sufficient detail to accurately locate, by surveying methods, all features of the subdivision on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley right-of-ways, easements and drainage ways, gullies, creeks, and bayous together with the location of the high bank of such drainage ways and water courses, street center lines, lots, building setback lines, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips, pipelines or any other physical or topographical features. Such information shall include line dimensions, widths, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.

4.11 Plat Boundaries

- A. The plat boundaries shall be drawn with heavy lines to indicate the subdivided area and shall show overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dashed lines.

4.12 Adjacent Areas

- A. The adjacent areas outside the plat boundaries shall be identified to indicate the name of adjacent subdivisions, churches, schools, parks, drainage ways, acreage, and all existing streets, alleys, easements, pipelines or other restricted uses.

4.13 Pipeline and Pipeline Easements

- A. The plat shall have a note stating that all existing pipelines or pipeline easements through the proposed subdivision have been shown or that there are no existing pipelines or pipeline easements within the limits of the proposed subdivision.

4.14 Lots, Tracts, Reserves, Easements and Right-of-Way

- A. All lots, tracts, reserves, easements and rights-of-way shall be designated within the plat boundaries and noted on the plat.

4.15 Contour Lines

- A. The plat shall have contour lines showing natural ground contours with a maximum of one (1) foot intervals.

4.16 Minimum Slab Elevation

- A. The County Engineer will set the minimum slab elevation for each subdivision based upon the recommendation of the Drainage District Engineer. The minimum slab elevation shown on the plat will be set using the criteria given in the Fort Bend County Drainage Criteria Manual.
1. Twelve inches above the maximum street ponding level or
 2. Twelve inches above the 100 year flood plain.
 3. The following note shall be shown on the plat:
"The top of all floor slabs shall be a minimum of _____ feet above mean sea level. The top of slab elevation at any point on the perimeter of the slab shall not be less than eighteen (18) inches above natural ground."

4.17 Vertical and Horizontal Control

- A. The location and elevation of the vertical and horizontal control used for a subdivision shall be indicated on the Fort Bend County Survey Sheet. These reference points shall be expressed in units of feet as part of the Texas South Central, State Plane Coordinate System, South Central Zone, North American Datum of 1983, (use current adjustment and Geoid model) and North American Vertical Datum, 1988 and state Geoid model.
1. An Iron Rod benchmark shall be placed within every subdivision that is less than 5 acres in size with an X, and Y coordinate (3rd order or better) which shall be used as a reference point and identified upon the subdivision plat. Also, an existing National Geodetic Survey monument (identification) as a reference point shall be used and identified upon the subdivision plat. If there is an existing rod Permanent Benchmark which already meets all afore mentioned criteria and requirements, that rod may be utilized.
 2. A permanent benchmark shall be set in every subdivision 5 acres in size or greater with an X, Y and Z coordinate, unless the subdivision is completely contained within a 2,000 foot radius of an existing benchmark that can be located and occupied. An X and Y coordinate shall also be established within the subdivision plat boundary and placed upon the subdivision plat. All attempts shall be made to create the monument such

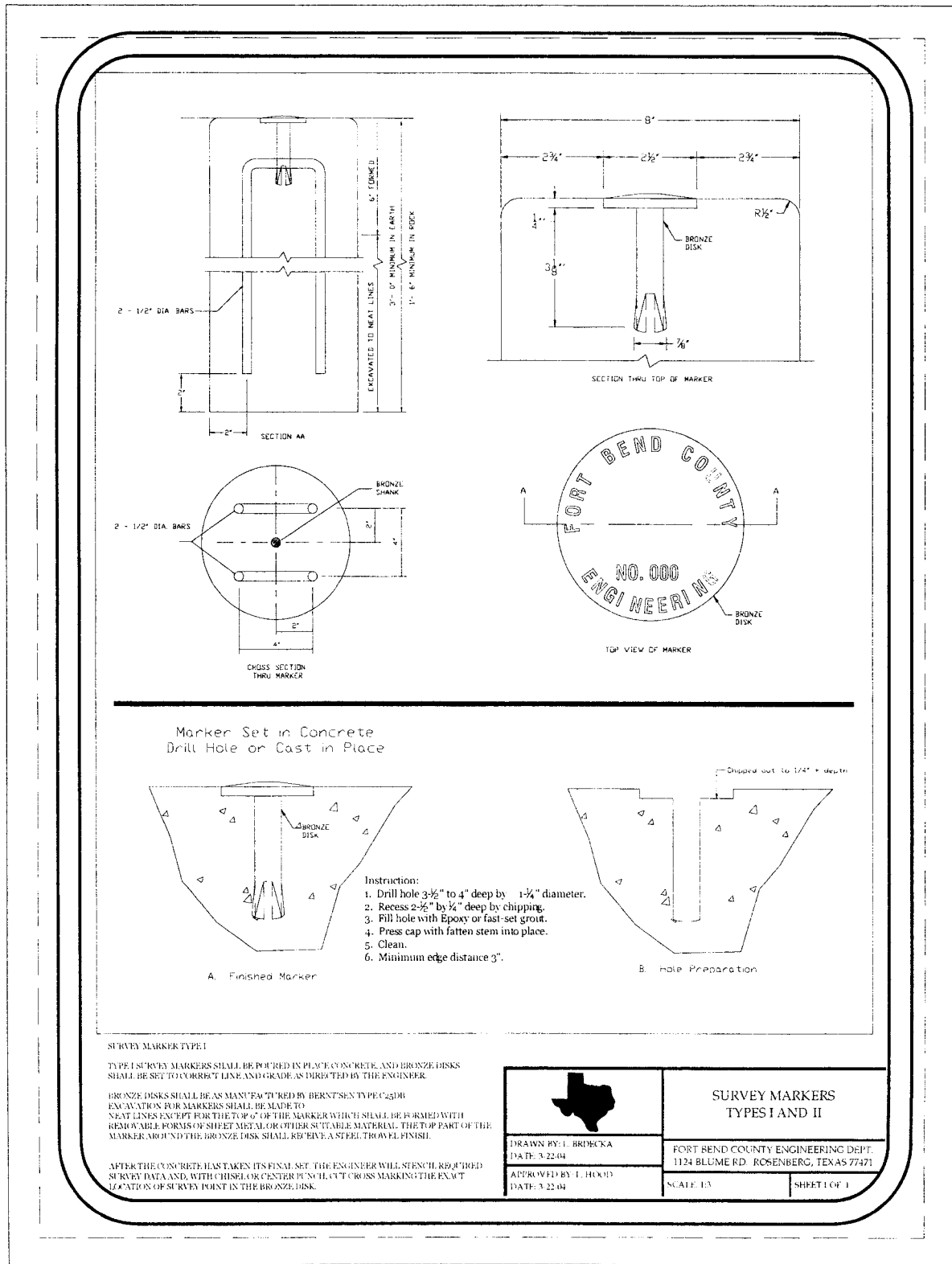
that it can be GPS observable (no trees or overhead obstructions). An existing National Geodetic monument (identification) as a reference point shall be used and identified upon the Fort Bend County Survey sheet along with the permanent benchmark location. The Fort Bend County Engineering Department shall approve the location for the permanent benchmark.

- B. When monument values are established through conventional survey methods, all positions for horizontal (X, Y) and vertical control (Z) points shall be established according to the accuracy standards for TSPS (Texas Society of Professional Surveyors), current requirements for Category 7, Condition II State Plane NAD 83 feet coordinates (X and Y) and Category 8, Condition III State Plane NAVD 88 feet coordinates (Z), (TSPS 2nd order) and a TSPS, Category 8, Condition III (TSPS 3rd order) as promulgated by the Texas Society of Professional Surveyors and all reference bearings "Manual of Practice".

When monument values are established by GPS, all horizontal values shall conform to the accuracy standards of TSPS, Category 7, Condition I (TSPS 1st order) and the vertical values shall conform to the accuracy standards of a TSPS, Category 8, Condition III (TSPS 3rd order).

- C. All permanent benchmark elevation and horizontal location data shall be certified by a Registered Professional Land Surveyor as a Texas Society of Professional Surveyor Association standard. For Category 8, TSPS Third Order Vertical Control Survey shall certify all permanent benchmark Survey Data Sheets.
- D. Permanent benchmark brass discs shall be obtained from the County Engineer, it will be set in concrete as approved by Fort Bend County. The concrete footing of the benchmark shall conform to the design provided by Fort Bend Engineering. The assigned survey sheet shall be completed and returned to Fort Bend County Engineering Department.
- E. The permanent survey marker and completed survey marker data sheet must be in place prior to acceptance of the road and streets within the subdivision into the Fort Bend County Road Maintenance System.

Survey Marker Detail



SURVEY MARKER TYPE I

TYPE I SURVEY MARKERS SHALL BE POURED IN PLACE CONCRETE, AND BRONZE DISKS SHALL BE SET TO CORRECT LINE AND GRADE AS DIRECTED BY THE ENGINEER.

BRONZE DISKS SHALL BE AS MANUFACTURED BY BERNITSEN TYPE C25101. EXCAVATION FOR MARKERS SHALL BE MADE TO NEAT LINES EXCEPT FOR THE TOP OF THE MARKER WHICH SHALL BE FORMED WITH REMOVABLE FORMS OF SHEET METAL OR OTHER SUITABLE MATERIAL. THE TOP PART OF THE MARKER AROUND THE BRONZE DISK SHALL RECEIVE A STEEL TROWEL FINISH.

AFTER THE CONCRETE HAS TAKEN ITS FINAL SET, THE ENGINEER WILL STENCIL REQUIRED SURVEY DATA AND, WITH CHISEL OR CENTER PUNCH, CUT CROSS MARKING THE EXACT LOCATION OF SURVEY POINT IN THE BRONZE DISK.

	SURVEY MARKERS TYPES I AND II	
	DRAWN BY: L. BROCKNA DATE: 3-22-04	FORT BEND COUNTY ENGINEERING DEPT. 1124 BLUME RD. ROSENBERG, TEXAS 77471
APPROVED BY: L. HOOD DATE: 3-22-04	SCALE: 1/3"	SHEET 1 OF 1

4.18 Surveyor Certification

- A. The plat must be in full accordance with the required certification made upon the plat by the Registered Public Surveyor ascertaining that the subdivision boundary represents a survey made by him and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes or rods having a minimum outside diameter of five eights (5/8) inch and a minimum length of three (3) feet. The monuments shall be driven securely into solid ground and the top of the monument shall be flush with the ground.

4.19 Survey Closure

- A. The boundary survey shall close to within one in ten thousands (1:10,000) and shall be tied to an original corner of the original abstract survey. The metes and bounds description of this tie shall be shown on the plat.

4.20 Dedication Statements and Certificates

- A. All dedication statements and certificates shall be made a part of the plat drawing and shall include and not be limited to the following statements: The general form and content of these statements are provided in the Appendix of this Manual.
1. Owner's Acknowledgment. Refer to *(Appendix A)*.
 2. Execution of Owner's Acknowledgment. Refer to *(Appendix P)*.
 3. Lienholder's Acknowledgment and Subordination Statement. Refer to *(Appendix Q)*.
 4. Notary Public Acknowledgment for all signatures. Refer to *(Appendix R)*.
 5. Certificate for Surveyor. Refer to *(Appendix S)*.
 6. Certificate for Fort Bend County Engineer and Commissioners' Court. Refer to *(Appendix T)*.
 7. County Clerk's Filing Acknowledgment Statement. Refer to *(Appendix U)*.
 8. Engineer's Plat Affidavit. Refer to *(Appendix V)*.
 9. A certificate of City approval shall be included on the plat if the subdivision is within the extraterritorial jurisdiction of a city. Use the form required by the city.

4.21 Public Facilities Listing

- A. The names of all existing Municipal Utility Districts, Levee Improvement Districts, Water Control and Improvement Districts, Drainage Improvement Districts, School Districts, Fire Districts, Impact Fee Areas, City or City ETJ and Utilities Companies who provide service in which the property is located shall be shown on the plat in a table format as shown below.

District Names	
WCID	
MUD	
LID	
DID	
SCHOOL	
FIRE	
IMPACT FEE AREA	
CITY OR CITY ETJ	
UTILITIES CO.	

4.22 Drainage Statement

- A. The plat shall have a note requiring that all drainage easements be kept clear of fences, buildings, vegetation and other obstructions for the purpose of the operation and maintenance of the drainage facility by the appropriate entity. The plat shall also have a note requiring all property to drain into the drainage easement only through an approved drainage structure.

4.23 Easements

- A. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip and the purpose of the easement, and the dimensions of the easement or fee strip tied to all adjacent lot lines, street right-of-way and plat boundary lines and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of his easement through the property within the subdivision boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the County Engineer, the subdivision plat shall show accurate recorded information as to the centerline location of all such undefined easements and the centerline of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights. Building setback lines must be established a minimum of 15 feet on each side of and parallel to the centerline of any pipelines, pole lines, or other utility facilities located in such undefined easement.

4.24 Side Lot Lines

- A. Where all side lot lines are either perpendicular and at right angles or radial to adjacent street right-of-ways, a suitable notation stating same may be placed upon the plat in lieu of lot line bearings.

4.25 Key Lots

- A. Where key or flag lots are permitted and used, the plat shall bear a note restricting the staff portion of such lots from the construction of any building, structure, wall or fence.

4.26 Access Denied

- A. Where vehicular access from lots to major thoroughfares or other streets is not permitted, the plat shall bear a note that such access is denied. Such note shall be shown adjacent to those lots from which access is denied.

END OF SECTION FOUR

SECTION 5 - DESIGN CRITERIA

5.1 General Public Street Arrangement and Layout

- A. The public street system pattern proposed within any subdivision or development shall be based upon the following design concepts:
Roadway sections streets shall be designed by the development project engineer following the guidelines of the following publications and the standard given in these regulations. In case of conflicts within these requirement the most stringent requirement shall control.
1. RECOMMENDED GUIDELINES FOR SUBDIVISION STREETS, Institute of Transportation Engineers, Latest Edition.
 2. GUIDELINES FOR URBAN MAJOR STREETS DESIGN, Institute of Transportation Engineers, Latest Edition.
 3. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, AASHTO, Latest Edition.
 4. TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD), Texas Department of Transportation, Latest Edition.
 5. TRIP GENERATION MANUAL, Institute of Transportation Engineers, Latest Edition.
 6. DESIGN STANDARDS AND DETAILS, Fort Bend County Engineering Department, Latest Edition.
 7. GEOMETRIC DESIGN STANDARDS, Harris County and City of Houston as modified by Fort Bend County, Engineering Department, Latest Edition.
 8. THOROUGHFARE DEVELOPMENT PLAN, Fort County, Texas, Latest Edition.
- B. Adequate vehicular access to all properties within the subdivision plat boundaries shall be provided. All subdivisions should have more than one point of access. A boulevard entrance or emergency entrance is desirable. Adequate access for fireman, police and other emergency services shall be provided.
- C. Adequate street connections to adjacent properties shall be provided to assure adequate traffic circulation within the general area.
- D. A local street system serving residential properties should discourage through traffic, without the need of multiway stop signs, while maintaining sufficient access and traffic movement for convenient circulation within the residential area and access for fireman, police and other emergency services.
- E. A sufficient number of continuous streets and major thoroughfares to accommodate the increased traffic demands generated by the subdivision shall be provided.
- F. Where the proposed subdivision is located adjacent to a State maintained road, additional right-of-way may be required to accommodate the ultimate road development.
- G. Block lengths shall be measured along the face of a block (being the adjacent street right-of-way line) from the centerline of street to the centerline of another street where such streets provide cross traffic circulation (not cul-de-sac streets).
1. Where loop street configuration is involved, the length of the interior block formed by the loop street is measured along the centerline of the

-
- loop street between adjacent street centerlines.
 2. Block lengths for streets terminated by a cul-de-sac is measured from the centerline radius point to the centerline of the intersecting street.

5.2 Major Thoroughfares

- A. Location and Alignment
 1. The location and alignment of designated major thoroughfares shall be in conformance with the latest edition of the Major Thoroughfare Plan of Fort Bend County.
 2. Any proposals which constitute a change in the location or the alignment of any planned or designated major thoroughfare must be approved by Commissioners' Court.
- B. Right-of-Way
 1. The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than 100 feet, nor more than 120 feet.
 2. Where the subdivision is located adjacent to an existing designated major thoroughfare having a right-of-way width of less than 100 feet, sufficient additional right-of-way must be dedicated, within the subdivision boundaries, to provide for the development of the major thoroughfare to a total right-of-way width of not less than 100 feet, nor more than 120 feet.
 3. Where open ditch drainage is planned, the minimum right-of-way width required for a designated major thoroughfare shall be not less than of 100 feet or sufficient width to accommodate the approved roadway pavement and attendant drainage facilities, whichever is greater.
 4. Right-of-way intersections with other public street right-of-ways should be at right angles. Deviations of up to ten (10) degrees may be approved by the County Engineer.
 5. The right-of-way line at intersections shall have a minimum radius of 30 feet.
 6. A right-of-way corner cutback of 25 feet may be substituted for the 30 foot radius.
- C. Roadway Curves and Intersections
 1. Major thoroughfare horizontal curves shall have a centerline radius of 2,000 feet or more.
 2. Reverse horizontal curves shall be separated by tangent distance of not less than 100 feet.
 3. Intersections with other public streets should be at right angles. Deviations of up to ten (10) degrees may be approved by the County Engineer.
 4. Curb or pavement return radius of 30 feet shall be provided.
 5. Layout of medians including openings shall comply with the guidelines of GEOMETRIC DESIGN GUIDELINES FOR SUBDIVISION STREET, Harris County, City of Houston, Latest Edition (as modified by Fort Bend County).
- D. Minimum Concrete Pavement shall be eight (8) inches.

5.3 Major Collector Streets

MAJOR COLLECTOR STREET: A public street that consist of two or more lanes, divided or undivided roadway that is used as a collector for residential streets and originates and terminates outside of the subdivision boundaries.

- A. Location and alignment
 - 1. The extension of existing roads and streets shall be aligned with the existing roads and streets without offsets.
- B. Right-of-Way
 - 1. The minimum right-of-way to be dedicated for a major collector street not designated as a major thoroughfare shall not be less than 70 feet or of sufficient width to accommodate the design roadway and associated drainage facilities, if an open ditch section is proposed, whichever is greater.
 - 2. Where a subdivision is located adjacent to an existing public street, and the street is not designated as a major thoroughfare, and has a right-of-way width less than 70 feet, sufficient additional right-of-way must be dedicated, within the subdivision boundary, to provide for the development of the adjacent street to a total right-of-way width of not less than 70 feet.
 - 3. The right-of-way width shall not be less than the width existing outside of the plat boundary.
 - 4. Proposed horizontal curves for the right-of-way line of major collector streets shall have a minimum centerline radius of 850 feet.
 - 5. The right-of-way line at intersections shall have a minimum radius of 30 feet.
 - 6. A right-of-way corner cutback of 25 feet may be used as a substitute for the 30 foot radius.
- C. Roadway Curves and Intersection
 - 1. The maximum horizontal curve radius shall not be less than 850 feet, measured at the centerline of the roadway.
 - 2. The curb or pavement return radius shall not be less than 30 feet.
- D. Minimum Concrete Pavement shall be seven (7) inches.

5.4 Minor Collector Streets

MINOR COLLECTOR STREET: A public street that consist of two or more lanes, undivided or divided roadway that is used as a collector for residential streets and originates within and terminates outside of the subdivision boundaries.

- A. Location and Alignment
 - 1. The alignment of minor collector streets proposed to be dedicated and established within a subdivision shall be aligned with existing roadway without offsets.
 - 2. The block length of minor collector streets shall not exceed 1400 feet.

- B. Right-of-Way Width
 - 1. The width of the right-of-way to be dedicated for any minor collector street not designated as a major thoroughfare shall not be less than 60 feet, or of sufficient width for the roadway section and the associated drainage, if an open ditch section is proposed whichever is greater.
 - 2. Intersecting right-of-way lines shall have a minimum radius of 30 feet.
 - 3. A right-of-way corner cutback of 25 feet may be substituted for the 30 foot radius.
 - 4. The radii of the right-of-way line at the end of curb and gutter streets terminated with circular cul-de-sac turnarounds shall be a minimum of 50 feet.
 - 5. The radii of the right-of-way line at the end of open drainage (ditch sections) local streets terminated with circular cul-de-sac shall be not less than 60 feet.
- C. Curves and Intersections
 - 1. Horizontal curves in minor collector streets shall have a minimum centerline radius of 850 feet.
 - 2. Intersections of local streets shall be at right angles. Deviations of up to ten (10) degrees may be approved by the County Engineer.
 - 3. Curb or pavement returns shall have a minimum radius of 30 feet 5.5 Residential Streets.
- D. Minimum Concrete Pavement shall be seven (7) inches.

5.5 Residential Streets

RESIDENTIAL STREET: A public street that consists of a two lane undivided roadway primarily used by local single family residents and originates and terminates within the subdivision boundaries.

- A. Location and Alignment
 - 1. The alignment of minor collector streets proposed to be dedicated and established within a subdivision shall be aligned with existing roadway without offsets.
 - 2. The block length of a residential street shall not exceed 1400 feet.
- B. Right-of-Way Width
 - 1. The width of the right-of-way to be dedicated for any residential street shall not be less than 60 feet, except as provided in paragraph 5.5.B.2, or of sufficient width for the roadway section and the associated drainage, if an open ditch section is proposed.
 - 2. A fifty (50) foot street right-of-way width may be allowed where the following requirements are met:
 - a. The street shall be paved with a 28 foot wide back to curb and gutter section.
 - b. The street shall serve detached single family homes only.
 - c. The right-of-way shall be used for street paving, storm sewer and water lines only. Any additional utilities will require a separate utility easement or wider street right-of-way.
 - 3. Intersecting right-of-way lines shall have a minimum radius of 25 feet.

-
4. A right-of-way corner cutback of 15 feet may be substituted for the 25 foot radius.
 5. The radii of the right-of-way line at the end of curb and gutter streets terminated with circular cul-de-sac turnarounds shall be a minimum of 50 feet.
 6. The radii of the right-of-way line at the end of open drainage (ditch sections) local streets terminated with circular cul-de-sac shall be 60 feet.
- C. Curves and Intersections
1. Horizontal curves in residential streets may have any centerline radius, except that the centerline radii on reverse curves shall not be less than 300 feet.
 2. Intersections of residential streets shall be at right angles. Deviation of up to ten (10) degrees may be approved by the County Engineer.
 3. A curb or pavement return radius of at least 25 feet shall be provided.
- D. Minimum Concrete Pavement shall be six (6) inches.

5.6 Other Streets Requirements

- A. Dead-end Streets
1. Dead-end streets are not acceptable unless the street is terminated by a circular cul-de-sac turnaround.
 2. A dead end street with a permanent circular cul-de-sac turnaround shall not exceed 800 feet.
- B. Stub streets
1. Stub streets shall be terminated with a temporary cul-de-sac until the street is extended into the adjacent development or properties.
 2. Stub streets shall not exceed 800 feet.
- C. Loop Streets
1. A loop street shall have a block length of less than 1,000 feet.
- D. A residential street shall not be longer than 1,400 feet.
- E. Typical Fort Bend County rural roadway section. Refer to (*Appendix EE*).

5.7 Construction Standards and Details

- A. Refer to Fort Bend County DESIGN STANDARDS AND DETAILS for design criteria, construction standards and details.

5.8 Sidewalks

- A. Sidewalks shall be built or caused to be built through restrictive covenants between ****Developer, Homebuilder, Homeowners Associations**** within all road right-of-ways dedicated to the public.
- B. Subdivisions with all lots being one (1) acre or larger in size shall be exempt from this requirement.
- C. All sidewalks shall be constructed in accordance with the Fort Bend County DESIGN STANDARDS AND DETAILS.
- D. All sidewalks and ramps shall comply with current ADA standards.
- E. Sidewalks shall be installed on both sides of the street.

5.9 Private Streets

- A. A subdivision utilizing private streets, must meet the following requirements:
1. The roads must meet all county road standards.
 2. The subdivision plat and restrictions must contain a statement that Fort Bend County will not accept or maintain the roads unless they meet the county standards in effect on the date of acceptance;
 3. The subdivision plat must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance;
 4. The plat must contain a requirement that every deed contain notice to the grantee that all streets are private, that the owners will be perpetually liable for maintenance, that the county may not accept it for maintenance, and that the quality of the roads may affect access by public services such as police, fire, and EMS;
 5. All arterial and major collector streets required by (*Section 5, 5.3.*) must be dedicated to the public and constructed to county standards. Other streets will be dedicated to the Homeowners Association for the use of the property owners, their assigns and successors, and emergency response individuals.
 6. A sign will be placed at the entrance of the subdivision clearly stating that the roads in this subdivision are private roads.
 7. A Homeowners Association with assessment authority will be formed. Membership in the association will be mandatory for each lot owner. The association will be responsible for the maintenance of the roads in the subdivision.
 8. Any owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box and a letter of approval from all of the affected emergency response agencies stating their approval of full time access to the subdivision.

5.10 Street Names

- A. All public streets shall be names in conformance with the following:
1. The street names shall be new names and shall not be duplicates of any existing street names located within Fort Bend County. This does not pertain to extensions of existing streets.
 2. Existing street names shall be used where a new street is a continuous extension of any existing street.
 3. Street name prefixes such as North, South, East and West may be used to clarify the general location of the street however such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
 4. Alphabetical and numerical street names shall not be used except where such street is a direct extension of an existing street with such a name.
 5. Apostrophe or other character symbols shall not be used in street names.

5.11 Easements

A. Public Utility Easements

1. Public utility easements are those easements established within a subdivision which are designated to accommodate publicly owned or controlled utility facilities. Public utility easements may be used for but not be limited to facilities necessary to provide water, electrical power, natural gas, telephone, cable television, telegraph, storm sewer and sanitary sewer services.
2. Public utility easements shall be provided along the rear of all lots designed for the development of residential dwelling units and in such other locations as determined to be necessary by the County Engineer and the individual utility companies involved. Public utility easements located along the outer boundaries of a plat shall contain the full width required for such easement except in those instances where the adjacent property is under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract. In such case, one-half of the required easement width shall be dedicated within the plat boundary with the other half provided outside the plat boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.
3. Public utility easement widths, dead-ends
 - a. All back lot public utility easements established within a subdivision plat shall not be less than 16 feet in width.
 - b. All side lots and front lot utility easements, established within any subdivision plat shall not be less than 10 feet in width.
 - c. Dead-end public utility easements will not be allowed within the subdivision.
4. Public utilities within the easement shall be located as outlined in the "Typical Utility Location In 10-Foot Wide and 16-Foot Wide Easement Back-to-Back Lots and Perimeter Lots" drawing prepared by the Utility Coordinating Committee for Metropolitan Area.

B. Drainage Easements

1. All drainage easements shall be located, sized and dedicated to accommodate the runoff from a 100 year storm for the fully developed watershed upstream of the property. All Drainage Easements shall be used for drainage purposes only.
2. Lots shall not encroach on any drainage easements that contain drainage facilities sized to accommodate the runoff from a 100-year event.
3. Access to all drainage easements shall be provided at all road crossings. Additional access easements may be required.
4. Parties responsible for maintaining the drainage easements shall be noted on the plat.

C. Special Use Easements

1. The establishment of special use utility easements may be provided on a subdivision plat when such easement is for the purpose of accommodating

a utility facility owned, operated and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers or other drainage facilities and where it has been determined by the County Engineer that these facilities cannot or should not be accommodated within a public utility easement or public street right-of-way. Easements proposed to be established for any private utility company or private organization providing utility services and restricted for their exclusive use, shall not be shown on or established by a subdivision plat. Such private utility facilities may be accommodated and placed within the public utility easements, public streets and alleys established within the subdivision boundary. Private utility companies or the subdivider may grant and establish special use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the subdivision boundaries.

5.12 General Building Setback Restrictions

- A. These restrictions are designed and applied to assure that occupied buildings, particularly residential and commercial buildings, where a concentration of people are involved, are located a sufficient distance away from the adjacent street to avoid damage to the structure and occupants by errant vehicles; to lessen or minimize the effect of noise and pollutants generated by traffic on the occupants of adjacent buildings; to insure that the location of buildings do not create any traffic hazards by blocking or restricting lines of sight, particularly at intersections and along curves; to provide some additional open space in addition to the space within the street right-of-way for the free movement of police, firemen and others in emergency situations and when appropriate, sufficient yard space and open space separating building structures which may enhance the aesthetic value of the area or development.
- B. Major Thoroughfares
1. Properties adjacent to designated major thoroughfares shall have a front building setback from the adjacent major thoroughfare right-of-way of not less than 25 feet.
 2. When such lots side on a major thoroughfare, a side building setback of at least 20 feet shall be provided.
 3. In those instances where lots back on a major thoroughfare, a rear building setback of not less than 10 feet shall be provided.
- C. Local Streets
1. Properties adjacent to local streets which are divided into lots restricted for the construction of residential dwellings shall have a building setback from the adjacent street right-of-way of not less than 25 feet.
 2. Where such lots side on a local street, a side building setback of 10 feet shall be provided.
 3. Where such lots back on a local street, a rear building setback of 10 feet shall be provided.
 4. Where the average lot depth in the subdivision is 105 feet or less, the front building setback may be reduced to 20 feet.
 5. A minimum distance of 10 feet shall be provided between sides of

-
- residential structures. This may be accomplished with a 5 foot side setback on each side of the common lot line, or with a 10 foot side setback on one side of the common lot line. If the 10 foot on one side setback is used, a 5 foot maintenance and drainage easement shall be provided adjacent to and along the property line within the 10 foot setback and shall be located on the plat.
6. Properties adjacent to local streets which are to be developed for residential apartments with multiple dwelling units under a single ownership or management and where the principal entrances to such units front on the adjacent street, a front building setback restriction of 20 feet shall be provided. If, however, such units side or back on the adjacent street and have no entrances from such street, a side or rear building setback of 10 feet may be provided.
 7. All other properties not divided into lots or designed for the development of residential dwelling units which are adjacent to local streets shall have a 10 foot building setback restriction provided along all adjacent streets.
 8. When the lots face the circular portion of a cul-de-sac street, a front building setback of 20 feet shall be provided.
- D. Off-sets and Transitions
1. When the required building setback restriction line changes from one tract to another, a transitional building setback line shall be provided having a minimum angle of 45 degrees. The transition shall take place on the lot or tract having the lesser building setback restriction requirement.
- E. Pipeline and Railroad Right-of-ways
1. Where an underground pipeline carrying flammable products through or adjacent to the subdivision or where a railroad right-of-way runs through or adjacent to the subdivision, a 15 foot building setback restriction shall be provided adjacent to such pipeline easement or fee strip (or the center line of the pipeline facility if no easement is defined) or railroad right-of-way.

5.13 Reserve Tracts

- A. All reserve tracts shall be labeled and designated on the plat. Any restrictive covenants applicable to the reserves shall be set forth by separate instrument and referenced on the plat.
- B. When any public street is established by plat and where such public street forms either a stub street into adjacent acreage or where such public street lies along and parallel with the subdivision boundary and adjacent to acreage, a one foot wide reserve shall be established within the street right-of-way to form a figure strip, dedicated to the public, between the public street right-of-way and the adjacent unsubdivided acreage to prevent access to this public street from the adjacent unsubdivided acreage unless and until a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation which shall be placed upon the face of any plat where a one-foot reserve is to be established.
"One-foot Reserve Dedicated to the Public in Fee as a Buffer Separation Between the Side and End of Streets Where Such Streets Abut Adjacent Property. The

Condition of Such Dedication Being That When the Adjacent Property Is Subdivided or Re-subdivided in a Recorded Plat, the One-foot Reserve Shall Thereupon Become Vested in the Public for Street Right-of-way Purposes and the Fee Title Thereto Shall Revert to and Revest in the Dedicator, His Heirs, Assigns or Successors."

5.14 Lots - General Provisions

- A. General lot design, arrangement and layout
1. The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots will be assured that these tracts of land meet the following basic criteria:
 - a. The lot shall be of sufficient size and shape to allow the construction of a residential dwelling unit which can meet the requirements of established building or construction codes, housing and public health codes, and ordinances and accepted family living standards.
 - b. The lot shall be of sufficient size and shape to accommodate easements for all public and private utility services and facilities that adequately serve the residential dwelling unit constructed thereon.
 - c. The lot shall be of sufficient size and shape and shall be so located that direct vehicular access is provided from a public street or through an approved permanent access easement.
 - d. Lots or roadways shall not encroach on any drainage easements that containing drainage facilities sized to accommodate the runoff from a 100-year event.
- B. Lot Shapes
1. Lots should be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line.
 - a. Key or flag lots may be permitted under unusual circumstances, however, the narrowest part of such a lot, being the staff portion of the flat lot, shall not be less than 20 feet in width or have a length of more than 200 feet. Such lots shall also be restricted to prevent the construction of any building structure, wall or fence within the staff portion of such lot and that the staff portion of such lot will be restricted for access to such lot only.
 - b. Double-front lots will not be approved except in those instances where lots are restricted for residential use and back upon an adjacent designated major thoroughfare or where special circumstances would warrant a variance to this regulation.
- C. Street access limitations
1. Rear and side vehicular driveway access from lots, restricted for the construction of residential dwelling units, to adjacent streets designated as major thoroughfares, freeways, highways, or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, will not be approved. Such

access restriction must be noted directly upon the plat adjacent to the lots in question.

- D. Lot and Block Identification
 - 1. All blocks established in any subdivision shall be designated by number with said numbers being consecutive within the whole subdivision plat. Lots established within said blocks shall also be numbered with said numbers being consecutive within the block.
- E. Minimum Lot Sizes - Residential Use
 - 1. Corner lots in blocks containing lots having an average width of less than 60 feet shall be 10 feet wider than the average interior lot within such block and where such corner lots are located at the intersection of local streets. Corner lots located at the intersection of a local street and a designated major thoroughfare or at the intersection of two major thoroughfares and are contained in blocks where the average lot width within said block is less than 60 feet, such corner lots shall be 20 feet wider than the average interior lot within such block.
 - 2. Where lots are backing on a natural drainage way (bayou, creek, gully, etc.) or an open drainage facility, such lots shall have a depth sufficient to provide at least 70 feet from the drainage easement line to the front building setback line or front property line if no building setback restriction is required.
 - 3. Where lots are backing on a designated major thoroughfare such lots shall have a depth at least 10 feet deeper than the average depth of lots within the interior of the subdivision having frontage on local streets.

5.15 Drainage Outfall

- A. All developments shall provide an adequate drainage outfall for their storm waters. If a development cannot provide an adequate outfall, that development must detain their storm waters. The maximum allowable rate of discharge from a detention system shall be determined by the Fort Bend County Drainage District. If a drainage impact fee has been established for a watershed in accordance with *Chapter 395 of the Texas Local Government Code* on-site detention may not be required. Impact fees to be paid prior to approval of the plat.

5.16 Landscaping

- A. Landscaping within the public right-of-way or adjoining easements shall not affect public utilities or traffic visibility, including traffic control devices or access of maintenance equipment to drainage facilities.

5.17 Minimum Standards for Water and Wastewater

Authority for these regulations is given in T.A.C. Code § 364.32, § 364.33, and § 364.34.

The establishment of a residential development where the water supply and sewer services do not meet the minimum standards of this division is prohibited. The subdivision with lots of 5 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.

A. Water Facilities Development

1. Public water systems.
 - a. 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 W*). 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.
 - 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. 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 TAC230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
2. Non-public water systems.
 - a. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for individual

water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required 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.
3. 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.

B. Wastewater Disposal

1. Organized Sewage Facilities.
 - a. 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.
 - b. 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 X*) 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.
2. On-site Sewage Facilities.
 - a. On-site sewage 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.

- b. Proposals for on-site sewage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- c. The Fort Bend County Commissioners Court or its designated representative 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. 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.

C. Greywater Systems for Reuse of Treated Wastewater

1. Organized or municipal sewage 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.
2. On-site sewage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

5.18 Plat Approval Requirements For Water And Wastewater

A. Applications for Plat Approval

1. Owner representation. An application for approval of a plat shall be filed with Fort Bend County by the record owner of the property to be subdivided or the duly authorized agent of the record owner. Fort Bend County shall also receive a copy of all information required by the Texas Water Development Board.
2. Standards. Every plat creating two or more lots of 5 acres or less for residential use shall comply with the standards of Section 5.17 and the requirements of Section 5.18 of this subchapter.

B. Final Engineering Report

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a licensed 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 Fort Bend 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.

C. Public water systems

1. 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 W*) and referenced in §364.32(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.
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 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.

D. Non-public water systems

Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §364.32 of this title. The results of such analyses shall be made available to the prospective

property owners. If the water quality of the test well required pursuant to §364.32(b) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available 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.

E. Organized sewage facilities

1. 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 X*) and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
2. Where there is no existing retail public utility to construct and maintain the proposed sewage 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 sewage facilities shall have been approved by all entities having jurisdiction over the proposed project.

F. On-site Sewage Facilities

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

G. Additional Information

Fort Bend County may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be 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; or
 - (10) proposed area features.

END OF SECTION FIVE

SECTION 6 - ACCEPTANCE OF IMPROVEMENTS WITHIN SUBDIVISIONS

6.1 General Acceptance Procedures

- A. When construction of the roads, streets, utilities, and drainage facilities is complete, the project engineer should notify the County Engineering Department and request an inspection of the work. The following documents must be submitted for review and approval prior to the scheduled inspection date.
1. Development Engineer Affidavit of Construction Compliance. Refer to *(Appendix M)*.
 2. Independent Testing Laboratory Affidavit of Materials Compliance. Refer to *(Appendix Y)*.
 3. Contractor/Contractors Affidavit of Construction Compliance. Refer to *(Appendix Z)*.
 4. Development Engineer's Drainage Facilities Construction Statement. Refer to *(Appendix AA)*.
 5. Utility District Construction Certificate for Acceptance. Refer to *(Appendix BB)*.
 6. One complete set of Record Documents of all underground utilities, streets and drainage improvement that have been constructed.
 7. All Public improvements that were required by a city or the ETJ of a city may be referred to the city for their review and action.
- B. The County Engineering and/or Drainage District will inspect the improvements and issue a punch list of any deficiencies.
1. The inspection shall document the existing condition of all roads, streets, bridges, driveway structures, sidewalks and pedestrian access structures, related roadside drainage facilities, signage and traffic control devices, and all other appurtenances related to a complete system of public roads or streets. The complete system of public roads, streets along with all related appurtenances must be in strict compliance with all Federal, State, County and applicable Municipal regulations, codes, statutes and policies in effect at the time of the request for acceptance. Conditions that will be noted on this inspection report will consist of, but not be limited to:
 - a. Curb and Gutter roads: pavement cracks, pavement settlement, birdbaths, lack of joint sealing, spalling joints, other pavement irregularities, cracked curbing, missing curbs, dirt, trash or other debris in right-of-way, broken, cracked, sunken or debris filled storm sewer inlets, broken driveways or sidewalks.
 - b. Open Ditch roads: depth, width and type of base material and of any black top material; crown width, shape of road cross section, ditches holding water, undersized driveway entrance culverts and other adverse drainage conditions.
 - c. Bridges, drainage structures, utilities and all construction located within the road or street right-of-way or directly affecting the proper function of the system of public streets.
 - d. A complete system of signage and traffic control devices in compliance with the *Texas Manual on Uniform Traffic Control Devices*.

- e. Any and all other items related to the safe operation and maintenance of a complete system of public streets and drainage.
- C. After notification that all deficiencies have been corrected and a final inspection has been completed, the County Engineering Department will issue a recommendation to Commissioners Court for the preliminary acceptance of construction and to establish the date of Construction Completion.
- D. Final inspection should be scheduled within 60 day of the initial inspection. A complete re-inspection and a new punch list may be required after the sixty day period.
- E. Upon approval of Commissioners Court, the bond for the roads and street may be reduced as shown in (*Section 3, 3.9 E.*) of these regulations and the bonds for the drainage facilities may be reduced as shown in (*Section 3, 3.9 F.*).

6.2 One Year Maintenance Period

- A. To qualify for acceptance into the County Road Maintenance System, the roads or streets and subdivision drainage and detention systems must be maintained by the Developer for a minimum of one year after the date of construction completion.

6.3 Acceptance into the County Road Maintenance System

- A. Requests for County acceptance of roads and streets shall be directed to the appropriate County Commissioner by the developer or lot owners.
- B. A permanent bench mark brass disk shall be obtained from the County Engineer as referenced in (*Section 4, 4.17 D.*)
- C. The County Engineer will perform an inspection. The County Engineer will develop and issue a composite list of deficiencies. The inspection will cover all the items noted above for the construction completion inspection.
- D. After the deficiencies are corrected, the County Engineer will issue a recommendation to the respective County Commissioner with road or street names and lengths, and bond number, amount and bond release information.
- E. Upon approval and recommendation of the Precinct Commissioner, the Commissioners' Court will consider accepting road(s) into the County Road Maintenance System.

6.4 Acceptance into the Drainage District Maintenance System

- A. Request for Drainage District acceptance of drainage channel(s) shall be directed to the Drainage District Engineer by the developer or lot owners.
- B. The Drainage District Engineer will perform an inspection and develop and issue a composite list of deficiencies.
- C. After the deficiencies are corrected, the Drainage District will issue a recommendation to the respective County Commissioner.
- D. Upon approval and recommendation of the Precinct Commissioner, the Drainage District Board of Directors will consider accepting the channel(s) into the

Drainage District Maintenance System.

6.5 Conditions of Acceptance

- A. Acceptance of the road(s) and street(s) into the County Road Maintenance System will only constitute acceptance of roads, streets, bridges, open ditch drainage and their related appurtenances. Fort Bend County does not accept or assume maintenance, liability or responsibility of sidewalks, utilities, storm sewer systems or related construction located within public right-of-way.
- B. Detention facilities will not be accepted for maintenance by the Fort Bend County Drainage District. Only 100-year capacity open ditch type of drainage channels meeting all the requirements of the Fort Bend County Drainage District Criteria Manual will be considered for acceptance into the Drainage District maintenance system.

6.6 Release of Bond

- A. The bond will be released when the roads are accepted into the County Road Maintenance System.
- B. The bond will be released when the drainage facilities covered by such bonds have been inspected and approved. Approval of the drainage facilities does not imply acceptance into the Fort Bend County Drainage District Maintenance System.

END OF SECTION SIX

SECTION 7 - Green Space Regulations

7.0 Definitions

Green Space: Any public or private land that would serve as an area to provide relaxation or recreation to all residents within a specific subdivision. Green space may be used for active or passive activities. It may be an open field, or it may or may not have improvements such as benches, shade structures, playground equipment, or trails located within the boundaries of the property.

Walking Trail: An improved minimum, four feet wide path, consisting of a material conducive to walking, running, strolling, or cycling. Crushed granite, concrete, and asphalt are considered appropriate surface materials for walking trails. Dirt or sod trails will not be considered improved trails.

7.1 Subdivision Green Space Requirements

Authority for these regulations is given in V.T.C.A., Local Government Code §232.101, Subchapter E (SB873).

- A. Subdivision plats that are filed in Fort Bend County shall contain a community green space dedication at a ratio of $\frac{1}{4}$ acre of green space for every 100 lots. Green space areas must be no smaller in size than $\frac{1}{4}$ acre and must be at least 20 feet in width in order to provide access and sufficient useable area.
1. Landscape setbacks and ditch right-of-ways along roadways, will not be considered green space unless they are wider than required by County or City regulations.
 2. Pipeline easements will be accepted as green space if they contain an improved walking trail as defined above.
 3. Detention easements, excluding the actual detention pond area, will be accepted as green space if they contain an improved walking trail as defined above.
- B. Subdivision plats that contain less than 100 lots shall dedicate a minimum of $\frac{1}{4}$ acre of green space.
- C. Plats that have lots 1 acre in size or larger are exempt from the green space requirement.
- D. In projects that have multiple sections of lots, the green space requirement may be set outside the plat boundaries provided that the multiple plats previously recorded meet the dedication requirements and definition.
1. Access to green space areas outside the boundaries of the plat must not have an at-grade crossing of a major thoroughfare in order to receive credit.
 2. Access to green space areas outside the boundaries of the plat shall be located within a maximum $\frac{1}{4}$ mile radius of all residences within the subdivision plat.

- E. Plats located within the extraterritorial jurisdiction of a city that have applicable green space or open space requirements are exempt from the Fort Bend County green space requirement only if said requirements meet or exceed those imposed by the County.
- F. The payment of a fee in lieu of a green space dedication will not be accepted.

7.2 Maintenance and Ownership

For the purposes of upkeep, permanent maintenance and ownership responsibilities of dedicated green space shall be conveyed to either an existing or newly formed entity established for the subdivision, and must be identified upon the recording of the final plat.

7.3 Green Space along Major Thoroughfares

The following requirements shall apply to all development, single family or commercial, that is either adjacent to or surrounds a Fort Bend County major thoroughfare.

- A. Landscape Reserves:
 - 1. An additional 10 feet of land on each side of a major thoroughfare right of way shall be dedicated as landscape reserves. If the developer exclusively owns property on one side of a major thoroughfare, they are to dedicate the above requirement to this side only.
 - 2. There shall be a minimum of two 30-gallon trees, selected from the required list, planted on each side of a major thoroughfare within the landscape reserve for every 100 linear feet of roadway platted. The trees may be clustered or evenly spaced, as long as, the minimum number of trees are planted based on the overall length of the roadway. For a list of specific types of trees that will be considered acceptable, see *(Appendix CC)*. In addition to trees, landscape reserves shall be covered with grass, ground cover, and/or shrubs and have an irrigation system that will provide full coverage for all vegetation within the reserve.
 - 3. Entities responsible for the permanent maintenance and ownership of dedicated reserves must be identified upon the recording of the final plat.
 - 4. Dry utility easements shall not overlap with the landscape reserve except in instances where the utility must make a perpendicular crossing through the reserve. Water, sewer, and drainage easements granted to and accepted by political subdivisions may overlap with the landscape reserve.

- B. The trees must be healthy, free of disease and in place prior to the beginning of the one year maintenance period inspection. At the end of the one-year maintenance period, the developer shall be required to replace any trees that have perished, with a similar tree in a condition acceptable to the county, in order for the county to accept the project.

- C. Building Setbacks:
 - 1. In instances where lots back up to a major thoroughfare, a rear building setback of not less than 15 feet from the common lot/landscape reserve line shall be provided.

- D. Driveways:
 - 1. Lots, tracts, and reserves within the County, unless the FBC Commissioners Court otherwise approves, shall conform to the following minimum requirements:
 - A. No residential lot shall have access to a major thoroughfare except under the following conditions:
 - (1) The lot shall have a minimum frontage on the major thoroughfare of one hundred seventy-five (175) feet, and
 - (2) The lot shall contain a minimum area of one (1) acre, and
 - (3) The lot shall provide access to the major thoroughfare via one (1) driveway only, having a maximum width of twenty (20) feet, measured at the right-of-way line, and shall have a minimum radius of twenty-five (25) feet at the point of connection to the paving of the major thoroughfare, and
 - (4) Access driveways shall be located in accordance with the following:
 - (a) Greater than one hundred (100) feet from a street intersection as measured from the center of the driveway to the right-of-way line of the street intersecting the major thoroughfare, and
 - (b) Greater than sixty-five (65) feet from a property line as measured from the centerline of the driveway.
 - 2. The width of the lot shall be measured at the property line/right-of-way from the front building line. The width of cul-de-sacs and radial lots shall be measured at the property line using a cord or straight line. A lot area size shall be computed inclusive of all easements.

7.4 Tree Preservation Credit

- A. There shall be a credit given toward the tree requirement for the preservation of any existing tree, on the approved planting list attached, located within the dedicated landscape reserve. This credit will only be granted for the preservation of trees and shall be given at a ratio of 1:1 for trees 3-6 inches in diameter and 1-1/2:1 for any tree over 6 inches in diameter. The diameter shall be measured at a point 12 inches above the ground. In order to preserve the trees during the construction of the subdivision, the tree or cluster of trees shall be surrounded by a 4-foot high orange plastic wind fence installed and maintained at the extent of the trees' drip line for the duration of the construction phase. Fill material must not be placed within the drip line of any tree during or after construction activity. If fill is placed outside of, and completely around a preserved tree, positive drainage must be provided for the tree.

- B. The trees must be in place prior to the beginning of the one year maintenance period inspection. At the end of the one year maintenance period, the developer shall be required to replace any trees that have perished, with similar trees that are acceptable to the county.

7.5 Effective Date of Regulations

The regulations contained in this section shall be effective on the date of acceptance of this section by the Fort Bend County Commissioners Court. Preliminary plats, located within the extraterritorial jurisdiction of a city, that have been approved by the city, are exempt from these regulations, provided the final plat is recorded within two year of the date of preliminary approval.

END OF SECTION SEVEN

APPENDIX A

OWNER'S ACKNOWLEDGMENT

EXAMPLE FORM

STATE OF TEXAS

COUNTY OF FORT BEND

I (or we), {name(s) of owner(s) if individual(s)} or (name of president and secretary or authorized trust officer of a company or corporation) being officers of (name of company or corporation), owner (or owners) of the (number of acres) tract described in the above and foregoing map of (name of subdivision or development), do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, I (or we) do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are intended for the construction of single family residential dwelling units thereon (or the placement of mobile homes) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

ADDITIONAL PARAGRAPHS TO BE ADDED AS NEEDED:

(When streets within the plat are to be developed with open ditches).

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1 3/4) square feet (24" diameter).

(When subdivision contains natural drainage ways such as bayous, creeks, gullies, ravines, draws or drainage ditches).

FURTHER, I (or we) do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

(When the plat indicates building setback lines and public utility easements are to be established in adjacent acreage owned by the subdivider).

FURTHER, I (or we) do hereby certify that I am (or we are) the owner(s) of all property immediately adjacent to the boundaries of the above and foregoing subdivision of (Name of subdivision) where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

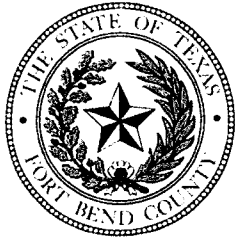
FURTHER, I (or we) do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

APPENDIX B

FORT BEND COUNTY

COMMISSIONERS COURT

ENGINEERING DEPARTMENT



DATE:

**FORT BEND COUNTY
PLAT APPROVAL CERTIFICATE**

This is to certify that the Commissioner's Court of Fort Bend County has reviewed and approved/disapproved the land being platted or subdivided by _____ owner or authorized agent known as, _____, and said plat was recorded under instrument # _____ of the plat records of Fort Bend County.

County Engineer, or Department
of Engineering authorized employee

Dianne Wilson
Fort Bend County Clerk

Texas Local Government Code § 232.076. CERTIFICATION REGARDING COMPLIANCE WITH PLAT REQUIREMENTS

- (a) On the approval of a plat by the Commissioner's Court, the Commissioner's 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
- (b) On its own motion or on the written request of a subdivider, an owner or resident of a lot in a subdivision, or an entity that provides a utility service, the commissioners court shall
 - (1) determine whether a plat is required under this subchapter for an identified tract of land that is located within the jurisdiction of the county. and
 - (2) if a plat is required for the identified tract, determine whether a plat has been reviewed and approved by the commissioners court.
- (c) The request made under Subsection (b) must adequately identify the land that is the subject of the request.
- (d) Whenever a request is made under Subsection (b), the commissioners court shall issue the requesting party a written certification of its determinations.
- (e) The commissioners court shall make its determinations within 20 days after the date it receives the request under Subsection (b) and shall issue the certificate, if appropriate, within 10 days after the date the determinations are made.
- (f) The commissioners court may adopt rules it considers necessary to administer its duties under this section.

Added by Acts 1997, 75th Leg., Ch. 377, § 1, eff. Sept. 1, 1997.

APPENDIX C

**FORT BEND COUNTY
ENGINEERING DEPARTMENT
SUBDIVISION PLAT APPLICATION**

REQUIREMENTS FOR PLAT REVIEW

SUBMIT THE FOLLOWING TO THE FORT BEND COUNTY ENGINEERING DEPARTMENT IN CONNECTION WITH THE PLAT REVIEW PROCESS.

1. An **APPLICATION FORM** completely filled out.
2. ONE (1) copy of the plat.

APPLICANT INFORMATION

Applicant Name: _____
Contact Person: _____
Address: _____
City/State/Zip: _____
Telephone: _____
Fax: _____
E-mail Address: _____
Developer: _____
Address: _____
City/State/Zip: _____
Telephone: _____

SITE & PLAT INFORMATION

Plat Name: _____
City Limit: _____
ETJ: _____
Abstract: _____
Survey: _____
Acreage: _____
Lots: _____
Blocks: _____
Reserves: _____

LOCATION & DISTRICTS

Key Map: _____
Zip Code: _____
Precinct: _____
School District: _____
Municipal Utility District: _____
Levee Improvement District: _____

Signature of Applicant

Date

To be completed by FBC Engineering
Date Accepted _____

APPENDIX D

FORT BEND COUNTY
SUPPLEMENTAL REGULATIONS OF SUBDIVISIONS
FOR THE EXTRATERRITORIAL JURISDICTION
OF SUGAR LAND, TEXAS

I.
PROVISIONS RETAINED

- 1.01 This Policy is a supplement to the Fort Bend County Subdivision Platting Policy (revised October 1992). It is not the intention that this supplemental policy supersede and it shall not be deemed to supersede that comprehensive policy.
- 1.02 This Policy shall apply only to the subdivision of land and development of property which is both in Fort Bend County and the Extraterritorial Jurisdiction of the City of Sugar Land, Texas.

II.
PLAT SUBMITTAL

- 2.01 The technical requirements of the Fort Bend Subdivision Platting Policy, Section 3, shall apply to subdivision in the ETJ.
- 2.02 Subdivision plats for development in the ETJ shall be presented to the Planning and Zoning Commission of Sugar Land, Texas.
- 2.03 Upon approval of and execution of a plat by the Sugar Land City Council, it shall be delivered to the office of the Fort Bend County Engineer.
- 2.04 Upon completion of the County's technical review, the plat shall be presented to the Commissioners' Court for approval.
- 2.05 If the plat is approved by the Commissioners' Court, it shall be fully-executed and returned immediately to the County Engineer to be held in trust by the County Engineer for the County and the City.
- 2.06 A developer or subdivider whose plat has been approved and executed by the City and the County, and deposited in trust with the County Engineer, may commence construction of drainage, sanitary and water services ("Utilities") for the platted subdivision.

III.
PAVING AND BONDING

- 3.01 A developer or subdivider whose Utilities, commenced pursuant to Section II, above, are at or near completion shall then comply with any surety/bonding requirements for paving, sidewalks, etc. of both the City and the County.

- 3.02 Upon written concurrence between the City and the County that all of the required bonds or other assurance have been received and approved by both jurisdictions, the County Engineer will release the plat from trust and deposit it for recording with the County Clerk. The developer or subdivider shall be responsible for coordinating the payment of the filing fee with the County Engineer. The release of the plat from trust shall be accomplished only upon order of the Commissioners' Court.

IV.

REVIEW OF COMPLETED CONSTRUCTION

- 4.01 Neither the City nor the County shall release a bond or other assurance securing the developer's or subdivider's performance under this supplemental policy without reviewing each other's written comments regarding the adequacy and completeness of the construction secured by the bond(s) in question.
- 4.02 Notwithstanding the review requirement of §4.01, above, both the City and the County shall have full and independent authority to release or retain any bond or other surety instrument wherein they are the sole assured party or beneficiary.

V.

EFFECTIVE DATE

- 5.01 This supplemental policy shall be effective upon the date of formal acceptance by both the City of Sugar Land, Texas and Fort Bend County, Texas.
- 5.02 This policy may be abrogated by either jurisdiction by giving written notice at any time after adoption. However, any plat, which is at the time of termination being held in trust by the County Engineer, shall continue to be subject to the terms of this supplemental policy.

IV.

STALE PLATS

- 6.01 Any plat held in trust by the County Engineer pursuant to this supplemental policy for longer than a year ("stale plat"), shall be subject to review by the County and the City.
- 6.02 Any plat subject to review pursuant to this section may be reconsidered by either or both jurisdictions. Upon the motion of either jurisdiction, or upon the concurrence of both jurisdictions, a state plat may be subject to the following:
1. Be granted an additional period of time to the held in trust, during which period utilities must be completed;
 2. Rescission of approval by either or both jurisdictions.
- 6.03 The County Engineer shall maintain a call-up system to monitor plats held in trust.

APPENDIX E

BOND

NO.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF FORT BEND §

THAT WE, whose *(street address/phone)* is , hereinafter called the Principal, and
(Surety) , a Corporation existing under and by virtue of the laws of the State of , and
authorized to do an indemnifying business in the State of Texas, and whose principal office is
located at *(street address/phone)* , whose officer residing in the State of Texas, authorized to
accept service in all suits and actions brought within said State is *(name/office)* , and whose
(street address/phone) is , hereinafter called the Surety, and held and firmly bound unto Robert E.
Hebert, County Judge of Fort Bend County, Texas or his successors in office, in the full sum of
Dollars (\$) current, lawful money of the United States of America, to be paid to said
Robert E. Hebert, County Judge of Fort Bend County, Texas or his successors in office, to which
payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us,
our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and
severally, by these presents.

WHEREAS, the said Principal is the owner of the following Subdivision(s):

located in Fort Bend County, Texas; and,

WHEREAS, the Commissioners Court of Fort Bend County, Texas, has promulgated
certain rules, regulations and requirements relating to Subdivisions in Fort Bend County, Texas, as
more specifically set out in “Fort Bend County Regulations of Subdivisions” as amended; same
being made a part hereof for all purposes, as though fully set out herein; wherein it is provided,
among other things, that the owner of a Subdivision will construct the roads, streets, bridges and
drainage in the right-of-way depicted on the plat thereof, in accordance with the specifications set
out therein, and maintain such roads, streets, bridges and drainage in the right-of-way until such
time as said roads, streets, bridges and drainage in the right-of-way have been approved by the
County Engineer and accepted for maintenance by the Commissioners Court of Fort Bend County,

Texas (or in the case of subdivisions, streets or roads designated as private in the plat approved by the County Engineer and accepted by the Homeowners Association).

It is further stipulated and understood that the approval of the map or plat of the above named Subdivision(s) is conditioned upon and subject to the strict compliance by the Principal herein with the aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes or modifications of any kind or character, constitute a contract between the County of Fort Bend and Principal; and it is understood by the Principal that the approval of said map or plat of the above Subdivision(s) was obtained only by the undertaking of the Principal to so comply with the said regulations and specifications within a reasonable time, as set by the Commissioners Court of Fort Bend County, Texas, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounded Principal, his, her, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with all and singular the rules, regulations, requirements and specifications above referred to, including any deletions, additions, changes or modifications of any kind or character, in the construction and maintenance of all roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s) and that upon approval of the construction of said roads, streets, bridges and drainage in the right-of-way by the County Engineer, and upon the approval of such maintenance by the County Engineer, and upon acceptance of such roads, streets, bridges and drainage in the right-of-way by the Commissioners Court of Fort Bend County, Texas, then this obligation to be void and of no force and effect.

The Principal and Surety hereon each agree, bind and obligate themselves to pay Robert E. Hebert, County Judge of Fort Bend County, State of Texas, or his successors in office, for the use and benefit of Fort Bend County, all loss or damages to it occasioned by reason of the failure of the Principal to comply strictly with each and every provision contained in the rules, regulations, requirements and specifications above referred to relating to the construction and maintenance of roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s), and further agree, bind and obligate themselves to defend, save and keep harmless the County of Fort Bend from any and all damages, expenses, and claims of every kind and character which the County of Fort Bend may suffer, directly or indirectly, as a result of the Principal's failure to

comply with the rules, regulations and specifications relating to the construction and maintenance of the roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s).

The word Principal when used herein means Principal or Principals whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words Roads, Streets, Bridges and Drainage in the right-of-way used herein mean each and every road, street, bridge and drainage in the right-of-way in said Subdivision(s). The word Maintenance as used herein means all needful, necessary and proper care and repair from completion of the roads or streets and approval thereof by the County Engineer until acceptance of the roads and streets by the Commissioners Court. The word Surety when used herein means Surety or Sureties, and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the Principal by the terms hereof extends in full force and vigor to each and every Surety jointly and severally.

In the event of suit hereunder, such suit shall be brought in Fort Bend County, Texas.

EXECUTED this _____ day of _____, 20_____.

ATTEST:

Secretary

Principal
By: _____

Surety
By: _____
ATTORNEY IN FACT

APPROVED this _____ day of _____, 20_____.

ATTEST:

Dianne Wilson, Ph.D.
County Clerk

Robert E. Hebert
County Judge
Fort Bend County, Texas

wastewater facilities shall be required to provide these services for a minimum of (30) years to the property owners.

The Principal and Surety hereon each agree, bind and obligate themselves to pay Robert E. Hebert, County Judge of Fort Bend County, State of Texas, or his successors in office, for the use and benefit of Fort Bend County, all loss or damages to it occasioned by reason of the failure of the Principal to comply strictly with each and every provision contained in the rules, regulations, requirements and specifications in the construction and installation of the water and wastewater facilities in the above named Subdivision(s), and further agree, bind and obligate themselves to defend, save and keep harmless the County of Fort Bend from any and all damages, expenses, and claims of every kind and character which the County of Fort Bend may suffer, directly or indirectly, as a result of the Principal's failure to comply with the rules, regulations and specifications relating to the construction and installation of the water and wastewater facilities in the above named Subdivision(s).

In the event of suit hereunder, such suit shall be brought in Fort Bend County, Texas.

EXECUTED this _____ day of _____, 20____.

ATTEST:

Secretary

Principal

By: _____

Surety

By: _____

ATTORNEY IN FACT

APPROVED this _____ day of _____, 20____.

ATTEST:

Dianne Wilson, Ph.D.
County Clerk

Robert E. Hebert
County Judge
Fort Bend County, Texas

APPENDIX G

Fort Bend County Judge Robert E. Hebert
or his successors in office
Richmond, Texas 77469

Irrevocable
Letter of Credit
No. _____
Date _____

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor for the account of (Developer or Principal), (Address), Texas, for a sum or sums, not to exceed in the aggregate, the amount of _____ Dollars (\$ _____), in U. S. Dollars, available by your draft at sight drawn on us, to be accompanied by an affidavit from Fort Bend County Judge Robert E. Hebert, or his successors in office, stating one of the following:

1. "The undersigned, Fort Bend County Judge Robert E. Hebert or his successors in office, hereby certifies to (Bank) as the issuer of Letter of Credit No. _____ dated _____, in the amount of _____ (\$ _____), that (Principal or Developer) _____ has failed to build and/or maintain roads, streets and bridges within (Name of Subdivision), in accordance with the Subdivision Regulations of Fort Bend County, Texas, prior to the roads, streets and bridges being accepted for permanent maintenance by Fort Bend County (or in the case of subdivisions, streets or roads designated as private in the plat approved by the County Engineer and accepted by the Homeowners Association) and, by virtue of such failure, Beneficiary is entitled to receive funds in the amount of (to be left blank) Dollars (\$ (to be left blank))".
2. "The undersigned, Fort Bend County Judge Robert E. Hebert or his successors in office, hereby certifies to (Bank) as the issuer of Letter of Credit No. _____ dated _____, in the amount of _____ (\$ _____), that (Principal or Developer) _____ has delivered notice of intent to not automatically renew Letter of Credit No. _____ for a period no less than one year from the present expiration date and, by virtue of said delivery and notification, beneficiary is entitled to receive funds equal in amount to the undrawn balance of this Letter of Credit, such amount being (to be left blank) Dollars (\$ (to be left blank))".

It is the condition of this Letter of Credit that it shall be automatically renewed for a period no less than one year from the present or each future expiration date, unless at least 30 days prior to such date we, the Issuer, shall notify Fort Bend County Judge Robert E. Hebert or his successor in office, that we elect not to renew this letter of Credit for such additional periods.

Partial drawings on this letter of Credit are permitted.

Notwithstanding any reference in this Letter of Credit to other documents, instruments or agreements, or references in such other documents, instruments or agreements to this Letter of Credit, this Letter of Credit contains the entire agreement among the account party, beneficiary and the issuer hereunder relating to the obligations of the issuer hereunder.

Any draft drawn under this Letter of Credit must be marked "Drawn under Letter of Credit No. _____ dated _____, 20__ issued by *(Bank)* _____ . All drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored by us on due presentation at our counters on or before _____, 20__ , or on or before the expiration date of any subsequent renewal period.

Issuing Organization

By: _____

Name: _____

Title: _____

APPENDIX H

IRREVOCABLE LETTER OF CREDIT FOR WATER & WASTEWATER FACILITIES

EXAMPLE FORM

IRREVOCABLE LETTER OF CREDIT NO. _____

TO: _____, 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 Fort Bend (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 J

FEE CALCULATION FORM

DIANNE WILSON, PH.D. • FORT BEND COUNTY CLERK
301 JACKSON, ROOM 101 • RICHMOND, TX 77469
281-341-8652 INFORMATION CENTER 281-341-8669 FAX

Name of Plat: _____

(Check payable to Fort Bend County Clerk. Attach this form to check and submit at time of recordation)

Plat Recordation Fees:

Plat	\$_____ per page
Bond Letter of Credit Lienholder Subordination Owners Ratification to Plat	First page \$_____ Each page thereafter \$_____ (fee's are set by Co. Clerk)

Plat: Number of pages _____ x \$_____ each \$ = _____

Bond: Page number 1 x \$_____ = _____
 _____ each page thereafter x \$_____ = _____

Lienholder Subordination: Page number 1 x \$_____ = _____
 _____ each page thereafter x \$_____ = _____

Owners Ratification to Plat: Page number 1 x \$_____ = _____
 _____ each page thereafter x \$_____ = _____

TOTAL RECORDATION FEE = \$ _____

Platting Fees:

New Plats Lots Reserves	\$_____ for each lot \$_____ for each area platted as a reserve
Replats Lots Reserves	\$_____ for each new lot \$_____ for each new reserve
Amending Plats	No Fee
Vacating Plats	No Fee
Street Dedication Plats	No Fee

Number of lots: _____ x \$_____ = \$ _____
 Number of reserves: _____ x \$_____ = \$ _____

TOTAL PLATTING FEE = \$ _____

TOTAL FEES \$ _____

Form of payment: **Check** (payable to Fort Bend County Clerk) **Credit Card**

Receipt number: _____

Fees Revised 10/1/2009

APPENDIX K

TAXING ENTITY LETTER

(When filing a plat with the Fort Bend County Clerks office it will be necessary to submit a letter listing all the taxing entities involved in the platted land. The letter must be from the plat filer (or the responsible party). The letter needs to be submitted to the Engineering Office along with the original tax certificates. It does need to be addressed to the County Clerk's Office. All items will be placed in the folder that goes to Commissioners' Court when the plat is filed.

EXAMPLE LETTER

Date

Ms. Dianne Wilson
Fort Bend County Clerk
Fort Bend County Clerks Office
301 Jackson
Richmond, Texas 77469

RE: Taxing Entities for (Name of Subdivision) .

Dear Ms. Wilson:

Below is a listing of the Taxing Entities for (Name of Subdivision) .

1. Fort Bend County Municipal Utilities District No. ____
2. Fort Bend County Levee Improvement District No. ____
3. School District
4. Fort Bend County
5. Fort Bend County ESD No. ____

Please let me know if you have any questions.

Sincerely,

Name of plat filer or responsible party
Title

APPENDIX L

STREET AND ROAD INVENTORY

NAME OF SUBDIVISION							Date Approved:				
No.	Voter Box	Road Surface	Row Width	Pvmt. Width	N/S Zone	Street Name	From	To	Feet	Miles	Key Map
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

APPENDIX M

ENGINEER'S CONSTRUCTION COMPLIANCE STATEMENT

I, _____, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT (PROJECT NAME) WAS COMPLETED ON (DATE).

This project was under periodic inspection during construction and was constructed in accordance with and includes all items in the plans and specifications as approved by Fort Bend COUNTY and complies with all Fort Bend COUNTY requirements.

(signature and title)

(seal)

APPENDIX N

SUBDIVISION CONSTRUCTION AGREEMENT

EXAMPLE FORM

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is Fort Bend 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 orders, regulations, and other requirements; and

5. County orders 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 orders, 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, 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 _____ 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 Subdivider'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 separate 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 and the conditions stated in the Letter of Credit by submitting a draft to the Issuer. 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, 31, and 35 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. 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.

27. 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.

28. 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:

Attn: _____

Printed Name: _____

Office or Position: _____

Address: _____

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.

29. 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.

30. 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 Fort Bend County Texas, or the United States District Court for the Southern District of Texas, Houston 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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

EXHIBIT A

(attach meets & bounds description here)

EXHIBIT B

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 O

ENGINEER'S CONSTRUCTION DOCUMENT CERTIFICATION STATEMENT

I, (printed name) A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THESE CONSTRUCTION DOCUMENTS WERE PREPARED UNDER MY DIRECT SUPERVISION AND DO MEET OR EXCEED THE SPECIFICATIONS AND REQUIREMENTS OF FORT BEND COUNTY, TEXAS.

(signature and date)

SEAL

(title)

APPENDIX P

EXECUTION OF OWNER'S ACKNOWLEDGMENT

EXAMPLE FORM

(When owner is an individual or individuals)

WITNESS my (or our) hand in the City of _____, Texas, this (number) day of (month) , (year).

(signature of owner or owners)
(names to be printed)

(When owner is a company or corporation)

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of president or vice-president), its (president or vice-president), hereunto authorized, attested by its Secretary (or authorized trust officer), (name of secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

(Name of company)

By: _____
(signature)
president or vice-president

Attest: _____
(signature of secretary or
authorized trust officer)
Title

(affix corporate seal)

Note: All owners' signatures shall be acknowledged by a Notary Public.

APPENDIX Q

LIENHOLDER'S ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

Note: Holders of all liens against the property being platted must be a part of the final plat or prepare separate instruments which shall be filed for record with the plat.

EXAMPLE FORM

I, (or we), (name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), against the property described in instrument number _____, of the Official Records (or Deed of Trust Records) of Fort Bend County, Texas, do hereby in all things subordinate to said plat said lien(s) and I (or we) hereby in all things subordinate to said plat said lien(s) and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien(s) and have not assigned the same nor any part thereof.

By: (Signature of Lienholder)
(name to be printed)

Note: All lienholder signatures shall be acknowledged by a Notary Public.

APPENDIX R

NOTARY PUBLIC ACKNOWLEDGMENT FOR ALL SIGNATURES

STATE OF TEXAS

COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers and lienholder), (corporation titles if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purposes and considerations therein expressed (add for corporations "and in the capacity therein and herein set out, and as the act and deed of said corporation.")

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS (number) day of (month), (year).

(signature of notary public)

Notary Public in and for
(name of County) County, Texas

(affix Notary Seal)

APPENDIX S

CERTIFICATE FOR SURVEYOR

I, _____, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angles points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes and a length of not less than three (3) feet.

(signature of surveyor)
(Print name)

Texas Registration No. _____

(Affix Seal)

APPENDIX T

**CERTIFICATE OF FORT BEND COUNTY ENGINEER
AND COMMISSIONER'S COURT**

I, _____, FORT BEND COUNTY ENGINEER, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE FORT BEND COUNTY COMMISSIONERS' COURT. HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ON ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

FORT BEND COUNTY ENGINEER

APPROVED BY THE COMMISSIONER'S COURT OF FORT BEND COUNTY, TEXAS, THIS DAY OF _____, _____.

PRECINCT 1, COUNTY COMMISSIONER

PRECINCT 2, COUNTY COMMISSIONER

PRECINCT 3, COUNTY COMMISSIONER

PRECINCT 4, COUNTY COMMISSIONER

COUNTY JUDGE

APPENDIX U

COUNTY CLERK'S FILING ACKNOWLEDGMENT STATEMENT

I, _____, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____, AT _____ O'CLOCK ____m. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS. THE DAY AND DATE LAST ABOVE WRITTEN.

COUNTY CLERK FORT BEND COUNTY, TEXAS

BY: _____
DEPUTY

APPENDIX V

ENGINEER'S PLAT AFFIDAVIT

I, _____, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF FORT BEND COUNTY TO THE BEST OF MY KNOWLEDGE.

(signature and title)

(seal)

APPENDIX W

WATER SERVICE AGREEMENT

EXAMPLE FORM

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 drinking water known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in Fort Bend 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 Fort Bend 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 Fort Bend 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 X

WASTEWATER SERVICE AGREEMENT

EXAMPLE FORM

**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 Fort Bend 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 Fort Bend 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 Fort Bend 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 Y

INDEPENDENT TESTING LABORATORY CERTIFICATION

I, _____, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT ALL CONSTRUCTION MATERIALS AND OPERATIONS WERE UNDER THE CONTROLLED TESTING AND INSPECTION BY (NAME OF INDEPENDENT TESTING LABORATORY) AND COMPLIES WITH ALL SPECIFICATIONS APPLICABLE TO THE PROJECT.

(signature and seal)

APPENDIX Z

CONTRACTOR/CONTRACTORS AFFIDAVIT OF CONSTRUCTION COMPLIANCE

I, (printed name) , DO HEREBY CERTIFY THAT THE CONSTRUCTION OF THIS PROJECT COMPLIES WITH THE CONSTRUCTION DOCUMENTS AND MEETS OR EXCEEDS THE SPECIFICATIONS AND REQUIREMENTS OF FORT BEND COUNTY.

(signature and date)

(Title, Company Name)

(A separate affidavit will be required for each Contractor, unless all work was assigned to a General Contractor who accepts responsibility for all work. Each affidavit may be qualified by a description of work performed by the applicable contractor.)

APPENDIX AA

ENGINEER'S DRAINAGE FACILITIES CONSTRUCTION CERTIFICATION

I, (printed name) HAVE INSPECTED ALL DRAINAGE FACILITIES WITHIN THIS PROJECT AND DO CERTIFY THAT THEY MEET OR EXCEED THE REQUIREMENT OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL AND HAVE BEEN COMPLETED ACCORDING TO THE APPLICABLE CONSTRUCTION DOCUMENTS.

(signature and date)

SEAL

(title)

(company)

APPENDIX CC

LIST OF SPECIFIC TYPES OF TREES THAT WILL BE CONSIDERED ACCEPTABLE FOR GREENSPACE LANDSCAPE RESERVES:

Botanical Name	Common Name	Size	Remarks, Minimum Heights, Caliper and Spread
-----------------------	--------------------	-------------	---

CANOPY TREES			
Caryaillinois	Pecan	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Magnolia grandiflora	Southern Magnolia	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Pistache chinensis	Chinese Pistache	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Quercus macrocarpa	Burr Oak	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Quercus nigra	Water Oak	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Quercus shumardii	Shurmard Oak	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Quercus texana	Red Oak	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Quercus virginiana	Live Oak	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.
Ulmus parvifolia Drake	Drake Elm	30 gal	2-2½" cal., 8-10' Ht., 4-5' spr., 4-5' branch ht.

EVERGREEN TREES			
Ilex opaca	American Holly	45 gal	8-10" Ht., 5-6' spr., full branching
Ilex opaca Savannah	Savannah Holly	45 gal	8-10" Ht., 5-6' spr., full branching

ORNAMENTAL TREES			
Chionanthus virginica	Chinese Fringe Tree	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal. full branching
Crateagus marshalli	Parsley Hawthorn	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Diospyros kaki	Japanese Persimmon	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Koelruteria bipinnata	Golden Rain Tree	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Lagerstroemia indica	Crape Myrtle	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Magnolia liliiflora	Lily Magnolia	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Magnolia soulangeana	Saucer Magnolia		10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Magnolia stellata	Star Magnolia	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Magnolia virginiana	Sweet Bay Magnolia	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., 4-6 canes, full branching
Prunus mexicano	Mexican Plum	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., full branching
Pyrus calleryana 'Aristocrat' or 'Capitol'	Flowering Pears	30 gal	10-12' Ht., 5-6' spr. 2-2½" cal., full branching

Botanical Name	Common Name	Size	Remarks, Minimum Heights, Caliper and Spread
SHRUBS			
Abelia spp.	Abelia	3-5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Anisacanthus wrightii	Hummingbird Bush	3-5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Aucuba japonica	Aucuba	5 gal	24-30" Ht., 30-42" spr., matching, full branching, 5' o.c.
Azalea indicum	Indica Azalea	5 gal	24-30" Ht., 30-42" spr., matching, full branching, 5' o.c.
Buddleis davidii	Butterfly Bush	5 gal	24-30" Ht., 30-42" spr., matching, full branching, 5' o.c.
Buxus spp.	Boxwood	3-5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Callistemon citrinus 'Austraflora', 'Firebrand', 'Little John', and 'Splendens'	Dwarf Bottlebrush	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Callicarpa Americana	American Beauty Berry	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Camellia supp.	Camellia	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Cassia corymbosa	Flowery Senna	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Chaenomeles japonica	Flowering Quince	3-5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Clyera japonica	Japanese Cleyera	5 gal	24-30" Ht., 18-24" spr., matching, full branching
Elaeagnus macrophylla	Elaeagnus Ebbeningei	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Eleagnus fruitlandi	Silverberry	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.
Eryobotrya japonica	Loquat	5 gal	24-30" Ht., 18-24" spr., matching, full branching, 36" o.c.

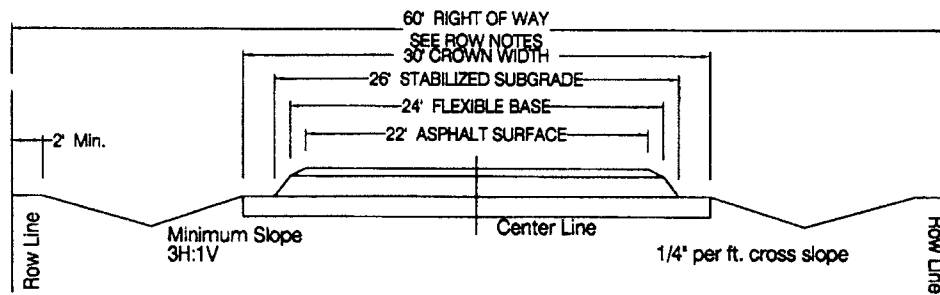
APPENDIX DD

EXTRATERRITORIAL JURISDICTION EXEMPTION PLAT NOTE

This subdivision is within the ETJ of City. This subdivision is exempt from the City of _____'s ETJ requirements pursuant to Texas Local Government Code, Chapter 212.004. (Applicable to proposed subdivisions that meet the criteria for exemption from a municipality's ordinances as outlined in the Texas Local Government Code.)

APPENDIX EE

TYPICAL ROADWAY SECTION



TYPICAL ROADWAY SECTION

GENERAL NOTES:

1. All item numbers refer to TxDot STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES.
2. Asphaltic Surfacing - Item 340, Type "D". Minimum thickness = 2 1/2 inches.
3. Flexible Base - Item 247 Type A, B or C, Grade 1. Minimum thickness = 8 inches.
4. Treated Subgrade - Item 260, Minimum lime content 6% by weight. Minimum thickness = 8 inches.
5. All construction shall comply with the applicable TxDot Standards.

RIGHT OF WAY NOTES:

1. Minimum right-of-way width = 60. FT.
2. Additional width may be required dependant on ditch depth to maintain 3:1 front slope, and back slope.

Contact Fort Bend County Engineering for specific requirements.

NOTE: The above typical section is the minimum acceptable pavement section. All pavement sections must be supported by geotechnical investigations and calculation of the required pavement section according to accepted pavement design practices.

TYPICAL ROADWAY SECTION	Approved: 5-2-02	
	Approved By: L. Hood	
	Date Drawn: 5-2-02	Drawing No.
	Drawn By: Lynda Brdecka	FBC-077
FORT BEND COUNTY ENGINEERING DEPARTMENT		