

REEVES COUNTY SUBDIVISION REGULATIONS
2017
TABLE OF CONTENTS

ARTICLE 1. INTRODUCTION

1. Preamble and Purpose.....	4
2. General Provisions.....	5
A. Short Title.....	5
B. Jurisdiction.....	5
C. Interpretation and Purposes.....	5
D. Applicability.....	6
E. Acceptance of Dedication.....	6
3. Definitions.....	6
4. Enforcement.....	6
5. Special Provisions.....	7
6. Legal Provisions.....	7
A. Conflicting Orders.....	7
B. Severability Clause.....	7
7. Guarantee of Performance.....	7
8. Acceptance by Commissioners Court of Subdivision Streets for County Maintenance subsequent to the date of this Order Approving Plat for Filing Purposes Only.....	7
9. Exceptions to Plat Requirement.....	8
10. Chapter 245 Government Code Determinations.....	11

ARTICLE 2. GENERAL SUBDIVISION REQUIREMENTS.....13

1. Platting Procedure.....	
2. General Requirements.....	14
3. Filing Deadlines and Hearings.....	14
4. Subdivision Approval Process.....	14
5. Transmittal Materials.....	14
6. Application Materials.....	14
A. Preliminary Plat.....	14
B. Recorded Plat.....	14
7. Application Review Periods.....	15
8. Application Fees.....	16
9. Subdivisions within the ETJ of a Municipality.....	16
10. Wastewater and Development Permits.....	17
11. Privately Maintained Roads.....	17
12. Preliminary Plat.....	17
A. Shall submit a preliminary plat to Commissioners Court.....	18
B. Licensed engineer or licensed land surveyor.....	18
C. Preliminary Plat required information.....	18
D. Designation of subdivision as public or private.....	18
E. Flood Plain and Drainage Information (If adopted).....	21

F. Water, Wastewater and Utilities Information.....	21
G. Proof of Ownership.....	22
H. County Has No Liability for Water or Road Maintenance.....	22
I. Final and Record Plat.....	22
13. Approval by Commissioners Court.....	23
A. Requirements.....	23
14. Revision of Existing Subdivision Plats (REPLATS).....	23
A. Requirements.....	24
B. Application.....	24
C. Notice.....	24
D. Hearing.....	25
E. Filing.....	25
15. CANCELLATION OF SUBDIVISIONS.....	25
16. CANCELLATION OF SUBDIVISIONS PLATTED UNDER MODEL SUBDIVISION RULES.....	25
17. ALL OTHER SUBDIVISIONS.....	26

ARTICLE 3. MODEL SUBDIVISION RULES.....27

1. General and Administrative Provisions.....	27
2. Minimum Standards.....	29
3. Public Water Systems.....	29
4. Non-Public Water Systems.....	30
5. Transportation of Potable Water Prohibited.....	30
6. Organized Sewerage Facilities.....	30
7. On-Site Sewerage Facilities.....	31
8. Greywater Systems.....	31
9. Sludge Disposal.....	31
10. Other Standards (Set Backs).....	31

ARTICLE 4. DESIGN STANDARDS AND REQUIREMENTS.....32

1. General Design Principles and Objectives.....	32
2. Construction and Specifications of Roads and Drainage.....	32
3. Reeves County On-Site Sewage Facility Regulations.....	38
4. Manufactured Home Rental Communities served by central sewage.....	38
5. Exemptions and Variances.....	38
6. Additional Requirements.....	38
A. Plans.....	39
B. Inspection of Improvements.....	39
C. As-Built Plans.....	39
D. Street Improvements.....	39
E. Water Systems.....	39
F. Flood Plain and Drainage.....	39
G. Changes to Road Names.....	40
H. Obstacles to Subdividing.....	40

ARTICLE 5. OTHER PROVISIONS	40
1. Construction Bonds.....	40
2. Maintenance Bond.....	40
3. Cash Bond.....	41
4. Final Inspection.....	42
5. Penalty for Violation.....	42
6. Variance.....	43

Appendix:

A. Definitions.....	44
B. Subdivision Platting Checklist (Preliminary).....	47
C. Subdivision Platting Checklist (Final).....	49
D. D1-Dedication by Owner (individual).....	51
D2-Dedication by Owner (Corporation).....	52
E. Certificate of Recording.....	53
F. Water Supply Certificate.....	54
G. Certificate of Surveyor.....	55
H. Certificate of Engineer.....	56
I. Certificate of Road Maintenance (Roads Retained as Private).....	57
J. Certificate of Road Maintenance (Dedicated to Reeves County).....	58
K. Certificate of County Approval For Filing Purposes Only.....	59
L. Permit to Construct within County Road Right-of-Way.....	60
M. Lien holder’s Acknowledgement.....	62
N. Revision to Plat.....	63
O. On-Site Sewage Facility Inspector's Approval.....	65
P. Utility Line Installation Permit.....	66
Q. Road Construction Specifications (Typical Cross Section).....	68
R. Cattle guard Order and Specification.....	69
Summary of Street/Road Standards.....	71
Development Fees.....	72
Order Adopting Takings Impact Assesment.....	73
Takings Impact Assesment Regarding Proposed Development Regulations.....	74

REEVES COUNTY SUBDIVISION
REGULATIONS 2017

ARTICLE 1. INTRODUCTION

1. Preamble and Purpose

A. These Subdivision and Development Regulations have been adopted by Order of Reeves County Commissioners Court to provide a framework for the orderly and efficient development of rural and suburban Reeves County.

B. These Subdivision Regulations have been adopted based on the following findings:

1. The Commissioners Court of Reeves County has the authority to regulate the subdivision process pursuant to Local Government Code § 232.001 et seq.;
2. The Commissioners Court of Reeves County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Reeves County and these Regulations are a necessary component of such regulation;
3. The Commissioners Court of Reeves County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Reeves County;
4. The Commissioners Court of Reeves County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within the County and to regulate associated development;
5. The Commissioners Court of Reeves County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;
6. The Commissioners Court of Reeves County has the authority and obligation to protect the public health, safety and welfare of the citizens of Reeves County;
7. These Regulations are enacted to implement the powers conveyed to Counties under the laws of the State of Texas, including but not limited to: Tex. Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Ann.,

Chapter 364 (County solid waste disposal systems); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within County right- of-way);Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control), Tex. Local Government Code Ann. Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval), Tex. Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to Counties within the extraterritorial jurisdiction of municipalities), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Chapter 54 (municipal utility districts), Tex. Water Code Chapter 26 (Water Quality Control), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by Counties);

8. The Commissioners Court has considered the potential burden on landowners and taxpayers of substandard development or poor quality road construction;
9. These Regulations are enacted to preserve and protect the resources, public health and private property interests of Reeves County.

- C. The Commissioners Court of Reeves County, following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above, and hereby repeal any prior regulations pertaining to the same subject.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF REEVES TEXAS, AS FOLLOWS:

2. General Provisions

- A. Short Title. This order and subsequent amendments shall be known as the "Subdivision Regulations" of Reeves County, Texas.
- B. Jurisdiction. No person shall create a subdivision in Reeves County, Texas outside of the corporate limits of any municipality without complying with the provisions of this Order. If the County and a municipality enter into a written agreement under Section 242.001 of the Local Government Code which authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction, then the land in the municipality's extraterritorial jurisdiction is not considered to be within the

jurisdiction of the County. All plats and subdivisions of any such land within the County's jurisdiction shall conform to the rules and regulations herein set forth.

- C. Interpretation and Purposes. In their interpretation and application, the provisions of this Order shall be deemed to be the minimum requirements, and whenever the principles, standards or requirements of other orders of Reeves County, the more restrictive order shall control.
- D. Applicability Model Subdivision Rules apply to water and wastewater availability when The tract of land being divided into two (2) or more parts creates two (2) or more lots of five (5) acres or less intended for residential purposes or any property intended for housing of people and utilizes centralized water and/or wastewater service. Lots of five (5) acres or less is presumed to be intended for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. General Platting Requirements apply when the provisions of this Regulation are equal to or more restrictive than the Model Rules.
- E. Acceptance of Dedication. Approval of a plat by the Commissioner's Court shall not be deemed an acceptance of the proposed dedications, if any, shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners Court will determine which dedications will be accepted for County maintenance based on interconnectivity with existing County roads or state maintained highways. The enforcement of any plat or deed restrictions is the responsibility of the Subdivider and property owners in the subdivision.

3. Definitions.

For the purpose of this Order, the terms, phrases, words, and their derivations used in these regulations shall have the meaning as stated in Appendix A. When not inconsistent with the context, words used in the present tense include the future; words used in the plural include the singular number. The word "shall" and "will" are always mandatory, while the word "may" is merely permissive. As used herein, singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a proper understanding of these Rules. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

4. Enforcement.

In addition to any other remedy provided by law, at the request of the Commissioner's Court, the County Attorney or other prosecuting attorney may file an action in a court of competent jurisdiction to:

- A. Enjoin the violation or threatened violation of a requirement established by, or adopted by the commissioners court under a preceding section of this chapter; or

- B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by the commissioner's court under a preceding section of this chapter.

An offense under these regulations is a Class B misdemeanor punishable by fine or imprisonment or both.

5. Special Provisions.

- A. It shall be unlawful for the Reeves County Clerk to record the Final Plat or replat, unless and until the same shall have been approved by the Reeves County Commissioners Court.
- B. If any subdivision, developed subsequent to the date of this order, exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full then the Commissioners Court of Reeves County shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval. The County Clerk shall, when directed by the Commissioners Court of Reeves County cause a certified copy of such resolution under the corporate seal of Reeves County to be filed in the Deed Records of Reeves County.

6. Legal Provisions.

- A. **Conflicting Orders.** If any other County Order is in conflict with this Order, the most stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation with another valid Order of the County.
- B. **Severability Clause.** If any provision of this Order, of the application thereof to any person or circumstance(s) is held invalid, the remainder of the Order, and the application of such provision to other persons or circumstances, shall not be affected thereby.

7. Guarantee of Performance: No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in these regulations as they may be applicable. Until these policies and procedures have been complied with by the subdivider and the plat approved by the Commissioners Court as herein required, no septic system permit or development permit shall be issued by the Reeves County Environmental Services as to any property in an unrecorded subdivision developed subsequent to this Order.

8. Acceptance by Commissioners Court of Subdivision for County maintenance and Public Subdivision streets subsequent to the date of this Order.

- A. Main arterial roads within any subdivision established prior to this Order must have been dedicated to the public.

- B. All subdivisions affected under this section must reach fifty (50%) percent or greater occupancy and/or a constant daily minimum traffic count consistent with public safety as determined by the Precinct Commissioner and or County Engineer.
- C. Property owners, within the subdivision, or subdividers, affected by this section, shall donate all material costs needed to improve roads to meet County specifications as a method of acceptance of subdivision roads. County will provide labor and equipment.
- D. Only the main arterial roads with a minimum 50 foot right-of-way in a subdivision will be considered for maintenance acceptance.
- E. Request for acceptance as County roads, must be by written petition signed by a majority of the property owners and/or the authorized representative of the subdivision association and/or the governmental trustees or entity.
- F. It shall be unlawful for commissioners to maintain the streets and roads in any subdivision, and Reeves County will not accept or maintain said street and roads in any subdivision, unless and until such streets and roads have been constructed as specified in these regulations or regulations in effect at the time subdivision was established and the required utilities and drainage facilities have been installed, and such improvements have been accepted in writing by the Commissioners Court.

9. Exceptions to Plat Requirement.

- A. All provisions of Section 232.0015 of the Texas Local Government Code, as now in effect or hereafter amended, are hereby incorporated by reference. If a conflict exists between these Rules and the provisions of said statute, the provisions of said statute shall control over these Rules. In accordance with Local Government Code, a subdivision plat is not required if:
 - 1. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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;
 - b. 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;

1. If a tract described by Subsection b ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this regulation apply.
2. The owner of a tract of land located outside the limits of a municipality divides the tract into four or fewer parts and:
 - a. The owner does not lay out a part of the tract for 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; and
 - b. 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.
 - c. 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 regulation shall apply.
3. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. All of the lots of the subdivision are more than 10 acres in area; and
 - b. The owner does not lay out a part of the tract for 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 limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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 if all the lots are sold to veterans through the Veteran's Land Board Program.

5. The provisions of these regulations 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 any other dedicated funds of the state unless the subdivision lays out a part of the tract for 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.
6. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner of the land is a political subdivision of the state; and
 - b. The land is situated in a floodplain; and
 - c. The lots are sold to adjoining landowners.
7. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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; and
 - b. 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 these regulations.
8. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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; and
 - b. 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.

B. An Owner whose subdivision is exempt from the platting requirements of these Regulations may register the subdivision with the County Clerk and submit the following to the County Clerk:

1. A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto;
2. A survey or plat showing the boundaries of the lots, adjacent roads and adjacent property owners;
3. An executed registration form in the form promulgated by the County which shall require the Owner to acknowledge that all lots remain subject to the on-site water and wastewater rules and development permit requirements of the County.

10. CHAPTER 245 GOVERNMENT CODE DETERMINATIONS

A. Expiration of Existing Permits

Any permit that does not have an expiration date nor has an expiration date of less than two years from the effective date of this order, and where no progress towards completion of the project has occurred shall expire on the second anniversary of the effective date of this order.

B. Transfer of Expired Permits.

If no portion of the land subdivided under a plat approved under these regulations is sold or transferred before January 1 of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under this subsection is subject to the requirements prescribed by these regulations at the time the plat is resubmitted

C. Expiration of Existing Projects

Any project that does not have an expiration date, or has an expiration date of less than five years from the effective date of this Regulation and where no progress towards completion of the project has occurred shall expire on the fifth anniversary of the effective date of this order.

D. Application for Establishment of Chapter 245 Rights

The provisions of this section shall apply to any application for a subdivision permit or project for which an applicant desires to establish rights under Chapter 245 of the Texas Local Government Code.

An application shall be submitted in a form prescribed by the County, and shall be initially reviewed for completeness to ensure that all required items are available for

technical review purposes. The application shall state the proposed date of applicable rules for the first in the series of permits, and the applicant shall supply documentation in support of the request. The following items may be considered as part of the application documentation:

1. Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
2. Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
3. Documentation of utility connection fees, permit or impact fees for the project paid to a regulatory agency.
4. Any application not deemed complete by the County shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within IO working days of the initial application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within 45 days of the date of initial submission of the application.
5. The County shall not accept an application or establish rights under Chapter 245 of the Texas Local Government Code where the application does not clearly specify land uses, densities or intensities.
6. Each application shall be reviewed by the Environmental Services Director or their designee in consultation with the County Attorney. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review of the project.
7. The Environmental Services Director or their designee shall either confirm or deny the application within 45 days of the date of the initial submission of the application.
8. The applicant may appeal a final determination by the Environmental Services director or their designee under this section to the County

Commissioner's Court within 30 days of the rejection of the application decision of the Environmental Services Director or their designee.

9. The Commissioners Court may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.
10. The provisions of this section shall only apply to the specified land uses, densities and intensities set forth in the Fair Notice documentation provided by the applicant. Any modification of the land uses, densities or intensities shall be considered a new project subject to current County regulations.

ARTICLE 2. PLATTING PROCEDURE

1. The platting procedure for subdivisions within Reeves County will be as follows:

- A. Prior to any subdivision of land and any official submittal of a plat for review, it is recommended that the Owner set a meeting with the County Engineer. The Owner shall present a preliminary plat showing the street alignments and the lots. County Engineer will provide general comments and requirements to the Owner. Based upon these comments and requirements, the owner or his representative will submit one copy of the revised preliminary plat of the subdivision to the County Engineer's Office.
- B. The County Engineer will review plans for compliance with the Reeves County Subdivision and Development Regulations.
- C. The County Engineer will return his and the Commissioner's comments and recommendations to the Owner or his agent.
- D. The Owner will address the comments and recommendations and set a meeting with the County Engineer to resolve the comments.
- E. The County Engineer will contact the County Judge's Office to request placement of the plat on the next Commissioners Court agenda for approval if all comments have been addressed or placement of a variance request on the next Commissioners Court agenda. The County Judge's Office will verify with the proper Commissioner for his concurrence of placement.
- F. Prior to approval of the plat, the Owner shall pay a scanning fee of \$75.00/sheet to the County Engineer. This fee will be waived if the Owner supplies the County Engineer with a digital file of the final plat. The digital file shall be in a .DWG format.
- G. If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished simultaneously with the platting procedure of the city.

The Owner must obtain preliminary approval of the city before preliminary approval by the Reeves County Commissioners' Court, unless otherwise provided by Interlocal Agreement

H. The final plat procedure will be the same as the preliminary plat procedure.

2. General Requirements.

Any Owner who subdivides a tract of land shall:

A. Comply in all respects with these regulations; and

B. Prepare and submit to the Commissioners Court an application for approval of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

3. Filing Deadlines and Hearings. A completed Preliminary Plat and application, with three (3) copies, must be on file in the County Clerk's Office thirty (30) days prior to Preliminary Plat Hearing. Upon receipt of a completed application and plat, the hearing on the Final Plat shall be 14 days after the Preliminary Plat Hearing but in no event shall it be over 60 days from the filing of the completed application.

4. Subdivision Approval Process. No approval in the form of the Judge's signature, verbal Commissioners Court action, or otherwise shall be given on any subdivision until the Owner has satisfied each of the following steps in the order indicated:

A. Filing of the Preliminary Plat and Application as required herein.

B. Approval of Preliminary Plat by Commissioners Court.

C. Approval of Final Plat by Commissioners Court.

D. Filing of Final Plat of record with the County Clerk, to be recorded in the Plat Records of the County.

5. Transmittal Materials.

All submissions to the Commissioners Court pursuant to these regulations, including amendments or supplemental materials, shall be filed with the County Clerk, including the official application form to be provided by the County.

6. Application Materials.

A. Preliminary Plat Submissions. Every Preliminary must be filed as herein directed and include the following:

1. Three (3) 18" x 24" or 22" x 34" black line copies of the Preliminary Plat containing:
 - a. Existing topographic contours at two-foot intervals for subdivision where lots are less than five acres, and 5-foot intervals for all other subdivisions;
 - b. Tangent lengths, centerline radii, names, and right-of-way dimensions for all proposed and existing streets;
 - c. Proposed easements, existing easements and detention ponds;
 - d. Proposed approximate property line dimensions;
 - e. Adjacent property, owner's name, address, deed record, or subdivision name, block and lot number
 - f. A transmittal letter containing the name, address, telephone number and fax number for the subdivision owner and engineer;
 - g. City limits, surveys, section, and County boundaries;
 - h. Vicinity map.
2. The application fee;
3. A tax certificate showing all taxes currently due with respect to the Original Tract have been paid;
4. A completed application in the current form promulgated by the County;
5. All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.
6. Any requests for variances to these regulations shall be made in writing and submitted with the application. The request shall state all reasons for such request for a variance.
7. An electronic copy of the plat shall be submitted to the 911 coordinator. The electronic copy of the plat should be based on the state plain grid. If the electronic copy submitted is other than state plain grid, the scale factor used must be indicated on the plat.

- B. Recorded Plat. Three (3) 18" x 24" or 22" x 34" black line copies of the Final Plat shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings on the Record Plat must be large enough to be easily legible.

7. Application Review Periods.

- A. If a person submits a plat application to the Commissioners Court that does not include all of the documentation or other information required herein, the Commissioners Court or the Court's designee shall, not later than the 10th business day after the date the Commissioners Court receives the application, notify the applicant of the missing documentation.
- B. An application is considered complete when all documentation or other information required herein is received.
- C. The Commissioners Court or the Court's designee shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the Commissioners Court or the Court's designee.
- D. The 60 day time period for approval may be extended as follows:
 - 1. For a reasonable period, if agreed to in writing by the applicant and approved by the commissioners court or the court's designee;
 - 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 commissioner's court or the court's designee.
- E. The Commissioner's Court may refuse to approve a plat made for recordation based on the provisions in the Texas Local Government Code Section 232.0033. If the Commissioners Court or the Court's designee disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval by certified return receipt mail.

8. Application Fees.

The County may impose an application fee and inspection fee as set forth in Appendix B to cover the cost of the County's processing of the application and inspection of street, road, and drainage improvements described by the plat. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the County Commissioners Court. The owner of the tract to be subdivided

must pay the fee at the time of the submission of an application before the County conducts a review of the plat. The application shall be deemed incomplete if the fee is not paid at the time of submittal. The fee is subject to refund under § 232.0025(i), Texas Local Government Code.

9. Subdivisions within the ETJ of a Municipality.

The Plat must indicate whether the land covered by the plat or replat is in the extraterritorial jurisdiction of a municipality. If so, it must be approved by the appropriate municipal authorities prior to being filed as determined by any written agreement entered into by the County and municipality under Sections 242.001 and 242.002 of the Local Government Code if the agreement authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction. The County Clerk may require written proof of exemption from a municipality to be filed with the Record Plat. In the event the land is subject to both municipal subdivision regulations and these regulations, then the stricter standard shall apply and may be enforced by either the City or the County or both.

10. Wastewater and Development Permits.

The County shall not issue an On-Site Sewage Facility or development permit, if any, on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Reeves County Rules of On- Site Sewage Facilities Regulation, or regulations enforced by the State of Texas.

11. Privately Maintained Roads.

If a street or road in a subdivision is to be privately maintained the following criteria must be satisfied.

A. The roads must be constructed to the same standards as required for County roads.

B. The following note shall be conspicuously displayed on the plat:

1. "By filing this Plat [Owner], and all future owners of property within this subdivision, by purchasing such property acknowledge and agree that the County shall have no obligation whatsoever to repair or accept maintenance of the roads in this subdivision unless and until the roadways have been improved to the current standards required by Reeves County, the roadways with all required right-of-way have been dedicated as a public street by the owners thereof, and the roads have been accepted by formal action of the Commissioners Court."

C. Restrictive covenants establishing a homeowners association, whose purpose shall be, but not limited to, the maintenance and repair of roads in the subdivision shall be filed of record concurrently with the recording of the Plat.

- D. Financial assurance for not less than ten (10) years of maintenance cost for such privately maintained roads.

12. Preliminary Plat.

- A. Shall submit a preliminary plat to Commissioners Court. To secure the review and approval of a proposed subdivision by the Commissioners Court, the subdivider shall submit a preliminary plat and a completed subdivision application, as promulgated on the form on file with the County, to the court prior to making any street and road improvements or installation of utilities within any roadway. A copy of the Preliminary Plat shall be filed (but not recorded) with the County Clerk's office thirty (30) days prior to the hearing to consider preliminary plat. On approval of said preliminary plat the subdivider may proceed with the preparation of a final plat and such other plans and documents required by this Regulation.
- B. The plat shall be prepared by a licensed engineer and a licensed land surveyor in accordance with these regulations and should depict the entire layout showing layouts of street blocks and certification by an engineer of adequate drainage for the subdivision. Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat should be accompanied by a layout of the entire area showing the tentative layout of streets, blocks, drainage for such use. The overall layout, if approved by the Commissioners Court, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of Reeves County.
- C. The preliminary plat shall provide the following information:
 - 1. Legal description. The legal description of the land to be subdivided shall be sufficient for the requirements of title examination, including the current deed.
 - 2. Statement of conformance or list of variances. The statement of conformance shall declare that the preliminary plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 - 3. Location Map. A location map or sketch at a scale of not more than four thousand (4,000) feet to one (1) inch shall show the proposed subdivision, existing adjacent subdivisions, school district lines, and roads in the vicinity.
 - 4. Vicinity Map. A vicinity sketch or map at approximately one (1) inch = four hundred (400) feet scale shall show existing subdivisions, streets, easements, right- of-way, parks and public facilities, tracts of acreage in

the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.

5. Location with respect to any municipal ETJ line. A statement indicating whether any part of the proposed subdivision lies within any extraterritorial jurisdiction of a municipality (under Texas Local Govt. Code §§ 42.021 or 212.001) shall be provided. If an ETJ line traverses the subdivision, it shall be delineated and identified upon the preliminary plat.
6. Map of earlier plat. If the subdivision is part of a previously filed subdivision plat, a map shall be provided showing the portion of the earlier-filed plat that is owned by the applicant and included in the preliminary plat.
7. Restrictive covenant. Any restrictive covenants proposed to be imposed for the subdivision should be attached for reference. It should be noted whether these are existing or proposed and if proposed, at what time they will be recorded, prior to or subsequent to the recording of the final plat.
8. Certification by the owner of conformance or submittal for review. The owner shall certify that the preliminary plat has been reviewed and conforms to the requirements of the Texas Commission on Environmental Quality, municipal utility districts, 911 addressing, school district, the gas, electricity, water, telephone, and television cable companies, irrigation, ground water, or water control and improvement districts and the U.S. Post Office; or that the agencies mentioned in the preceding paragraph were given at least ten (10) working days to review the proposed preliminary plat. This certification shall be in letter form and shall include the name, title, address, and telephone number of the person to whom the applicant delivered the preliminary plat for review.
9. The preliminary plat shall include the name, address, and telephone number of the record owner(s) of lands being subdivided, and of the engineer, the surveyor, and any other persons responsible for the preparation of the data and information being submitted.
10. The preliminary plat shall include the subdivision name, which shall not duplicate the spelling or the pronunciation of any existing subdivision in the County.
11. The preliminary plat shall delineate the boundary of the subdivision by metes and bounds sufficiently for the requirements of title examination.

Subdivision boundaries shall be indicated by a heavy line at least one sixteenth (1/16) inch wide. The total acreage in the subdivision shall be noted.

12. The preliminary plat shall locate the subdivision with respect to an original corner of an original survey of which it is a part.
13. The preliminary plat shall show the primary control points or description used to establish the subdivision. The description, location, and tie to such control points, including all dimensions, angles, bearings, block numbers, and summary data, shall be noted.
14. The preliminary plat shall note the existing conditions within or immediately adjacent to the subdivision, including the location, dimension, name, and description of each existing or recorded street; alley, reservation, easement, or other public rights-of-way or visible private encumbrance upon the land within or adjacent to the subdivision, intersecting or contiguous with its boundaries, or forming such boundaries (include the name of the subdivisions in which a street, alley, etc. is located); location, dimension, description, and flow line of any existing watercourses, drainage structures, or irrigation structures within the subdivision or within one hundred and fifty feet (150 feet) of the boundary of the subdivision; location, dimension, description, and name of all existing or recorded lots and blocks, parks, public areas, or permanent structures within the subdivision or contiguous with the subdivision; and, location, dimension, description, and name of all existing water, sewer, electric, gas, telephone, television cable, irrigation or other utilities.
15. The preliminary plat shall show the adjoining property owners' names and references to the deeds under which they hold ownership, or if the adjoining property is within a recorded subdivision, state the subdivision's name and provide the reference for where its plat is recorded in the Map Records of Reeves County.
16. The preliminary plat shall note the date of preparation, date of survey, the scale of the plat, and North arrow.
17. The preliminary plat shall include topographic information, including contour lines for every five vertical foot. The information shall include the flow lines of existing gutters and drainage ways. It shall be sufficiently detailed to determine the existing drainage to and from the proposed subdivision and to determine the adequacy of the proposed drainage plan. Elevations shall be based on published U.S.C. & G. S. datum and the benchmark used shall be noted on the plat.

18. The preliminary plat shall show the proposed general plan for storm water drainage in sufficient detail to indicate the location of drainage ditches or structures and the direction of flow. Post development runoff shall not exceed pre-development runoff based on a 100 year event.
19. The preliminary plat shall show the approximate location, dimensions, and description of all proposed street rights-of-way, alleys, drainage structures, parks, squares, other public areas, reservations, easements, other rights-of-way, blocks, lots (lettered or numbered consecutively), permanent survey monuments, and other sites within the subdivision. The proposed width of each proposed street shall be measured at right angles, or radially where curved.
20. The preliminary plat shall show the name of the proposed subdivision or any of the physical features (such as streets, parks, etc.). The name of a proposed street shall conform to the name of an existing street of which it may become an extension but otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these Rules. Street and subdivision names will be coordinated through the 911 coordinator to ensure no duplication of street names. This coordination with 911 is the responsibility of the developer. The street names must not be so similar in spelling or in pronunciation to the names of any similar features in Reeves County or in any incorporated city therein, as to cause confusion.
21. The preliminary plat shall show building setback lines (front, side, and rear).
22. The preliminary plat shall show the net area contained within each lot or tract to the nearest one tenth (1/10) of an acre.
23. The preliminary plat shall show the limits of any flood hazard areas and the proposed finish floor elevation of any building within these flood hazard areas.

D. Designation of subdivision as public or private

The plat shall show the designation of the proposed subdivision improvements as public or private.

E. Flood Plain and Drainage Information.

1. Each preliminary plat shall include base flood elevation data.
2. All subdivision proposals shall have adequate drainage provided to reduce-exposure to flood hazards.

3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
4. All subdivision plats shall have the flood hazard area clearly delineated on the plat and where appropriated, shall be shaped and sized so as to provide adequate building space.
5. The developer, builder, seller or agent shall inform in writing, each prospective buyer of subdivision lots located in a flood hazard area that such property is in an identified flood hazard area.
6. Before any structure can be built in a known or identified flood hazard area, the developer, owner, builder, seller or agent must demonstrate that suitable engineering studies have been performed, and that any such structure can be built upon the known or identified flood hazard area in a manner that will not adversely affect the adjacent properties both in the subdivision, or in surrounding properties adjacent to the subdivision. Such engineering plans must be certified by a licensed engineer, and approved by the County Commissioners Court. Such review and approval shall require additional filing fees, as provided herein.

F. Water, Wastewater and Utilities Information. The following information must be provided to the Court by reference or notation upon the plat.

1. Designation of the entity supplying electric, phone and gas utilities or a statement that such utilities are not available.
2. The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
3. Designation of the water and sewer utility provider, if known, and the TCEQ approved source of the water intended to serve each Lot within the subdivided area or, if the source of water is not known, a statement to that effect.
4. Certification that all Lots have been designed in compliance with the Rules of Reeves County for On-Site Sewage Facilities.

G. Proof of Ownership. The Developer shall provide proof of ownership.

H. County Has No Liability. The Preliminary and the Final Plat shall contain the following two provisions: "The County shall not be responsible for the quantity or quality of a reliable water source"; and for plats which propose private roads, the plat shall state the following: "The County shall not accept all or a portion of the roads in this subdivision

for maintenance without mere approval of the plat. Any road or portion of thereof shall be accepted for County maintenance only upon separate order of the Commissioners Court in conformity with this Subdivision Regulation."

- I. Final and Record Plat. Upon approval of the Preliminary Plat, the Subdivider shall revise the plat in accordance with the requirements and recommendations of the Commissioners Court and shall cause to be prepared a Final Plat of the proposed subdivision for consideration pursuant to these regulations. The hearing for final plat approval shall be at least fourteen (14) days after Preliminary Plat hearing.

13. Approval by Commissioners Court if the above has been adhered plus:

1. All roads must meet County specifications and standards in the regulations under design standards.
2. Drainage appurtenances have been inspected by the County commissioner or their designee for compliance to the drainage plans provided by the developer.
3. Bonding for the proper construction of all roads, streets, and drainage requirements. Bond amount to be determined by a licensed professional engineers statement of cost and is not to exceed the estimated cost of constructing roads, streets and drainage requirements.
4. Lot and block monumentation to be set by a registered professional Land surveyor before recordation of the plat.

A. Requirements. The County Commissioners Court may approve a public subdivision when the following requirements are present:

1. A plat as required herein is presented for approval.
2. A plan and time frame for the development of the streets and roads is presented for approval setting forth:
 - a. Design standards for streets and roads;
 - b. Designs for drainage and a complete and comprehensive drainage study pursuant to 30 TAC 285.4(c), as prepared by an engineer;
 - c. Width of streets, roads and right-of-way;
 - d. Surface treatment of streets and roads.

3. The plan must be prepared by a registered engineer and surveyor.

14. Revision of Subdivision Plats (REPLATS):

A. Requirements:

1. Letter of application to Commissioner's Court requesting the revision.
2. Notice to be published as herein specified.
3. Cost of publication to be paid by applicant.
4. Letter stating the revision is not in violation of existing deed restrictions to Commissioners Court.
5. Letter from Property Owners Association President stating they have no objection to the revision or replat.
6. If no Property Owners Association, a notice to each lot owner at his address on said tract by certified mail or regular mail, return receipt requested, and presented to the Commissioner's Court at the time of presentation of application.
7. Persons replatting property within the service area of a water or sewer utility provider shall have the written consent of the provider.

B. Application. A person who owns subdivided land that is subject to this order may apply in writing to the Commissioners Court of the County for permission to revise the subdivision plat that has been filed for record with the County Clerk.

C. Notice.

1. After the application is filed with the Commissioners Court, the Court shall require a notice by the applicant to be printed in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application and to hear protests to the revision of the subdivision plat.
2. The notice must be published at least three times within the period beginning on the 30th day and ending on the 7th day before the date of the meeting. All cost of publication shall be paid by the applicant in advance.

3. If all or part of the subdivided tract has been sold to non-developer owners, notice shall also be given to each owner, at his address on said tract, by certified mail or registered mail; return receipt requested.

D. Hearing. The Commissioners Court, during a regular meeting of the court, shall adopt an order permitting the person to revise the subdivision plat if it is shown to the court:

1. That the revision will not interfere with the established rights of any owner of a part of the subdivided land;
2. If the revision interferes with the rights of an owner of a part of the subdivided land, the owner has agreed to the revision;
3. That the revision is not a violation of any existing deed restriction(s); or
4. That the applicant has complied with Section 232.009, Texas Local Government Code.

E. Filing. If the Commissioners Court permit 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 showing the changes made to the original plat.

15. CANCELLATION OF SUBDIVISIONS

An application may be submitted to the County to request the cancellation of a subdivision and shall be processed according to the provisions stated below. All fees must be paid and accompany the application.

16. SUBMISSIONS PLATTED UNDER MODEL SUBDIVISION RULES

A. If the Model Subdivision Rules apply, a Subdivider of land will follow the procedure described herein and provide notice and hearing consistent with the following:

1. Notice must be published in Spanish in the newspaper of highest circulation and in a Spanish-language newspaper in the County, if available.
2. Not later than the fourteenth (14th) day before the date of the hearing, the County chief appraiser shall by regular and certified mail provide notice to:
 - a. Each person who pays property taxes in the subdivision, as determined by the most recent tax roll; and
 - b. Each person with an interest in the property.

3. The Commissioners Court may require a Subdivider to provide the Court with the name and last known address of each person with an interest in the property. For purposes of the subsection, a person residing on a lot purchased through an executory contract has an interest in the property.
 4. A person who fails to provide information requested under Sub-Section (3) above before the thirty-first (31st) day after the date the request is made is liable to the State for a penalty of \$500 for each week the person fails to provide the information.
- B. A resident of a subdivision for which the Subdivider has applied for cancellation has the same rights as a purchaser of land under this Chapter.
- C. The Commissioners Court may cancel a subdivision only after a public hearing. At the hearing, the Commissioners Court shall permit any interested person to be heard. At the conclusion of the hearing, the Commissioners Court shall adopt an order on whether to cancel the subdivision.

17. ALL OTHER SUBDIVISIONS

This section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42.

- A. A person owning real property in Reeves County that has been subdivided into lots and blocks or into small subdivisions may apply to the County Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the County Commissioners Court by order shall authorize the Owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is cancelled. The County Commissioners Court shall enter the Order in its Minutes. After the cancellation instrument is filed and recorded in the deed records of the County, the County Tax Assessor- Collector shall assess the property as if it had never been subdivided.
- B. The County Commissioners Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the County for at least three weeks before the date on which action is taken on the application. The County Commissioners Court shall take action on an application at a regular term. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

- C. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this Division, the Owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the County Tax Assessor-Collector shall back assess the tract on an acreage basis.
- D. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of seventy-five (75) percent of the property included in the subdivision, phase, or identifiable part, the County Commissioners Court by Order shall authorize the cancellation in the manner and after notice and a hearing as provided for herein. However, if the Owners of at least ten (10) percent of the property affected by the proposed cancellation file written objections to the cancellation with the County Commissioners Court, the grant of an order of cancellation is at the discretion of the County Commissioners Court.
- E. To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:
 - 1. Abuts directly on the part of the roadway or easement to be canceled or closed; or
 - 2. Is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to (a) the nearest remaining public highway, County road, or access road to the public highway or County road; or (b) any un-canceled common amenity of the subdivision.
- F. A person who appears before the County Commissioners Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the County Commissioners Court Order granting the cancellation.
- G. The County Commissioners Court may deny a cancellation under this section if the County Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

ARTICLE 3. MODEL SUBDIVISION RULES

1. GENERAL AND ADMINISTRATIVE PROVISIONS

- A. Authority and Scope of Model Rules. These rules are adopted by Reeves County, Texas under the authority of the Local Government Code, Chapter 232 and Water Code, § 16.350. Notwithstanding any provision to the contrary, the rules under this Article apply

only to a subdivision which creates two (2) or more lots 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,

B. Purpose. It is the purpose of the rules under this chapter to aid in the orderly development of Reeves County, Texas, and provides guidelines which will lead to a desirable environment. Specifically they have been prepared for the following purposes:

1. To furnish the developer with guidance and assistance in the expedient preparation and approval of his or her plat;
2. To protect the citizens of Reeves County by insuring minimum subdivision and development guidelines for residential, commercial and industrial subdivisions;
3. To provide for the welfare of the public by providing guidelines for the location, design, and improvements and other features that provide for the safety of the general public; and
4. To prevent Reeves County Commissioners from being burdened with substandard streets or roads in the future.

C. Plat Required.

1. The owner of a tract of land located outside the corporate limits of a municipality and not within the extra-territorial jurisdiction of a municipality with which the County has a development agreement with pursuant to 242.001 of the Local Government Code that divides the tract in any manner that creates two (2) 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, must have a plat of the subdivision prepared and file an application as required by these Regulations. For the purpose of adhering to § 16.343(d), Water Code, lots of five (5) acres or less are presumed to be for residential purposes or any property intended for the housing of people, unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
2. No subdivided land in Reeves County shall be sold or conveyed until the subdivider:
 - a. Has received approval of a final plat of the tract of land; and,

- b. Has filed and recorded a legally approved plat with the County Clerk of Reeves County
3. A division of a tract includes a division regardless of whether it is made by using 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 any other method to convey property.

2. MINIMUM STANDARDS

- A. Residential Development Standards. The establishment of a residential development with two (2) or more lots of five (5) acres or less or any property intended for the housing of people where the water supply and sewer services do not meet the minimum standards of this Chapter is prohibited. A subdivision with lots of five (5) acres or less is presumed to be a residential development or any property intended for the housing of people unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.
- B. Water Facilities Development. Development of water facilities. The following provides minimum standards for the

3. PUBLIC WATER SYSTEMS

- A. Subdividers who propose to supply drinking water by connecting to any existing public water system must execute a written agreement with the retail public utility. 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 thirty (30) years. The agreement must reflect that the Subdivider has provided for the cost of any 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. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.
- 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 Texas Commission on Environmental Quality. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38290.51 and §§ 290.101-290.120, and as may hereinafter be amended. If groundwater is to be the source of the water supply, the Subdivider shall have complied with the requirements of the any Underground Water District with jurisdiction. 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 thirty (30) years.

4. 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, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the Subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The Subdivider shall have complied with the requirements of the Any Underground Water District with jurisdiction. 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 § 290.103, 290.105, 290.106 and 290.110, either:
 - B. Without any treatment to the water; or
 - C. With treatment by an identified and commercially available water treatment system.

5. TRANSPORTATION OF POTABLE WATER PROHIBITED

- 1. 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. The following provides minimum standards for the development of wastewater disposal.

6. ORGANIZED SEWERAGE 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 Texas Commission on Environmental Quality in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the Texas Commission on Environmental Quality.
- B. Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must execute a written agreement 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, signed and sealed

by a professional engineer registered in the State of Texas, for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.

7. ON-SITE SEWERAGE FACILITIES

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

8. GREYWATER SYSTEMS

- A. Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal, which includes greywater reuse, shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Texas Commission on Environmental Quality.
- B. On-site sewerage facilities. Any proposal for on-site sewage disposal, which includes provisions for greywater use, shall meet the minimum criteria of 30 TAC Chapter 285.

9. SLUDGE DISPOSAL

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

10. OTHER STANDARDS

- A. Setbacks. Setbacks from roads and rights-of-way shall be a minimum of ten (10) feet, setbacks from adjacent property lines shall be a minimum of five (5) feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the Order or Rules of the County shall control to the extent greater setbacks is therein required.

- B. Number of Dwellings per Lot. No more than one (1) single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals, which include multi-family residential, shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

ARTICLE 4. Design Standards and Requirements

1. General Design Principles and Objectives

- A. Conformity with the General Plan. All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities within roadways and public land facilities, as well as other provisions of this and other present regulations and codes.
- B. Standards for Site Improvements. All roads and streets, alleys, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this Section and to the then current policies, specifications, and regulations of Reeves County, or other approved agencies responsible for design, construction methods and standards, payment, refunds, credits, and other financial arrangements.
- C. All roads, streets, utility installations, drainage, and water/sewer provisions in any proposed subdivision shall be prepared by a properly licensed engineer, and shall bear a seal of such engineer that all such designs conform to generally acceptable engineering standards and these regulations.

2. Construction and Specifications of Roads and Drainage

- A. General. The specifications for construction of roads and streets are based on the requirement that a flexible base with an asphalt pavement will be constructed. The materials, design, specification and procedure shall conform to those of the County for similar construction. This also applies if a concrete pavement is used instead of the flexible base with asphalt pavement. Base material used for roads or streets shall conform to the requirements of Reeves County or the following: argillaceous limestone, calcareous, or calcareous clay particles, with or without stone, conglomerate, gravel, sand or other granular materials obtained from sources approved by the Commissioners Court. The base material shall conform to Texas Department of Transportation Standard (TxDot) for base material reference item 247, type A, grade 4 (Odessa District), or as approved by the County engineer.
- B. Base Material. The base material shall meet the following minimum requirements and must be inspected and approved, in writing, by the Precinct Commissioner concerned or other person designated by the Commissioners Court:

- 1. A maximum of zero percent (0%) retained on a 2" screen.

2. Between zero percent (0%) and three tenths percent (0.3%) retained on the one and three quarters inch (1 3/4") screen. Between ten percent (10%) and thirty five percent (35%) retained on the seven eighths inch (1 7/8") screen. Between twenty percent (20%) and fifty five percent (55%) retained on the three eighths inch (3/8") screen. Between sixty five percent (65%) and eighty five (85%) retained on the #40 screen.
3. A plasticity index not to exceed twelve (12).
4. Liquid limit not to exceed 40.
5. The wet ball mill maximum allowable result= 45. The max increase in the material passing #40 sieve resulting from the wet ball mill test shall not exceed 20%.

C. Sub grade and Base The preparation of the sub grade shall follow good engineering practices. The sub grade may be prepared and allowed to reach a Proctor Density of ninety-five percent (95%) through natural cycles of consolidation or may be rolled and watered where placement of the base material is to be done immediately. Testing shall be done at five hundred foot (500') intervals, with a minimum of two (2) tests, or wherever there is a change in the sub grade material. The sub grade must be inspected and approved by the Precinct Commissioner concerned or other person designated by the Commissioners Court, in writing, prior to any application of base. The grade base material must be evenly applied to a maximum depth of 8 inches uncompacted. A Proctor Density of ninety-five percent (95%) shall be derived using standard construction procedures with testing done at fifteen hundred foot (1500') intervals, with a minimum of two (2) tests. Proctor Density test results must be presented to the Precinct Commissioner concerned or other designated person, and all preparatory work must be inspected and approved, in writing by the Precinct Commissioner or other designated person before any topping may be done. Base must be to state specifications (i.e. TxDot item 247, grade 4, type A) or as approved by the precinct commissioner, or their designee.

D. Width of Right-of-Ways.

1. Streets or roads within such subdivision shall have a width of not less than 60 feet or more than 100 feet. These widths shall be derived from schedule 2 (Road Standards) of these regulations.
2. The shoulder-to-shoulder width on collectors or on main arteries within the right-of-way shall not be less than 32 feet nor more than 56 feet;
3. The shoulder-to-shoulder width on all other streets or roads within such subdivision within the right-of-way shall not be less than 25 feet nor more than 35 feet.

4. Width of alleys shall not be less than twenty (20) feet.

E. Width of County Road.

A proposed subdivision that enjoins or encompasses an existing or proposed public street, that does not conform to minimum right-of-way requirements of these regulations, shall provide for the dedication of additional right-of-way along the side of said street from the center of the existing public road to establish at least one-half of the required right of way so that the minimum right- of way required by these regulations can be established, being defined herein as sixty (60') feet.

F. Drainage, Minimum Grades, Retards, Headwalls, etc.

1. All drainage requirements must comply with the Colorado River Municipal Water District's rules, regulations or orders where applicable. Generally it is desired that surface drainage from private property to be taken to roads and streets, or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited. Minimum grades of roads and streets shall be three-tenths of one percent. All drains, drainage structures and appurtenances shall be designed by a registered professional engineer. Drainage calculations shall be made using the Rational Method (HEQ-HMS and HEQ-RAS are acceptable for larger acreages) for determining storm water runoff and Manning's Equation for ditch and pipe capacities. All data and calculations shall be presented with the preliminary plat.
2. All roads and streets shall try to accommodate drainage using sheet flow. Where this is not possible, roads and streets shall have ditches which are a minimum depth of 12" below the shoulder of the sub grade. Greater depths shall be provided as required to accommodate greater flows. Concrete or rock retards shall be installed in ditch lines in areas where needed. Drainage structures of a permanent type shall be provided at crossings of drainage courses with roads and streets where needed in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to maximize drainage to and excessive maintenance of public property. Such drainage structures type, size, and length of drainage shall conform to standard engineering practices.
3. All roadways crossing streams or roadways subject to flooding must be rip-rapped and/or have concrete headwalls on both sides.
4. Open channels and ditches shall be constructed to proper cross section, grade and alignment so as to function properly and without permitting destructive velocities. Grades exceeding six percent (6%) may require concrete chutes and/or flow restrictive devices.

G. Surface Treatment

A two-course double penetration asphalt surface treatment may be required by the Commissioners Court of Reeves County, Texas. Such surface shall be in accordance with Texas Department of Transportation Standard (TxDot) Item 316 (Surface Treatments) and plans and specifications must be prepared by a Texas Registered Professional Engineer and approved by the Commissioners Court of Reeves County, Texas prior to actual construction.

H. Requirements for Roads and Streets.

1. All dead-end streets or interior cul-de-sacs shall be provided with a properly crowned and sloped asphalt paved turnaround at the end thereof, with a diameter of not less than one hundred (100) feet of right of way. Diameter of paving shall be two times the new road width. Hammerhead type turnarounds will be considered on an as required basis.
2. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders) and buried to a minimum depth of 30" and within three feet of property line.
3. The installation of any water or utility lines, side roads, culverts, curb cuts, driveways, etc. on County right of way shall be prohibited unless expressly permitted in writing by the County commissioner.
4. Subdivisions which may have adjoining privately owned properties that shall be subject to future subdividing may provide sixty (60) feet rights-of-way not more than one-half (V2) mile apart at feasible locations for connecting future possible roadways with such adjacent properties. Unnatural drainage created by such connecting roadways and rights-of-ways shall be resolved beforehand by the land owners concerned through drainage easements or other lawful methods.
5. Uniform traffic control signs, guard rails and other safety features, as recommended by the Developer's engineering firm or the Precinct Commissioner or his designee, should be installed at required locations on all subdivision rights- of-way dedicated for public use at the Developer's expense. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulder) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street should be indicated by installation of protective posts or other devices equipped with reflectorized markers.

6. Rights-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches and other hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place and a right-of-way provided so that safety on the streets and roads is not impaired.
7. Streets and roads must provide unhampered circulation through the subdivision. Where dead-end street is designed to be so permanently, a turn-around shall be provided at the closed end having an outside finished paved roadway diameter of two times the new road width and a street right-of-way diameter of one hundred (100) feet. Dead-end streets may be platted where the Commissioner concerned deems it desirable and where the land adjoins property not subdivided, in which case, the street shall be carried to the boundaries thereof.
8. All roads and streets should intersect at a ninety (90) degree angle or within the designated limits of Schedule 2 (Road Standards) of this order.
9. Where roads and streets in an adjoining subdivision dead-end at the property line of a new subdivision, the said roads and streets shall be continued through the new subdivision, either in a straight line or a curve as provided elsewhere herein. Where no adjacent connections are platted, the roads and streets in the new subdivision must in general be the reasonable projections of roads and streets in the adjacent subdivided-tract. All roads and streets in new subdivisions should be platted so that a continuation of said roads and streets may be made in other subdivision in the future.

I. Lots and acreage tracts in Subdivision.

1. General Layout. The size, width, shape and orientation of lots shall be appropriate for the area of the County in which the subdivision is located, and for the type of development and use contemplated, and where On-Site Sewage Facilities are to be utilized, must insure compliance with Standards for On-Site Sewerage Facilities promulgated by the TCEQ under authority of Chapter 366 of the Texas Health and Safety Code.
2. Residential Lot Sizing.
 - a. General considerations. The failure of an on-site sewerage system may be caused by a large number of circumstances, including inadequate soil percolation, improper construction, design, installation, and misuse. The single most important factor concerning public health problems resulting from these

failures is the residential dwelling density which is primarily a function of lot size. The failure of a system in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Surfacing sewage provides a medium for the transmission of disease and the fact that many people are in the vicinity causes concern over the spreading of disease. Sewerage systems using soil absorption for effluent disposal are more likely to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.

- b. Platted subdivisions served by a public water supply. Subdivisions of a single family dwellings platted or created after January 1, 1988, and served by a public water supply but utilizing individual OSSF methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre, or shall have a site-specific sewage disposal plan submitted by a registered professional engineer or Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance, shall the area available for such system be less than two times the design area. The location of an OSSF under this paragraph shall be in accordance with TAC 285.91 (10) of the TCEQ Regulations.
- c. Platted subdivisions served by individual water systems. In subdivisions platted or created after January 1, 1988, for single family residences where each lot maintains an individual water supply well and an On Site Sewage Facilities (OSSF), the plat shall show the approved well location and a sanitary control easement around the well within a 150-foot radius in which no subsurface sewerage system may be constructed. A watertight sewerage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 150 feet, provided the minimum separation stated in Table I of the Standards for On-Site Sewerage Facilities of the TCEQ is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a subdivision shall contain not less than one acre, or shall have site-specific planning materials prepared by a Registered Professional Engineer or a Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance shall the area available for such systems be less than two times the design area.

d. Approval of existing small lots or tracts. Existing small lots or tracts, subdivided prior to January 1, 1988, and not conforming to the minimum lot size requirements, may be approved for an OSSF provided the following conditions are met:

3. Minimum separation distances in TAC 285.91 (relating to Separation/Setback Requirements) of the TCEQ Regulations are maintained.

4. The site has been evaluated by the site evaluator in accordance with TAC 285.30 (relating to Site Evaluations) of the TCEQ Regulations.

3. Reeves County On-Site Sewage Facility Regulations

All subdivisions shall comply with the Reeves County On-Site Sewage Facility Regulations.

4. Manufactured housing communities or multi-use residential developments served by a central sewage collection system for on-site disposal

Manufactured housing communities and multi-use residential developments which are owned or controlled by an individual or other business entity and which rents or leases space may utilize smaller lots than stated herein above provided a sewage disposal plan addressing replacement area is submitted to the permitting authority and approved. Developments of this type which connect living units to a sewage collection system for on-site disposal must provide planning materials for the system prepared by a registered professional engineer or registered sanitarian. The total anticipated sewage discharge shall not exceed 5,000 gallons per day from the connected homes and the OSSF must conform to the definition of OSSF's in TAC 285.30 of the TCEQ Regulations.

5. Exemptions and variances

Requests for exemptions or variances of any part or parts of these Standards for the design, installation or operation of any on-site sewerage system shall be considered on an individual basis. The burden of proof is the responsibility of the Registered Professional Engineer, Registered Professional Sanitarian or other qualified individual responsible for the design or installation of the system under consideration. This individual must demonstrate to the satisfaction of the TCEQ or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or applicable data to meet the TCEQ or licensing authority's satisfaction. The TCEQ shall, at the request of local authorities, provide evaluation and comment services for any such local authority.

6. Additional Requirements

- A. Plans. Three (3) complete sets of plans, specifications and contracts covering construction of subdivision infrastructure, in the form of plans, or other satisfactorily written descriptions shall be filed with Reeves County Clerk upon filing of final plat. When required by the Commissioners Court these plans shall show such features as roadways, 100-year flood plain, cross-sections, and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground when within street right-of-way, specifications of materials and constructions, and profile maps of all storm sewers showing both ground surface and flow line and any other pertinent information of similar nature.
- B. Inspection of Improvements. The authorized representative of Reeves County shall from time to time inspect the construction of all utility facilities in street right-of-way in the subdivision during the course of construction to see that the same comply with the plats and standards governing the same. In this regard, free access to the subdivision shall be accorded Reeves County's duly authorized representative by the subdivider, his agents and employees. Failure of the County's representative to inspect will not diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications as approved by the Commissioners Court.
- C. As-Built Plans. After all required improvements have been completed by the owner or subdivider of the subdivision, two sets of "as-built drawings" of all underground utilities that have been constructed shall be filed with the County Clerk within thirty (30) days after completion of all required improvements.
- D. Street Improvements. All road and street improvements shall meet the current requirements of the Subdivision Regulations. Each public street shall be marked with name and number with permanent marking in keeping with any acceptable plan for easy location.
- E. Water Systems.
1. General. All public water supply, treatment, storage and distribution facilities shall be furnished and installed in compliance with the requirements of the TCEQ.
 2. Water Wells and Water Quality. If a sewage system is to be installed, it must meet the requirements of the TCEQ.
 3. County Has No Liability. The County shall not be responsible for the quantity or quality of a reliable water source.
- F. Flood Plain and Drainage. No lot that falls within the federally designated 100-year flood plain shall be sold by the original developer in any subdivision unless it is so noted by agreeing parties.

G. Changes to Road Names. Any changes to any subdivision road name shall be in accordance with the Reeves County Street\Road Name and Address Assignment Policy Procedures.

H. Obstacles to Subdividing. The Owner or Owners of any such tract of land shall provide the Commissioners Court with proof that there are no obstacles to subdividing, including but not limited to any prohibitions of transfer of property under any lien document.

Article 5. Other Provisions.

1. Construction Bonds

All construction shall be complete within 2 years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained herein, the developer shall file a Construction Bond, executed with sureties by a Surety Company authorized to do business as a surety in Texas, and made payable to the County Judge of Reeves County, Texas or his successors in office.

The bond shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, water and/or wastewater utilities, required drainage structures and all other construction.

The Construction Bond shall be submitted to the Commissioner's Court with the final plat.

The Construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the Precinct Commissioner, and the Construction Bond has been released by a Court order from the Commissioner's Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the County, the unfinished improvements shall be completed at the cost and expense of obligee as provided.

2. Maintenance Bond

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the precinct Commissioner, a Maintenance Bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Reeves County, Texas or his successors in office, shall be substituted for the Construction Bond at the time of release of said Construction Bond.

The Maintenance Bond shall be equal to fifteen percent (15%) of the estimated cost of all construction based on the cost of construction to minimum County standards. This cost will be derived using an engineer's estimate.

The conditions of the Maintenance bond shall be that the Owner shall guarantee to maintain, to the satisfaction of Reeves County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specifications with construction security released by Court order from the Commissioners Court, in a good state of repair for a period of ten years from the date of official release of construction security.

Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction, for which maintenance security is held, will be made by the precinct Commissioner during the period of liability covered by the Maintenance Bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the Owner will be so advised in writing and, if after a reasonable time, he fails or refuses to repair said items, they shall be maintained at the cost and expense of obligee as in said orders provided.

The release of any bond shall be by order of the Commissioner Court. To request a release the developer who posted the bond in question shall present a written request to release said bond.

If substantial patching is required during the two-year maintenance period, roads or streets must be resurfaced with a two-course surface treatment at the cost of the developer, or recourse upon the Maintenance Bond.

3. Cash Bonds

Cash bonds may be accepted in lieu of surety bonds. The developer shall enter into a formal written and signed agreement for the performance of construction of the roads, streets, street signs, underground utilities, required drainage structures and all other construction related to the development. This agreement shall be approved by the County attorney. The amount of the cash bond is to be determined by the average of three (3) bona fide bids from competent contractors. The cash bond shall be held in the depository of the County's choice. The precinct commissioner in whose precinct the development is occurring shall have signatory responsibility and responsibility for the disbursement of the bond. Reductions or refunds from the cash bond shall be based on a 20/40/40 percentage completion of development. Upon completion of phases, the developer shall present a letter of completion from the project engineer to the precinct commissioner stating the completed work and upon majority approval of the commissioner's court may be granted a partial release of funds in the above specified amounts. The final forty percent (40%) shall not be released until a maintenance surety bond or a cash bond agreement and deposit for maintenance is received by the County. Final release of cash bonds are subject to majority approval from the commissioner's court. Variance from the specified refund amounts may be available by special consideration and a majority approval from the commissioner's court. The commissioner's court may accept a cash bond for one hundred and fifteen percent (115%) of the amount of construction withholding the extra fifteen percent (15%) in lieu of the maintenance bond for a period of two (2) years from the completion and approval of the subdivision construction or ten years

for maintenance. Each cash bond agreement may be unique and will require written approval from the County attorney and a majority approval from the commissioner's court.

4. Final Inspection

The Developer, upon completion of drainage, roads, streets or other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The precinct Commissioner or their designee will inspect, within 10 days, the completed work for compliance. The Developer will be notified in writing, within 10 days of the final inspection, of approval or any work not found in compliance with these Subdivision Regulations.

5. Penalty for Violation

A. The Commissioners Court of Reeves County will cause an employee of the court, or any other person or persons it so designates, to review periodically deeds or sales contracts being recorded in the County Clerk's office to see that any subdivision affected thereby shall comply with requirements of these regulations and state law.

B. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these regulations and state law, the Commissioners Court of Reeves County or its representative can so notify the party selling or transferring title in whole or in part to comply with these regulations.

C. In the event the notified party refuses to comply with said requirements, the Commissioners Court of Reeves County can take appropriate action to obtain compliance.

D. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations and any appendices attached to these regulations and incorporating the Reeves County for On-Site Sewage Facilities Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

E. At the request of the Commissioners Court, the County Attorney or legal counsel may file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; and/or
2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

6. Variance

The Commissioners Court may authorize a variance from the Subdivision Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. Any person who wishes to receive a variance shall apply to the Court with a list of, and a detailed justification, for each variance requested. The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

APPENDIX A

Applicant refers to an Owner or its authorized representative submitting an application and seeking approval of a proposed Subdivision pursuant to these Regulations.

AASHTO means the American Association of State Highway and Transportation Officials.

Commissioners Court refers to the Commissioners Court of Reeves County.

Precinct Commissioner refers to the Reeves County Commissioner in whose precinct the subdivision is located. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from all affected commissioners.

County refers to Reeves County, Texas.

County Engineer is a licensed engineer, as authorized by the State Statutes to practice the profession of engineering who has been designated by the Reeves County Commissioners Court to act as the Reeves County Engineer

Lot refers to a parcel into which land that is intended for residential use is divided.

Parent Tract The original tract owned by the developer prior to any division of the property.

Daughter Tract Any of the tracts created by division of a parent tract, including the remainder of the parent tract itself.

Minimum Requirement refers to the minimum acceptable requirements. Such requirements may be increased by the County due to issues pertaining to each unique subdivision.

Owner All references in these regulations to an "Owner" shall be construed to refer to the person or persons possessing title and/or lien to the property subject to the proposed subdivision. This can also refer to the owner's surveyor, engineer, lawyer, or planner who has been given authority to represent the owner.

Plat refers to the map, drawing, or chart on which sub divider's plan of a subdivision is presented, which he submits for approval, and all copies of it, including all components described by Chapter 232 of the Texas Local Government Code, as now in effect or hereafter amended.

Preliminary Plat refers to a map or drawing of a proposed subdivision meeting the requirements of the Reeves County Subdivision and Development Regulations and is under review by the Reeves County Commissioners Court. The map and/or drawing, at the discretion of the County, are to show the proposed improvements to all the owner's adjacent property.

Final Plat refers to a map or drawing of a proposed subdivision of land prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of preliminary approval previously granted by the Commissioners Court and meeting the requirements of the Reeves County Rules and Regulations.

Regulations refer to the Reeves County Subdivision and Development Regulations.

Street or Road The term "street" or "road" are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other designation they may have. Streets and roads shall be dedicated to the public except as indicated in Article 2 (E). The landowner may dedicate either the fee ownership in the land or an easement for street, drainage, and utility purposes, at the landowner's option.

Arterial Streets or Roads - are those that are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications;

- i. Streets or roads which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.
- ii. Streets or roads which are existing County roads, are at least one mile in length, and carry a numerical designation.

Collector streets or roads are those which connect arterial streets or roads with local streets or roads.

Local streets or roads are those which principally provide direct access to lots within the subdivision.

Urban streets or roads For the purpose of this Regulation, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

Rural streets or roads For the purpose of this Regulation, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.

Private Streets or roads refer to any right-of-way not dedicated to the public and restricted to the use of certain property owners and their needs.

Public Streets or roads refer to any public right-of-way owned or, controlled by a city, the County, or state and maintained by same for use of vehicular traffic. This definition does not include streets dedicated to the public use and not accepted for maintenance by the aforesaid governmental entities.

Secondary Streets and Roads refers to minor streets or roads which principally provide access to abutting property, other than arterial roads and alleys.

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

Subdivider, Developer or Owner are synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, that owns any interest in land and performs, or participates in the performance of, an act toward the subdivision of land within the intent, scope and purview of this Order.

Subdivision As defined by Section 232.001 of the Texas Local Government Code, all references in these regulations to "subdivision" shall be construed to refer to the division of a tract of land 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. A division of tracts under Subsection P includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method, including a condominium or multi-family scheme.

Surveyor is a licensed State Land Surveyor or Registered Public Surveyor, as authorized by the State Statutes to practice the profession of surveying.

Utility means a person, including a legal entity or political subdivision that provides the services of: (a) an electric utility, as defined by Section 31.002, Utilities Code; (b) a gas utility, as defined by Section 101.003, Utilities Code; and (c) a water and sewer utility, as defined by Section 13.002, Water Code.

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

Appendix B SUBDIVISION
 PLATTING CHECKLIST
 FIRST READING
 (PRELIMINARY)

Name of Subdivision: _____

Contact Person: _____ Phone Number: _____

YES NO N/A

- | | | | |
|-------|-------|-------|---|
| _____ | _____ | _____ | Name of proposed subdivision. |
| _____ | _____ | _____ | Name and address of Subdivider. |
| _____ | _____ | _____ | Volume, page and reference names of adjoining owners. |
| _____ | _____ | _____ | Volume, page and reference land use of adjoining owners. |
| _____ | _____ | _____ | Master Development Plan (if subdivision is a portion of a larger Tract. |
| _____ | _____ | _____ | Location map. |
| _____ | _____ | _____ | Scale (not smaller than 1"=200'). If parent tract is larger than 320 acres, Scale may be 1"=1,000' w/proposed plat 1"=200'. |
| _____ | _____ | _____ | North directional arrow. |
| _____ | _____ | _____ | Contour information - rivers, creeks, bluffs, etc. (no greater than 20' intervals) |
| _____ | _____ | _____ | Major topographic features. |
| _____ | _____ | _____ | Total acreage in subdivision. |
| _____ | _____ | _____ | Total number of lots in subdivision. |
| _____ | _____ | _____ | Typical lot dimensions. |
| _____ | _____ | _____ | Land use of lots, parks, greenbelts. |
| _____ | _____ | _____ | Total length of roads. |

PRELIMINARY CHECKLIST

YES	NO	N/A	
___	___	___	Width of right-of-way.
___	___	___	Special flood hazard areas/note.
___	___	___	Road maintenance (County/Home Owners Assn.).
___	___	___	Approval by TXDOT or County for driveway entrance(s).
___	___	___	Location of wells - water, gas, & oil, where applicable & unused capped statement.
___	___	___	Plat Filing Fees paid. (Receipt from County Clerk required)
___	___	___	On-Site Sewage Facility Inspector's Approval
___	___	___	Acknowledgement of Rural Addressing/Signage.
___	___	___	Water Availability Study.
___	___	___	Tax Certificates and rollback receipts.

Signature of Reviewer

Date of Review

ADDITIONAL REQUIREMENTS:

ALL ITEMS ON THIS CHECKLIST MUST BE IN THE HANDS OF THE COUNTY JUDGE'S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO THE COMMISSIONERS COURT HEARING DATE.

Appendix C
 SUBDIVISION PLATTING CHECKLIST
 SECOND (FINAL) READING

Name of Subdivision: _____

YES	NO	N/A	
___	___	___	All information required for preliminary plat.
___	___	___	Lot and block numbers.
___	___	___	Street names must be pre-approved by 9-1-1 Coordinator.
___	___	___	Acreage of each lot or parcel.
___	___	___	Name and address of Surveyor/Engineer.
___	___	___	Location and size of drainage structures.
___	___	___	Location, size, and proposed use of easements.
___	___	___	Incorporated City's Boundary/ETJ Note.
___	___	___	Servicing Utilities Note.
___	___	___	Certification from licensed professional engineer regarding utilities.
___	___	___	Restrictive covenants.
___	___	___	Tax certificates and rollback receipts if required.
___	___	___	Home Owners' Association Incorporation articles and by-laws.
___	___	___	Construction plans of roads and drainage improvements.
___	___	___	Receipt showing payment of Final plat fees.
___	___	___	Sign-off for TXDOT road access, if applicable.
___	___	___	Appendix D (1) - Certificate of Dedication by Owner (when owner is an individual)
___	___	___	Appendix D (2) - Certificate of Dedication by Owner (when owner is a corporation)

FINAL CHECKLIST

YES NO N/A

- ___ ___ ___ Appendix D - Certificate of Recording (if applicable)
- ___ ___ ___ Appendix E - Water Supply Certificate
- ___ ___ ___ Appendix F - Certificate of Surveyor
- ___ ___ ___ Appendix G - Certificate of Engineer
- ___ ___ ___ Appendix H - Certificate of Road Maintenance (when roads are to be retained as private roads)
- ___ ___ ___ Appendix I - Certificate of County Approval (Not applicable until the Court hears request to assume maintenance of roads)
- ___ ___ ___ Appendix J - Reeves County Permit to Construct Access Driveway Facilities on County Road Right-of-Way
- ___ ___ ___ Appendix K - Lien holder' s Acknowledgement
- ___ ___ ___ Appendix L- Revision to Plat
- ___ ___ ___ Appendix O-On-Site Sewage Facility Inspector's Approval
- ___ ___ ___ Appendix P - Utility Line Installation Permit
- ___ ___ ___ Appendix Q - Road Construction Specifications (Typical Section)
- ___ ___ ___ Appendix R - Cattle guard specification

Signature of Reviewer

Date of Review

ADDITIONAL REQUIREMENTS:

ALL ITEMS ON THIS CHECK LIST MUST BE IN THE HANDS OF THE COUNTY JUDGE'S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO THE COMMISSIONERS COURT HEARING DATE.

Appendix D (1)

CERTIFICATE OF DEDICATION BY OWNER
(When Owner is an Individual)

THE STATE OF TEXAS

COUNTY OF REEVES

KNOW ALL MEN BY THESE PRESENT, that I, _____owner
of _____ acres of land out of _____Survey, Reeves County, Texas
as conveyed to me by deed dated _____ and recorded in Volume _____
Page _____, Real Property Records of Reeves County, Texas, DO HEREBY
SUBDIVIDE _____ acres of land out of said Survey, (Note: if the subdivision lies in more than
one survey, determine acreage in each survey and repeat for each original survey within the
subdivision) to be known as the _____ Subdivision, in accordance with
the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do
hereby dedicate to the public (or "owners of the property shown hereon" for private streets) the
use of the streets and easements shown hereon.

WITNESS MY HAND, this the ____ day of _____, A.D., 20__.

(Owner's name)

THE STATE OF TEXAS

COUNTY OF REEVES

BEFORE ME, the undersigned authority, on this day personally appeared
_____, known by me to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for
the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D.
20__.

Notary Public in and for
The State of Texas

Appendix D (2)

CERTIFICATE OF DEDICATION BY OWNER
(When Owner is a Corporation)

THE STATE OF TEXAS

COUNTY OF REEVES

KNOW ALL MEN BY THESE PRESENT, that _____, a corporation organized and existing under the laws of the State of Texas, with its home address at _____ and owners of _____ acres of land out of _____ Survey, in Reeves County, Texas, as conveyed to it by deed dated _____ and recorded in Volume _____, Page _____, Real Property Records of Reeves County, DOES HEREBY SUBDIVIDE _____ (Note: if the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the _____ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and does hereby dedicate to the public (or "owners of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

IN WITNESS WHEREOF the said _____ has caused these present to be executed by its _____, thereunto duly authorized this the _____ day of _____, A.D., 20__.

(Name, Title) (Name, Title)

ATTEST:

THE STATE OF TEXAS

COUNTY OF REEVES

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument as an officer of _____ and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the __ day of _____, A.D., 20__

Notary Public in and for
The State of Texas

Appendix E

CERTIFICATE OF RECORDING

THE STATE OF TEXAS

COUNTY OF REEVES

I, _____, County Clerk of Reeves County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the ____ day of _____, A.D. 20___. at _____ o'clock _m. and duly recorded on ____ day of _____, A.D. 20___. at _____ o'clock _m. in the Real Property Records of Reeves County, Texas in Volume _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the ____ day of _____, 20__.

COUNTY CLERK
REEVES COUNTY, TEXAS

Appendix F

WATER SUPPLY CERTIFICATE

"No structure in this subdivision shall be occupied until connected to either: an individual water well, the location of which has been approved by the Reeves County Ground Water Conservation District, a TCEQ approved public water supply system (described below), or other domestic water supply subject to approval by the Reeves County Commissioners Court."

Reeves County Ground
Water Conservation District

Date

Name of Public Water Supply System

Date

Signature & Title of Authorized Agent

Other Proposed Domestic Water Supply (Please specify): _____

Appendix G

CERTIFICATE OF SURVEYOR

THE STATE OF TEXAS

COUNTY OF REEVES

KNOW ALL MEN BY THESE PRESENT that I, the undersigned, a Registered Professional / State Land Surveyor in the State of Texas, do hereby certify that this Plat complies with the survey related requirements of the Reeves County Subdivision Regulations and I further certify that this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

Registered Professional/ State Land Surveyor

Date

License No. _____

Seal:

Appendix H

CERTIFICATE OF ENGINEER

THE STATE OF TEXAS

COUNTY OF REEVES

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that this plat complies with the engineering related requirements of the Reeves County Subdivision Regulations.

Registered Professional Engineer

Date

License No. _____

Seal:

[NOTE: The engineer may be required to be present for questioning at the presentation of the plat to the Commissioners Court.]

Appendix I

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be maintained as Private Roads)

“In approving this plat by the Commissioners Court of Reeves County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Subdivider and/or subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the Subdivider and/or subsequent owners of the subdivision and will not be the responsibility of Reeves County.”

Subdivider or Representative

Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be dedicated to Reeves County for maintenance)

"In approving this plat by the Commissioners Court of Reeves County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Subdivider and/or subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance by way of a Warranty Deed. Acceptance of this plat does not constitute acceptance of the roads shown hereon by Reeves County."

Subdivider or Representative

Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT FOR FILING PURPOSES ONLY

THE STATE OF TEXAS

COUNTY OF REEVES

I, _____, County Clerk of Reeves County, Texas, do hereby certify that on the ___ day of _____, A.D., 20___, the Commissioners Court of Reeves County, Texas, passed an Order authorizing the filing for record purposes only this Plat, and said Order has been duly entered in the minutes of the said Court in Book ____, Page ____.

WITNESS MY HAND AND SEAL OF OFFICE this the ___ day of _____, A.D., 20__.

COUNTY CLERK
REEVES COUNTY, TEXAS

COUNTY JUDGE
REEVES COUNTY, TEXAS

Appendix L

REEVES COUNTY
PERMIT TO CONSTRUCT WITHIN
COUNTY ROAD RIGHT-OF-WAY

Applicant: _____

County Road Name: _____

Address: _____

Permit# _____

Phone No. () _____

I, County Engineer _____ of Reeves County, Texas, authorize _____, hereinafter called the Grantee, to (re)construct an access driveway on the County road right-of way abutting County Road _____ in Reeves County, Texas, located at _____.

SUBJECT TO THE FOLLOWING:

1. The Grantee is responsible for the culvert costs and installation.
2. Design of facilities shall be as shown on the sketch on page 2.
3. All construction and materials shall be subject to inspection and approval by the County.
4. The County reserves the right to require any changes, maintenance, or repairs as may be necessary to provide protection of life or property on or adjacent to the County road. Changes in design will be made only with approval of the County.
5. The Grantee shall hold harmless the County and it's duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
6. The Grantee shall not erect any sign on, or extending over, any portion of the County road right-of-way.
7. Vehicle service fixtures such as fuel pumps, fuel tanks, vendor stands, etc., shall be located at least 12 (twelve) feet from the right-of-way line to insure that vehicles being serviced from these fixtures will be off the County road.

8. Entrances must be constructed in such a way as to keep obstructions from being present in the right-of-way.
9. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement.
10. This permit will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
11. The Grantee will contact the Court's representative _____ at telephone number () _____ at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

DATE OF ISSUANCE: _____

COUNTY ENGINEER: _____

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the County road right-of-way.

PRINTED NAME: _____

SIGNATURE: _____

DATE: _____

SKETCH OF INSTALLATION

Appendix M

LIENHOLDER'S ACKNOWLEDGEMENT

I (We). (Name of Lien holder(s)) _____

owner(s) and holder(s) of a lien(s) against the property described within the Revision to Plat, said lien(s) being evidenced by instrument of record in Volume _____, Page _____, of the Real Property Records of Reeves County, Texas, do hereby in all things subordinate to said Revision of Plat said lien(s), and I (we) hereby confirm that I am (we are) the present owner(s) of said lien(s) and have not assigned the same or any part thereof.

(Signature of Lien holder(s))

(Printed name(s))

THE STATE OF TEXAS

COUNTY OF REEVES

SWORN TO AND SUBSCRIBED before me by _____
on the _____ day of _____, 20____.

Notary Public in and for
The State of Texas

Appendix N

REVISION TO PLAT

Name of Subdivision: _____

Recorded in Volume _____, Page ____ of the Real Property Records of Reeves County, Texas

County Precinct No. _____

Owner: _____

Owner's Mailing Address: _____

Owner's Phone Number(s): _____

Lots or Tracts to be Revised (include Unit, Section or Phase# if applicable):

Resulting Lot Number to be Known As: _____

Lien holder: _____ Yes _____ No

If yes, Name of Lien holder:

(Attach Lien holder's Acknowledgement, Appendix K)

IF REVISED PLAT INCLUDES ANY CHANGES TO AN EXISTING UTILITY EASEMENT, RELEASE OF SAID EASEMENTS BY THE UTILITY PROVIDERS IS REQUIRED BEFORE APPROVAL OR FILING OF SAID PLAT.

The signature affixed below will certify that the owner of the described property does hereby request to revise the plat of the property. The owner certifies that any and all lien holders have acknowledged this revision as per the attached Lien holder's Acknowledgement, if applicable.

(Owner's Signature)

(Printed name)

THE STATE OF TEXAS

COUNTY OF REEVES

SWORN TO AND SUBSCRIBED before me by _____
on the ____ day of _____, 20__.

Notary Public in and for
The State of Texas

APPROVED BY COMMISSIONERS COURT ON THE ____ DAY OF _____, 20__.

REEVES COUNTY JUDGE

ATTEST: _____
REEVES COUNTY CLERK

Appendix O

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR'S APPROVAL

THE STATE OF TEXAS

COUNTY OF REEVES

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, a Licensed On-Site Sewage Facility Inspector in the State of Texas, hereby certify that I have inspected the On-Site Sewage Facilities for this plat, and the same complies with the related requirements of the Reeves County Subdivision Regulations and the TCEQ.

On Site Inspector

Date

License No.: _____

Seal:

[NOTE: The inspector may be required to be present for questioning at the presentation of the plat to the Commissioners Court.]

Appendix P

NOTICE OF PROPOSED UTILITY LINE INSTALLATION
REEVES COUNTY RIGHT OF WAY AND PERMIT

TO: County Engineer _____
Address _____

Formal Notice is hereby given that _____ proposes to place a _____ line within the right of way of County Road _____ as follows: (list location, length, general design, etc.)

Installation will begin on or after the _____ day of _____ 20____.

The line will be constructed and maintained on the road right-of-way as directed by Reeves County Engineer.

The location and description of the proposed line is more fully shown on the attached drawings.

Applicant will insure that traffic control measures complying with applicable portions of the Texas Manual of Uniform Traffic Control Devices will be installed and maintained during the installation.

If the proposed installation is a parallel installation, the installation shall be located _____ feet within the edge of the right-of-way and at least _____ feet in depth, unless otherwise approved by the County.

_____ The installation shall not damage any portion of the road and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

OR

_____ The installation shall damage a portion of the road. Applicant will return the road to its pre-installation condition at Applicant's expense within _____ days of installation. During installation adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

Applicant agrees that any damages sustained to the line installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation, and base work shall be the sole burden and expense of the owner of the utility line.

Applicant agrees to give Reeves County Engineer fifteen (15) days prior notice of any routine or periodic maintenance which requires interruption of traffic and pruning of trees within the road right-of way. County may provide specifications for the extent and methods governing trimming, cropping, tree balance, type of cuts, painting cuts, and clean up.

Applicant agrees that Reeves County does not purport to grant any right, claim, title, or easement in or upon this road, and Applicant further agrees that Reeves County may require owner to relocate line, subject to provisions of governing laws, upon the giving of _____ days written notice.

In the event Applicant fails to comply with any of the requirements as set forth above, Reeves County may take such action as it deems appropriate to compel compliance

Additional Special Provisions:

By signing the below, I certify that I am Applicant or am authorized to represent Applicant and that Applicant agrees to be bound by the provisions of the Notice and Permit.

APPLICANT:

Name: _____
Authorized agent: _____
Address: _____
Phone: _____

REEVES COUNTY:

County Engineer: _____
Address: _____
Phone: _____

APPENDIX Q

Appendix R

IN THE COMMISSIONERS COURT
OF
REEVES COUNTY, TEXAS
ESTABLISHMENT OF PLANS AND SPECIFICATIONS
FOR A STANDARD CATTLE GUARD TO BE USED
ON COUNTY ROADS WITHIN REEVES COUNTY, TEXAS

WHEREAS, §251.003 (a)(1) of the Texas Transportation Code grants the Reeves County Commissioners Court the authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads; and

WHEREAS, cattle guards currently exist on County maintained roads; and

WHEREAS, Reeves County anticipates requests from a property owner proposing to construct new cattle guards on an existing County maintained road; and WHEREAS, Texas Transportation Code §251.009 (a) states that the Reeves County Commissioners Court may authorize the construction of a cattle guards on a County road of any class; and WHEREAS, §251.009 (b) of the Texas Transportation Code requires that the Reeves County Commissioners Court establish plans and specifications for a standard cattle guard to be used on the County roads;

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF REEVES COUNTY, that the standards herein attached, shall serve as the standard for construction of cattle guards on County maintained roads; and

IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF REEVES COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit a Permit to Construct Cattle Guard on Reeves County Right of Way for consideration by the Reeves County Commissioners Court.

IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF REEVES COUNTY that a person proposing to construct a cattle guard on a County maintained road may submit an alternate cattle guard design, prepared by a Registered Engineer, for consideration by the Reeves County Engineer, and the County Engineer's decision may be appealed to Commissioners Court.

Approved, this _____ day of _____, 20__ by the Reeves County Commissioners Court.

County Judge

County Commissioner Pct. 1

County Commissioner Pct 2

County Commissioner Pct. 3

County Commissioner Pct 4

SUMMARY OF REEVES COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips)***	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35mph	45mph	55mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	22'	22'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade*	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

- Any deviation from these standards must be the subject of an approved variance. *
- Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. **
- The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collectors.
- Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.

DEVELOPMENT FEES

The following are a list of development fees for Reeves County. These fees are subject to change.

Preliminary Plat without a designated floodplain:	\$1000.00 +\$10.00 per lot
Preliminary Plat in a designated floodplain:	\$1500.00 +\$10.00 per lot
Final Plat:	\$250.00

PASSED AND APPROVED THIS DAY OF _____, 20____.

County Judge

County Commissioner Pct. 1

County Commissioner Pct 2

County Commissioner Pct. 3

County Commissioner Pct 4

ATTEST:

County Clerk

STATE OF TEXAS
COUNTY OF REEVES

ORDER ADOPTING TAKINGS IMPACT ASSESSMENT FOR
PROPOSED COUNTY REGULATION OF
SUBDIVISION OF LAND

WHEREAS, the Commissioners Court of Reeves County, Texas is authorized to enact policies regarding the subdivision of rural lands located outside the incorporated areas of a municipality, pursuant to Chapter 232 of the Texas Local Government Code; and

WHEREAS the Commissioners Court of Reeves County, Texas finds that a real and substantial need exists to enact an regulations regarding the subdivision of land outside the incorporated areas of the County within Reeves County, Texas; and

WHEREAS proposed regulations of the subdivision of land outside the incorporated areas of the County (hereafter "Proposed Regulations") were created for the Commissioners Court of Reeves County, Texas to consider for adoption; and

WHEREAS, a Takings Impact Assessment Regarding Proposed Regulation of the subdivision of land outside the incorporated areas of the County, ("Takings Impact Assessment", Attachment A hereto) was completed to satisfy the statutory requirements of the Texas Private Real Property Rights Preservation Act found at Chapter 2007 of the Texas Government Code in regard to the Proposed Regulations; and

WHEREAS the Commissioners Court of Reeves County, Texas finds the Takings Impact Assessment evaluated the impact of the Proposed Regulations in accordance with the guidelines prepared by the Texas Attorney General to assist governmental entities in identifying and evaluating governmental actions that may result in a taking, as defined by Section 2007.002 of the Texas Private Real Property Rights Preservation Act.

ACCORDINGLY, it is hereby ORDERED that the Takings Impact Assessment regarding the subdivision of land outside the incorporated areas of the County by Reeves County, Texas (Attachment A hereto) is approved.

ADOPTED by a vote of _____ ayes and _____ nays on the ____ day of _____, 20____.

ATTEST:

County Clerk

County Judge

IN THE COMMISSIONERS COURT
OF
REEVES COUNTY, TEXAS

TAKINGS IMPACT ASSESSMENT REGARDING PROPOSED
DEVELOPMENT REGULATIONS BY REEVES COUNTY, TEXAS

PURPOSE AND INTENT

Reeves County, Texas, acting through the Reeves County Commissioners Court (hereafter "County") is proposing to amend certain existing development regulations and to adopt certain new development regulations (hereafter "Proposed Regulations"). The Proposed Regulations will include the following development regulations:

- Survey and Infrastructure Requirements for Manufactured Home Rental Communities.

The Proposed Regulations will include new regulations in the following general subject areas:

- Minimum standards for the development of, and the documentation of, Manufactured Home Rental Communities, as defined by Section 232.007 of the Texas Local Government Code in the unincorporated areas of Reeves County, Texas.
- New rules and regulations regarding Manufactured Home Rental Communities
- Standardized administrative procedures and applications processing
- Delegations of authority to County Staff
- Additional water availability demonstration requirements
- Additional land use restrictions authorized under Texas State Statutes, including the Texas Local Government Code, the Texas Water Code and the Texas Transportation Code

This Takings Impact Assessment (hereafter "TIA") is intended to satisfy the statutory requirements of the Texas Private Real Property Rights Preservation Act found at Chapter 2007 of the Texas Government Code (the "Act" or PRPRPA) in regard to the Proposed Regulations.

REGULATORY BACKGROUND

Governmental Takings in General

A governmental "taking" is a governmental action which restricts or regulates a private property interest to such a degree that it violates prohibitions on the taking of private property without just compensation, as outlined in either the United States Constitution¹ or the Texas Constitution. One form of a taking is a "Physical Taking" where a governmental entity physically takes or occupies private property (e.g., a city condemning an easement to expand a roadway across private property).

A more difficult-to-define form of taking is a "Regulatory Taking" which is a governmental regulatory requirement which has the effect of reducing the economic usefulness and value of private property to such an extent that it constitutes a taking of private property. The Proposed Regulations do not propose any "physical taking" of any particular property, but certain actions included in the Proposed Regulations are evaluated to determine whether they may constitute a "regulatory taking".

General Principles in the Law of Regulatory Takings

The U.S. Supreme Court and the Texas Supreme Court have struggled to formulate a standard for determining when a governmental regulation of private property goes so far as to become a taking. At present the U.S. Supreme Court and Texas Supreme Court have adopted the following basic legal principles concerning the law of regulatory takings:

- Possible remedies for a regulatory taking are to invalidate the offending regulation or to make the governmental entity liable for monetary damages.
- In defending a challenge to a regulation, the governmental entity must show that the regulation actually substantially advances a legitimate state interest. A legitimate state interest has been liberally interpreted to include even such things as protecting residents from the "ill effects of urbanization" and the preservation of desirable aesthetic features.
- A compensable regulatory taking occurs when a land use regulation either (1) denies the landowner all economically viable uses of the property, or (2) unreasonably interferes with the owner's right to use and enjoy his property. The Texas Supreme Court has held that to constitute a regulatory taking, a land use regulation which denies a landowner of all economically viable uses of the property and thereby renders the property valueless.
- In determining whether a governmental regulation unreasonably interferes with an owner's right to use and enjoy his property, a court must evaluate two factors: (1) the economic impact of the regulation (i.e., comparing the value that has been taken from the property with the value that remains), and (2) the extent to which the regulation interferes with "distinct investment backed expectations" of the landowner. A regulation that interferes with existing or already-permitted land uses is more likely to be considered a regulatory taking than a regulation which interferes with speculative uses or the landowner's asserted entitlement to the highest and most valuable use of every piece of his property.
- In the case of governmental exactions, the required dedication for public use or of public facilities must be roughly proportional to the actual need for those public facilities which is generated by the proposed development. For example, the amount of roadway required to be dedicated by the developer must be reasonably commensurate to the amount of traffic generated by the new development.

Definition of a Regulatory Taking

The following information is taken from the regulatory background on the issue of Regulatory Takings contained in a guidance document prepared by the State of Texas Office of the Attorney General (OAG). The Act [specifically Texas Local Government Code (LGC) §2007.002(5)] defines a "taking" as follows:

- A. a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or
- B. a governmental action that:
 - 1. affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and
 - 2. is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The Act, in TGC §2007.002, thus sets forth a definition of "taking" that (i) incorporates current jurisprudence on "takings" under the United States and Texas Constitutions, and (ii) sets forth a new statutory definition of "taking." Essentially, if a governmental entity takes some "action" covered by the Act and that action results in a devaluation of a person's private real property of 25% or more, then the affected party may seek appropriate relief under the Act. Such an action for relief would be predicated on the assumption that the affected real property was the subject of the governmental action.

TGC §2007.003(a) provides that the Act applies only to the following governmental actions:

- A. the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure;
- B. an action that imposes a physical invasion or requires a dedication or exaction of private real property;
- C. an action by a municipality that has effect in the extraterritorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces an ordinance, rule, regulation, or plan that does not impose identical requirements or restrictions in the entire extraterritorial jurisdiction of the municipality; and

- D. enforcement of a governmental action listed in Subdivisions (1)-(3), whether the enforcement of the governmental action is accomplished through the use of permitting, citations, orders, judicial or quasi-judicial proceedings, or other similar means.

The requirement to do a TIA only applies to §2007.003(a) (1)-(3).

Governmental Actions Exempted From the Act

There are certain governmental actions exempted by the Act. The following actions are exempted from coverage of the Act under §2007.003(b):

- A. an action by a municipality except as provided by subsection (a)(3);
- B. a lawful forfeiture or seizure of contraband as defined by Article 59.01, Code of Criminal Procedure;
- C. a lawful seizure of property as evidence of a crime or violation of law;
- D. an action, including an action of a political subdivision, that is reasonably taken to fulfill an obligation mandated by federal law or an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by state law;
- E. the discontinuance or modification of a program or regulation that provides a unilateral expectation that does not rise to the level of a recognized interest in private real property;
- F. an action taken to prohibit or restrict a condition or use of private real property if the governmental entity proves that the condition or use constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state;
 - 1. an action taken out of a reasonable good faith belief that the action is necessary to prevent a grave and immediate threat to life or property;
 - 2. a formal exercise of the power of eminent domain;
 - 3. an action taken under a state mandate to prevent waste of oil and gas, protect correlative rights of owners of interests in oil or gas, or prevent pollution related to oil and gas activities;
 - 4. a rule or proclamation adopted for the purpose of regulating water safety, hunting, fishing, or control of nonindigenous or exotic aquatic resources;
 - 5. an action taken by a political subdivision:

- a. to regulate construction in an area designated under law as a floodplain;
- b. to regulate on-site sewage facilities;
- c. under the political subdivision's statutory authority to prevent waste or protect rights of owners of interest in groundwater; or
- d. to prevent subsidence;

G. the appraisal of property for purposes of ad valorem taxation;

H. an action that:

- 1. is taken in response to a real and substantial threat to public health and safety;
- 2. is designed to significantly advance the health and safety purpose; and
- 3. does not impose a greater burden than is necessary to achieve the health and safety purpose; or

I. an action or rulemaking undertaken by the Public Utility Commission of Texas to order or require the location or placement of telecommunications equipment owned by another party on the premises of a certificated local exchange company.

Based on the types of actions anticipated under the Proposed Regulations, Reeves County believes that while certain actions included in the Proposed Regulations are exempt, other actions may not be exempt and will require the County to prepare a TIA.

Lawsuit to Invalidate a Governmental Taking

The Act allows landowners whose property is significantly impaired by governmental regulations to sue the governmental entity to invalidate the regulation. As an alternative to invalidation of the governmental action, the governmental entity may elect to pay the landowner compensation for the loss in value of the property interest. The Act is generally applicable to any governmental action (e.g., adoption of an ordinance, regulatory requirement or policy, or a governmental exaction) that restricts or limits the landowner's rights in the real property and that causes a reduction of 25% or more in the market value of the property. Any lawsuit by an affected real property owner against the governmental entity must be filed within 180 days after the owner knew or should have known of the governmental action. The prevailing party in the lawsuit against the governmental entity is entitled to recover reasonable and necessary attorney's fees and court costs from the losing party.

Requirement to Prepare a Takings Impact Assessment (TIA)

In addition to a lawsuit to invalidate a taking by a governmental entity, all governmental entities in Texas (including the County) are required to prepare a TIA evaluation of any proposed regulation that may impair private real property interests and to provide public notice of the takings impact assessment. If a governmental entity fails to prepare a required takings impact assessment, an affected real property owner may bring suit to invalidate the governmental action and recover attorney's fees and court costs.

EVALUATION PROCESS

Based on those items within the Proposed Regulations which might reasonably be determined to be subject to the preparation of a TIA, the County evaluated these items using the guidelines prepared by the State of Texas Office of the Attorney General. These guidelines require each action be evaluated through a series of questions. These questions, with subsequent instructions, are:

Question 1: Is the Governmental Entity undertaking the proposed action a Governmental Entity covered by the Act, i.e., is it a "Covered Governmental Entity"(CGA)? See the Act, §2007.002(1).

- (1) If the answer to Question 1 is "No": No further compliance with the Act is necessary.
- (2) If the answer to Question 1 is "Yes": Go to Question 2.

TGC §2007.002(1) (B) indicates that "a political subdivision of this state" is a covered governmental entity. Article IX of the Texas Constitution indicates that Counties are political subdivisions of the State. Therefore the County would be a covered governmental entity, subject to the requirement to prepare a TIA where it would otherwise be required.

Question 2: Is the proposed action to be undertaken by the Covered Governmental Entity an action covered by the Act, i.e., a "Covered Governmental Action"?

- (1) If the answer to Question 2 is "No": No further compliance with the Act is necessary.
- (2) If the answer to Question 2 is "Yes": Go to Question 3.

Based on the County's review of the Act, certain of the actions included in the Proposed Regulations may arguably qualify as Covered Governmental Actions (CGA) while others do not. As outlined above, the Proposed Regulations do not propose any "physical taking" of any particular property, but certain actions are required to be evaluated as a "regulatory taking". Those actions determined to be Covered Governmental Actions will be further evaluated using subsequent questions.

Question 3: Does the Covered Governmental Action result in a burden on "Private Real Property" as that term is defined in the Act?

If the answer to Question 3 is "No" A "No Private Real Property Impact" or NoPRPI Determination should be made. No further compliance with the Act is necessary if a NoPRPI Determinations is made. Logically, the initial critical issue regarding any proposed governmental action is whether there is any burden on private real property. If a governmental entity has not resolved this issue by reference to its preexisting list of Categorical Determinations, it can do so by quickly and concisely making a NoPRPI Determinations. (2) If the answer to Question 3 is "Yes": A TIA is required and the governmental entity must undertake evaluation of the proposed governmental action on private real property rights.

Based on the County's review of the Act, certain of the actions included in the Proposed Regulations may result in the imposition of a burden on "Private Real Property" as that term is defined in the Act. Therefore, Question 3 is answered as a qualified "YES", and those actions determined to impose a burden on "Private Real Property" will be further evaluated using subsequent questions and through the preparation of a TIA.

Question 4: What is the Specific Purpose of the Proposed Covered Governmental Action?

The TIA must clearly show how the proposed governmental action furthers its stated purpose. Thus, it is important that a governmental entity clearly state the purpose of its proposed action in the first place, and whether and how the proposed action substantially advances its stated purpose.

Question 5: How Does the Proposed Covered Governmental Action Burden Private Real Property?

Question 6: How Does the Proposed Covered Governmental Action Benefit Society?

Question 7: Does the Proposed Covered Governmental Action result in a "taking"?

The actions determined to be Covered Governmental Actions which also impose a burden on "Private Real Property" as that term is defined in the Act have been proposed to accomplish several different purposes. Each of those actions determined to be both a Covered Governmental Action and which impose a burden on "Private Real Property" will be further evaluated using Questions 4 through in the TIA. The Office of Attorney General guidance also provides the following sub-questions for items determined to be Covered Governmental Actions:

- (1) Does the Proposed Covered Governmental Action Result Indirectly or Directly in a Permanent or Temporary Physical Occupation of Private Real Property?
- (2) Does the Proposed Covered Governmental Action Require a Property Owner to Dedicate a Portion of Private Real Property or to Grant an Easement?
- (3) Does the Proposed Covered Governmental Action Deprive the Owner of all Economically Viable Uses of the Property?

- (4) Does the Proposed Covered Governmental Action have a Significant Impact on the Landowner's Economic Interest?
- (5) Does the Covered Governmental Action Decrease the Market Value of the Affected Private Real Property by 25% or More? Is the Affected Private Real Property the subject of the Covered Governmental Action? See the Act. §2007.002(5) (B).
- (6) Does the Proposed Covered Governmental Action Deny a Fundamental Attribute of Ownership?

In addition to these questions to be addressed for each proposed action, the Office of Attorney General guidance also recommends an alternative evaluation:

Question 8: What are the Alternatives to the Proposed Covered Governmental Action?

For each of the Covered Governmental Actions which also impose a burden on "Private Real Property", an alternatives evaluation will be provided.

SUMMARY OF THE PROPOSED REGULATIONS

The following items provide a summary of the major actions from the Proposed Regulations. Based on the regulatory background information and the nature of the proposed actions, each major proposed action has been assigned to one of three categories, depending on whether it was determined to be a "Covered Governmental Action" and whether it places a "burden" on property, as those terms are defined under the Act. An explanation of each action and the rationale for its inclusion in its selected category is provided below.

Actions in the Proposed Regulations Determined to Not Be "Covered Governmental Actions"

("No "to OAG Question 2)

1. Additional Water and Wastewater Availability Demonstration Requirements

The County's existing subdivision regulations contain certain requirements for demonstrating water and wastewater availability pursuant to the so-called "Model Rules" provided by Article 16 of the Texas Water Code. Under the County's authority to regulate the subdivision of property provided in Texas Local Government Code (TLGC). Chapter 232.19 and authority granted to the County under the Texas Water Code, the County is proposing additional requirements for demonstrating water and wastewater availability, and for proper drainage of storm-water for developments in the unincorporated areas of the County. The proposed actions are outlined in Sections IV of the Proposed Regulations.

Specifically the County is proposing:

- Additional technical requirements for demonstrating water and wastewater availability
- Additional methods of providing water and wastewater service to be considered in demonstrating availability
- Additional requirements for water availability demonstrations relying on groundwater in Priority Groundwater Management Areas (PGMAs), as those areas are defined by the Texas Commission on Environmental Quality (TCEQ)
- Additional requirements for proper drainage of storm water.

The proposed actions were determined to be exempted from the Act in accordance with TGC §2007.003(b)(11)(C) due to the County's intent to protect the rights of the owners of interest in groundwater and in accordance with TGC §2007.003(b)(13) due to the County's intent to protect public health and safety by establishing minimum requirements for the provision of drinking water and the proper management of wastewater, and to protect the environment and property owners from the adverse effects of flooding and uncontrolled run-off of storm water. Based on these exemptions, these proposed actions are not subject to the requirement to prepare a TIA.

2. Regulation of Certain Private Roadways

Under the County's authority to regulate the subdivision of property provided in TLGC Chapter 232, the County is proposing new requirements for regulating certain private roadways. The proposed actions are outlined in Section IV of the Proposed Regulations. The proposed actions are intended to ensure unrestricted access to all areas of new subdivisions by emergency vehicles. The County is proposing these actions specifically to address situations where width restrictions, obstructions, and roadway conditions may prevent timely emergency response activities. The County believes that delays in timely emergency response caused by impassable private roadways constitute a "grave and immediate threat" to life and property. Based on this belief the County further believes that the proposed actions were developed in "good faith" to prevent delays in timely emergency response. As such, the proposed actions were determined to be exempted from the Act in accordance with TGC §2007.003(b) (7) due to the County's intent to prevent grave and immediate threats to life or property. Based on this exemption, these proposed actions are not subject to the requirement to prepare a TIA.

3. Adoption of Minimum Roadway Right-of-Way Widths

The County's existing subdivision regulations do not contain requirements for roadway right-of-way widths. Under the County's authority to regulate the subdivision of property provided in TLGC Chapter 232, the County is proposing to adopt requirements for the provision of minimum right-of-way widths for new Public Roadways. The proposed actions are outlined in Section N of the Proposed Regulations. The proposed actions are intended to ensure that new roadways provide adequate right-of-way to comply with the latest engineering design standards for safe travel over public roadways. The County believes that adequate roadway right-of-way widths may contribute to a real and substantial threat to public safety, and is proposing the changes to

the right-of-way widths to improve public safety, but is limiting those changes to only those necessary to accomplish the public safety purpose. Based on this belief, the County further believes that the proposed actions do not impose a burden greater than that necessary to accomplish this purpose. As such, the proposed actions were determined to be exempted from the Act in accordance with TGC §2007.003(b) (13) due to the County's intent to address public safety concerns. Based on this exemption, these proposed actions are not subject to the requirement to prepare a TIA.

4. Modifications to the Flood Damage Prevention Standards

Under the County's authority under the Texas Water Code, Chapter 16.22, the County is proposing additional requirements for regulating development in flood hazard areas. The proposed actions are outlined in Chapter 735 of the Proposed Regulations. The proposed actions were determined to be exempted from the Act in accordance with TGC §2007.003(b) (11) (A) due 22 TWC, Title 2, "Water Administration". Chapter 16, "Provisions Generally Applicable to Water Development". as amended through the 80th Regular Legislative Session, Legislature of the State of Texas. Their inclusion in the County's regulation of construction in floodplains is exempted and is not subject to the requirement to prepare a TIA.

Actions in the Proposed Regulations Determined to Not Place a Burden on Property ("No "to OAG Question 3)

1. Standardization of Administrative Procedures, Applications Processing, Public Notice Procedures and Development Agreements

Under the County's authority to regulate various aspects of land development as authorized under various chapters of the Texas Local Government Code, the County is proposing significant changes and additions to the administrative procedures, applications processing procedures, public notice procedures, and procedures for the use of development agreements to be utilized by the County in the regulation of development within the County. While these proposed actions affect the information to be prepared and submitted to the County, and how the County will apply the Proposed Regulations, the administrative procedures themselves do not create a "burden" per se on "Private Real Property", as that term is defined in the Act, being regulated by the Propose Regulations. As outlined in the guidance from the OAG:

TIA's must concentrate on the truly significant real property issues. No need exists to amass needless detail and meaningless data. The public is entitled to governmental conformance with legislative will, not a mass of unnecessary paperwork.

The proposed actions regarding the administrative procedures and applications processing were determined to not place a direct burden on "Private Real Property" and qualify for a "No Private Real Property Impact" Determination (hereafter "NoPRPI Determination") as provided in the OAG guidelines. and would not be subject to the requirement to prepare a TIA.

Actions in the Proposed Regulations Determined to Be "Covered Governmental Actions" and to Place a "Burden" on Private Real Property"

Based on the evaluation conducted by the County the following list of proposed actions may qualify as "Covered Governmental Actions" and place a "burden" on Private Real Property. The further evaluation of these items is presented in the following section:

- Obtaining Approval Prior to Furnishing Utility Service
- Registration of Certain Exempt Subdivisions
- Development Authorization Expiration
- Minimum Lot Sizes

TAKINGS IMPACT ASSESSMENT FOR THE QUALIFYING ACTIONS

Impacts of Development Regulation in General

In general, reasonable development restrictions will serve a basic public purpose but will not be of such an extreme character as would constitute a regulatory taking. First, the goals of protecting public health and safety and water quality clearly appear to qualify as a legitimate state interest since prior U.S. Supreme Court rulings have held that governmental regulations addressing the "ill effects of urbanization" and the preservation of desirable aesthetic features are legitimate state interests. It has also been expressly held by the Supreme Court that governmental restrictions on the use of only limited portions of a parcel of land such as setback ordinances are not considered regulatory takings.

Moreover, in a recent U.S. Supreme Court case on regulatory takings, the Court was faced with the question of whether a temporary moratorium on all development around Lake Tahoe constituted a regulatory taking per se. The Supreme Court held that such a moratorium did not constitute a per se taking and that various factors must be analyzed to determine whether a moratorium constitutes a taking. In so ruling, the Court referred to a set of Lake Tahoe water quality protection ordinances enacted in 1972 which restricted impervious cover and established setback limits. These measures preceded the establishment of the development moratorium at issue in the case. Since the moratorium was held not to be a per se regulatory taking. It is very doubtful that traditional development regulations would be considered a regulatory taking if crafted to accomplish their stated purpose while still allowing the landowner to reasonably use and enjoy his property.

This conclusion is consistent with the guidelines adopted by the OAG. These guidelines provide as follows:

"Accordingly, government may abate public nuisances, terminate illegal activity, and establish building codes, safety standards, or sanitary requirements generally without creating a compensatory 'taking.' Government may also limit the use of real property through land use planning, zoning ordinances, setback requirements, and environmental regulations."

These guidelines further indicate that some types of development regulation may qualify for the exemption from the Texas Private Real Property Rights Preservation Act as regulatory actions which protect public health and safety.

Actions in the Proposed Regulations Determined to Be "Covered Governmental Actions" That Place a "Burden" on Private Real Property

The following proposed actions have been reasonably determined to be "Covered Governmental Actions" that may place a "burden" on Private Real Property. Each of these proposed actions has been evaluated using the additional questions in OAG guidelines (specifically Questions 4 through 8, and where necessary, the sub-questions).

1. Obtaining Approval Prior to Furnishing Utility Service

Under the County's authority to regulate the subdivision of property provided in Texas Local Government Code, Chapter 232 the County is proposing to implement requirements for utility providers to obtain written approval from the County prior to furnishing utility service to a regulated development (non-exempt subdivisions and Manufactured Home Rental Communities). Specifically the County is relying on TLGC §232.106 which authorizes Counties to regulate the connection of utilities in accordance with TLGC §232.0291. This provision of the TLGC authorizes Counties to require a certification from the County before a "utility" extends service to "any subdivided land". The TLGC defines a "utility" as a "person, including a legal entity or political subdivision", and is further defined to include electric, gas and water and sewer utilities. The County is also relying on TLGC §232.007(h) which authorizes Counties to regulate the connection of utilities to a Manufactured Home Rental Community. These provisions of the TLGC authorize the County, upon the adoption of the Proposed Regulations, to require all utility providers, including other governmental utility providers, to obtain certification from the County prior to extending utility service to either a non-exempt subdivision or a Manufactured Home Rental Community, subject to the provisions of TLGC §232.0291.

These proposed actions are outlined in Section IV of the Manufactured Home Rental Communities Regulations. The proposed actions may subject certain utility providers to new requirements to obtain written approval from the County prior to furnishing utility service. These actions together have been determined to be a CGA that may place a burden on "Private Real Property".

OAG Question 4 -What is the Specific Purpose of the Proposed CGA?

The purpose of the proposed CGA is to prevent utility providers from furnishing utility service to developments that do not meet the County's requirements. Unscrupulous developers may attempt to circumvent the County's requirements by selling property to unsuspecting homeowners before ensuring that the County has issued approval for the development. By way of example, if a developer were to begin selling lots in a subdivision prior to filing the final plat and installing the necessary roadways and utilities, a utility provider would be required to obtain certification of approval from the County prior to connecting the utilities to a new home built in that subdivision. In this instance, the County would be notified of a violation of its regulations when the utility provider sought the certificate from the County to extend utility service to a development that had not yet been approved. This notice would allow the County to initiate enforcement activities against the offending party and institute any corrective measures at its

disposal. While this might not prevent harm to the individual already victimized by the unscrupulous developer, it would allow the County to implement measures to control further harm to unsuspecting members of the public. The County believes that this is an important safeguard for the public and is intended to rectify a non-compliant situation. The County further believes that this proposed action will substantially advance the purpose of protecting the public interest.

OAG Question 5 -How Does the Proposed CGA Burden Private Real Property?

In instances where it is invoked, the proposed CGA may create a burden on Private Real Property by preventing a property owner from having utilities connected to new or existing construction and by preventing utility owners from extending their property (utilities) to noncompliant developments.

OAG Question 6 -How Does the Proposed CGA Benefit Society?

The proposed CGA benefits society in the following ways:

- Serving as a deterrent to unscrupulous developers by providing a third-party notification to the County for non-compliant activities.
- Increasing the likelihood that the County is notified as early as possible about requests to extend utilities to a non-compliant development, providing the best opportunity for the situation to be corrected before additional harm is propagated on the public.

OAG Question 7 -Does the Proposed CGA result in a "taking"?

OAG Sub-question 1 -Does the Proposed CGA Result Indirectly or Directly in a Permanent or Temporary Physical Occupation of Private Real Property?

No.

OAG Sub-question 2 -Does the Proposed CGA Require a Property Owner to Dedicate a Portion of Private Real Property or to Grant an Easement?

No.

OAG Sub-question 3 -Does the Proposed CGA Deprive the Owner of all Economically Viable Uses of the Property?

Although the denial of utility connection under the proposed regulation in most cases will result in only a temporary limitation, in an extreme case, the proposed CGA could result in a property owner being deprived of all economically viable use of the property in an instance where an unscrupulous developer sold that property owner certain real property from a non-compliant development. If the unscrupulous developer were to go bankrupt without having provided adequate financial assurance, the property owner might be unable to have utilities furnished to

property intended for a home site. This would have the effect of depriving that owner of the ability to use that property for a home site, thus depriving him of an important economic use of the property as a home site. However, for a regulatory taking as defined under TLGC §2007.002(5) (B) (ii), to exist, the CGA would need to be the "producing cause". In this instance, the producing cause of the property owner being deprived of the economically viable use of his property would be the actions of the unscrupulous developer and not the CGA of the County. Based on this definition, the proposed CGA would not constitute a regulatory taking.

OAG Sub-question 4 -Does the Proposed CGA have a Significant Impact on the Landowner's Economic Interest?

As outlined in the response to OAG Sub-question 3, the proposed CGA could result in a significant impact to a property owner's economic interest. However, the proposed CGA would not be the "producing cause", and would therefore not constitute a regulatory taking.

OAG Sub-question 5 -Does the CGA Decrease the Market Value of the Affected Private Real Property by 25% or More?

Is the Affected Private Real Property the subject of the Covered Governmental Action? See the Act, §2007.002(5) (B).

As outlined in the response to OAG Sub-question 3, the proposed CGA could result in a significant impact to a property owner's economic interest, including a reduction of 25% or more of the market value of the affected Private Real Property. However, the CGA would not be the "producing cause", and would therefore not constitute a regulatory taking.

OAG Sub-question 6 -Does the Proposed Covered Governmental Action Deny a Fundamental Attribute of Ownership?

In an extreme case, the proposed CGA could result in a property owner being denied the right to have utilities extended to his property, which would be considered a fundamental attribute to ownership. However, as outlined in the response to OAG Sub-questions 3 through 5, the proposed CGA would not be the "producing cause", and would therefore not constitute a regulatory taking.

OAG Question 8 -What are the Alternatives to the Proposed CGA?

The County's proposed CGA is based on optional authority granted to the County by the Texas Legislature. The only alternative to the proposed action is to not implement this optional authority. The County believes that the proposed action protects the public interest, and that failing to implement the proposed action is less protective of the public interest. The County further believes that there are no feasible alternatives to the proposed action.

Conclusion: The County's Proposed Action of Requiring Utility Providers to Obtain Approval Prior to Furnishing Utility Service to a Regulated Development does not constitute a Regulatory Taking.

2. Registration of Certain Exempt Subdivisions

Under the County's authority to regulate the subdivision of property provided in Texas Local Government Code, Chapter 232 the County is proposing to implement requirements for registering certain subdivisions that are exempt under State Law. Specifically the County is relying on TLGC §232.001S (a) which authorizes Counties to classify divisions of property and exempt some of those from platting requirements. This proposed action is outlined in Section IV of the Proposed Regulations. The County is proposing to exempt from platting, but require the registration of exempt property divisions in order to allow for subsequent monitoring of development that would no longer qualify for exemption, or to identify subdivisions of property determined to be exempt for financial severance purposes (hereafter "Financial Severance Subdivisions" or "FSS"). In general, Financial Severance Subdivisions are divisions of property made to allow a portion of a property to serve as collateral for a financial transaction, while the remaining portion of the property is not subject to the financial transaction.

Some property divisions that are exempt, such as intra-family divisions, or divisions of large sized parcels, may subsequently be modified in such a manner as to forfeit the exemption, or to become subject to the Proposed Regulation. The proposed action may subject certain property owners to new requirements to file documents with the County. This action has been determined to be a CGA.

OAG Question 4-What is the Specific Purpose of the Proposed CGA?

In the past, the County is aware of instances where a property owner has carved out a portion of a tract of land to identify that separated property for financial severance purposes (an FSS). Most often this separated property is used as collateral for funding to construct of a home on the remaining portion of the property. While subdivision per se is not made when the FSS is identified, a subdivision would occur if that FSS is used as the basis for the transfer of the property to a person that does not qualify for an exempt transfer of property under State Law.

If the property owner defaults on the financial obligation, the financial institution may take possession of the separated portion of the property. If the financial lender is not a natural person properly related to the defaulting property owner, when this separate ownership is perfected, a de-facto subdivision occurs that would be regulated under both state law and County ordinances. If the original FSS was not configured to include access to a public road, this de facto subdivision would create a separate tract with no public access, in violation of state law and County ordinances. The purpose of the proposed CGA is to prevent the adverse effects of these types of subdivisions of property that make no provision for public access to a portion of a property divided through financial severance.

OAG Question 5 -How Does the Proposed CGA Burden Private Real Property?

The proposed CGA may create a burden on Private Real Property by requiring the property owner to file paperwork with the County when establishing an FSS. The proposed CGA may further burden Private Real Property by requiring a property owner to utilize a configuration for

the FSS to allow access to a public roadway or to grant an access easement across the portion of their property not included within the FSS.

Under TLGC §232.0015(e), real property resulting from exempt subdivisions may be transferred to individuals related to the owner within the third degrees of consanguinity or affinity of the property owner without invalidating the exemption.

Updating of the Reeves County Development Standards

OAG Question 6 -How Does the Proposed CGA Benefit Society?

The proposed CGA benefits society in the following ways:

- Serving as a deterrent to the improper configuration of an FSS that does not have access to a public roadway.
- Increasing the likelihood that the County is aware of an FSS as early as possible, providing the best opportunity for the situation to be corrected before additional the improper configuration is made.

OAG Question 7 -Does the Proposed CGA result in a "taking"?

OAG Sub-question I -Does the Proposed CGA Result Indirectly or Directly in a Permanent or Temporary Physical Occupation of Private Real Property?

No.

OAG Sub-question 2 -Does the Proposed CGA Require a Property Owner to Dedicate a Portion of Private Real Property or to Grant an Easement?

While the property owner could configure the FSS to provide access to a public roadway, as an alternative, the property owner could also grant an access easement to the FSS through the portion of their property that is not included in the FSS.

OAG Sub-question 3 -Does the Proposed CGA Deprive the Owner of all Economically Viable Uses of the Property?

No. Even in an instance where the property owner might elect to grant an easement, this easement would only require the property owner to provide ingress/egress across the portion of their property that is not included in the FSS.

OAG Sub-question 4 -Does the Proposed CGA have a Significant Impact on the Landowner's Economic Interest?

A determination as to whether the proposed CGA has a significant impact on the landowner's economic interest must be made on a case-by-case basis. However, the property owner is given the option of configuring the FSS to allow public access or granting an easement across the property that is not included in the FSS. The Proposed Regulations further make provision for the granting of variances in the event the proposed CGA may result in a regulatory taking in a particular case. Given these allowances, the proposed action will not generally have a significant impact on the landowner's economic interest.

OAG Sub-question 5 -Does the CGA Decrease the Market Value of the Affected Private Real Property by 25% or More?

Is the Affected Private Real Property the subject of the Covered Governmental Action? See the Act, §2007.002(5) (8).

As outlined in the previous response, determinations as to whether the proposed action decreased the market value of affected Private Real Property must be made on a case-by-case basis. However, the property owner is given the option of configuring the FSS to allow public access or granting an easement across the property that is not included in the FSS. The Proposed Regulations further make provision for the granting of variances in the event the proposed CGA may result in a regulatory taking in a particular case. Given these allowances, the proposed action will not generally result in a decrease in market value of twenty five percent or more.

OAG Sub-question 6 -Does the Proposed Covered Governmental Action Deny a Fundamental Attribute of Ownership?

No.

OAG Question 8 -What are the Alternatives to the Proposed CGA?

The County's proposed CGA is based on authority granted to the County by the Texas Legislature to regulate the subdivision of property. The only alternative to the proposed CGA is to not implement this authority. The County believes that the proposed CGA protects the public interest, and that failing to implement the proposed CGA is less protective of the public interest. The County further believes that there are not feasible alternatives to the proposed CGA.

Conclusion: The County's Proposed Action of Requiring the Registration of Certain Exempt Subdivisions does not constitute a Regulatory Taking.

3. Development Authorization Expiration

The County's existing development regulations contain minimal requirements for the expiration and in some cases, renewal, of various permits and approvals. Under the County's authority to regulate the expiration of various permits and approvals provided in TLGC, Chapter 245, the County is proposing to establish expiration periods for some and modify the expiration period for other various permits and approvals (referred to as "Development Authorizations") included within the Section VI of the Proposed Regulations. Specifically the County is relying on TLGC

Chapter 245 which authorizes a "regulatory agency" to establish expiration periods for various permits and approvals. In this context, a "regulatory agency" includes a "political subdivision, and "political subdivision" includes a County. This provision of the TLGC authorizes the County, upon the adoption of the Proposed Regulations, to establish expiration periods for a broad range of permits, which is defined to include an "approval" or "other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought." The County has construed this provision to cover all types of Development Authorizations approved following the effective date of the Proposed Regulations.

The proposed action subjects property owners and developers obtaining Development Authorizations from the County to a timeframe for making progress on their project. These actions, taken together, have been determined to be a CGA.

OAG Question 4-What is the Specific Purpose of the Proposed CGA?

The purpose of the proposed CGA is to minimize the number of projects that are constructed under older and generally less protective standards, to the extent allowed by law.

OAG Question 5 -How Does the Proposed CGA Burden Private Real Property?

The proposed CGA may create a burden on Private Real Property by requiring the Owner or Developer to continue to make progress on a project within a specific timeframe, regardless of the market or other timing factors. This burden can be removed by the applicant initiating the actions authorized in the Development Authorization within the expiration period.

OAG Question 6 -How Does the Proposed CGA Benefit Society?

In general, the County believes that these older standards are generally not as protective of the public as newer standards. By implementing the proposed expiration periods, the County intends to minimize the number of projects constructed under the older, generally less protective standards. The proposed CGA will benefit society by minimizing the number of project using old or outdated standards.

OAG Question 7 -Does the Proposed CGA result in a "taking"?

OAG Sub-question 1 -Does the Proposed CGA Result Indirectly or Directly in a Permanent or Temporary Physical Occupation of Private Real Property?

No.

OAG Sub-question 2 -Does the Proposed CGA Require a Property Owner to Dedicate a Portion of Private Real Property or to Grant an Easement?

No.

OAG Sub-question 3 -Does the Proposed CGA Deprive the Owner of all Economically Viable Uses of the Property?

In the event that a Development Authorization expired, the Applicant might be deprived of the specific use(s) authorized in the Development Authorization. However, there would likely be other uses available or the Applicant could apply again for a new Development Authorization for the same use(s). Given these conditions, the proposed CGA will not deprive an owner of all economically viable use of the property.

OAG Sub-question 4 -Does the Proposed CGA have a Significant Impact on the Landowner's Economic Interest?

A determination as to whether the proposed CGA has a significant impact on the landowner's economic interest must be made on a case-by-case basis. As outlined in the response to OAG Sub-question 3, in the event that a Development Authorization expired, the proposed CGA could result in the loss of a particular use. However, the "producing cause" of this loss would be the Applicant's failure to act under the terms of the Development Authorization and not the expiration of the Development Authorization. Since the CGA would not be the "producing cause", it would therefore not constitute a regulatory taking.

OAG Sub-question 5 -Does the CGA Decrease the Market Value of the Affected Private Real Property by 25% or More?

Is the Affected Private Real Property the subject of the Covered Governmental Action? See the Act, §2007.002(5) (8).

As outlined in the previous response, determinations as to whether the proposed CGA decreases the market value of affected Private Real Property must be made on a case-by-case basis. However, given the considerations outlined in the responses to OAG Sub-questions 3 and 4, if an instance occurred where the expiration of a particular Development Authorization resulted in the decrease of the market value of the Private Real Property by 25% or more, the "producing cause" of this loss would be the Applicant's failure to act under the terms of the Development Authorization and not the expiration of the Development Authorization. Since the CGA would not be the "producing cause", it would therefore not constitute a regulatory taking.

OAG Sub-question 6 -Does the Proposed Covered Governmental Action Deny a Fundamental Attribute of Ownership?

No.

OAG Question 8 -What are the Alternatives to the Proposed CGA?

The County's proposed CGA is based on authority granted to Counties by the Texas Legislature. The only alternative to the proposed CGA is to not implement this authority. The County

believes that the proposed CGA provides significant public benefits at relatively small risk of adverse impact to property owners.

Conclusion: The County's Proposed Action of Establishing and Modifying Development Authorization Expiration Periods does not constitute a Regulatory Taking.

4. Minimum Lot Sizes and Setbacks

Under State law pertaining to off-site septic systems (OSSF), the Texas Commission on Environmental Quality presently permits OSSF installations. The County may, at some future date, qualify to administer OSSF permitting. In order to comply with safe wastewater management, it is necessary to regulate lot sizes and setbacks. Further, under the County's authority to regulate certain aspects of building construction as provided in TLGC Chapter 233, the County is proposing to implement minimum setbacks from Public Roadways. Specifically, TLGC Chapter 233 authorizes Counties to "(1) establish by order building or set-back lines on the public roads, including major highways and roads, in the County; and (2) prohibit the location of a new building within those building or set-back lines." TLGC Chapter 232 further authorizes Counties to adopt these setback lines without a limitation period. These setbacks would extend a specified distance from the public roadway right-of-way line onto private property. This proposed action is outlined in Section IX of the Proposed Regulations, and in the International Residential Code adopted by the County Adoption of Subchapter F, Chapter 233, Texas Local Government Code. The proposed action may subject certain property owners to the requirement to conduct a review of their proposed construction plans and may restrict the placement of certain types of structures within the specified setbacks. This action has been determined to be a CGA.

This evaluation is intended only to address the impacts of the initial establishment of the setback lines and does not address subsequent right-of-way purchases or condemnation that may take place within these setbacks or elsewhere.

OAG Question 4 -What is the Specific Purpose of the Proposed CGA?

The purpose of the proposed CGA is to minimize the future cost to the County (including the taxpaying public) for remediation of substandard subdivisions and expanding County roadways and to provide a public safety component by providing additional separation between OSSF systems, or in the case of roadways, between the traveled roadway and an above-grade structure made of non-collapsible material.

OAG Question 5 -How Does the Proposed CGA Burden Private Real Property?

The proposed CGA may create a burden on Private Real Property by requiring a de facto easement across the designated portion of the property adjacent to the public roadway. While this portion of the property could be occupied by a yard, driveways, parking lots, or vegetation, it could not be occupied by above-grade structures.

OAG Question 6 -How Does the Proposed CGA Benefit Society?

The County believes that implementing the proposed minimum lot sizes and/or roadway setbacks benefits society in the following ways:

- Reducing the potential for health and sanitation problems caused by densely packed residential developments with inadequate OSSF percolation in the local soil, thereby increasing the risk of disease and contamination of well provided drinking water.
- Reducing the cost of obtaining future right-of-way for public roadway expansion projects by ensuring that the area most likely to be required for expansion is not occupied by above-grade construction. In addition to the purchase price of the land, any above-grade structures present would increase the amount of compensation required for securing the expanded right-of-way.
- Providing an additional safety zone for traveling vehicles that may leave the roadway. This additional safety zone will reduce potential damage and harm to the vehicle and its occupants as well as to the property, fixtures and occupants adjacent to the roadway.

OAG Question 7 -Does the Proposed CGA result in a "taking"?

OAG Sub-question I -Does the Proposed CGA Result Indirectly or Directly in a Permanent or Temporary Physical Occupation of Private Real Property?

No.

OAG Sub-question 2 -Does the Proposed CGA Require a Property Owner to Dedicate a Portion of Private Real Property or to Grant an Easement?

As for the OSSF Lot sizes, no implied easement is involved. For Private Real Property located adjacent to a public roadway, the proposed CGA would create a de facto easement across the designated portion of the property within the setback distance from the right-of-way line of the public roadway.

OAG Sub-question 3 -Does the Proposed CGA Deprive the Owner of all Economically Viable Uses of the Property?

In an extreme case, the proposed CGA could result in a property owner being deprived of all economically viable use of the property in an instance where substantially all of the affected property was restricted by the minimum lot size requirements or the road setback. This would have the effect of depriving that owner of the ability to use that property for a building site, thus depriving him of an important economic use of the property as a building site. However, there are very few properties in the unincorporated areas of the County that would be subject to the Proposed Regulations that do not contain sufficient area to accommodate the Proposed Regulations. The Proposed Regulations make provision for the granting of variances in the event

the proposed CGA may result in a regulatory taking in a particular case. In the rare instances where the proposed setbacks might otherwise deprive a property owner of all economically viable uses of their property, the Commissioners Court could grant a variance to remedy any rare set of circumstances that might result in a regulatory taking. Given these allowances, the proposed CGA will not generally deprive an owner of all economically viable use of the property.

OAG Sub-question 4 -Does the Proposed CGA have a Significant Impact on the Landowner's Economic Interest?

A determination as to whether the proposed CGA has a significant impact on the landowner's economic interest must be made on a case-by-case basis. As outlined in the response to OAG Sub-question 3, in an extreme case, the proposed CGA could result in a significant impact to the landowner's economic interest in an instance where substantially all of the affected property was restricted by the setback. However, in the vast majority of instances, only a portion of the property will be affected by the setback. For instance, a previously platted one-quarter (1/4) acre (10,890 square foot) lot, with a public roadway frontage of seventy five (75) Feet, the length of the lot off the public roadway would be approximately one-hundred forty five (145) feet. Assuming a fifty (50) foot setback applied to the lot, the setback would restrict above-grade construction over the front 3,750 square feet, leaving the remaining 7,140 square feet available for above-grade construction. In addition, customary residential and commercial construction practices in Reeves County generally result in the placement of driveways, parking areas, yards and other associated features between the right-of-way line and any above-grade structures. The setback area could also be occupied by an OSSF effluent discharge system. Since these features are customarily located in the area that would be occupied by the proposed setbacks, the setback requirement would not be expected to have a significant adverse impact on the landowner's economic interest. In the rare instances where the proposed setbacks might otherwise have a significant impact on the landowner's economic interests, the Commissioners Court could grant a variance to remedy any rare set of circumstances that might result in a regulatory taking.

OAG Sub-question 5 -Does the CGA Decrease the Market Value of the Affected Private Real Property by 25% or More? Is the Affected Private Real Property the subject of the Covered Governmental Action?

See the Act, §2007.002(5) (B).

As outlined in the previous response, determinations as to whether the proposed CGA decreases the market value of affected Private Real Property must be made on a case-by-case basis. However, given the considerations outlined in the responses to OAG Sub-questions 3 and 4, the circumstances where the proposed setbacks would have a significant adverse impact would be relatively rare. In the rare instances where the proposed setbacks might otherwise decrease the market value of the Private Real Property by 25% of more, the Commissioners Court could grant a variance to remedy any rare set of circumstances that might result in a regulatory taking. Given these allowances, the proposed CGA will not generally result in the decrease in market value of any specific Private Real Property by 25% of more.

OAG Sub-question 6-Does the Proposed Covered Governmental Action Deny a Fundamental Attribute of Ownership?

No.

OAG Question 8 -What are the Alternatives to the Proposed CGA?

The County's proposed CGA is based on optional authority granted to the Counties by the Texas Legislature. The only alternative to the proposed CGA is to not implement this authority. The County believes that the proposed CGA provides significant public benefits at relatively small cost to property owners, and in most instances will require very few, if any changes, to a property owner's site development plans. In return, the County can save significant costs in the acquisition of future right-of-way.

Conclusion: The County's Proposed Action

- Establishing Minimum Lot Sizes and Setbacks along Public Roadways does not constitute a Regulatory Taking.

Reeves County Clerk

100 E. 4th Street, Suite #101
Pecos, Texas 79772
Phone: (432) 445-5467

Please take note, after the final plat is approved through the Reeves County Commissioners' Court, the County Clerk's Office will need the following in order to complete the process:

- Mylar Plat with **ORIGINAL** seals and signatures (Customer will receive a copy of the plat after it is filed unless otherwise requested. If you would like an original for your records please submit two plats with original seals and signatures to County Engineer.)
- Tax Certificates – County Tax Assessor's Office **and** Appraisal District
- \$120.00 Filing Fee

*After the plat is filed, a copy will be provided to the Reeves County Hospital District, Pecos-Barstow-Toyah Independent School District, Reeves County Appraisal District, and Reeves County Tax Assessor-Collector.

If you have any questions regarding the requirements to submit for recording, please contact the Reeves County Clerk's Office.

Dianne O. Florez
Reeves County Clerk
100 E. 4th Street, Suite #101
Pecos, Texas 79772
Phone: (432) 445-5467