

**COUNTY OF FALLS  
SUBDIVISION REGULATIONS**

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**PART 1                      GENERAL PROVISIONS**

**101. Title:** This law, in accordance with the authority granted by the Legislature of the State of Texas in Article 6702-1, Section 2.401 and 2.402, of the Revised Civil Statutes; as well as, Section 12.002, of the Texas Property Code; shall be known and may be cited as the Falls County Subdivision Regulations.

**102. Purpose:** The regulations contained herein are intended to protect the health, safety, and welfare of the citizens of Falls County. These regulations have been adopted to: (1) provide minimum standards by which land may be subdivided and developed for the benefit of the citizens of Falls County; (2) provide developers with guidance and assistance in the expedient preparation and approval of the plat; and (3) prevent the citizens of Falls County from being burdened with the maintenance of substandard streets or roads.

**103. Jurisdiction:** These regulations apply to the owner or owners of any tract of land situated outside of the jurisdiction of any incorporated town or city in Falls County, Texas, and who may hereafter divide the same into two (2) or more parts, any part of which is less than ten (10) acres in size, for the purpose of sale, rental, lease or building development.

These regulations are not intended to prohibit or to be applied to testamentary land divisions, or the division of land as a result of the dissolution of a corporation or partnership. These regulations apply to the subdivision of land into lots for rental purposes, including mobile home parks and other similar land uses.

**104. Definitions:**

1. **Block:** A parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof. The County Engineer serves as the County's authority as to the determination of questions regarding the limits or extent of a block.
2. **Building or Setback Line:** A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way.
3. **Commissioners' Court:** The Commissioners' Court of Falls County.
4. **County:** Falls County
5. **County Engineer:** The County Engineer of Falls County.
6. **County Judge:** The County Judge of Falls County.
7. **County Road:** See the definition of "Street".
8. **Easement:** A right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.
9. **AASHTO:** American Association of State Highway and Transportation Officials, an organization that publishes various roadway design standards.
10. **Flood Plain:** That area subject to inundation by flood, having a one percent probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Falls County Engineer and the Flood Insurance Study for Falls County provided by the Federal Emergency Management Agency (F.E.M.A.)

11. **Floodway:** The channel and adjacent areas of water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100 year flood plain elevation more than one (1) foot. The floodway will be defined by the Falls County Engineer and Floodway Maps provided in the aforementioned Flood Insurance Study.
12. **Geometric Design Standards:** The minimum allowable engineering geometric standards used by the County Engineer which affect the functional traffic level operation, service and safety of highways, the roads and streets in Falls County.
13. **Homeowners Association:** A formal nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as the maintenance of common property, and (c) the charge if unpaid becomes a lien against the nonpaying member's property.
14. **Lot:** Any plot of land occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, and having its principal frontage on a street. All lots shall have a minimum size of 1 acre and have a minimum road frontage of 100 feet unless served by a central sewer system.
15. **Mobile Home/Manufactured Housing Parks:** Mobile Home Parks are those where the lots or spaces are exclusively rental areas and title or ownership of the lots or spaces is retained in the name of the original owner or developer or his assignees.
- A. Street, drainage, water and wastewater systems in mobile Home Parks are subject to these requirements.
  - B. Mobile Home Parks are subject to these regulations except the County does not accept maintenance responsibility for roads.
  - C. Tracts of land or lots subdivided and sold for establishment of homes, either permanent or mobile, or both, pursuant to the provisions of Article 6702-1 V.A.C.S., as amended, are subject to these Subdivision Regulations. (The transfer of title of one or more lots or units, but less than the whole, of any tract will cause these Subdivision Regulations to become applicable.)
16. **Plat:** A map of a tract of land which represents the plan for the development of a subdivision.
- A. **Proposed Preliminary Plat:** A map of a proposed land subdivision showing the character and promised layout of the tract in sufficient detail to indicate the suitability of the proposed development.
  - B. **Final Plat:** A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other important information.
  - C. **Minor Plat:** A minor plat may be used in some circumstances in lieu of a full preliminary plat and final plat.
17. **Resubdivision:** The redesign of an existing subdivision, together with any changes of lot size therein or the relocation of any street lines or lot lines.
18. **Roadway:** That portion of any street or road, between curbs or shoulders, designated for vehicular traffic.



19. **Street:** Any public thoroughfare which affords the principal means of access between various land use activities.

A. **Primary Arterial:** An expressway, freeway, or thoroughfare whose function is the movement of traffic, beyond the limits of the Subdivision.

B. **Secondary Arterial:** A primary thoroughfare whose predominate function is the movement of traffic but which provides more access than normally associated with a primary arterial.

C. **Collector Street:** A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterials.

D. **Local Street:** A Neighborhood or minor street purpose is to provide access to abutting properties.

**Cul-de-Sac:** A local street having one end open to vehicular traffic and have one closed end terminated by a turnaround.

**Frontage or Service Road:** A collector or local street generally parallel to and adjacent to arterials, which provides access to abutting properties and protection from through traffic.

20. **Subdivider or Developer:** Any person, partnership, firm association, corporation (or combination thereof), or any officer, agent employee, servant or trustee thereof, who performs or participated in the performing of any act toward the subdivision of land, within the intent, scope and purview of these regulations.

21. **Subdivision:** The division of a tract or parcel of land into two (2) or more parts for the purpose of layout out lots, streets, and other land uses, for purchase, rent, lease, or use by members of the public.

22. **Texas Department of Transportation:** This refers to the Texas Standard Specifications for Construction of Highways, Streets and Bridges, Adopted by the Texas Department of Transportation on September 1, 1982. Copies of these specifications may be reviewed in the County Engineer's Office, or may be purchased from the Texas Department of Transportation, Austin, Texas.

23. **Thoroughfare Plan:** The Falls County Thoroughfare Plan is the official plan for the physical development of highways, roads, and streets in Falls County.

24. **Vacate:** To annul or cancel a subdivision plat, street, or easement.

25. **Variance:** A form of relief granted to a subdivider by the Commissioners Court, and granted on the basis of the following criteria:

A. The existence of circumstances or conditions affecting the subdivider's property in such a way that the strict application of these regulations would deprive the subdivider of the reasonable use of his/her land; and

B. The subdivider's offer of evidence that the grant of a variance is absolutely necessary for the preservation and enjoyment of his/her property rights; and

C. The subdivider's offer of evidence that the variance will not be detrimental to the health, safety, and general welfare or real property in Falls County; and

D. That the grant of a variance will not be simply a matter of convenience or expedience but is founded on the principals of reasonableness and substantial justice.

## PART 2

## PROCEDURES & PLATTING

### 201. PROCEDURES:

1. The following procedure shall be followed by the Subdivider in order to secure approval of a subdivision by the Falls County Commissioners Court.

#### A. Preliminary Plat Approval:

- (1) Ten (10) copies of the preliminary plat, the final plat, and four (4) copies of construction plans for all proposed improvements shall be transmitted to the County Engineer for review and submission to the Commissioners Court.
- (2) One copy of the Plat and plans as approved, or marked to show the changes necessary for approval, will be returned to the Subdivider.
- (3) A preliminary plat which has been reviewed by the Commissioners Court and altered at their direction will not be approved until such changes have been agreed to, in writing, by the applicant.
- (4) Approval of the preliminary plat by the Commissioners Court will indicate their approval for final platting and construction plans, but will not constitute approval for recording, or for the sale of property in the subdivision.

#### B. Final Plat Approval:

- (1) After completion in accordance with approved construction plans of drainage, roads, streets, alleys, parks, and other portions intended for public use, or the use of purchasers and owners of lots fronting thereon or adjacent thereto, a final plat shall be prepared and four (4) copies submitted to the County Engineer (three (3) blue prints and a mylar).
- (2) The County Engineer, or other person designated by the Commissioners Court, will review the location and layout on the ground and, if found to be satisfactory, present the final plat to the Commissioners Court and will certify that the requirements of Subchapter E, Article 6702-1 V.A.C.S., as amended, have been complied with.
- (3) Upon approval by the Commissioners Court, three copies (including the mylar) of the final plat will be returned to the Subdivider.
- (4) Subdivider may then file plat for record with the County Clerk of Falls County.

#### C. Minor Plat Approval:

A minor plat may be used in some circumstances in lieu of a full preliminary plat and final plat.

2. The following alternate procedure may, solely at Subdivider's election, be followed by Subdivider who desires approval of and permission to file final plat prior to the complete construction of roads and streets in the subdivision:

Final plat complying with Section 204 of these regulations shall be transmitted to the County Engineer for review and submission to the Commissioners Court for approval.

- (1) A Performance bond in the amount of the actual cost of roadway and drainage construction shall be provided to Falls County by the Developer. This cost shall be determined by the Subdivider awarding a firm bonded contract to a reputable contractor skilled in the performance of such work. A copy of the contract and a performance bond, in favor of Falls County, shall be submitted with the final plat. If Subdivider does not have a firm cost contract, the bond shall be in an amount determined by the Falls County Engineer as adequate for completion of all construction.
- (2) The maintenance bond required by Section 206 shall be for a term of two (2) years from the date of acceptance of the completed roadways by the County Engineer.

- (3) The acceptance of the roadways after completion shall be by the County Engineer, and shall be in writing.

**202. Concept Plan:** Prior to the submission of a preliminary plat of the subdivision of land within the jurisdiction of Falls County, a Subdivider may submit a Concept Plan to the Falls County Engineer. The Concept Plan serves the purpose of showing an intent to subdivide, and it gives the subdivider an opportunity to discuss general concepts, details, policies, laws, etc., at an early stage in the development process.

The Concept Plan should contain the following information:

1. The location of the tract in relation to the surrounding area.
2. The approximate location of all existing structures within the tract.
3. The names of the owners of all property adjoining the tract as disclosed by the most recent assessor's records.
4. All existing streets, roads, wet and dry weather water courses, and other significant physical features both within the tract and within two hundred (200) feet of it.
5. The approximate location of proposed streets and property lines.
6. The direction of and the approximate distances to the nearest schools.
7. The direction of and the approximate distances to the nearest shopping areas.
8. A north arrow and a graphic scale.
9. The direction of and the approximate distance(s) to the nearest major street intersection(s).

The Falls County Engineer must review the Concept Plan as soon as practical and must report to the Subdivider his/her opinion as to the merits and general feasibility of the project.

**203. Preliminary Plat:** The Subdivider must prepare a preliminary plat and submit three (3) copies of it to the Falls County Engineer. The plat must be submitted at least 60 days before the meeting at which the approval of the Falls County Commissioners Court is requested. The preliminary plat will remain valid for twelve (12) months from the date of approval, after which, it will be automatically null and void. The preliminary plat must show the following information:

1. **Subdivision Name:** The proposed name of the subdivision. The name must not duplicate and be easily confused with other subdivisions located in Falls County.
2. **Subdivision Ownership:** The names, addresses and telephone numbers of the Owner(s) of the proposed subdivision and the name, address and telephone number of the Engineer, and/or Surveyor responsible for the preparation of the preliminary plat.
3. **Location and Boundary Lines:** The Vicinity or Project location of the proposed subdivision, together with the boundary lines and their relation to an original corner of the original survey. The preliminary plat shall address all of the property owned or controlled at the proposed subdivision location.
4. **Lot, Block and Street Layout:** The Location and width of existing and proposed streets, roads, lots, blocks, alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one-hundred (100) feet, and how the streets, in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The acreage of the proposed subdivision must be shown on the plat.
5. **Drainage and Topography:** The preliminary plat must show the drainage plan, the physical features of the property, including water courses, the one-hundred (100) year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance to lot and street layout, prepared by a professional engineer who is registered in the State of Texas. Stormwater drainage facilities must be designed so as to minimize any increase in the quantity

or velocity of stormwater runoff from the subdivision. When requested by the Falls County Engineer, all drainage calculations will be provided for his review and inclusion in the file. The topography of the tract must be shown on the preliminary plat or (accompanying drawing) by means of contours of 2 foot intervals tied to United States Geological Survey (USGS) maps. A permanent bench mark of a design and location approved by the County Engineer must be located in the Subdivision and the location and the elevation noted on the plat. Contours of lesser intervals may be required by the County Engineer to determine topography and drainage.

6. **Land Use:** Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial, or public use. This information must contain the location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.
7. **Utility Service:** The Subdivider must submit a plan for providing utility service within the proposed subdivision and must clearly present it on the Preliminary Plat or accompanying drawings. The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All water supplies must comply with 3204.4. The plan for sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. If the Subdivider intends that each lot purchaser will provide private sewage facilities to his/her own lot, the Subdivider must comply with 204.5.
8. **Notifications:** Notifications on a Preliminary Plat shall include:
  - a.) Preliminary plat for inspection purposes only. Not for recordation. Not for use in construction improvements.
  - b.) NOTE: Approval of this preliminary plat does not approve or disapprove any land use now or in the future or guarantee availability or adequacy of water supply or sewage transportation, treatment or disposal.
  - c.) The following certificate shall be placed on the plat in a similar manner that will allow the filling in of the certificate by the proper party:

Approved by the Falls County Commissioners Court on the \_\_\_\_\_ day of \_\_\_\_\_  
A.D., 19\_\_\_\_.

\_\_\_\_\_  
County Judge

ATTEST: \_\_\_\_\_  
Commissioner

9. **Drawing Requirements:** The Preliminary Plat must show the North point, scale and date. It must be drawn to a scale of 1" = 100' unless otherwise approved. The plat and all accompanying drawings shall be drawn on standard size sheets. The proposed Preliminary Plat or accompanying drawings must also depict the proposed road section from right-of-way to right-of-way, including ditches, subgrade, base, and type and width of paving. (See Section 303 for minimum requirements.)

10. The developer will obtain a Tax Certificate from the Falls County Appraisal District to show that all Ad Valorem Taxes, current and prior years, have been paid.

11. **Subdivisions within Extraterritorial Jurisdictions:** If the location of the proposed subdivision is within the extraterritorial jurisdiction of any city or town within Falls County, Texas, the preliminary plat must be approved by the governing body of that jurisdiction prior to the submission of



the Preliminary Plat to the Commissioner Court. Where the subdivision lies within the jurisdiction of both Falls County and the town or city, the more stringent of the regulations will apply.

12. **Approval Procedure:** If the Commissioners Court does not approve, disapprove, or ask for clarification of the Preliminary Plat within thirty (30) days of the date of the initial meeting for the consideration of the Preliminary Plat, it will be deemed approved and so endorsed by the Commissioners Court. Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the final plat, and construction of the roads, drainage features/structures and utilities. No plat will be filed at the County Clerk's office.

204. **Final Plat:** After the preliminary plat has been approved by the Commissioners Court and the final plat and all Construction approved and accepted by the Falls County Engineer, a final plat for recording must be prepared and submitted to the Falls County Engineer. The plat shall be submitted at least 60 days prior to the Commissioners Court meeting at which Court approval is requested. The final plat must show all of the information required on the Preliminary Plat. Additionally, the Final Plat must show the following:

1. **Drawings, Location and Accuracy:** Location of lots, streets, roads, public highways, utility easements, parks, one-hundred (100) year flood plain boundaries and source of flood plain information, and other pertinent features, must be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii and angle of all curves and with all other information necessary to duplicate the Final Plat on the ground.

The numbers of lots and blocks and the names of streets (as approved by the County Engineer). All survey monuments and permanent bench mark shall be shown on the plat. The location of building lines on all streets, and drainage easements, other public rights-of-way or future rights-of-way must be shown on the Final Plat.

The Final Plat must show the North point, scale and date. It must be drawn to a scale of 1" = 100' unless otherwise approved by the Falls County Engineer. The plat and all accompanying drawings shall be drawn on standard size sheets of 24" by 36". Construction plan/profile drawings for road/street construction will be drawn to scale of 1" = 40' horizontal and 1" = 4' vertical (unless otherwise approved by the County Engineer.) Road/Street profiles will be shown in at least the following points: Natural and proposed grades at centerline; flow line of drainage ditches (left and right); elevation of right-of-way line (when deemed necessary by the County Engineer due to variations in topography). The proposed Preliminary Plat or accompanying drawings must also depict the proposed road section from right-of-way to right-of-way, including ditches, subgrade, base, and type and width of paving. (See Section 303 for minimum requirements.)

2. **Certification and Dedication of the Owner(s):** Certification must be provided by the Owner of his dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by the Owner. This must be a separate document from the plat, but may be included on the plat also.

3. **Certification by a Registered Public Land Surveyor:** Certification must be provided by a Registered Public Land Surveyor that the plat correctly represents a survey made by him/her, and that all of the lot corners and boundary markers are correctly placed as shown thereon; including dimensions, bearings and other technical information needed for platting each lot on the subdivision.

4. **Certification of Water System:** Certification must be provided by the Subdivider which certifies that the proposed water supply and distribution system are adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision. The county engineer will review this information for approval. Water systems must comply with minimum TNRCC standards. All improvements must be designed and built as part of the subdivision process (approved, bonded, etc.). If private wells are proposed for use on each lot, evidence of compliance with the Texas Well Drillers Act and TNRCC requirements must be provided.

5. **Certification of Wastewater System:** Certification must be provided by the Subdivider which certifies that the proposed system is adequate to provide service in sufficient quality wastewater treatment and collector, quantity, and to serve the proposed subdivision. The county engineer will review this information for approval. Wastewater systems must comply with minimum TNRCC standards. All improvements must be designed and built as part of the subdivision process (approved, bonded, etc.).

6. **On-Site Sanitary Facilities (Septic Tanks):** In subdivisions which are not served by wastewater systems, all the requirements of the latest TNRCC rules and regulations must be met. In addition, in the Preliminary Plat Phase, soils tests by a licensed soil testing firm must be provided to indicate for planning purposes the required lot size for on-site waste disposal. Lots to be served by on-site wastewater disposal facilities shall be at least 100 feet wide and 1 acre in size.

7. **Certification and Approval by City:** Certification must be provided by appropriate representatives of any city having extraterritorial jurisdiction over the area in which the subdivision is located.

8. **Certificate of Approval by the Falls County Commissioners Court, as follows, shall be shown on the plat:**

I hereby certify this plat was approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the Falls County Commissioners Court, and may be filed for record in the Deed Records of Falls County by the County Clerk.

\_\_\_\_\_  
County Judge

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

8. **A Corporate Surety Maintenance Bond:** Guaranteeing maintenance of the roads or streets for two (2) years shall be provided to Falls County. (See Section 206 for details of maintenance bond requirements.)

**205. Approval by Commissioners Court:** After examining the Final Plat, the Commissioners Court must approve or disapprove the Final Plat. If the plat is disapproved, it must be returned to the Owner and the reasons for the disapproval must be given to the Subdivider. If the Final Plat is approved by the Commissioners Court, the Subdivider is responsible for the filing of proper documents and plats with the Falls County Clerk.

**206. Minor Subdivision Plats:**

1. **Conditions for consideration.**

The Falls County Commissioners Court may approve a minor subdivision plat, without prior approval of a Preliminary Plat, when the land proposed to be subdivided or resubdivided meets all of the following conditions:

- 1) The plat will only be used to create a maximum of five (5) lots consisting of not more than five (5) acres from any tracts or parcels of land.

2) Lots abut on a street or road of adequate width and right-of-way and are so situated such that no additional streets, alleys, and/or easements are required in order to meet the requirements of this ordinance.

3) Required easements for utilities, drainage, and any other improvement as found in this chapter shall be provided. If proper provisions for any required utility, drainage, and any other improvement as found in this chapter cannot be made, the plat shall be disapproved.

4) The topography of the tract and surrounding lands is such that no regard need be given in such subdivision to drainage, or where drainage facilities are required, arrangements have been made for the construction of such facilities.

## **2. Application.**

The subdivider shall file for minor subdivision plat approval not less than 60 days prior to the regular meeting at which the Falls County Commissioners Court shall consider the minor subdivision plat. Such application shall include the following:

The required number of blue line prints of the plat, the certifications, and the drawing requirements are the same as for the Final Plat approval (201.1.B)

## **3. Processing.**

a) The County Commissioners Court shall review the minor subdivision plat to see if it conforms to information on the previously filed plat which is not being subdivided, resubdivided or amended and check all changes and modifications for compliance with regulations set up by this Ordinance.

b) Within 60 days after the formal application of the plat has been filed with the County, the County Commissioners Court shall approve, approve with modifications or disapprove such plat.

c) If the plat is disapproved, the County Commissioners Court shall inform the subdivider of the reasons at the time such action is taken.

d) After minor subdivision plat approval has been given by the County Commissioners Court, and the subdivider has met all requirements of this Ordinance (if any additional improvements are created by the development), the County Commissioners Court shall cause the final plat to be recorded with the county clerk. The original thereof and the required number of blue line prints, recording fees for the plat and/or deed restrictions shall be furnished to the County Commissioners Court. The County Commissioners Court shall then cause same to be delivered with the plat and/or deed restrictions to the county clerk.

## **206. Maintenance Guarantees:**

1. Acceptance of streets and other improvements must be evidenced by an instrument signed by the Falls County Engineer. In the case of a subdivision within the extraterritorial jurisdiction of a city, a certificate from the appropriate City Engineer may be submitted and acceptance of streets and other improvements may be based thereon.

2. If the Subdivider has posted security for construction prior to the filing of the Final Plat such acceptance will clear the plat for final approval by the Commissioners Court and filing of the Final Plat with the office of the Falls county Clerk.

3. No acceptance letter will be issued by the Falls County Engineer until the Subdivider has submitted a Maintenance Bond.



4. The Subdivider will be responsible for the maintenance of all streets, rights-of-way, and other improvements within the subdivision for a period of not less than two (2) years after the subdivision's Final Plat has been accepted.

5. In order to insure adequate maintenance, each Subdivider must, prior to acceptance by Falls County of the streets and other improvements, file a Maintenance Bond, executed by a surety company authorized to do business in the State of Texas, payable to the County Judge of Falls County, in amount determined as follows:

A. Paved streets with curbs

Ten (10%) percent of the amount of the Construction Bond or the estimated cost of construction.

Paved streets without curbs

Twenty (20%) percent of the amount of the Construction Bond or the estimated or the estimated cost of construction.

6. The Maintenance Bond must guarantee to the satisfaction of the Commissioners Court and the Falls County Engineer, that all of the streets shown on the Final Plat are in a good state of repair and will remain in a good state of repair for a period of not less than two (2) years from the date of acceptance of the Final Plat.

7. At the Subdivider's option, he/she may deposit with the Falls County Clerk, cash or a cashier's check in an amount equal to the face value of the maintenance bond specified above, or provide an irrevocable letter of credit drawn upon a bank licensed to do business in the State of Texas in lieu of the maintenance bond. Such funds will be held by Falls County for a period of two (2) years. Such funds may be used during this period for costs of such maintenance as the Subdivider, after written notice, fails or refuses to perform.

After the expiration of two (2) years, such cash deposit, or the unexpended balance thereof, will be refunded to the Subdivider.

8. Periodic inspection of all of the streets and street drainage facilities accepted by Falls County will be made during the period of liability covered by the Maintenance Bond. In the event any or all of the streets and drainage facilities are not being maintained in a good state of repair, the owner will be so advised in writing. If, after a reasonable time he/she fails to properly maintain the streets and drainage facilities, funds from the bond, letter of credit, or cash deposit will be used for such maintenance.

9. Two (2) years after acceptance of the final plat, if such streets and other improvements are in good repair, Falls County will accept such streets and other improvements for maintenance.

10. The Falls County Clerk is authorized to release the County's claim toward bond, trust or guaranteed account funds when the Commissioners Court certifies that the subdivision has been constructed in accordance with the Final Plat.

**207. Vacation of a Subdivision:** Whenever any person or corporation may desire to vacate any subdivision or a part of a subdivision in which the person or corporation has an ownership interest, the party(s) may petition the Falls County Commissioners Court. The petition must contain a description of the subdivision to be vacated and the names of persons who would be affected by the action. Petitions for the vacation of a subdivision must be submitted to the Falls County Clerk. The County Clerk must publish the proposed vacation in a newspaper of general circulation for a period of not less than thirty (30) days prior to the public hearing at which the vacation will be considered. Upon approving the vacation of all or a part of a subdivision, the Commissioners Court must issue a written statement to the Falls County Clerk to vacate same.

**208. Replatting:** In order for a subdivision to be replatted, it must first be vacated. Replatting of a subdivision must follow the same procedures as described in Sections 201 and 207 of this Part of this Ordinance.

**PART 3                      DESIGN STANDARDS**  
**AND**  
**REQUIRED IMPROVEMENTS**

**301. Streets and Lots:** All Plats submitted for approval in Falls County must clearly show the location of all lots, streets, roads, and utility easements, drawn to scale, together with accurate dimensions in feet and decimals of feet with bearings, curve data and other information necessary to duplicate the subdivision as it will be constructed. Building lines must be no less than twenty-five (25) feet from all dedicated streets and roads. Utility easements must be located and dedicated in widths sufficient to serve the subdivision. All streets must be constructed in accordance with specifications adopted by the Commissioners Court and available from the Falls County Engineer.

**302. Required Improvements:**

1. **Design of Improvements:** All improvements must be designed according to generally accepted engineering standards subject to the approval of the Commissioners Court upon the recommendation of the Falls County Engineer.

2. **Iron Markers:** All lot corners, street right-of-way lines, and utility easement boundaries must be marked with iron pins driven into the ground and protected during construction.

3. **Interior Streets:** Streets within the Subdivision must be constructed by the developer.

4. **Perimeter Streets:** Where the Subdivision affects a County road, the Commissioners Court shall determine the minimum right-of-way width which will be necessary. This right-of-way requirement may be as wide as 120 feet if the county road is a potential major artery. Where the Subdivision affects only one side of a County road, adequate right-of-way shall be provided for one half the additional width to provide right-of-way as prescribed by the Commissioners Court. Where the development is on both sides of the existing County road, right-of-way for the total prescribed width shall be provided. Any improvements proposed by the developer for existing County roads shall be:

- A. Made according to the minimum regulations for streets or roads.
- B. Approved by the Commissioners Court in writing prior to the construction of such improvements.
- C. Equal to, or better than, the existing road, in the sole judgement of the Commissioners Court of Falls County.

**303. Minimum Requirements:**

1. **Primary Arterial:** The design parameters for this classification of street shall be determined on a case basis, taking into account all relevant factors. The ultimate design will be as determined by the County Engineer and approved by the Commissioners Court.

2. **Secondary Arterial:**

Minimum ROW.....	80'
Minimum crown of roadway.....	36'
Minimum section if curbed (face to face of curbs).....	36'
Minimum compacted depth of base material.....	10"

Minimum ditch depth (below subgrade at shoulder).....	12"
Minimum pavement width.....	24'
Maximum allowable grade.....	9%
Minimum repetitions of 18,000 lb. Axle load in 20 yr. design life..	150,000

3. **Collector:**

Minimum ROW.....	60'
Minimum crown of roadway.....	30'
Minimum section if curbed (face to face of curbs).....	30'
Minimum compacted depth of base material.....	8"
Minimum pavement width.....	24'
Minimum allowable grade.....	9%
Minimum repetitions of 18,000 lb. Axle load in 20yr. Design Life....	60,000

4. **Local Street or Road:**

Minimum ROW.....	60'
Minimum crown of roadway.....	26'
Minimum section if curbed (face to face of curbs).....	30'
Minimum compacted depth of base material.....	8"
Minimum ditch depth (below subgrade at shoulder).....	12'
Minimum pavement width.....	24"
Maximum allowable grade.....	10%
Minimum repetitions of 18,000 lb. Axle load in 20 yr. Design Life....	15,000

5. **Cross Streets and Dead End Streets:** Cross streets shall be provided at a maximum spacing of 1,500' to facilitate the movement of emergency vehicles.

Dead End streets which may subsequently be developed may remain as dead end streets but must be extended to the subdivision property line. Dead End streets which will remain as dead end streets shall end on a cul-de-sac with a minimum right-of-way of 50' radius, and a pavement width of 35' radius.

**304.** The construction standards established for roads in Falls County by Section 303 are minimums, and will only be applicable to construction of roads for certain subgrade and drainage conditions.

The developer or his engineer will contract with a recognized soils laboratory to conduct sufficient testing of the natural, in place soils to determine the minimum street/pavement design for a particular set of roads in a proposed subdivision. One copy of the report from the soils laboratory will be furnished to the County Engineer, said report to be signed and sealed by a Registered Professional Engineer, registered in the State of Texas. This recommended street/pavement design will take into account the existing soil conditions as well as expected traffic conditions for a Twenty (20) year design life. There will be a minimum of 3 test holes, or one per 1000', whichever is greater. The current AASHTO computer program, or other roadway thickness designs produce acceptable to the county engineer shall be used for pavement section design.

**305.** In addition to construction of all roads in accordance with the Falls County established standards, any and all street name signs will be paid for by the developer prior to final acceptance of the roads. (This includes road names and all traffic control devices). Also, requirements for guard rail, reflective markers or delineators (as determined by the County Engineer) will be paid for by the developer.

**306. Right-of-Way:** The minimum right-of-way indicated in Paragraph 1, above, is considered adequate for streets with curb and gutter (most conditions) and streets without curb and gutter under ideal conditions. The minimum acceptable right-of-way on all streets and roads will be dependent upon the width of pavement, shoulders, drainage ditches, and amount of cut or fill involved in the design.

**307. Drainage:**

1. All drains, drainage structures, and appurtenances shall be designed by a person authorized to practice the profession of engineering under the provisions of the Texas Engineering Registration Act, and Amendments thereto.

2. Drainage calculations shall be made using the Rational Method for determining storm water run-off and Manning's Equation for ditch and pipe capacities or by other accepted methods approved by the County Engineer.

A. Drainage for arterial streets or roads shall be designed for a minimum of 10 year frequency.

B. Drainage for minor streets or roads shall be designed for a minimum of 5 year frequency.

3. All data and calculations shall be presented to the County Engineer.

4. All roads and streets shall have ditches which are a minimum depth of 12" below the shoulder of the subgrade. **Greater depths shall be provided as required to accommodate the design flows.**

5. All drains, drainage structures, and appurtenances shall be inspected and approved in writing, by the County Engineer or other person designated by the Commissioners Court, prior to acceptance of the subgrade and prior to the placement of any base material on the subgrade.

6. Construction of subdivisions with streets and drainage facilities often causes the "diversion" of natural drainage. In these cases, easements from downstream landowners, or on-site detention will be required.

7. All plats shall contain a certificate by the design engineer as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, \_\_\_\_\_, do hereby certify that I prepared all drainage calculations and designed all drains and appurtenances in accordance with the Falls County Subdivision Regulations.

Seal of Design Engineer:

Signed \_\_\_\_\_

**308. Subgrade:**

1. Roads and streets shall be constructed and conform to the requirements of the Texas State Department of Highways and Public Transportation 1982 Standard Specification for Construction of Highways, Streets, and Bridges.

2. Subgrades shall be constructed and finished with a minimum density of 90% of standard proctor for in place materials or as specified in the pavement report prepared by a soils lab.

3. Test reports showing density compliance, from a certified testing laboratory, shall be submitted to the County Engineer. Minimum tests made and submitted shall be one for each 2000 square yards of roadway crown surface with a minimum of one report per project (if deemed sufficient by the County Engineer or his designated representative). Such tests shall be by and at the expense of the subdivider. Additional testing may be required and, if necessary, will be made at the direction of the County Engineer and cost thereof paid by the subdivider.

4. The subgrade shall be inspected and approved, in writing, by the County Engineer, or his designated representative, prior to the placement of any base on subject grade.



**309. Base Material:**

1. All Roads and Streets shall receive base material in the minimum amounts shown in Section 303 or as specified in the pavement report prepared by a soils lab.
2. Subbase must be approved, in writing, before the placement of any base material.
3. Roadway base material shall conform to the requirements of the Texas Highway Department Item 248, Type A, Grade 2 Flexible Base.

**Retained on Square Sieve (%)**

**Sieve**

0-10  
45-75  
60-85

1-3/4"  
# 4  
# 40

Max. Liquid Limit (L.L.) = 40  
Max. Plasticity Index (P.I.) = 12  
Triaxial Class: 1 to 2.3

(NOTE: Tests certifying that the base material meets these specifications must be submitted prior to application of the material to the subgrade.)

4. Construction Methods: Crushed stone flexible base material shall be placed in uniform courses with the compacted thickness of a course to be no more than 6 inches or less than 3 inches. The material shall be dumped, spread, mixed, windrowed, watered and other operations necessary to produce a uniformly blended mixture of the desired course thickness, moisture condition and gradation. Shaping of the blended mixture to the required grade and line shall be accomplished by suitable equipment to obtain a minimum density of 95% of AASHTO T180-61 (Standard Proctor). Moisture content shall be maintained near optimum during compaction. Soft spots that develop during compaction will be removed and replaced to the required density. Areas that show evidence of segregation shall be replaced before the compaction of the course is completed. The same procedures shall be used in the construction of each course.

5. Test reports showing base material compliance, from a certified testing laboratory, shall be submitted to the County Engineer. Minimum tests made and submitted shall be one for each 1500 square yards of base material placed, with a minimum of one per project. Such test shall be made by and at the expense of Falls County.

6. Compliance test reports shall be submitted prior to request for inspection of completed base.

7. Completed base shall be inspected and approved, in writing, by the County Engineer or his designated representative, prior to placement of any pavement.

**310. Pavement:**

1. All roads and streets shall be paved with one of the following three types and shall conform to the requirements for the respective type used.

**A. Concrete Pavement**

Concrete pavement shall have a minimum thickness of 6" and a minimum compressive strength of 3,000 lbs. At 28 days. When concrete pavement is to be used, a complete design of the pavement, including but not limited to, all materials, joints, reinforcing, and construction methods, procedures, and designs shall be submitted to the County Engineer for approval. Approval shall be in writing before construction commences.

**B. Hot Mix Asphaltic Concrete Pavement**

Compacted depth of hot mix asphaltic pavement shall be a minimum of 1-1/2 inches. Asphaltic concrete shall conform to the requirements of the Texas Highway Department Item 340, Hot Mix Asphaltic Concrete Pavement, Class A, Type D. Hot Mix asphaltic concrete pavement shall not be placed when general weather conditions, in the opinion of the County Engineer, are not suitable. Test reports showing material compliance, from a certified testing laboratory, shall be submitted to the County Engineer. Minimum tests made and submitted shall be one for each days production, or one per 1,000 tons placed, whichever is least, with a minimum of one per project. Such tests shall be made by and at the expense of the owner. Additional tests may be required. Such additional testing will be made by the County Engineer and the cost thereof will be borne by the County. Construction methods shall conform to Item 340.6 to include installation of a Prime Coat.

**C. Surface Treatment Pavement:**

Surface treatment pavement shall consist of a minimum of a prime coat and a two course surface treatment. Surface treatment type pavement shall not be applied when the air temperature is below 60 degrees F. and falling, but it may be applied when the air temperature is 50 degrees F. and rising. Surface treatment will not be applied when the temperature of the roadway surface is below 60 degrees F.

All work shall conform to requirements of the Texas Highway Department Item 310 for Prime Coats and Item 302 for aggregate and Item 322 for Surface Treatments. The type and grade of all asphaltic material and aggregate shall be approved by the County Engineer prior to application. Variations in asphaltic materials may be required due to various conditions. Certified reports showing the type, grade, and quantities used of asphaltic material and aggregates must be furnished to the County Engineer.

**(1) Prime Coat:**

Prime coat asphaltic material shall be applied at a minimum rate of 0.25 gallons per square yard.

**(2) Surface Treatment:**

Surface treatment asphaltic material shall be applied at a minimum rate of 0.3 gallons per square yard.

(a) The total asphaltic material for both the prime and surface course shall be not less than 0.6 gallons per square yard.

**(3) Cover Aggregates:**

Approved aggregate, complying with the Texas Highway Department Item 302, Types A or B, Grade 4 for cover material shall be applied at a rate of not less than 1 cubic yard per 110 square yards, per course.

**PART 4**

**ADMINISTRATION**

**401. Responsibility for Administration:** It will be the responsibility of the Falls County Engineer to serve as administrative officer for purposes of this Law.

**402. Appeals:** A person aggrieved by an action or decision of the County Engineer pertaining to this Law may, within thirty (30) days of the date of the notice of the action or decision, appeal same to the Falls County Commissioners Court. These appeals are not exclusive, but are cumulative of any other remedies at law or in equity.

**403. Amendments:** The Falls County Commissioners Court may, from time to time, adopt and amend these regulations, and the rules, procedures, and policies associated with this Law. This Law may be amended by the Commissioners Court after a public hearing in which due notice has been given to the citizens of Falls County.

**404. Validity and Repeal:** If any part, section, paragraph, clause, provision or portion of this Law is held to be invalid or unconstitutional by a court of competent jurisdiction, such a holding will not affect any other part, section, paragraph, clause, provision or portion of this Law. All ordinances or parts of ordinances of Falls County in conflict with this Law are hereby repealed.

**405. Enforcement and Penalties:**

**Civil Penalties:** Whenever it appears that a violation or the threat of a violation of any of the terms and conditions of these regulations exists, the County Engineer may institute a suit in a court of competent jurisdiction in Falls County through the Falls County Attorney's office seeking injunctive relief or other appropriate civil penalties, or both against the person(s) committing or threatening to commit the violation.

**Criminal Penalties:** A person who violates any provision of these regulations is subject to a Class B Misdemeanor which shall be punishable by a fine set by a court of competent jurisdiction. Each day that a violation exists constitutes a separate offense.

**406. Fees:**

- 1) A Filing Fee of \$25.00 will be paid to the County Clerk at the time a plat is filed for record.
- 2) Review fees will be required to be submitted with each application. If the initial review determines additional information is required, an additional review fee will be required.
- 3) Inspection fees will be required for the inspection of the construction of road and drainage facilities. Water and wastewater inspection will normally be performed by the utility.
- 4) A schedule of fee ranges is available from the County Commissioners Court.



## EXHIBIT 'D'

MINIMUM REQUIREMENTS FOR ROADS TO BE ACCEPTED  
 INTO THE FALLS COUNTY ROAD SYSTEM  
 ADOPTED BY THE COMMISSIONERS' COURT

This document is adopted by the Commissioners' Court, Falls County, as the minimum requirements to be met by land developers (or others) seeking to deed roadways to the County without submitting Subdivision Plats.

The developer (or others) shall submit to the County Road & Bridge office a sketch of the roadway layout prior to placement of gravel base in order that the County may establish contact with the project and initiate an inspection schedule. The developers (or others) shall inform the County Administrator's office of each phase of construction completion; i.e., sub grade, culvert placement, gravel base, surface course, in order that an inspection can be made prior to the beginning of the next phase of construction.

## ROADWAY DIMENSIONS

All roads shall have minimum widths between right of way lines of not less than 60 feet. The roadbed, that is the distance between tops of the inside ditch or embankment slopes, shall not be less than 30 feet. The paved portion of the roadway shall be no less than 22 feet in width and shall have a minimum of 6 inches of compacted gravel base. It shall be "feathered" down to ground level in a distance of not less than one foot. (See figure 1) Cul-de-sacs shall have a radius of 50 feet.

Ditches shall have adequate depth and width to carry run-off water. In general, they shall conform to the dimensions shown in Figure 1. The roadway shall be cleared of all obstructions for its full designated width.

## REQUIREMENTS FOR UNDERGROUND LINES

Underground lines should preferably, be placed in easements which lie outside the 60 feet right of way. When such lines are placed in the right of way, they must be buried with at least 24 inches of cover and must be within 3 feet of the right of way line.

Lines shall not be placed in the bottom of ditches or in the shoulder or in the roadway, except through a special permit issued by the Commissioners' Court. Lines crossing county roads must be no closer than 18 inches to the surface at any point, including the bottom of ditches. The County reserves the right to require encasement, when necessary.

### CONSTRUCTION FEATURES

The roadway shall be shaped to provide adequate ditches on level sides or on the up-hill side. These ditches shall be adequate to intercept and carry water to the bottom of the swag. Cross drains shall be provided at each swag in the form of concrete pipes, metal pipes, or culverts. These cross drains shall be of adequate size to carry the water under the road satisfactorily. Texas Department of Highways & Public Transportation design methods are preferred in arriving at the proper amount of opening to be employed, but Talbot design method will be accepted, provided a reasonable run-off factor is employed; however, in no case shall a cross drain be employed less than 18 inches in diameter.

The roadway shall be neatly shaped and finished in order that there is no obstruction to the free flow of water off the road.

Prior to placing gravel base on the roadway, the sub-grade soil shall be compacted to a minimum of 95% of AASHTO T-99, and when deemed necessary by the County Administrator, tests may be made by the developer (or others) to check the adequacy of compaction.

### GRAVEL BASE

Materials and construction methods for gravel base shall meet the requirements of Item 236, Grade 1, of the Texas Highway Department 1972 Standard Specifications For Construction of Highways, Streets and Bridges, with the following revisions: the maximum plasticity index shall be 15, and the minimum compaction requirements shall be 95% of AASHTO T-99, Method "D".

The developers (or others) shall submit to the County Administrator acceptable evidence in the form of valid test reports that the gravel base meets the above quality and compaction requirements. The frequency of compaction tests shall be one test for each road, or one for each 1,000 linear feet of roadway, whichever is greater.

### SINGLE COURSE SURFACE TREATMENT

The gravel base shall be paved with a single course surface treatment in accordance with requirements of Item 320, THD 1972 Standard Specifications.

The Asphaltic materials shall include both a "prime coat" of either an emulsified or a medium curing asphalt and a "surface coat" of a rapid curing asphalt in accordance with Item 203, THD 1972 Standard Specifications. The quantities to be applied shall be within limits of good road construction practices.

The aggregate for surface treatment shall meet the requirements of Item 301, Grade 4, of the THD 1972 standard specifications.



## GENERAL COMMENTS

Roads constructed in areas of frequent flooding will not be acceptable. The paved roadway (22 feet wide) area must be clear of vegetation of all kinds at the time of acceptance by the County. The entire right of way must have a neat and finished appearance, free of obstructions, and neatly mowed, if needed. The finished surface of the road shall be such that it will furnish a safe and comfortable ride at speeds up to 40 mph. In general, curves shall not be sharper than 10 degrees, and sight distances shall not be less than 275 feet.

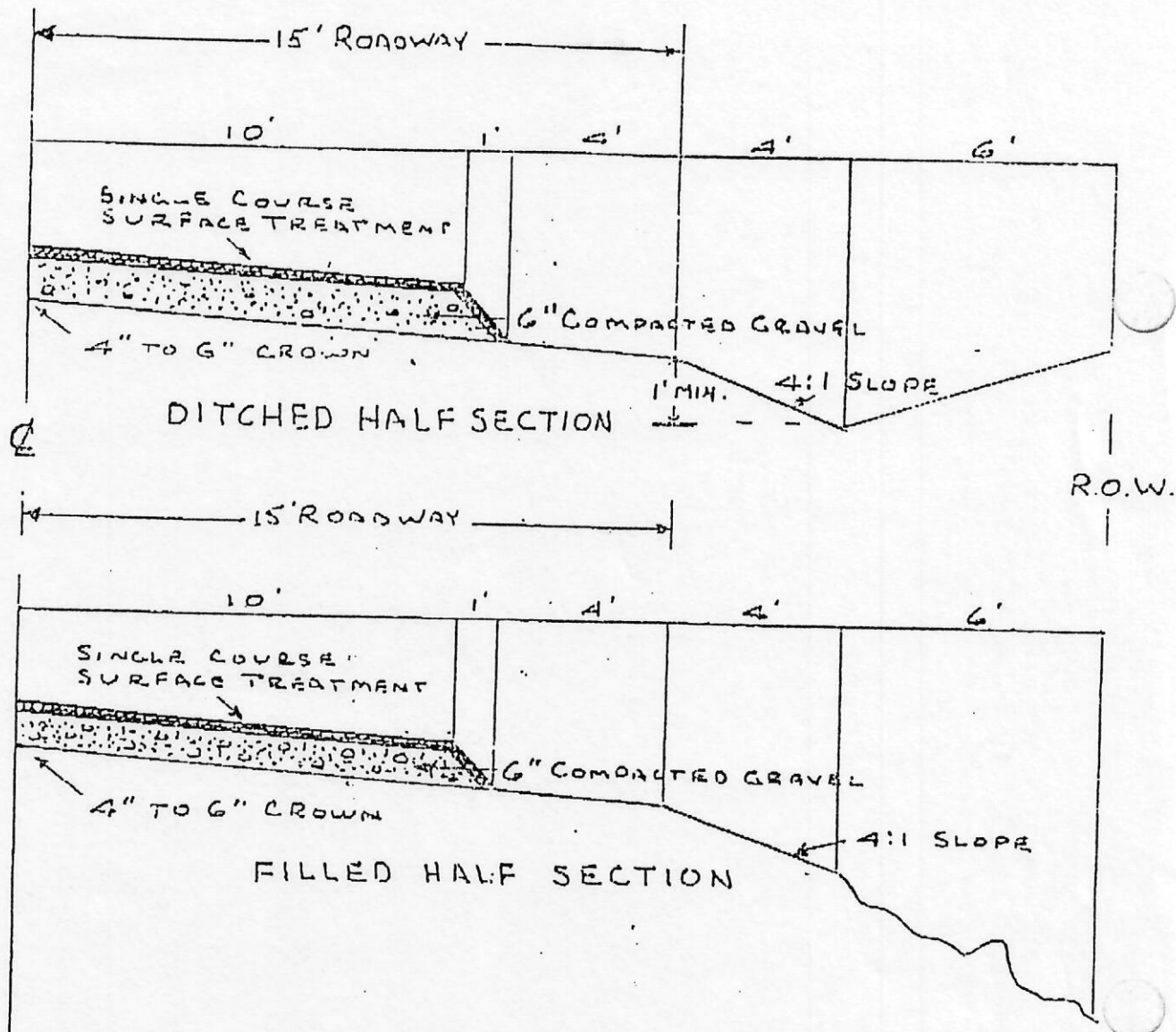
The road must not have any safety hazards such as deep ditches, ponds or trees which extend into any part of the right of way.

## ACCEPTANCE OF ROAD(S) BY THE COUNTY

Upon completion of the construction, including final inspection by the County upon completion of the construction, including final inspection by the County Administrator and / or the County Commissioner for the precinct involved, the developer (or others) shall submit the following items to the County Administrator's office:

- Sec. 1. A letter requesting that the road(s) be accepted into the County Road System;
- Sec. 2. A fee simple deed conveying the roadway land to the County;
- Sec. 3. An accurate sketch of the roadway as drawn by a surveyor or civil engineer;

## ROADWAY CROSS SECTIONS



Permissible variations (sometimes necessary because of the terrain) may be made in the above cross sections. Experienced judgment is needed to make such variations. For this and other reasons, a person knowledgeable in road building, preferably a registered civil engineer, should be employed in working up the plans for a road.

Figure I