

REAL County, Texas, Subdivision Rules and Regulations

Effective as of The 9th day of DECEMBER, 2024

Approved and Adopted by

REAL County Commissioners Court

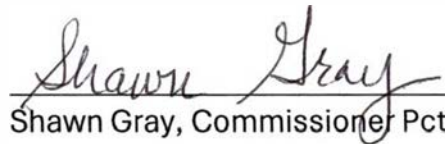
On this 9TH day of DECEMBER, 2024



Bella A. Rubio, County Judge



Bradley Hart, Commissioner Pct. 1



Shawn Gray, Commissioner Pct. 2



Ramon Ybarra, Commissioner Pct. 3



Charles Hunger, Comm. Pct. 4

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ARTICLE ONE: PREAMBLE
REGULATIONS GOVERNING SUBDIVISIONS
IN REAL COUNTY

1.1. Findings

- 1.1.1. The Commissioners' Court of Real County, having reviewed the best available evidence and having consulted with a select committee of citizens who have studied the issue at the County's request, and also having heard open public testimony, finds that:
- a. The Commissioners' Court has the authority and obligation under state law to enact certain measures related to the subdivision and development of land in order to safeguard the general public health, safety, and welfare of the citizens of Real County, and to ensure the moral, orderly and healthful development of the County;
 - b. The current Orders under which the County is operating are inadequate to meet the changing needs of the County, and do not take into account the latest changes in state law affecting Real County;
 - c. Real County is located near one of the state's major urban areas – the San Antonio Metropolitan Statistical Area – and has experienced rapid population growth, as well as rising demands on limited water supplies and other resources, during the past decade;
 - d. Demographic studies prepared by the Texas State Data Center, and by other reputable sources, predict continued rapid land development and population growth for the San Antonio Metropolitan Area, and for adjacent and nearby counties, especially those such as Real County which offers River Recreation, Hill Country vistas, and an attractive lifestyle;
 - e. Rapid population growth and development have caused both economic and environmental problems in other counties and communities in Texas, and – without reasonable regulations to manage development and the subdivision of land – would

be likely to do the same in Real County, straining County roads and other public infrastructure, devaluing existing property, imposing an unwarranted tax burden on the citizens of the County, threatening water supplies and other natural resources, endangering the natural scenic beauty of the County, and generally imposing an adverse risk on the public health and safety;

- f. A number of studies and reports – including (but not limited to) a study at the University of Texas School of Architecture, Community and Regional Planning (*Managing Growth Pressures in Unincorporated Texas: Problems and Options for Change*, by Dr. Robert Paterson and Schleen Johnson, 1998) – document the special need for reasonable regulation of subdivision and development in rural and suburban areas such as Real County; also, case studies compiled by the Texas Association of Counties and the Conference of Urban Counties, and interim reports, committee reports, and committee testimony in the Texas State Legislature, support these findings;
- g. In recognition of the important public health and safety challenges faced by developing counties, the Texas Legislature and various state agencies have acted repeatedly to provide for and refine the authority of Texas counties to address the regulation of subdivision and development activity;
- h. The Real County Commissioners' Court needs a unified and effective Court order in place to efficiently implement and enforce the powers and obligations conveyed under these laws of the state, and of the United States, including (but not necessarily limited to) the citations noted below:
 - The Texas Local Government Code (Chapters 81, 232, 233, 235, 240, 412, 422, and others);
 - The Texas Government Code (Chapters 261, 263, 280, 301, 331);
 - The Texas Health and Safety Code (Chapters 121, 122, 341, 361, 364-366);
 - The Texas Transportation Code (Chapters 251 and 396);
 - The Texas Utilities Code (Chapter 181);
 - The Texas Water Code (Chapters 16, 26 and 35);

- Various federal codes and administrative rulings related to flood and emergency management, and environmental guardianship;
 - i. Recognizing the particular challenges faced by rapidly growing counties adjacent to urban areas, the Texas Legislature has acted to extend certain rights to govern infrastructure planning and to promote orderly, moral and healthful development to certain counties, including Real County, clarifying the state's interest in reasonable management of growth at the county level, especially in high-growth counties;
 - j. Real County residents rely on groundwater as their primary source of drinking water; this water is limited, and both its quality and quantity may be affected by Subdivision and development;
 - k. The future well being and prosperity of Real County demands that the County adopt an Order providing for a thorough set of rules and Regulations for the subdivision and development of land, in order to help preserve and protect the public health, safety, morals, financial resources, and the private property interests of the County and its citizens, as well as the natural resources of the County.
- 1.1.2. The Commissioners' Court of Real County, following due public notice, investigation, consultation with professional engineers and planners, and open public hearing with its citizens, has declared and hereby declares these Regulations to be necessary and appropriate to respond to the Findings enumerated above.

1.2. Care for Private Property Rights

- 1.2.1. Real County Commissioners' Court believes in the right of landowners to have fair and reasonable use of their land;
- 1.2.2. Real County seeks to protect private real property rights and property values, while balancing community needs and public health and safety;

- 1.2.3. Real County has consulted with a private and professional land planning firms during the preparation of these rules in order to help ensure that these rules and regulations are based on modern and reasonable professional standards that will not impede economic development or fair land use in the County;
- 1.2.4. The Commissioners' Court has considered the potential burden of these Rules to property owners and taxpayers, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads, flooding, and immoral and unhealthful development that might reasonably be expected to occur in the absence of these Rules;
- 1.2.5. The Commissioners' Court has, after due notice and consultation with legal counsel, drafted and approved a Takings Impact Analysis pursuant to Tex. Gov't Code 2007, which reflects that the adoption of these Rules: (1) has no impact on private real property; (2) that the adoption of these Rules is exempt; and (3) that the adoption of these Rules fully assessed the potential impact on private real property.
- 1.2.6. These Rules include a process for appeal and the granting of variances, so that landowners who believe they might be deprived of the fair and lawful use of their land may present their case to the Commissioners' Court; and,
- 1.2.7. The Commissioners' Court believes that these Rules, attached to this Preamble, will on balance protect the property values and property rights of Real County citizens and landowners as the County grows and develops.

1.3. Purpose

- 1.3.1. The purpose of this Court Order (these Rules) is to provide for the orderly, moral and healthful development of Real County, and for the safety, health and well being of the general public. By establishing procedures for the efficient and orderly subdivision and development of land within its unincorporated areas, Real County intends to help maintain the quality of life its citizens have come to expect – and to preserve the natural resources of the County for future generations – without imposing undue burden on current taxpayers and citizens. This Order (these Rules) replaces and supersedes all prior Orders and rules

adopted by this Court relating to the regulation of subdivisions and development in Real County.

- 1.3.2. The provisions of this Order apply to the owners and/or agents for any tract of land in Real County that is subdivided or resubdivided; or where public improvements are laid out as part of a subdivision process (such as streets, drainage ways, public utility easements, parks, and so on); or where on-site wastewater systems are to be installed; or
- 1.3.3. Owners subdividing or re-subdividing property in Real County should familiarize themselves with the rules for sanitation and avoidance of water, air, or other types of pollution under all Texas and Federal Statutes.
- 1.3.4. These Rules govern the unincorporated areas of Real County and hold no force inside corporate city limits except where there is an interlocal agreement in place between the County and a particular city.
- 1.3.5. Real County intends to enter into an Interlocal agreement with the City of Leakey and the City of Camp Wood. For land within an unincorporated area of the County and also within the extra-territorial jurisdiction of a city (the ETJ), Applicants will be subject to County regulation, and should consult with the County Engineer to determine which rules apply. It is the goal of Real County to work with local cities under state law to clarify and streamline overlapping subdivision review and specifications in ETJs.
- 1.3.6. The Commissioners' Court, other elected officials, and the staff of Real County who deal with subdivision and development applications, will assist individuals, builders and developers in understanding the goals and performance standards outlined in this Order and the associated Rules.
- 1.3.7. In specific cases where strict, literal interpretation of the Rules would work undue and unfair hardship on landowners, then a variance may be sought, provided that the overall goals and standards for healthful development in these Rules are substantially met (See the section titled, "Variances," for more information). Variances may not be assumed or implied. Variances may only be granted by the Commissioners' Court, acting on a formal agenda item. In all other circumstances, all parties subject to these Rules are expected to abide by them, and the Commissioners' Court and/or the County Attorney will take

whatever legal action is necessary to ensure compliance. If any questions arise as to the interpretation of the language in any sections, the Commissioners' Court of Real County, or its designated agent, will be the final authority.

- 1.3.8. These Rules are in no way intended to stop subdivision or development activity in Real County. The Commissioners' Court hopes these Rules will provide a foundation for successful development that enables people to use their land in ways that are profitable and personally satisfying, while protecting the infrastructure and finances of the county, the water, natural resources, and general healthful environment of the community, and preserving the safety, setting, and character, that has made Real County a desirable place to live and own land.

1.4. Enactment

- 1.4.1. In consideration of the Findings, this Order was presented and passed in Commissioners' Court on the 9th day of December, 2024.
- 1.4.2. The Commissioners' Court, the other elected officials, and the staff of Real County stand ready to assist Applicants in understanding and abiding by these Rules.

ARTICLE TWO: DEFINITIONS

2.1. General Usage

2.1.1. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the plain, ordinary and generally accepted meaning.

2.2. Terms

2.2.1. **Application** – A county-provided form completed by an applicant and accompanied by multiple prints of plans or plats and by support documents as required by these regulations.

2.2.2. **Applicant** – A person, partnership, corporation, government, or any other entity intending to subdivide or develop land subject to these Rules. Such term includes the Owner(s) and Developer.

2.2.3. **Aquifer** – A geologic formation, group of formations, or part of a formation that contains water in its voids or pores. An Aquifer is not limited to a formation containing potable water, but may also include formations containing non-potable water. See also Fresh Water Aquifer.

2.2.4. **Aquifer Test** – A test which complies with 30 TAC Chapter 230 and these Rules.

2.2.5. **RECRD** – Real-Edwards Conservation & Reclamation District

2.2.6. **Review Committee** – A Committee of persons appointed by the Real County Judge to review Applications for a Proposed Subdivision, including any Development Plans and other preliminary documents, and make recommendations to the Commissioners Court on such Applications. The Review Committee shall consist of (1) the Real County Attorney; (2) a representative from the RECRD, the Real County Commissioner(s) for the area covered by the Application; (4) the County Engineer; (5) the County Road Supervisor; (6) the County OSSF Inspector; and (7) any other person(s) who the Real County Judge determines are appropriate for the Application being reviewed.

2.2.7. **Bond** – A guarantee of performance which complies with 30 TAC §232.004, in an amount and form acceptable to the County. See also, Financial Guarantee in Lieu of Bond.

2.2.8. **Certificate of Convenience and Necessity (“CCN”)** – A certificate granted by the Public Utility Commission of Texas under 16 TAC Chapter 24, and which complies with Tex.

Water Code Chapter 13, for the provision of public water and/or sewer services.

- 2.2.9. **Certification** – A written statement which complies with 30 TAC Chapter 230, of best professional judgment or opinion as attested to on the Certification of Groundwater Availability for Platting Form contained under §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting).
- 2.2.10. **County** – The county government of Real County, Texas.
- 2.2.11. **Designated Agent** – A person designated by the Real County Commissioners’ Court to implement, or review compliance, with certain parts of these Rules.
- 2.2.12. **Developer** – The Owner(s) of all, or any part, of the real property included in a Proposed Subdivision, or the Owner’s representative for the purpose of the Proposed Subdivision development. Should there be more than one Owner, all such Owners shall designate a single person to act as the Developer. Should the Owner(s) be an entity, such entity(ies) shall designate a single person to act as the Developer.
- 2.2.13. **Drinking Water Standards** – See Requirements Applicable to Public Water Systems
- 2.2.14. **ETJ** – The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the Local Government Code.
- 2.2.15. **Flag Lot** – A lot having the minimum required frontage on a public right of way with the largest portion of the lot area connected to the public right of way by a strip, or “flag pole,” which is included in the lot.
- 2.2.16. **Final Plat** – A map with required text that is prepared in accordance with the provisions of this order and applicable statutory and jurisdictional regulations, which map is prepared to be placed on record in the official records of Real County.
- 2.2.17. **Financial Guarantee in Lieu of Bond** -- A guarantee of performance which complies with 30 TAC §232.0045, in an amount and form acceptable to the County. See also, Bond.
- 2.2.18. **Fresh Water Aquifer** -- A geologic formation, group of formations, or part of a formation that contains water in its voids or pores which is suitable for human consumption or agricultural purposes, either in its *in situ* form or in a form which, after reasonably available treatment, is suitable for human consumption or agricultural purposes.
- 2.2.19. **Full Build-out** – The final expected number of residences, businesses, or other structures in a Proposed Subdivision. This includes the number for each separate phase of the

Proposed Subdivision.

- 2.2.20. **Licensed Professional Engineer** – An engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- 2.2.21. **Licensed Professional Geoscientist** – A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.
- 2.2.22. **Order** – The Order of the Commissioners’ Court authorizing and implementing these Rules.
- 2.2.23. **Owner** – All persons or entities who own all, or any part, of the real property which is included in a Proposed Subdivision.
- 2.2.24. **Plat (See Final Plat).**
- 2.2.25. **Plat Applicant** – The Owner or authorized representative seeking approval of a proposed subdivision pursuant to the County. (See Applicant.)
- 2.2.26. **Precinct Commissioner** – The member(s) of the Commissioners’ Court who is/are elected or appointed to represent the Real County precinct(s) in which all or any part of the land proposed for development and subject to these Rules is located.
- 2.2.27. **Development Plan** – A detailed plan drawn to scale showing boundaries and size of lots and road rights-of-way; common areas; utilities; provisions for drainage; location, depth and capacity for all water wells to be sued for provision of water to more than one lot; and location of all facilities for provision of sewer services to more than one lot. The Development Plan must be prepared by a registered surveyor or engineer, and show the feasibility of the Proposed Subdivision and compliance with these Subdivision Rules.
- 2.2.28. **Public Water System** – A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the State’s definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system. Two or more systems with each having a

potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. [30 TAC 290.38(47)]

- 2.2.29. **Requirements applicable to Public Water Systems** – The requirements in TCEQ rules covering public water systems in Title 30, Texas Administrative Code, Chapter 290, (relating to Rules and Regulations for Public Water Systems).
- 2.2.30. **Road Specifications** – See **Road Standards**
- 2.2.31. **Road Standards** – The Real County Road Standards adopted by the Commissioners’ Court on December 9, 2024.
- 2.2.32. **Rules** – When capitalized, refers to these Real County Subdivision and Development Rules, and the related regulations and Court Orders.
- 2.2.33. **Sketch Plan** – A map showing a potential subdivision of land not required to be drawn with precision, to serve as the basis for discussion with, and comments by, the County to a landowner or potential applicant regarding general compliance with these Rules.
- Subdivision** – The division of a tract of land into 2 or more tracts, whether by metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes “resubdivision,” as used herein, and shall include any further division of a lot, tract or parcel of land, previously subdivided, for sale, use or other purposes which varies from the latest approved plat of the same.
- 2.2.34. **Surveyor** – A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.
- 2.2.35. **TAC** – Texas Administrative Code
- 2.2.36. **TCEQ** – Texas Commission on Environmental Quality (formerly Texas Natural Resources Conservation Commission – TNRCC).
- 2.2.37. **30 TAC** – Title 30, Texas Administrative Code

ARTICLE THREE: PLATTING PROCESS

3.1. General Rules for Platting Land To Be Subdivided

- 3.1.1. Owner(s) wishing to Subdivide (See “Subdivision” under Article Two of these rules for a definition and explanation of what constitutes a Subdivision of land) in Real County must first submit an Application to the County.
- 3.1.2. An Application form may be obtained from the County Judge’s office.
- 3.1.3. **The Platting process.** Following are the steps in the Platting process:
 1. **Sketch Plan.** A Sketch Plan is not required, but the County strongly recommends it because it will assist the County and the Developer in working together to identify and address any issues which may arise with the Final Plat before the Developer goes to the expense of developing a Final Plat for filing which may not meet the County’s standards for approval. The Sketch Plan may be evaluated by County designees and/or members of the Commissioners Court, and/or the Commissioners Court after proper notice.
 2. **Development Plan.** A Development Plan is not required, but may be submitted in lieu of, or in addition to, a Sketch Plan. The County also strongly recommends that the Developer present a Development Plan because it will assist the County and the Developer in working together to identify and address any issues which may arise with the Final Plat before the Developer goes to the expense of developing a Final Plat for filing which may not meet the County’s standards for approval. The Development Plan may be evaluated by County designees and/or members of the Commissioners Court, and/or the Commissioners Court after proper notice.
 3. **Final Plat Application.** The Final Plat Application must be filed with all required attachments and information, at a time which conforms with the Scheduling Calendar set forth in 3.4.20 below.
 4. The Developer or the Commissioners Court may seek extensions of the action deadlines pursuant to Tex. Loc. Gov’t Code §232.0025.
 5. Action on the Final Plat will be taken within the time allowed by Tex. Loc. Gov’t Code §232.0025, and the Commissioners Court will issue its written Order either approving the Final Plat, approving the Final Plat with Conditions, or Disapproving the Final Plat. Any Approval with Conditions or Disapproval of the Final Plat will be in conformity

with Tex. Loc. Gov't Code §232.0026..

6. The Developer must submit its response to the Commissioners Court's action on the Plan within the deadlines, and in conformity with, Tex. Loc. Gov't Code §232.0027.
7. The Commissioner's Court shall act on the Developer's Response pursuant to Tex. Loc. Gov't Code §232.0028.

3.1.4 **Sketch Plan.** An Applicant or Potential Applicant who wishes to Subdivide may submit a Sketch Plan. The Owner should develop a plan in sketch form and submit seven (7) blackline copies to the County Engineer. The County will review the Sketch Plan and will discuss with the Applicant the results of the review.

- a. If the proposed use or development constitutes a Subdivision, the Court will provide the Applicant with a general sense of whether the Sketch Plan is in general conformance with the underlying principles of these Rules. Since there are no requirements established by these Rules for the content of a Sketch Plan, the Court will comment on the Sketch Plan at a level of detail corresponding to the detail that the Applicant chooses to present in the Sketch Plan. The Sketch Plan will not be approved or disapproved but will be noted in the minutes of the Court as received, along with comments that members of Commissioners' Court want recorded.
- b. Receiving of the Sketch Plan does not constitute the filing or receipt of a Subdivision Plat Application, nor does it constitute or imply forthcoming approval of the Development Plan, or Final Subdivision Plat, which must meet the more detailed requirements laid out in these Rules and Tex. Loc. Gov't Code Chapter 232. Rather, the Court's review and comment on the Sketch Plan is intended to aid Applicants in the understanding of local and state regulations in the early stages of their planning, before they commit to the time and expense of extensive professional studies and/or a Subdivision Application. Applicants should be aware that these Rules and regulations may be subject to change between the time they submit a Sketch Plan, Development Plan, and formal Subdivision Plat Application for t Approval.
- c. A Sketch Plan should show the entire area of every tract that is wholly or partly included in the proposed subdivision in order to demonstrate that the Plan furthers the efficient and orderly development of the land. Submittal of a Sketch Plan is

recommended by the Commissioners Court but is not required. Applicants who wish to may proceed directly to the Application stage, or a Sketch Plan may be submitted separately or concurrently with a Development Plan, or the Subdivision Plat Application. However, Applicants are encouraged to take advantage of the Sketch Plan process to identify regulatory issues before committing to the greater expense of developing a Development Plan and Subdivision Plat Application.

3.2 Application

3.2.1 The Applicant shall complete the Application form for Subdivision approval provided by the County Engineer. The Subdivision Plat Application submittal shall not be deemed complete by the County unless application fees are paid and all required information is provided on the Application form and all supporting documents are attached to the form.

3.3 Development Plan

3.3.1 The Applicant may, but is not required to, submit a Development Plan in lieu of or in addition to a Sketch Plan. The Applicant should submit the Development Plan to the County Engineer. The Development Plan should include seven (7) blackline prints of the Plan, shall be submitted not less than thirty (30) days prior to the regular meeting at which the Commissioners Court is asked to consider the Development Plan. The Court will allow time (the exact amount to be determined at the discretion of the presiding officer) for Applicants who are present to ask questions of the Court concerning the Development Plan, and the Court will make a good faith effort to inform Applicants, or potential Applicants, about how their Development Plan might conform to the Rules, and of any proposed amendments to the Rules that have been advertised and are under imminent consideration.

3.3.2 The Development Plan is to demonstrate that the proposed subdivision is feasible and can comply with the objectives and requirements of this order. The Plan should be drawn to an appropriate size and scale to accommodate the entire Subdivision, and should contain the following information:

- a. Boundary lines of: the existing tract(s); existing right of way and easements within or adjoining the area within the Plan; proposed lots, rights of way, utility easements, and drainage easements.
- b. Dimensions of existing roads adjoining the Proposed Subdivision tract, and the surface

characteristics and width of existing right-of-way adjoining the Proposed Subdivision.

- c. The dimensions and construction specifications of all Proposed rights-of-way within the Proposed Subdivision.
- d. The location and a general description of all proposed Public Utilities, and proposed easements for delivery of service to customers.
- e. The location and dimensions of all Drainage structures, both within the Proposed Subdivision and adjoining the Proposed Subdivision.
- f. Acres within the Proposed Subdivision, and the approximate acreage and location of all proposed lots within the Proposed Subdivision.
- g. The FEMA Flood Plain Map covering the entire area of the Proposed Subdivision, and existing topography at 5-foot contour intervals;
- h. The location of existing water courses and the limits of the 100-year floodplain, if applicable, as depicted on the latest Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency, whose panel number and effective date shall be stated on the plat; or a statement that the subdivision contains no designated flood hazard area according to the specified FIRM.
- i. location of all existing water wells within, or within one-half mile, of the Proposed Subdivision.
- j. Scale and north arrow.
- k. An index map locating the subdivision in relation to any County or State roads within one-half mile of the boundary of the Proposed Subdivision.
- l. A statement of how water, sewer, electricity, and other utility service will be provided to the Proposed Subdivision, together with a schematic layout of existing and proposed public water and sewer lines, facilities such as wells, storage tanks, lift stations, treatment plants, and utility easements
- m. Proposed Deed Restrictions for the Subdivision.

3.3.3 A Development Plan shall show the entire boundary of every tract that is wholly or partly included in the proposed subdivision. A Development Plan may show proposed phased development of land included within the Proposed Subdivision, with respective phases to be approved in separate Final Plats. A Development Plan for phased

development shall clearly outline the boundaries of the construction phases and shall state the date by which the Final Plat application for each phase shall be submitted.

3.3.4 The Development Plan must be submitted to the Commissioners Court signed by each Owner (including all lien holders) of the property to be subdivided.

3.4 Final Plat Application.

3.4.1 The Applicant shall present eight (8) blackline prints of the Final Plat Application, one (1) original mylar Final Plat and supporting documents to the Commissioners Court, accompanied by a statement(a) from all electric utility provider(s) authorized by the Texas PUC to deliver electric utilities to any part of the Proposed Subdivision that the Proposed Subdivision Plat has been reviewed and approved by them. Upon final approval of the Subdivision Plat, the Subdivider shall record the approved Final Plat and other documents, as applicable, with the County Clerk. Upon completion of all requirements precedent to plat recording, the Applicant shall submit to the County Engineer: a) one mylar print of the approved Final Plat bearing all required owner, engineer, surveyor and lien holder signatures; b) an electronic file of the Final Plat in a file format acceptable to the County Engineer. It is a violation of these Rules for any person to convey ownership of a lot prior to the approval and recording of a Final Plat in the Official Records of Real County.

3.4.2 The Proposed Final Plat and approved Final Plat shall be drawn to a scale of not more than two hundred (200) feet per inch and certified as to accuracy by the engineer or surveyor who prepared the Plat from an on-the-ground survey. A corner of the Proposed Subdivision shall be tied (by bearing and distance) to an original survey corner and shown on the Plat.

3.4.3 The Proposed Final Plat, and the approved Final Plat shall be on one or more sheets measuring 24 inches by 36 inches in size, and shall be submitted in the most recent pdf format. A key map showing the entire area shall be drawn on the first sheet and on a U.S. Geological Survey map on a scale of 1" = 2000'.

3.4.4 The name of the Proposed Subdivision and any of the physical features (such as streets, parks, etc.) must not be so similar in spelling or in pronunciation to the names of any

similar features in Real County, or in any incorporated town or city therein, as to cause confusion. Streets that are a continuation of an existing street, or which the Commissioners Court finds to be a reasonable extension of an existing street within 1,000 feet, shall take the name of that existing street. Street naming and property numbering procedures shall be established in accordance with the platting and subdivision requirements of Real County. A duplicate street, a street that can be defined as a street that has the same name as another street and matches the description in one or more of the following cases, will not be allowed:

- Street name sound-alike.
- Street name which is a plural of another street.
- Street names that are the same, yet have a number or letter suffix.

3.4.5 The expense of street sign placement and maintenance in new Subdivisions shall be the responsibility of the Developer and the owners of property within the Subdivision. Location and type of said signs shall be approved by Real County Engineer as part of acceptance of the Subdivision Plat.

3.4.6 Lot numbers will be assigned to each new lot, tract, or building site on the original drawings of a Final Plat, mobile (manufactured) home park plan, planned unit development or any other plan requiring the approval of the Real County Commissioners Court.

3.4.7 Boundary lines and lot lines shall be shown by bearings and distances. The subdivision shall be described in relation to established surveys and shall be located with respect to an original corner of the original survey of which it is a part. All property lines intersecting roads or streets will end at the intersecting line of the R.O.W. of such road or street. No property line can be extended to the center of the road.

3.4.8 All block corners and angles in streets and alleys shall be marked with ½” iron rods or with an appropriate concrete or other type marker approved by the Commissioners’ Court. All proposed road and drainage construction plans are to be approved by the County Engineer before a Final Plat is approved by Commissioners’ Court. A high and low elevation for each lot or tract located in flood prone areas will be determined and indexed by lot or tract number. This index may be on the first sheet, or on sheets, which show the lots or tracts. All elevations will be recorded in feet and tenths of feet above mean sea level.

- 3.4.9 Unconventional layouts, or layouts that will cause unsatisfactory drainage conditions, or that will complicate maintenance of streets, or any land dedicated for public use, will not be accepted.
- 3.4.10 Lot and block numbers and street names are to be arranged in a systematic order in accordance with the Real County Rural Addressing Plan and shown on the plat and on the ground in distinct and legible figures and letters. No roads, streets, or lots will be approved without names or numbers shown on the plat and on the ground. All naming or numbering of streets, roads or lots will be coordinated, approved and/or assigned by the County Commissioners Court prior to Final Plat approval.
- 3.4.11 Locations or lots, streets, alleys, parks, utility easements and other features must be shown with accurate dimensions in feet and decimals of feet. Length of radius and length of all curves, with bearings of all tangents, shall be shown on the Final Plat. Dimensions from all angle points of curve to lot lines shall also be shown on the Final Plat. These must be on the Final Plat before it is accepted and recorded.
- 3.4.12 A certificate of dedication, duly acknowledged, of all roads, streets, alleys, parks, playgrounds, and other land intended for public use forever shall be a part of the plat. Roads, streets, alleys, parks, playgrounds, and other land intended for public use shall be dedicated either to (a) the use of the general public; or (b) the use of the owners of all or any part of the real property located in the Subdivision. Real County will not accept any dedication of public streets and roads pursuant to Tex. Transp. Code Chapter 281.
- 3.4.13 Appropriate dedication(s) for public utilities shall be not less than 20 feet wide, and must be provided where needed, either by absolute dedication, or by dedication of easement. No structure shall inhibit unrestricted passage in utility easements and must be maintained at all times. All such easements will be accurately shown by metes and bounds, and shall meet the requirements of the public utility provider(s) for the Proposed Subdivision.
- 3.4.14 Reference must be made to the original patented survey(s) and the number of acres in each survey(s) with the abstract number(s) of same and reference made to the volume(s) and page(s) in the Deed Records of the tract(s) being subdivided. Reference must also be made to the number of acres in each survey(s), with abstract number(s) of same for all dedicated areas. The Final Plat shall show: (a) the number of acres in all areas where roads are dedicated for the public use; (b) the number of linear feet of roads; the (c) the total number

of lots or tracts.

- 3.4.15 All lots shall show the acreage contained therein. All lots or tracts situated in more than one survey must have shown the number of acres in each survey contained in that tract or lot.
- 3.4.16 The Final Plat shall include on its face in legible style and size (a) the Commissioners Court signature approval block; (b) reference to separately filed restrictions applicable to all or any part of the Subdivision; and (c) the County Clerk Certification as shown in Appendix F of these Rules.
- 3.4.17 There shall be a permanent sign erected and permanently maintained at the subdivision entrance at the county road or the state highway, with the name of the subdivision.
- 3.4.18 A subdivision may be platted and developed in phases.
- 3.4.19 Final Plat approval does not indicate acceptance of roads for county maintenance. The County will not accept roads or streets constructed by the Developer, as public County Roads pursuant to Tex. Trans. Code Chapter 281. Any and all such roads and streets shall remain the responsibility of the Developer and owners in the Subdivision for maintenance.
- 3.4.20 **Submittal Calendar:** Because of the deadlines for action by the Commissioners Court on any Plat Application, because the Commissioners Court's regular scheduled meetings are on the second Monday (or next business day) of each month, and because a quorum of the Commissioners Court is necessary for any action on a Proposed Plat Application, Final Subdivision Plat Applications may only be Filed with the County on the 29th day prior to the next Commissioners Court meeting of the following month.
- 3.4.21 Filing fees for subdivision plats in Real County:
- | | |
|--|----------|
| Fee for review by Engineer | \$ _____ |
| Fee for review by Geoscientist | \$ _____ |
| Fee for review by County Road Supervisor | \$ _____ |
| Fee for review by County OSSF Inspector | \$ _____ |
| Fee for legal review _____ | \$ _____ |
| Fee for _____ | \$ _____ |
- 3.5.23 Recording Fees (subject to change) for Subdivision Plats in Real County:

Recording Fee - Plat	\$500.00
Recording Fee – Other	\$25.00 first page, \$4.00 each add'l page
Deposit for conversion to most current pdf Format	\$500.00

The Deposit is refundable if the Final Plat is submitted to the Real County Clerk within 15 days of the date that the written Final Plat is filed.

ARTICLE FOUR: WATER AVAILABILITY

4.1. Applicability

- 4.1.1. The Developer shall submit as a part of the Application a Certification which complies with 30 TAC Chapter 230 that adequate groundwater is available for a Proposed Subdivision, if groundwater under any portion of the proposed Subdivision is to be the source of water, whether for potable water, sewer, agricultural use, commercial use, or any other use.
- 4.1.2. The Applicant and the Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist shall use this Article and the attached form to certify that adequate groundwater is available under the land of a proposed Subdivision. These rules do not replace other state and federal requirements applicable to public drinking water supply systems.
- 4.1.3. Real County encourages all Developers to adopt measures that will minimize the use of groundwater, encourage recharge, and promote sustainability of groundwater resources, including the following:
 - a. Providing public water supplies for Subdivisions with either a centralized public water well, or use of public water supplies outside of the Subdivision.
 - b. Providing for larger lot sizes, in order to reduce the demand on groundwater.
 - c. Limit the right of lot owners to drill water wells, and/or set production limits on the right of lot owners to produce groundwater.
 - d. Require or encourage the use of rainwater catchment systems.
 - e. Provide for retention ponds and areas.
 - f. Require or encourage removal of mountain juniper and other invasive species of brush.
 - g. Limit the amount of impervious cover areas.
 - h. Require or encourage the use of water re-use and recycling.
 - i. Requiring anaerobic septic systems.

4.2. Certification of Groundwater Availability for Platting

- 4.2.1. Certification. A Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist must prepare the Certification required by this chapter.

- 4.2.2. Submission information. The Plat Applicant shall provide to the County, the Texas Water Development Board, and the RECRD the Certification of Groundwater Availability under the Proposed Subdivision required by this Article and by 30 TAC Chapter 230.
- 4.2.3. This Article, and the form with supporting documents described herein and required by Appendix C, Certification of Groundwater Availability for Platting Form, shall be used and completed if the Plat Applicant is required by the County authority to certify that adequate groundwater is available under the Proposed Subdivision. Commissioners' Court may from time to time make changes to this form that do not conflict with the requirements of 30 TAC Chapter 230.
- 4.2.4. In conformance with 30 TAC Chapter 230, if an Applicant submits a plat for the subdivision of a tract of land for which groundwater under any portion of the proposed Subdivision is to be the source of the water, whether for potable water, sewer, agricultural use, commercial use, or any other use, the Plat Application shall have attached to it a form with all attachments and a statement that:
- a) is prepared by a Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist; and
 - b) certifies that adequate groundwater is available for the Subdivision.
- 4.2.5. Upon receipt of the Certification of Groundwater Availability for Platting Form, the County shall deliver a copy of said completed form and attachments to the RECRD for review, comment and recommendations prior to final approval of the Subdivision Plat by Commissioners' Court. Real County relies on the comments and recommendations of RECRD on water availability in a Subdivision prior to considering granting final approval for the Subdivision Plat.
- 4.2.6. In the event that the Certification of Groundwater Availability does not establish that sufficient groundwater is available for the Proposed Subdivision, the Developer, at the Developer's sole expense, shall be required to provide: a potable water supply for all residential, commercial, industrial, and agricultural customers through either a Public Water System operating under a Certificate of Convenience and Necessity, or connection to an existing potable water supply.

4.3. Administrative Information

- 4.3.1. At a minimum, the following general administrative information shall be provided for a

Proposed Subdivision for which groundwater is a source of water supply:

- the name of the Proposed Subdivision;
- any previous owners or names which identify the tract(s) of land;
- the name, address, phone number, facsimile number, and email address of the property Owner or Owners;
- the name address phone number, facsimile number, and email address of the person submitting the Subdivision Plat Application;
- the name, address, phone number, facsimile number, and registration number of the Licensed Professional Engineer or Licensed Professional Geoscientist preparing the Certification of Groundwater Availability;
- the location and legal description of the proposed property and Subdivision;
- the tax assessor parcel control number(s), by book, map, and parcel, of all portions of the Proposed Subdivision.

4.4. Proposed Subdivision Information

4.4.1. The following information pertaining to the Proposed Subdivision shall be provided, as specified by the state in 30 TAC Chapter 230 and Texas Water Code §35.109. Water Availability:

- a) the purpose of the Proposed Subdivision – for example, single family residential, multi-family residential, non-residential, commercial, or industrial;
- b) the size of the Proposed Subdivision in acres;
- c) the number of proposed lots within the Proposed Subdivision;
- d) the average size (in acres) of the proposed lots in the Proposed Subdivision;
- e) the anticipated method of water distribution to the proposed lots in the Proposed Subdivision including, but not limited to:
 - e-1) an expansion of an existing public water supply system to serve the Proposed Subdivision (if groundwater under the subdivision is to be a source of water supply);
 - e-2) a new public water supply system for the Proposed Subdivision;
 - e-3) individual water wells to serve individual lots; or,
 - e-4) a combination of methods;
- f) if the anticipated method of water distribution for the Proposed Subdivision is from an expansion of an existing public water supply system or from a proposed Public Water Supply System, evidence required under 30 TAC §290.39(c)(1) (relating to Rules and Regulations for Public Water Systems) shall be provided demonstrating that written application for service was made to the existing water providers within a ½-mile radius of

the Proposed Subdivision.

- g) If any portion of the water supply for the Proposed Subdivision will be individual water well(s) drilled on individual lot(s), the groundwater formation(s) from which the groundwater will be extracted, and all Aquifers and Fresh Water Aquifers from the surface down to the Upper Trinity Aquifer shall be identified. Should the Final Plat be approved, water wells on all such lots shall be limited to completion in the groundwater formations identified for such lot(s) from which groundwater will be extracted, and the Final Plat and any Deeds of conveyance from the Developer for such lots shall reflect this restriction.
- h) If any portion of the water supply for the Proposed Subdivision will be from a new Public Water Supply System, the groundwater formation(s) from which the groundwater will be extracted, and all Aquifers and Fresh Water Aquifers from the surface down to the Upper Trinity Aquifer shall be identified. Should the Final Plat be approved, water wells for such new Public Water Supply System shall be limited to completion in the groundwater formation identified for such new Public Water Supply System from which groundwater will be extracted, and the Final Plat shall reflect this restriction.
- i) The foregoing provisions of g and h shall be enforceable by both Real County and the RECRD, and may be waived by the RECRD at their discretion.

4.5. Projected Water Demand Estimate

4.5.1. Residential water demand estimate. Residential water demand estimates at Full Build-out shall be provided as specified in 30 TAC §230.3(c) (relating to Certification of Groundwater Availability for Platting) Residential demand estimates shall, at a minimum be based on the current demand of any existing residential well including those identified under 30 TAC §230.8(b) (relating to Obtaining Site-Specific Groundwater Data), or 30 TAC §290.41(c) (relating to Rules and Regulations for Public Water Systems), and:

- a) the number of proposed housing units at Full Build-out;
- b) the average number of persons per housing unit;
- c) the gallons of water required per person per day;
- d) the water demand per housing unit per year (acre feet per year); and
- e) the total expected residential water demand per year for the Proposed Subdivision (acre feet per year).

- 4.5.2. Non-residential water demand estimate. Water demand estimates at Full Build-out shall be provided for all non-residential uses as specified in 30 TAC §230.3(c). Non-residential uses shall be specified by type of use and groundwater demand per year (acre feet per year) for each type of use. The estimate shall also include the existing non-residential demand of any well including those identified under 30 TAC §230.8(b) or 30 TAC §290.41(c).
- 4.5.3. Total annual water demand estimate. An estimate of the total expected annual groundwater demand, including residential and non-residential estimates at Full Build-out (acre feet per year), shall be provided as specified in 30 TAC §230.3(c).
- 4.5.4. Submission of information. The sources of information used and calculations performed to determine the groundwater demand estimates required by this section shall be delivered with the Plat Application to the County authority, Texas Water Development Board, and RECRD. The Plat Applicant shall provide any additional groundwater demand information required by the County authority as part of the Plat Application.
- 4.5.5. In determining the sufficiency of the Certificate of Groundwater Availability, the County and the RECRD shall consider the effect, both long-term and short-term, of the groundwater use by the Proposed Subdivision, on:
- 4.5.5.a. the groundwater under the Proposed Subdivision;
 - 4.5.5.b. the groundwater under all land within the area of the Proposed Subdivision; and
 - 4.5.5.c. the level of the water in the Frio River, Nueces River, and any other flowing rivers or streams within Real County.

4.6. General Groundwater Resource Information

- 4.6.1. Aquifer identification. Using Texas Water Development Board aquifer names, the aquifer(s) underlying the Proposed Subdivision which is planned to be used as any source of water for the subdivision shall be identified and generally described as specified in 30 TAC §230.3(c) (relating to Certification of Groundwater Availability for Platting).
- 4.6.2. Geologic and groundwater information. To meet the requirements of 30 TAC Chapter 230, the following geologic and groundwater information shall be considered in planning and designing the aquifer test under 30 TAC §230.8(c) (relating to Obtaining Site-Specific Groundwater Data):

- a) the stratigraphy of the geologic formations underlying the Proposed Subdivision;
- b) the lithology of each geologic strata;
- c) the geologic structure;
- d) the characteristics of the aquifer(s) and their hydraulic relationships;
- e) the recharge to the aquifer(s), and movement and discharge of groundwater from the aquifer(s); and,
- f) the ambient quality of water in the aquifer(s).

4.7. Obtaining Site-Specific Groundwater Data

4.7.1. Applicability of Section. This section is applicable to all Proposed Subdivisions with individual water wells on individual lots and Proposed Subdivisions with new Public Water Supply Systems or an expansion of an existing Public Water System. For Proposed Subdivisions with a Proposed Public Water System or expansion of an existing Public Water System, site specific groundwater data shall be developed under the requirements of 30 TAC Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems) and the information developed to meet these requirements shall be attached to the form required under 30 TAC §230.3 (relating to Certification of Groundwater Availability for Platting) in addition to information required in this section.

4.7.2. Location of existing wells. All known existing, producing, abandoned, and/or inoperative wells within the Proposed Subdivision shall be identified, located, and mapped by on-site surveys. Existing well locations shall be illustrated on the Proposed Subdivision Plat.

4.7.3. Aquifer testing. Utilizing the information considered under 30 TAC §230.7(b) (relating to General Groundwater Resource Information), an Aquifer test shall be conducted to characterize the Aquifer(s) underlying the proposed subdivision. The Aquifer test must provide sufficient information to allow evaluation of each Aquifer under the Proposed Subdivision. Appropriate Aquifer testing shall be based on typical well completions. An Aquifer test conducted under this section utilizing established methods shall be reported as specified in 30 TAC §230.3(c) and shall include, but not be limited to the following items:

- a) Test well and observation well(s).
 - 1. For Proposed Subdivisions with a Proposed Public Water System as the sole source of potable water for the Proposed Subdivision, one test well (i.e., pumping well) and one observation well in each aquifer or

aquifer production zone for each 100 acres within the Proposed Subdivision shall be required to conduct an adequate aquifer test.

2. For Proposed Subdivisions with any individual water wells on any individual lot(s), one test well and one observation well shall be completed in each aquifer or aquifer production zone for each 100 acres within the Proposed Subdivision. The locations of the test and observation well(s) shall be shown on the plat required by the County authority. Commissioners' Court may grant a variance from this requirement if the Applicant demonstrates fewer wells are needed for the evaluation.
- b) Location of wells. All test and observation well(s) must be placed within the Proposed Subdivision and shall be located by latitude and longitude.
1. The observation well(s) under 4.7.3.a.1 shall be located at a radial distance such that the time-drawdown data collected during the planned pumping period fall on a type curve of unique curvature for the observation well(s). Observation wells in unconfined aquifers shall be placed no farther than 100 feet from the Proposed Public Water Supply Well and no further than 300 feet from the test well. In confined aquifers, observation wells shall be placed no further than 100 feet from the Proposed Public Water Supply Well and no further than 700 feet from the test well(s). The observation well shall also be placed no closer to the test well than two times the thickness of the aquifer's production zone.
 2. The observations well(s) under 4.7.3.b.2 shall be located at a radial distance such that the time drawdown data collected during the planned pumping period fall on a type curve of unique curvature for the observation well(s). One observation well and one test well shall be required for each 100 acres in the Proposed Subdivision. The observation well(s) shall be placed no closer to the test well(s) than two times the thickness of the aquifer's production zone.
- c) The County may modify the requirements of 4.7.3., but any Developer that

requests modification of those requirements shall submit a Development Plan and Development Plat for the Proposed Subdivision pursuant to 3.3 above.

- d) Lithologic and geophysical logs. The test and observation wells shall be lithologically and geophysically logged to map and characterize the geologic formation(s) and the aquifer(s) in which the aquifer test(s) is(are) to be performed.
1. A lithologic log shall be prepared showing the depth of the strata, their thickness and lithology (including size, range, and shape of constituent particles as well as smoothness), occurrence of water bearing strata, and any other special notes that are relevant to the drilling process and to the understanding of subsurface conditions.
 2. Geophysical logs shall be prepared which provide qualitative information on aquifer characteristics and groundwater quality. The geophysical logs shall include an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve and a gamma-ray log.
 3. The County may, on a case-by-case basis, waive the requirement of geophysical logs as required under this section if it can be adequately demonstrated that the logs are not necessary to characterize the aquifer(s) for testing purposes. Any Developer that requests modification of those requirements shall submit a Development Plan and Development Plat for the Proposed Subdivision pursuant to 3.3 above.
- e) Well development and performance. The test and observation well(s) shall be developed prior to conducting the Aquifer test to repair damage done to the Aquifer(s) during the drilling operation. Development shall insure that the hydraulic properties of the Aquifer(s) are restored as much as practical to their natural taste.
1. Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the

damage done to the Aquifer(s).

2. During well development, the test well shall be pumped for no less than three hours to determine the specific capacity of the well, the maximum anticipated drawdown, the volume of water produced at certain pump speeds and drawdown, and to determine if the observation well(s) are suitably located to provide useful data.
 3. Water pumped out of the well during well development shall not be allowed to influence initial well performance results.
 4. Aquifer testing required by this section shall be performed before any acidization or other flow-capacity enhancement procedures are applied to the test well.
- f) Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test and observation wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin.
- g) Duration of aquifer test and recovery. The test shall be of sufficient duration to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. Water pumped during the test shall not be allowed to influence the test results. Aquifer testing shall not commence until water levels (after well development) have completely recovered to their pre-development level or at least to 90% of that level.
1. At a minimum, a 24-hour uniform rate Aquifer test shall be conducted. Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the 24-hour minimum limit until the straight- line trend is observed.
 - If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed within the 24-hour limit, the test shall continue at least until a

consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded.

- If the pumping rates remain constant for a period of at least four hours and a straight-line trend is observed on a plot of water level versus the logarithm of time pumped before the 24-hour limit has been reached, the pumping portion of the test may be terminated.
 - The frequency of water level measurements during the aquifer test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping).
2. Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the Aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the Aquifer test. Time-recovery measurements shall continue until the water levels have recovered to pre-pumping levels or at least to 90% of that level. If such recovery is not possible, time-recovery measurements shall continue until a consistent trend of recovery is observed.
- h) Use of existing wells and Aquifer test data.
1. An existing well may be utilized as an observation well under this section if sufficient information is available for that well to demonstrate that it meets the requirements of this section.
 2. The County authority may, but is not required to, accept the results of a previous aquifer test in lieu of a new test if:
 - a. The previous test was performed on a well located within a ¼-mile radius of the Subdivision;
 - b. The previous test fully meets all the requirements of these Rules;
 - c. The previous test was conducted on an Aquifer which is being

considered as a source of water supply for the Proposed Subdivision;
and

d. Aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

i) Need for additional Aquifer testing and observation wells. Best professional judgment shall be used to determine if additional observation wells or Aquifer tests are needed to adequately demonstrate groundwater availability. The Theis and Cooper-Jacob non-equilibrium equations, and acceptable modifications thereof, are based on well-documented assumptions. To determine if additional information is needed, best professional judgment shall be used to consider these assumptions, the site-specific information derived from the Aquifer test required by this section, the size of the proposed subdivision, and the proposed method of water delivery.

j) Submission of information. The information, data, and calculations required by this section shall be delivered to the County authority and RECRD, to document the requirements of this section as part of the Subdivision Plat Application.

k) After completion of testing, the test/observation wells shall be plugged or completed as water wells according to RECRD rules. One well in the Subdivision shall be completed with a minimum of 4-in. casing and dedicated to RECRD for a monitoring well. The well must have recorded legal access from a public road and a minimum of 20-foot radius around the well for operation by the RECRD.

4.8.1. Water quality analysis. Water samples shall be collected near the end of test of the Aquifer for chemical analysis. Samples shall be collected from each Aquifer being considered for water supply for the Proposed Subdivision and reported as specified in 30 TAC §230.3(c). For Proposed Subdivisions where any portion of the anticipated method of water delivery is from an expansion of an existing Public Water Supply System or a new Public Water Supply System, the samples shall be submitted for bacterial and chemical analysis as required by 30 TAC Chapter 290, Subchapter F (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems).

a) For Proposed Subdivisions where any portion of the anticipated method of water delivery is from any individual water supply wells on

individual lots, samples shall be analyzed for the following:

1. chloride;
2. conductivity;
3. fluoride;
4. iron;
5. nitrate (as nitrogen);
6. manganese;
7. pH;
8. sulfate;
9. total hardness;
10. total dissolved solids;
11. presence/absence of total coliform bacteria;
12. calcium;
13. carbonate/bicarbonate; and
14. magnesium.

- c) Conductivity and pH values may be measured in the field, and the other constituents shall be analyzed in a laboratory authorized and certified under 25 TAC by the Texas Commission on Environmental Quality, using methods approved by the Commission.

4.8.2. Submission of Information. The information, data and calculations required by this section shall be delivered to the County authority and RECRD with the Plat Application, to document the requirements of this section as part of the Subdivision Plat Application.

4.9. Determination of Groundwater Availability

4.9.1. Time frame for determination of groundwater availability. Both a short-term and long-term determination of groundwater availability shall be made, each considering the estimated total water demand at Full Buildout of the Proposed Subdivision. Groundwater Availability shall be determined for 5 years, 10 years, 20 years, 30 years, and 50 years.

4.9.2. Other considerations in groundwater availability determination. Groundwater availability determination shall take into account the anticipated method of water delivery as identified under 30 TAC §230.5 (relating to Proposed Subdivision Information) and

Article IV hereof, and will be compared to annual demand estimates at Full Build-out as determined under 30 TAC §230.6 (relating to Project Water Demand Estimate).

4.9.3. Determination of Aquifer parameters. The parameters of the Aquifer(s) being considered to supply water to the Proposed Subdivision shall be determined utilizing the information considered under 30 TAC §230.7 (relating to General Groundwater Resource Information) and these Rules, and data obtained during the aquifer test under 30 TAC §230.8 (relating to Obtaining Site-Specific Groundwater Data) and these Rules, for individual water wells and/or under 30 TAC Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems) and these Rules, and reported as specified in 30 TAC §230.3(c) (relating to Certification of Groundwater Availability for Platting) and these Rules. The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine Aquifer parameters utilizing the non-equilibrium equations developed by Theis or Cooper-Jacob, or acceptable modifications thereof. The following aquifer parameters shall be determined:

- a) rate of yield and drawdown;
- b) specific capacity;
- c) efficiency of the pumped (test) well;
- d) transmissivity;
- e) coefficient of storage (porosity);
- f) hydraulic conductivity;
- g) recharge or barrier boundaries, if any are present; and
- h) thickness of the aquifer(s).

4.9.4. Determination of groundwater availability. Using the information and data identified and determined in subsections 4.9.2 and 4.9.3 of this section, the following calculations shall be made:

a) Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the Proposed Subdivision shall be determined for the time frames identified under subsection 4.9.1 of this section.

b) Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection 4.9.1 of this section.

c) Well interference. For multiple wells in a Proposed Subdivision, calculations shall be made to:

1. determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection 4.9.1 of this section; and
2. determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection 4.9.1 of this section.

4.9.5 Determination of groundwater quality. The water quality analysis required under 30 TAC §230.9 (relating to Determination of Groundwater Quality) and these Rules shall be compared to primary and secondary public drinking water standards and the findings documented as specified in 30 TAC §230.3(c) and these Rules.

4.9.6 Submission of information. The information, data, and calculations required by this section shall be delivered to the County authority and RECRD along with the Subdivision Plat Application, to document the requirements of this section as part of the Plat Application.

4.10. Groundwater Availability and Usability Statements and Certification

1. Groundwater availability and usability statements. Based on the information developed under 30 TAC §230.10 (relating to Determination of Groundwater Availability) and these Rules, the following information shall be provided as specified in 30 TAC §230.3(c) (relating to Certification of Groundwater Availability for Platting) and these Rules:

- a) the estimated drawdown of the Aquifer at the pumped well(s) over a ten-year period and over a 30-year period;
- b) the estimated drawdown of the Aquifer at the Subdivision boundary over a ten-year period and over a 30-year period;
- c) the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a 30-year period;
- d) the recommended minimum spacing limit between wells and the recommended well yield (Note – this is the recommendation of the Licensed Professional Engineer or Professional Geoscientist, and is not binding on either the County or the RECRD); and
- e) the sufficiency of available groundwater quality to meet the intended use of the

Proposed Subdivision.

2. Groundwater Availability Determination Conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability should be clearly identified as specified in 30 TAC §230.3(c) and these Rules. These conditions must be identified to adequately define the bases for the availability and usability statements. These bases must include, but are not limited to, uncontrollable and unknown factors such as:
 1. future pumpage from the aquifer or from interconnected Aquifers from area wells outside of the Subdivision or any other factor that cannot be predicted that would affect the storage of water in the Aquifer,
 2. long-term impacts to the aquifer based on climatic variations, and
 3. future impacts to usable groundwater due to unforeseen or unpredictable contamination.
3. Certification. Based on best professional judgment, current groundwater conditions, and the information developed and presented in the form specified by 30 TAC §230.3(c) and these Rules, the Licensed Professional Engineer or Licensed Professional Geoscientist shall certify, by signature, seal and date, that adequate groundwater is available from the underlying Aquifer(s) to supply the estimated demand of the Proposed Subdivision at Full Build-Out.

ARTICLE FIVE: SOLID WASTE AND WASTEWATER

5.1. Solid Waste Disposal

- 5.1.1. The Developer, at the Developer's sole expense, shall make provisions for the disposal of solid waste produced from the Proposed Subdivision that is agreeable to the Commissioners' Court.
- 5.1.2. Proposals will be considered on their individual merit, but all solid waste disposal systems shall be by a TCEQ-licensed collector and shall meet all federal and state requirements for the legal disposal of solid waste.
- 5.1.3. Open pits, covered pits, containers or barrels which are not under contract with an authorized waste disposal company, placing of solid waste on the ground, and similar methods are specifically prohibited from any portion of the Subdivision. The foregoing shall not include brush and other natural vegetation.

5.2. Wastewater Disposal Systems

- 5.2.1. The Developer shall make provisions for the disposal of wastewater produced from the Proposed Subdivision, including sewage. Should any lot(s) in the Subdivision not be served by a Wastewater Collection System, it shall be the responsibility of the owner of any lot(s) and the continuing obligation of the Developer to install On Site Sewage Facilities. ("OSSF" or "Septic Systems") The Developer may discharge the Developer's continuing obligation by placing written notice of this requirement in the Deed to any lot(s) not served by a wastewater collection system, and the continuing responsibility shall be the owner's of each respective property.
- 5.2.2. All septic systems shall be anaerobic systems or aerobic and shall meet State and County regulations and must be permitted and inspected before, during, and after construction. All tests will be performed by a registered Professional Engineer or registered Professional Sanitarian or individual authorized by the State to perform such functions, and shall be approved by the County OSSF Inspector.

5.3. Lots Must Be Appropriate for Connection

- 5.3.1 All structures shall be connected to Septic Systems or Wastewater Collection Systems as required by law and conform to the regulations of Real County's On-Site Sewage Facility

program.

- 5.3.2 The Developer shall ascertain and certify that an acceptable OSSF system can be installed on each tract or lot in a Proposed Subdivision unless public sanitary sewer collection facilities are made available to the site.
- 5.3.3 A statement of availability of electric power will be obtained from a public electric utility authorized to provide service by the Texas PUC, and will be submitted prior to any septic tank permits being used.
- 5.3.4 No Subdivisions or Subdivision Lots, shall use unapproved outdoor toilets or cesspools.

ARTICLE SIX: STREETS AND DRAINAGE

- 6.1.** In addition to the standards detailed in this Article, all roads and streets, whether public or private, must conform to the specifications herein and the Road and Drainage Specifications.
- 6.1.1. The Developer, at the Developer's sole expense, shall be responsible for the construction of public and private roads which provide each lot in a Subdivision with access to a public road.
- 6.1.2. Collector and Local roads shall have a minimum right-of-way width of sixty (60) feet and Arterial roads shall have a minimum right-of-way width of one hundred (100) feet and must provide unhampered circulation through the subdivision. Alleys shall not be less than 20 feet in width. All trees, bushes and shrubs shall be removed from said right-of-way and no trees, bushes, or shrubs shall be allowed to grow in said right-of-way. A permanent dead-end street shall have a turn-around having an outside right-of-way diameter of 150 feet. Proposed rights-of-way shall be inspected by the County Engineer prior to the beginning of construction.
- 6.1.3. All streets should intersect at 90-degree angles. Where this is not possible, any intersection angle of less than 80 degrees shall have a cord (corner cut) as specified by the Commissioners' Court, but in no case shall the cord be less than 25 feet.
- 6.1.4. All street and road grades must be approved by the Commissioners' Court before they are constructed. Two sets of Road and Drainage construction plans signed and sealed by a Professional Engineer shall be submitted to the County Engineer before Subdivision Plat approval is given by Commissioners' Court. Final Plat approval does not indicate acceptance of roads for County maintenance.
- 6.2.** No street or road shall have an abrupt offset or "jog" in it. Developers are encouraged to avoid 90-degree turns and use gentle curves in so far as possible. Inside curves will be designed so that traffic will not be induced to use the ditch as part of the traveled way.
- 6.3.** Where part of a street has been dedicated in an adjoining subdivision adjacent to and along the common property line of the two subdivisions, enough width of right-of-way must be dedicated in the same subdivision to provide the minimum width specified herein.

- 6.4. The County will not assume any liability or responsibility for the maintenance, repair or replacement of any structure used to impound water or any road over, around or next to any structure used to impound water.
- 6.5. The Developer shall remove and dispose of all trees, brush, rocks and other materials created by construction of road, street, and alley rights-of-way.
- 6.6. Subdivision entrances entering off a county road or state highway shall meet the approval of the Commissioners' Court and/or the Texas Department of Transportation prior to approval of the final plat.
- 6.7. Sub-grade shall be watered, rolled and bladed to a depth of six inches before any base material is placed on it. Compaction equipment will be used to maximum advantage, but in no event less than 95% compaction.
- 6.8. The Developer or his representative shall furnish the County with reports of analysis of the proposed material made by an approved laboratory. The Developer or his representative shall furnish evidence of conformity with these specifications whenever called upon to do so by the County. Specifications for base material shall be in accordance with the most current Texas Department of Transportation (TxDOT) Standard Specifications, Item 247. Flexible Base.
- 6.9. Where a street or road section is constructed without curbs, the flexible base shall have a minimum thickness of 8" after compaction of a material approved by the County Engineer, and a minimum of 30 feet wide as shown on the Real County Road and Street Section.
- 6.10. Where a street section with curbs is employed the base shall be a minimum of eight inches thick after compaction, and a minimum curb width of 30 feet face-to-face. All curbs shall be constructed in accordance with current specifications of the Real County Road Standards. The next increment of width shall be 10 feet, or a total curb width of 40 feet face-to-face, with a minimum thickness of base of eight inches. Alleys shall be 20 feet wide with base eight inches in thickness after compaction. The finished centerline grade of alleys shall be lower than the abutting property to provide drainage.

6.11. All roads shall be paved with a two course surface treatment or Hot Mix Asphalt Concrete Pavement.

6.12. See Appendix B ROAD STANDARDS

6.19.1 More details and specifications about road and drainage standards are printed in the Appendix of these Rules.

ARTICLE SEVEN: UTILITIES

7.1. Construction Guidelines

- 7.1.1. All conduits, water, gas, or otherwise, as well as telephone lines and electric cables, must be buried with the top of the pipe not less than 24" below the level of the ground, or below ditch level when crossing streets or roads. Underground lines will be prominently marked with warning signs along the length of the line.
- 7.1.2. All utility lines must be in the rear of homes or other buildings receiving service, or not in excess of three feet from the front lines adjacent to streets or roads as approved by the Commissioners' Court.
- 7.1.3 Utility poles shall be placed no more than two feet from the front lot lines adjacent to streets, unless otherwise authorized by the Commissioners' Court in writing.

7.2. Easements and Liability

- 7.2.1. The County will not assume any liability for damage to utility lines when maintaining County Roads.
- 7.2.2 Perpetual easements shall be reserved along and within 10 feet of the rear line, front line and side lines of all Lots for the installation and maintenance of poles, wires, downguys, and fixtures for electric lines and telephone lines, and to trim any trees that may interfere with the maintenance of such lines, with the right of ingress and egress from and across said premises to employees of utilities owning said lines; said easements to also extend along any owner's side and rear property lines in case of fractional tracts. It shall not be considered a violation of the provisions of this easement if wires or cables carried by such pole lines pass over some portion of said tracts not within the twenty (20) foot wide strip as long as such lines do not prevent the constructions of buildings on any tracts in the development.

**ARTICLE EIGHT: MINIMUM LOT SIZES AND LOT
GEOMETRY; GENERAL AND MISC.
REQUIREMENTS**

The County has established certain minimum standards for Lot size and street frontage. These minimum acreage requirements do not apply to the combining of two or more lots that are part of an existing platted subdivision that has been approved by Commissioners Court and recorded with the County Clerk.

8.1. Minimum Lot Standards

8.1.1. Any Subdivision Lot which is served by both an individual water supply well and an individual on-site sewage system (OSSF) shall have a minimum Lot size of ten acres.

- a) These Lots shall have a minimum road/street frontage of 200 feet unless that frontage is on a cul-de-sac or cul-de-sac corner, in which case see paragraph 8.1.4.

8.1.2. Lots served by a public water supply and having an individual on-site sewage facility (OSSF) shall have a minimum Lot size of one acre.

- a) These Lots shall have a minimum main lot street frontage of 150 feet unless that frontage is on a cul-de-sac or cul-de-sac corner, in which case see paragraph 8.1.4.

8.1.3. Lots served by a public water supply and by a public sewage disposal system shall have a minimum Lot size of one half acre.

- a) These lots shall have a minimum main lot access road/street frontage of 100 feet unless that frontage is on a cul-de-sac or cul-de-sac corner, in which case see paragraph 8.1.4.

8.1.4. The minimum road/street frontage of any lot on the turn-around of a cul-de-sac or cul-de-sac corner shall be 50 feet chord length.

8.1.5 All lots shall comply with the applicable size restrictions in this Article XIII, with the exception of the following: In the event a Subdivision would result in a lot of a size less

than that required, (hereafter “Under-sized lot”) such Under-sized lot must be used exclusively for commercial purposes, and such Subdivision shall be subject to approval or rejection by the Commissioners’ Court on a case by case basis. Any such Subdivision and Under-sized lot must be shown to comply with all other Real County platting rules and subdivision regulations, as well as all applicable laws, rules and regulations required by any other regulatory agencies which provide or may provide oversight over the proposed Subdivision.

In the event the Commissioners’ Court approves such Subdivision under this Section 8.1.5., a statement in recordable form, signed by the Real County Engineer shall be recorded with the appropriate County records, which statement gives notice to the public that the approval of the Subdivision was contingent upon the restriction that the Under-sized lot shall be used exclusively for commercial purposes and that this restriction shall be in the nature of a covenant running with the land, and all future assignments, conveyances and/or transfers of the Under-sized lot or any part of the Under-sized lot, whether by itself or as part of another portion of property, shall be subject to such commercial use only restriction. An example of the Notice is attached hereto as Appendix M. In addition, the plat of a Subdivision that contains an Under-sized lot shall contain a statement (restriction) on its face that such Under-sized lot is subject to a commercial use only restriction as defined in these Rules.

Any approved Under-sized lot, and any and all structures located thereon, shall be used exclusively for commercial purposes and activities, and in no event shall the Under-sized Lot and/or any Structure on an Under-sized Lot be used for residential purposes as defined herein.

As used herein “residential purposes” is to be given the broadest definition possible and includes without limitation the act by one or more persons of lodging, sleeping, living, abiding or dwelling for a single night or more, inside or outside of a Structure of any type located on the Under-sized lot, regardless of whether there is or is not a charge for such lodging, sleeping, living, abiding or dwelling.

A "building" is any Structure with three or more walls and a roof regardless of whether it is or is not permanently affixed to the Under-sized lot.

"Structure" includes but is not limited to the whole or any part of: a building, anything existing on the Under-sized lot that does not have three or more walls and a roof, a temporary Structure, a permanent Structure, a trailer of any kind, a mobile home, a modular home and/or a tent. The phrase "a trailer of any kind, a mobile home, a modular home and/or a tent" provides examples of what is intended to be included in the definition of "Structure" and is not intended to exclude any other type of structure that would otherwise fall within the given definition

For further clarification, transient lodging, the occupancy, lease or rental of any Structure on an Under-sized lot for residential purposes as defined herein, and/or the use of an Under-sized lot and any Structure located thereon for an apartment, a tourist court, a mobile home park, a trailer park, an inn, a lodging house, a rooming house, a bed and breakfast, a motel and/or a hotel, is deemed a residential use or purpose. Such use of an Under-sized lot and any Structure located thereon is not allowed but specifically prohibited. A violation of this prohibition shall be subject to enforcement as provided in these Subdivision Rules and Regulations.

- 8.1.6. The Developer shall place the following statement on the subdivision plat and in the subdivision restrictions if any: "Residential structures, including but not limited to mobile homes, built or placed on a lot which is lower than the elevation of any street/road abutting the lot shall be built/placed at an elevation high enough to prevent damage from drainage flow from or across the road."

8.2. Flag Lots Generally Not Permitted

- 8.2.1. See definition at Article Two.

8.2.2 Flag lots shall generally not be permitted, except 1) where 60 feet of lot frontage on public ROW or 2) with public access where Flag Pole is not less than 60 feet in width or 3) if approved by Commissioners Court as consistent with the intent and spirit of these regulations. All Flag Lots must meet minimum acreage requirements in accordance with Section 8.1, excluding the acreage in the Flag Pole.

8.3. Cattle Guards

- 8.3.1. All cattle guards in subdivisions must be 8' wide by 16' in length as a minimum and supplied with a minimum of eight (8) I-beams 4" wide and 12" deep with a web and flange of ½" thickness

or more. See Cattle Guard detail, Appendix B-22.

8.4. Subject to Change

8.4.1. These rules, regulations and requirements are subject to change, amendment or alteration without notice, whenever the County in its judgment deems it to be in the best interest of the public.

8.5. Tax Certificates Required

8.5.1. Certificates from all taxing authorities with jurisdiction over any part of the property shall be attached to and made a part of the Plat Application.

8.6. Deed Restrictions

8.6.1. Real County shall not enforce deed restrictions, although as allowed by law the County may enforce plat restrictions and notes which may be similar in content to deed restrictions.

8.7. Discharge of Firearms on Small Lots

The Commissioners' Court of Real County encourages all Applicants to place in their subdivision restrictions that the discharge of firearms within a Subdivision be prohibited on lots of any size.

8.8. Hunting With Bows and Arrows

8.8.1. The Commissioners' Court of Real County encourages all Applicants to place in their subdivision restrictions that hunting with bows and arrows within a Subdivision be prohibited on lots of any size.

ARTICLE NINE: REVISION OF SUBDIVISION PLAT

9.1. Application

Any person who has subdivided land that is subject to the subdivision controls of Real County 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.

9.2. Notice

a. Except as provided by b. below, after the Application is filed with the Commissioners Court, the Court shall publish a notice of the Application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the Court will meet to consider the Application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. If all or part of the subdivided tract has been sold to nondeveloper owners, the Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract. Notwithstanding the foregoing, the Court is not required to give the notice by mail if the plat revision only combines existing tracts.

b. If the Commissioners Court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under a. above do not apply to the Application and the Commissioners Court shall:

- (1) provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the County; and
- (2) post notice of the Application continuously on the County website for at least 30 days preceding the date of the meeting to consider the Application until the day after the meeting.

9.3. Grant of Permission

The Commissioners' Court, during a regular term of the Court, shall adopt an order permitting the person to revise the Subdivision Plat if it is shown to the Court:

- a) That the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
- b) If the revision may interfere with the rights of any owner of a part of the subdivided land,

that all such owners have agreed to the revision.

- c) That the plat revision of one or more lots that currently meet the requirements of these Rules will result in creating lots that maintain compliance with these Rules in every respect.

That the plat revision combines two or more lots that do not meet the current “Rules” to create lots that are larger than the original or parent lot or lots that meet the “Rules”. The resulting lots shall meet current On Site Sewage Facilities regulations and comply with Real County River Authority and Groundwater District rules for water well permitting.

9.4. Recording Requirement

9.4.1. If the Commissioners’ Court permits a person to revise a Subdivision Plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat showing the changes made to the original plat. Such revision shall not be effective until it is duly recorded with the County Clerk.

9.4.2. Filing and recording fees for Plat Revision shall be the same as for filing an original Plat.

ARTICLE TEN: CONSTRUCTION BOND

- 10.1 Pursuant to Tex. Loc. Gov't Code §232.004, the owner(s) of the tract to be subdivided shall execute a Bond, before subdividing the tract, or provide Alternative Financial Guarantee under Tex. Loc. Gov't Code §232.0045. The Bond, or Alternative Financial Guarantee, must:
- A. be payable to the County Judge, or to the Judge's successors in office;
 - B. be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads and streets in, and drainage requirements, for the Subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;
 - C. be executed with sureties as may be approved by the Court;
 - D. be executed by a company authorized to do business as a surety in the State of Texas if the Court requires a surety bond executed by a corporate surety, or such other surety(ies) which the Court may require; and
 - E. be conditioned that the roads and streets and the drainage requirements for the Subdivision will be constructed:
 - 1) in accordance with the specifications adopted by the Court; and
 - 2) within a reasonable time set by the Court.
- 10.2 Unless otherwise ordered by the Commissioners Court, construction must start within 90 days of Final Plat approval and all construction shall be completed and approved within 12 months of Final Plat approval.

ARTICLE ELEVEN: VARIANCES

- 11.1. Criteria for Variance.** The Commissioners' Court shall have the authority to grant variances from these Rules, and from any specifications and regulations included in the Appendix, or from other subdivision and development related specifications, when the public interest or the requirements of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:
- 11.1.1. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;
 - 11.1.2. Whether strict enforcement of the Rules would deny the Applicant the privileges or safety of similarly situated property with similarly timed development;
 - 11.1.3. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property or will not prevent the orderly Subdivision of the land in the area in accordance with these Rules; and,
 - 11.1.4. Whether there are special circumstances affecting the land or proposed Subdivision (or other development) such that strict application of these Rules would deprive the applicant the reasonable use of the land, and that failure to approve the variance would result in undue hardship to the Applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.
- 11.2. Application Materials.** Any person who wishes to receive a variance shall submit with an Application for Development Plan or Subdivision Plat Application a written request for variance, including a description of, and a written justification for, each variance requested.
- 11.3. Discretion to Grant Variances.** The decision of the Commissioners' Court whether to grant or deny a variance is at its complete discretion, and is final.
- 11.3. Variances as Matter of Record.** A motion to approve a variance may be approved by a simple majority of the Commissioners' Court. A motion to approve a variance should include a statement, orally or in writing, to be included in the Minutes of the Court, summarizing the reasons for granting the variance.

ARTICLE TWELVE: ENFORCEMENT AND PENALTIES

12.1. Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these Rules, including but not limited to the Road and Drainage Specifications incorporated into the Appendix B, the Regulations of Real County for On-Site Sewage Facilities, or the Manufactured Home Rental Community regulations included in Appendix A. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

12.2. Enforcement Actions. At the request of the Commissioners' Court, the County Attorney or other attorney for the County, may file an action in a court of competent jurisdiction to:

12.2.1. Enjoin the violation or threatened violation of these Rules; or

12.2.2. 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 Rules.

12.3. Enforcement of Plat Notes.

The enforcement of plat notes or restrictions is generally the responsibility of the Applicant and other persons holding a property interest, whether in fee simple or by easement, in the Subdivision. Plat notes shall reflect that the County may enforce any plat notes imposed pursuant to these Rules.

ARTICLE FOURTEEN: SEVERABILITY

In the event any section, appendix, paragraph, sentence, clause or phrase of these Rules shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections, or appendices of these Rules. It is the express intent of the Real County Commissioners' Court that the sections, appendices, paragraphs, sentences, clauses or phrases of these Rules be severable.

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APPENDIX A

**SURVEY AND INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED
HOME RENTAL COMMUNITIES**

APPENDIX A

Real County, Texas

SURVEY AND INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME RENTAL COMMUNITIES

Preamble:

Whereas, Texas Loc. Gov' Code, §232.007 enables Commissioners' Courts to adopt infrastructure requirements for Manufactured Home Rental Communities; and:

Whereas, due notice was given of a meeting and public hearing to determine whether the Commissioners' Court of Real County, Texas should enact an order establishing infrastructure requirements for Manufactured Home Rental Communities; and

Whereas, the Commissioners' Court of Real County, Texas finds that the requirements enumerated below will help to insure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of Real County; and

Whereas, the Commissioners' Court of Real County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Manufactured Home Rental Communities, and to incorporate this Order and these regulations into its Subdivision and Development Rules,

Now, therefore, be it resolved and ordered on this __day of October, 2024, that the Commissioners' Court of Real County, Texas adopts the following minimum infrastructure requirements for Manufactured Home Rental Communities:

Order of the Commissioners' Court:

SECTION 1 - DEFINITION OF AFFECTED DEVELOPMENTS

- 1.1 As used in this Order, the term "Manufactured Home Rental Community," abbreviated as MHRC, means any plot or tract of land that is separated into two or more spaces that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences. "Manufactured Home" means any manufactured home or mobile home manufactured to the code or specifications of the federal Department of Housing and Urban Development, and/or any residence as defined by the Texas Manufactured Housing Standards Act (Tex. Occ. Code, Chapter 1201); used collectively, the term "Manufactured Home" refers to both manufactured homes and mobile homes.

- 1.2 **Definitions:** Streets and roads- A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the MHRC consisting of more than one space.

SECTION 2 - CONSTRUCTION START

- 2.1 Construction of a proposed MHRC may not begin before an Infrastructure Development Plan, if required, has been approved by the Commissioners' Court, or by a county official or employee designated by resolution to act as an agent of the Court.

SECTION 3 - UTILITY HOOK-UPS

- 3.1 A utility may not provide utility services, including water, sewer, gas, or electric services to an MHRC until a Final Survey and an Infrastructure Development Plan have been approved by the Commissioners' Court.

SECTION 4 - FINAL SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED

- 4.1 The Applicant for a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed MHRC, then only a Final Survey will be required. The owner shall submit 10 blue-line or blackline copies and two reproducible prints of the Final Survey, and shall submit 10 blue-line or blackline copies and two reproducible prints of the IDP and 10 copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. An electronic file of the Final Plat in a format acceptable to the County Engineer will also be submitted. The Final Survey and the IDP shall show or be accompanied by the following information:

- 4.1.1 **DRAWING REQUIREMENTS:** The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 24"x36" sheets to a scale not exceeding one inch equals two hundred feet (1"=200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the location of MHRC's in relation to major roads, towns, cities or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Final Survey and the IDP.

- 4.1.2 **MANUFACTURED HOME COMMUNITY DETAILS:** The name of the MHRC, graphic scale, north arrow, names of streets, and block and space boundaries and block and space numbers within the MHRC shall be shown. Adjacent property owners,

subdivisions, and MHRCs shall also be shown and identified by owner's name and deed or plat reference.

- 4.1.3 OWNER IDENTIFICATION: The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided. The name, address and phone numbers of any lien holders will also be shown on the MHRC and IDP.
- 4.1.4 BOUNDARY LINES: The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the Final Survey, IDP and in relation to original survey boundaries. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Final Survey and IDP. A table of space square footage or acreage, the total square footage or acreage, and the total number of spaces must be shown. Real County Road Standards are located in Appendix B.
- 4.1.5 UTILITY SERVICE: Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- 4.1.6 LAYOUT OF SPACES, EASEMENTS, SETBACK LINES: Location of lots, spaces, streets, roads, public highways, utility easements, parks, benchmarks, 100-year flood plain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights of way or future rights of way shall be shown. The names and locations of all drives and roads shall be clearly shown, and shall be coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street or drive names. A letter from the County's 911 Addressing Coordinator shall be provided to the Commissioners' Court certifying street and drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned to and clearly marked for each rental space as shown on the Final Survey and IDP.
- 4.1.7 ON-SITE SEWAGE: If utilizing individual on-site sewage facilities, each Lot must meet the requirements of the Real County Rules for On-Site Sewage Facilities. Lot

numbers and block designations shall be shown on the IDP. Each Lot shall have a minimum of 50 feet of road frontage.

- 4.1.8 CERTIFICATION AND DEDICATION OF OWNER: The Applicant shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgment before a notary public.
- 4.1.9 CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR: The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information shown on the Final Survey and IDP are precise and accurate. Final Surveys and IDPs shall not be approved until all benchmarks are placed and placement is certified by the Surveyor.
- 4.1.10 CERTIFICATION AND APPROVAL BY CITY: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall be placed on the first page of the IDP. All information required by the city for approval, i.e. plans and specifications, shall also be submitted to the County along with the IDP.
- 4.1.11 RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.12 STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the Real County Tax Assessor/Collector's Office.
- 4.1.13 STREET STANDARDS: Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather roadway suitable for two-way traffic. Street drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. "Flag Lots" or other contrivances which unduly inhibit proper road maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate road specifications is the Road and Drainage Standards contained as part of the Real County Subdivision and Development Rules, including this Appendix B.

- 4.1.14 DRAINAGE STANDARDS: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, flood plain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year flood plain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the flood plain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC without increasing the peak flow under post-development conditions for a 100-year storm event. In all MHRCs containing or adjacent to 100-year floodplain; benchmarks must be placed showing the elevation from Mean Sea Level as well as true latitude and longitude.
- 4.1.15 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading easements and/ or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Real County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the IDP the following statement: "I, _____, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge information and belief and based upon the information provided, that the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Real County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same."

SECTION 5 - FINAL SURVEY AND IDP APPROVAL

The Commissioners' Court of Real County shall approve or reject the Final Survey and/or IDP within 60 business days of its being submitted. Failure to reject the plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

SECTION 6 - INSPECTION AND CONFIRMATION OF CONSTRUCTION

The Commissioners' Court of Real County shall approve or reject the IDP prior to the commencement of construction of any street, drainage or utility improvements. The Applicant, or the Applicant's authorized agent, shall arrange a preconstruction meeting with the County Engineer to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the Applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The final inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code.

If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the fifth business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County determines that the infrastructure does not comply with the IDP, the MHRC may not be occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners' Court.

SECTION 7 – REVIEW FEES

The County Clerk shall collect a fee of \$250 plus \$10 per rental space at the time the application is filed.

SECTION 8 - SEVERABILITY

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners' Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners' Court of Real County.

APPENDIX B

ROAD STANDARDS

ROAD STANDARDS

**REAL COUNTY
TEXAS**

PREPARED BY

_____, P.E.
COUNTY ENGINEER

ADOPTED
BY
COMMISSIONERS' COURT
October 9, 2024
December

Real County, Texas - ROAD STANDARDS

A. MINIMUM SUBDIVISION ROAD AND DRAINAGE STANDARDS

- i. Pursuant to the Texas Local Government Code, and various other statutes and regulations cited in the Preamble to these Rules, Real County has the authority to adopt and enforce road construction standards.
- ii. Such authority gives Real County the power to adopt reasonable Standards for the construction of roads and streets and for the necessary drainage within subdivisions.
- iii. The County Commissioners' Court, pursuant to the Local Government Code, may refuse to approve or authorize the filing of any subdivision map or plat that does not meet the County standards for construction of roads and streets and for the necessary drainage within subdivisions.
- iv. The Real County Commissioners' Court adopts the attached ROAD STANDARDS thereby establishing minimum standards for the construction of roads and necessary drainage within subdivisions. Said standards to replace any existing regulations regarding subdivision road standards.
- v. Said ROAD STANDARDS shall become part of and incorporated by reference and a part of the County's subdivision regulations.

B. REAL COUNTY ROAD STANDARDS

- i. Pursuant to the Texas Transportation Code Real County has the authority to make and enforce all necessary rules and orders for the construction of public roads.
- ii. Pursuant to the Texas Local Government Code Real County has the authority to adopt reasonable specifications for the construction of roads, streets and drainage features and structures within subdivisions.
- iii. The Real County Commissioners' Court adopts the Real County Road Standards dated ~~October~~ ^{December} 9, 2024 thereby establishing all necessary rules and orders for the construction of public roads, streets, and drainage features and structures within subdivisions. Said standards to replace any existing Real County Road Standards.
- iv. Real County Road Standards shall become part of and be incorporated by reference into Regulations Governing Subdivisions in Real County.

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DEFINITIONS

The following terms, phrases, words and their derivations shall have the meaning given in this section.

Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a public road.

ASASHTO: American Association of State Highway and Transportation Officials.

ASTM: American Society for Testing of Materials.

Building Setback Line: The "building set back line" is minimum horizontal distance between a building and the adjacent right-of way road line.

Concrete Monument: Permanent concrete survey marker.

Contour: A contour is an imaginary line of constant elevation on the ground surface. The corresponding line on a map is called a contour line.

County: Real County, Texas

Cul-de-sac: A "cul-de-sac" is the vehicular turnaround at the end of a road.

Driveway: A portion of a lot used for access to the lot from a public road or street not used for public circulation.

Engineer: A person duly authorized and properly registered under the provisions of the Texas Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Improvements: Roads, streets, curbs, drainage structures, water systems, sewage systems, etc., the construction that may be required by the County.

Lot: A "lot" is an undivided tract or parcel of land having frontage on a road, which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and is identified by a tract or lot number which has been properly filed for record.

Pavement Width: The portion of road available for vehicular traffic that is between opposite edges of the pavement.

Plat: A "plat" is a complete and exact subdivision plan submitted to the Commissioners' Court for final approval and which, if approved, will be submitted to the County Clerk for recording.

Road: A right-of-way or easement, however designated, which provides vehicular access to adjacent land.

Arterial Road: An “arterial road” serves a large area. It is a heavily traveled route connecting urban areas, and major traffic generators.

Collector Road: A “collector road” is a principal thoroughfare within a subdivision. It collects traffic from local roads and channels the traffic into the arterial system.

Local Road: a “local road” is a low volume road that serves traffic generating points or terminal points. It provides direct access to the lots or residence and has relatively light traffic volumes.

Regulations: Real County Subdivision Rules and Regulations.

Right-of-Way: The area within the outermost boundaries of a road including the area for a constructed watercourse or drainage ditch.

Shall, May: The word “shall” is always mandatory. The word “may” is merely directory.

Street: Roads as used herein.

TxDOT: Wherever mentioned refers to the Texas Department of Transportation.

TxDOT Current Specifications: Refers to the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges.

Utility Easement: “Utility easement” is an interest in land to the county for installing and maintaining utilities, across, over or under private land together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of said utilities.

Utility Lines: An apparatus used to convey a utility to the consumer (i.e. Telephone or electric lines or buried cable, water lines, gas lines, etc.)

Vehicular Non-access Easement: A “vehicular non-access easement” is an easement established on a lot for the purpose of prohibiting ingress and egress to vehicular traffic.

ROAD DESIGN AND CONSTRUCTION

1.0 Construction Requirements

All public and private roads in subdivisions and all public roads that are outside of subdivisions or outside the extraterritorial jurisdiction of any municipality shall be constructed in accordance with these Standards.

The County Attorney or other prosecuting attorney representing the County shall 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 Chapter 232 of the V.T.C.A., Local Government Code; 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 the Commissioners' Court under Chapter 232 of the V.T.C.A., Local Government Code.

2.0 Plans

The plans for road and drainage improvements shall include the following information:

- a. Typical sections showing the proposed pavement width, type, thickness, and Crown; the proposed parkway grading slopes; and construction details of all drainage improvements including dimensions and reinforcing.
- b. Alignment of each road and drainage improvement showing a beginning and ending station; each deflection angle of the center line and the station of the point of intersection; the station of the point of curvature and the point of tangency of each curve; the station and angle of the intersection of each intersection of roads; the station and radius of each curb return; length, width, and thickness of base.
- c. The centerline grade at each fifty-foot station; the gradient of each tangent- grade and the location and length of each vertical curve. The profiles of roads and drainage ditches shall show the natural ground at adjacent property lines and the proposed centerline.
- d. Scale, north arrow, date, and name of road. Plans and profiles shall be drawn to scales of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. The County Engineer may approve different scales upon request.
- e. Plans and subdivision plats shall have contours. The contour interval shall be two (2) foot for grades up to five (5) percent and five (5) foot for grades over five (5) percent.
- f. All plan and profiles shall bear the seal of a Registered Professional Engineer.
- g. Two sets of construction plan and profiles shall be submitted for approval of all road and drainage improvements. Drainage calculations, a copy of subdivision plat, and cost estimate of improvements shall also be submitted with construction plans.

3.0 Sight Distance

The following minimum sight distances shall be provided for safe stopping and intersection operations:

**Table 1.
Minimum Stopping Sight Distance**

<u>Street Classification</u>	<u>Sight Distance</u>
Arterial Road	300 feet
Collector Road	300 feet
Local Road	250 feet

4.0 Vertical Curvature

A gradual transition from one roadway grade to another shall be accomplished by means of a vertical parallel curve connecting two (2) intersecting tangents. The minimum length of vertical curve shall be computed from the following formula:

$$L = KA$$

L = the length of vertical curve in feet

K = a constant related to sight distance and geometry of a parabolic curve (see Table 2.)

A = the algebraic difference in grades in percent

**Table 2.
Design Values for Constant "K"
Vertical Curvature**

<u>Street Classification</u>	<u>Crest Curves</u>	<u>Sag Curves</u>
Arterial Road	70	60
Collector Road	55	55
Local Road	55	55

5.0 Horizontal Curvature

Horizontal curvature shall be provided by simple circular curves with a constant radius for the safety and comfort of motorists. The following minimum radii shall be used in designating horizontal curves. Table 3 designated by State Department of Highways and Public Transportation.

**Table 3.
Horizontal Curvature**

<u>Street Classification</u>	<u>Minimum Center Line Radius "R"</u>
Arterial Road	700 feet
Collector Road	400 feet
Local Road	100 feet

6.0 Grade

Road grades shall conform to the terrain and shall not exceed the following:

**Table 4.
Road Grades**

<u>Street Classification</u>	<u>Maximum Grade</u>
Arterial Road	6%
Collector Road	12%
Local Road	12%

No road grade shall be less than five-tenths of one percent (0.05) unless otherwise specified by the County Engineer.

7.0 Cross Section Standards

The subdivider shall develop roads in accordance with the minimum standards detailed in Figures 1 through 4.

The subdivider may choose to design a pavement structure in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Guide for Design of Pavement Structure. The pavement design report shall be prepared and signed by a Professional Engineer registered in the State of Texas.

8.0 Sub Grade Preparation

- a. Clearing and Grubbing: The entire area of the sub grade shall be cleared and grubbed to a depth of not less than 6" below natural ground in fill areas and one foot below sub grade elevation in excavated areas. Brush and other debris shall be removed from the right-of-way and disposed of.
- b. Density: Sub grades shall be constructed and finished with a minimum density of 95% of a standard proctor for in place materials or proof rolled by equipment as approved by the County Engineer.
- c. High Plasticity Soils: High plasticity index soils shall be stabilized with lime or cement as approved by the County Engineer.

9.0 Base or Base Courses

a. Material: Material for base courses shall be in accordance with Texas Department of Transportation (TxDOT) Standard Specification as specified for each of the following type of roadway. Pit-run base material and Caliche will not be an approved material for base courses.

Arterial Road	Type A, Grade 2
Collector Road	Type A, Grade 2
Local Road	Type A, Grade 2

b. Construction Methods: Base on all roads shall have a compacted depth of not less than eight (8") inches and shall be constructed in two equal courses. The material shall be dumped, spread, mixed, watered, rolled and other operations necessary to produce a uniformly blended mixture of the desired course thickness and moisture content. Compaction of each course of material shall be accomplished by suitable equipment to obtain a minimum density of 95% of AASHTO T180-61 (Standard Proctor). Copies of Standard Proctor tests will be submitted to County Engineer for approval before paving.

10.0 Pavement

a. Surface Treatment: A two-course asphalt treatment application composed of asphalt material covered with aggregate.

1. Asphalt: Asphalt oils and emulsions shall meet the most current Texas Department of Transportation Standard Specifications, Item 300 Asphalts, Oils And Emulsions.
2. Aggregates: Aggregates shall be from grading as established by the most current Texas Department of Transportation Standard Specifications, Item 302 Aggregates and Surface Treatments.
3. Application Rate and Materials:

First Course

Asphalt, Oils and Emulsions CRS-2, CRS-2P or HFRS-2P emulsion
AC-5 or AC-10 @ 0.3 gallons per Sq. Yd.

Aggregate Type B, Grade 3 @ 1 Cu. Yd./90 Sq. Yd.

Second Course

Asphalt, Oils and Emulsions CRS-2, CRS-2P or HFRS-2P emulsion
AC-5 OR AC-10 @ 0.3 gallons per Sq. Yd.

Aggregate Type B, Grade 4 @ 1 Cu. Yd./110 Sq. Yd

b. Hot Mix Asphalt Concrete Pavement: HMAC pavement shall meet the most current specifications of Texas Department of Transportation Standard Specifications, Item 340

Dense-Graded Hot Mix Asphalt. Minimum compacted depth of one and one-half (1 ½) inch with prime coat.

11.0 Cattle Guards

The Commissioners' Court may authorize the installation of cattle guards when considered appropriate for public safety. All cattle guards shall be at least the width of the roadway, but not less than sixteen (16) feet wide, and eight (8) feet in length measured along the center of the road. (See Figure 10 – Details) All cattle guards in subdivisions must be 20 feet wide and supported with a minimum of eight I-beams 4" wide and 12" deep with a web and flange of minimum 3/8" thickness.

12.0 Cul-de-sacs

Cul-de-sacs right-of-way shall have a turn around of not less than one-hundred-fifty (150) feet in diameter with a paved area not less than one-hundred (100) feet in diameter.

13.0 Right-Of-Way

Minimum right-of-way width for collector and local roads shall be sixty (60) feet and minimum right-of-way width for Arterial roads shall be one hundred (100) feet.

14.0 Road Jogs

Whenever possible, road jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

15.0 Road Intersections

Road intersections shall be as nearly at right angles as practicable.

16.0 Non-access Easement

When deemed necessary, a vehicular non-access easement may be required on a lot for the purpose of controlling ingress and egress to vehicular traffic.

17.0 Utility Cuts

All utility cuts shall be approved by County Engineer. (See Figure 6 – Details)

18.0 Dams and Spillways

Real County will not assume any liability for design, construction or maintenance of any structure used to impound water or over around or next to any structure used to impound water.

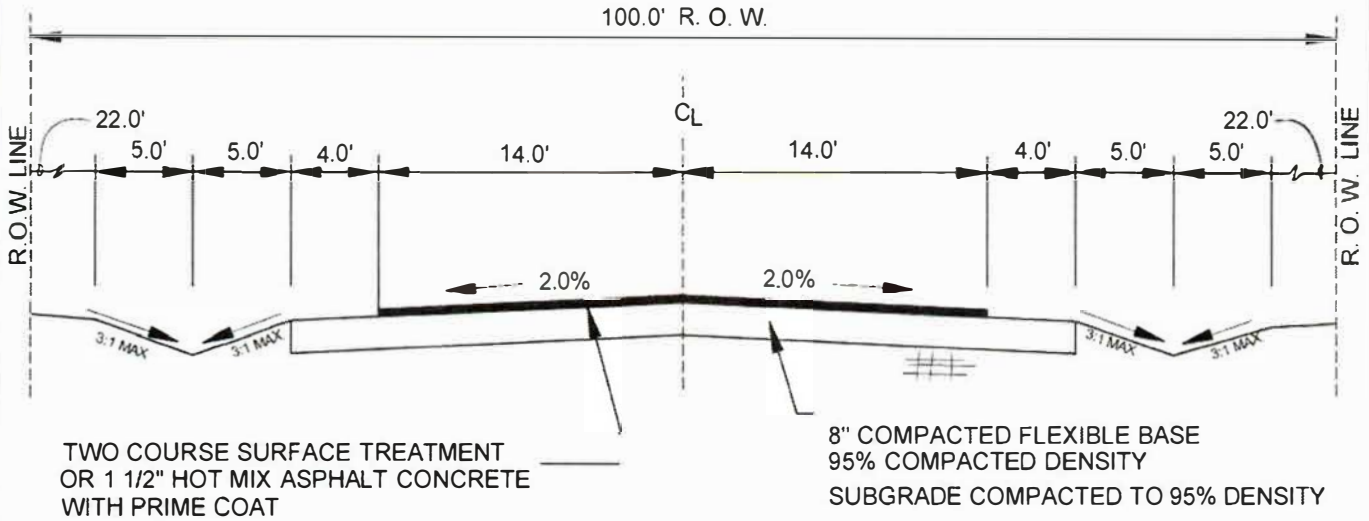
19.0 Signs

All traffic signs and road name signs shall be furnished by the developer in accordance with the latest issue of the Texas Manual of Uniform Traffic Control Devices (MUTCD) issued by TxDOT and the rules and standards for 9-1-1 Rural Addressing in Real County.

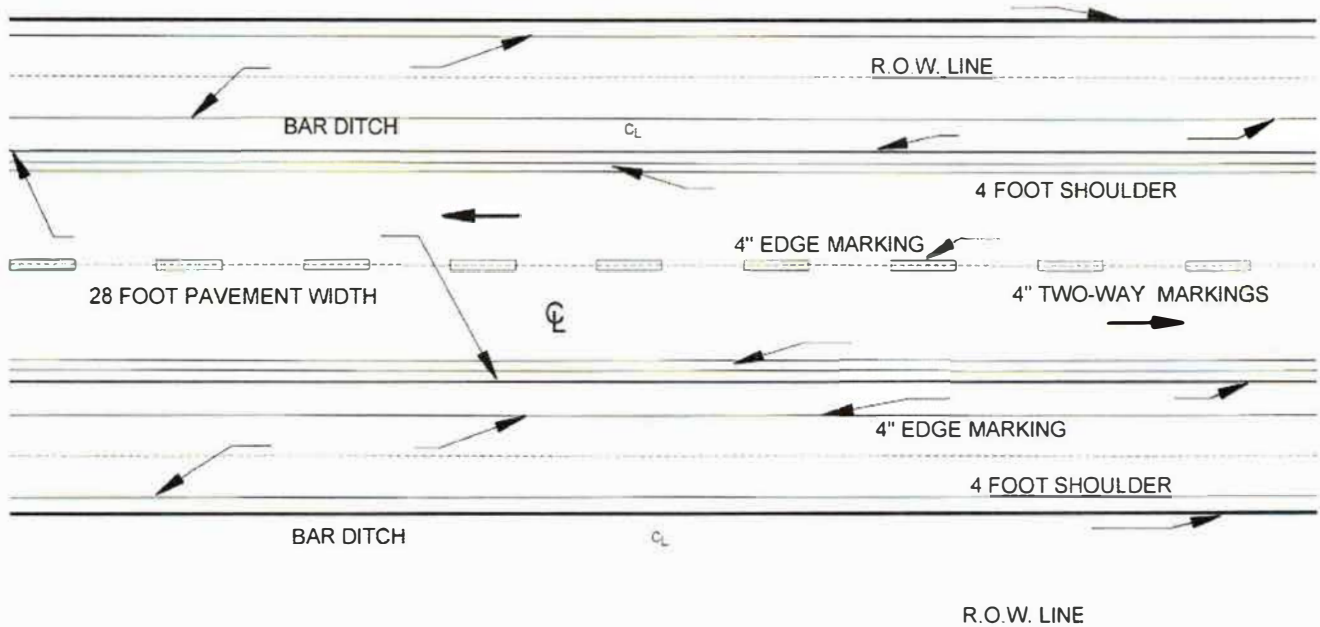
20.0 Mail Delivery Area

Developer shall provide an engineered mail delivery area adjacent to the road Right-Of-Way.

REAL COUNTY ARTERIAL ROAD 28 FOOT PAVEMENT WIDTH

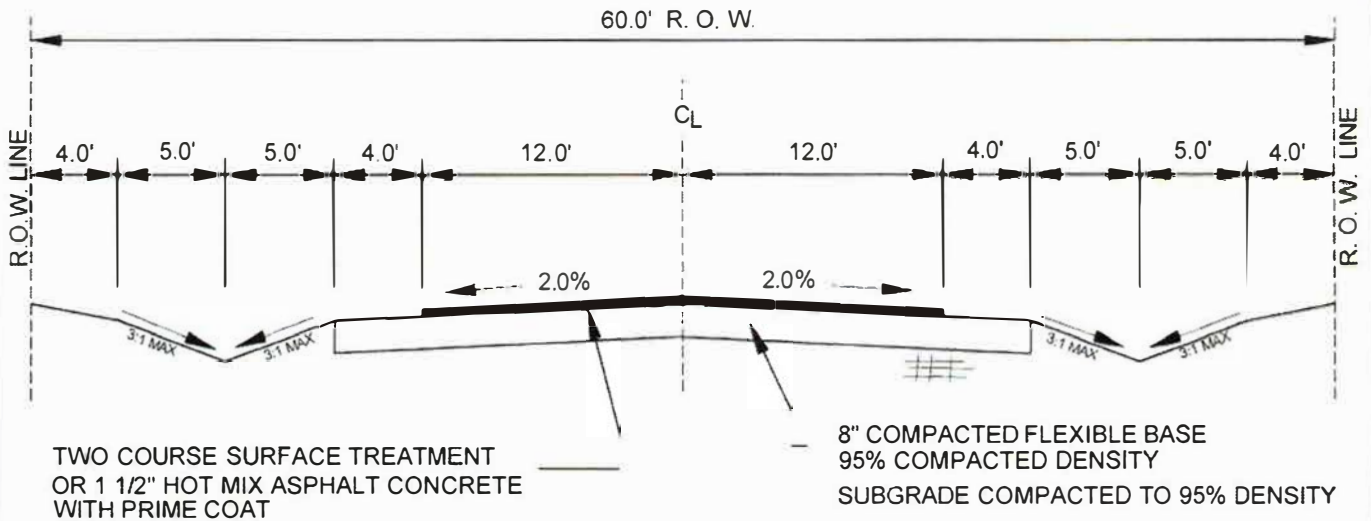


CROSS SECTION N.T.S.

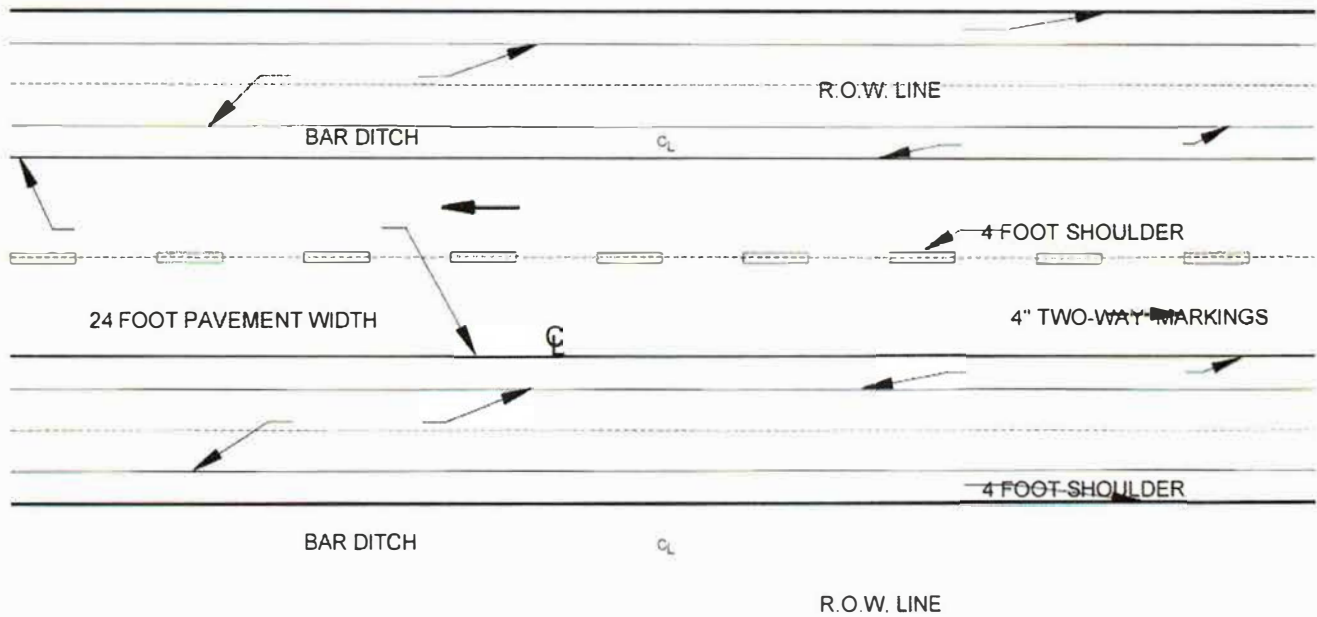


PLAN VIEW N.T.S.

REAL COUNTY COLLECTOR ROAD 24 FOOT PAVEMENT WIDTH

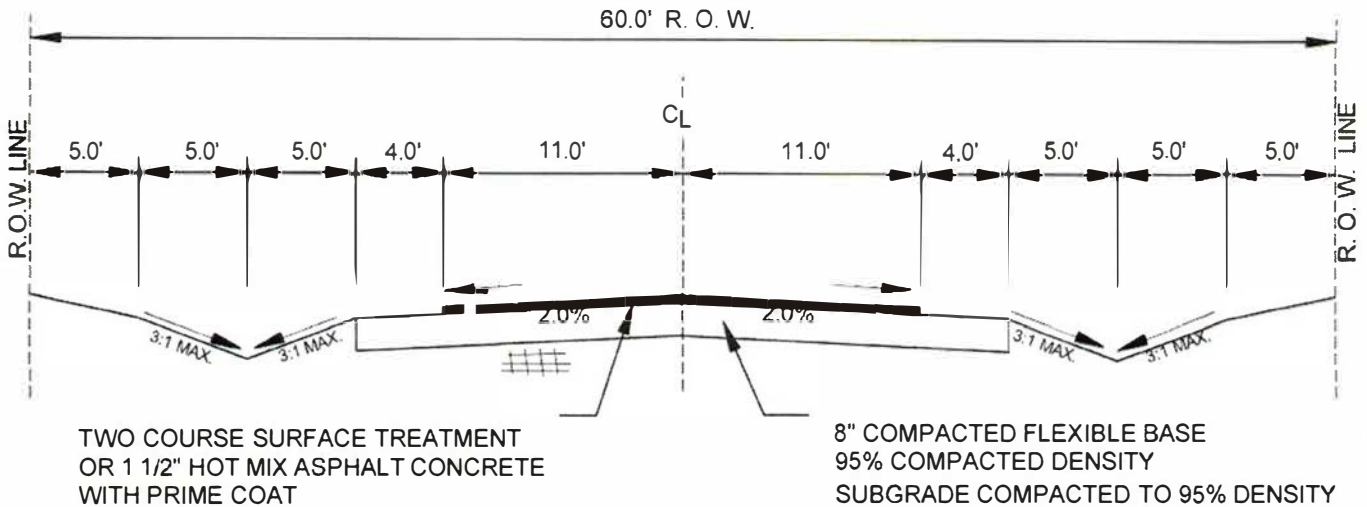


CROSS SECTION N.T.S.

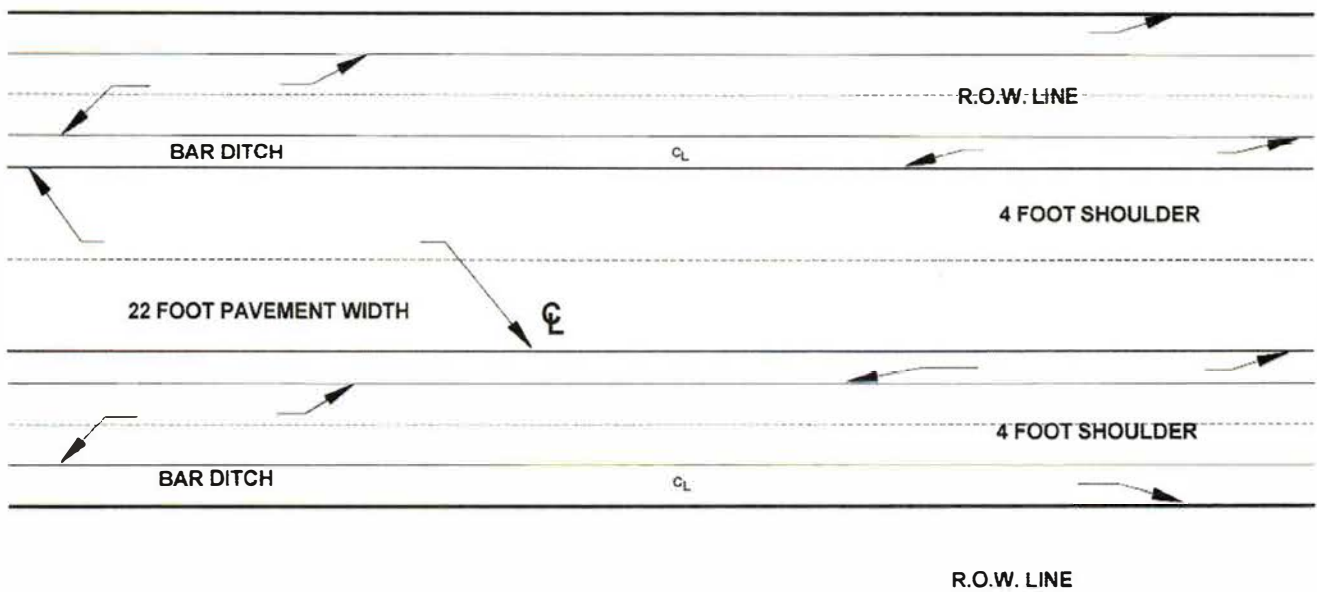


PLAN VIEW N.T.S.

REAL COUNTY LOCAL ROAD 22 FOOT PAVEMENT WIDTH

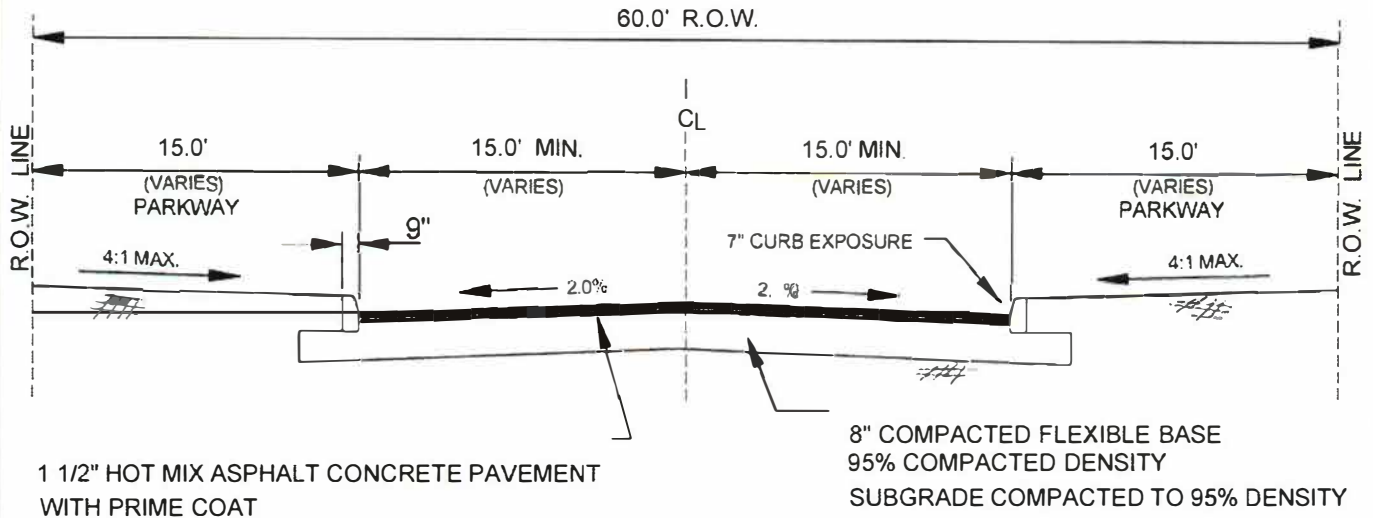


CROSS SECTION N.T.S.

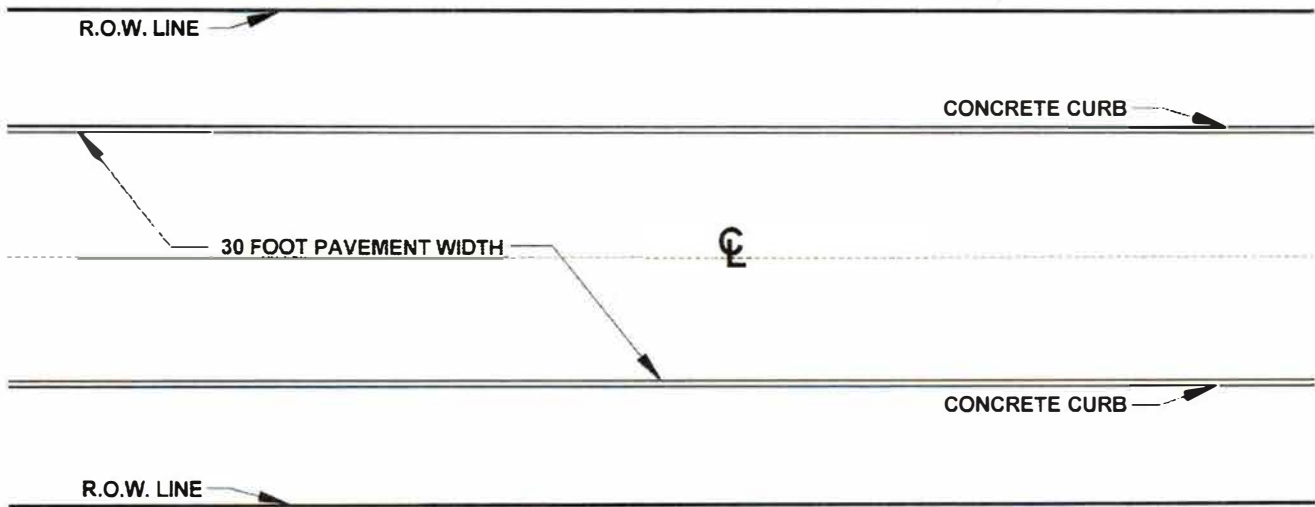


PLAN VIEW N.T.S.

**REAL COUNTY
COLLECTOR OR LOCAL ROAD - CURBED SECTION
30 FOOT PAVEMENT WIDTH**



CROSS SECTION N.T.S.



PLAN VIEW N.T.S.

**REAL COUNTY
CUL-DE-SAC TYPICAL DETAIL
60.0' RIGHT-OF-WAY WITH 22.0' PAVEMENT WIDTH**

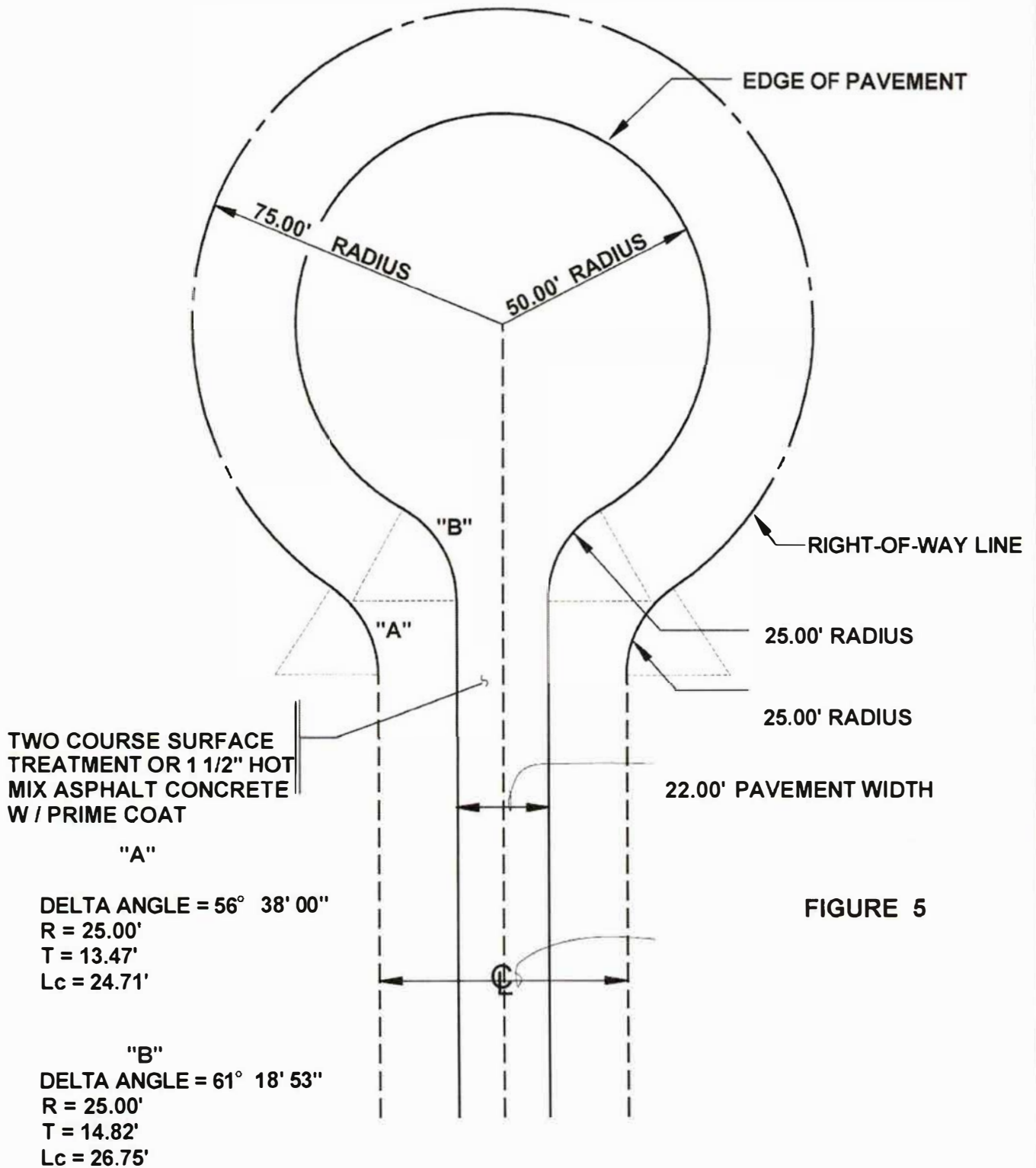
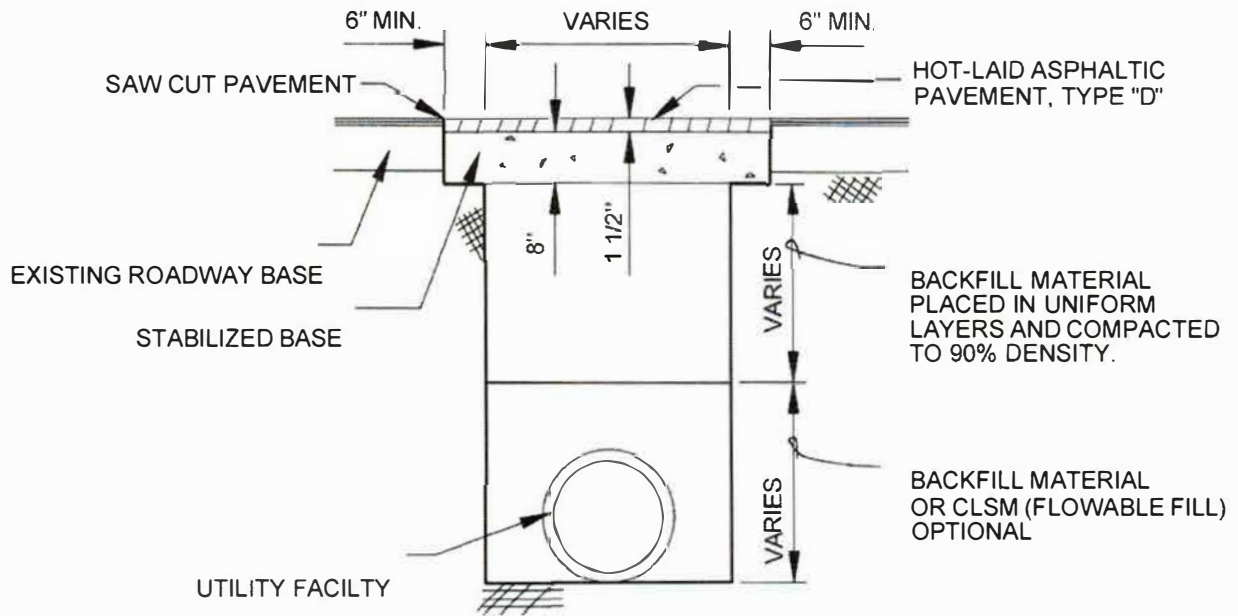


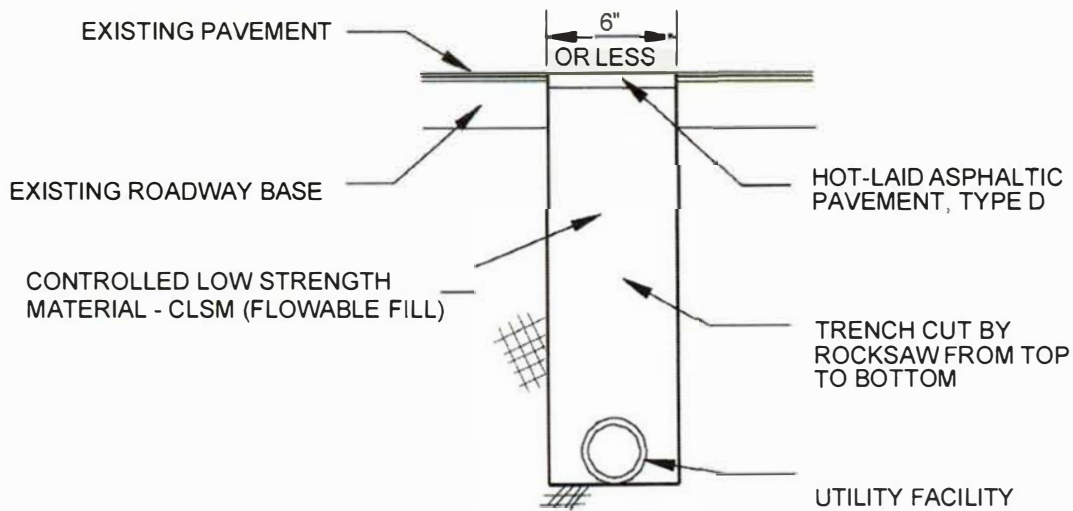
FIGURE 5

N. T. S.

REAL COUNTY BASE AND PAVEMENT REPLACEMENT FOR UTILITY CUT

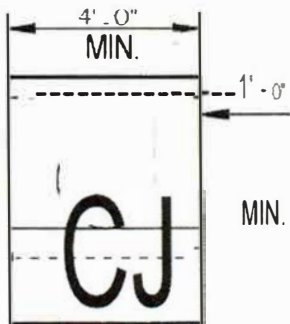
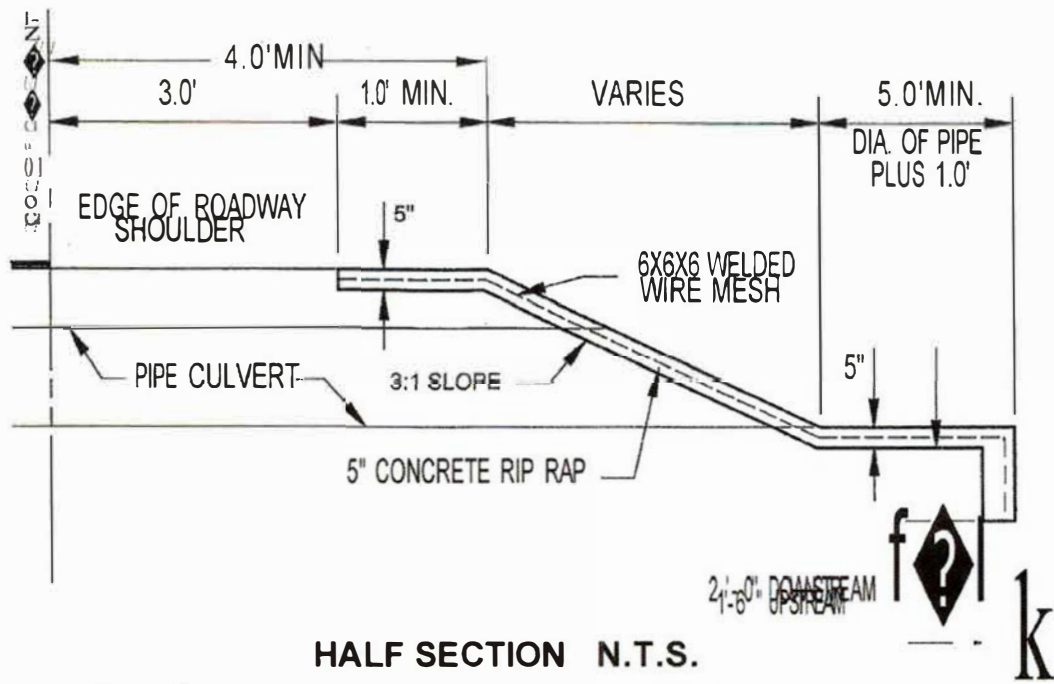


TRENCH CUT N.T.S.



NARROW TRENCH CUT N.T.S.

REAL COUNTY HEADWALLS FOR CULVERTS



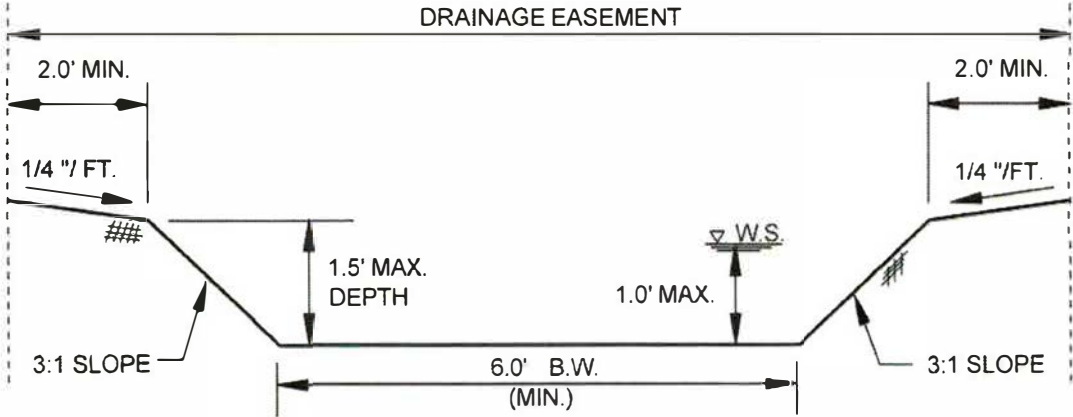
**END VIEW
N.T.S.**

NOTES:

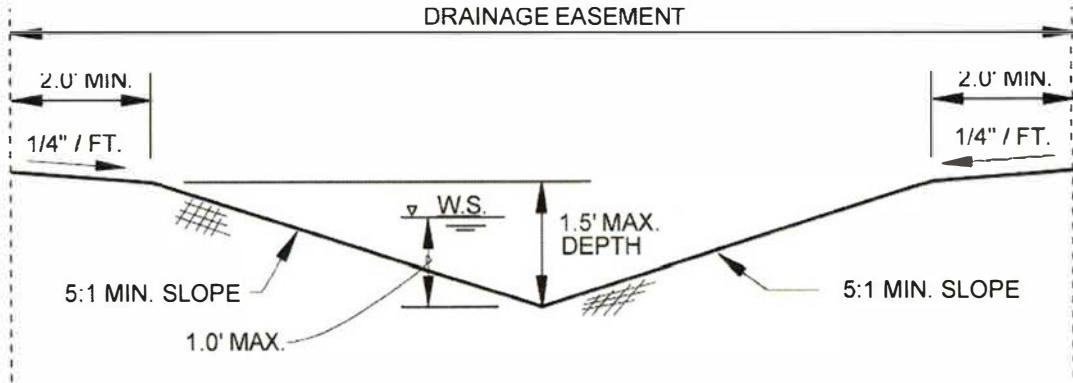
1. 5" CONCRETE RIP RAP, CLASS "A" CONCRETE.
2. IN CASES WHERE A CULVERT WITH ITS HEADWALLS WOULD EXTEND OUTSIDE THE RIGHT-OF-WAY, THE SUBDIVIDER SHALL DEDICATE ADDITIONAL DRAINAGE EASEMENT OR RIGHT-OF-WAY AS REQUIRED TO PROVIDE ACCESS AND EGRESS.

FIGURE 7

**REAL COUNTY
INTERCEPTOR DRAINS
FOR INTERCEPTING SHEET FLOW**



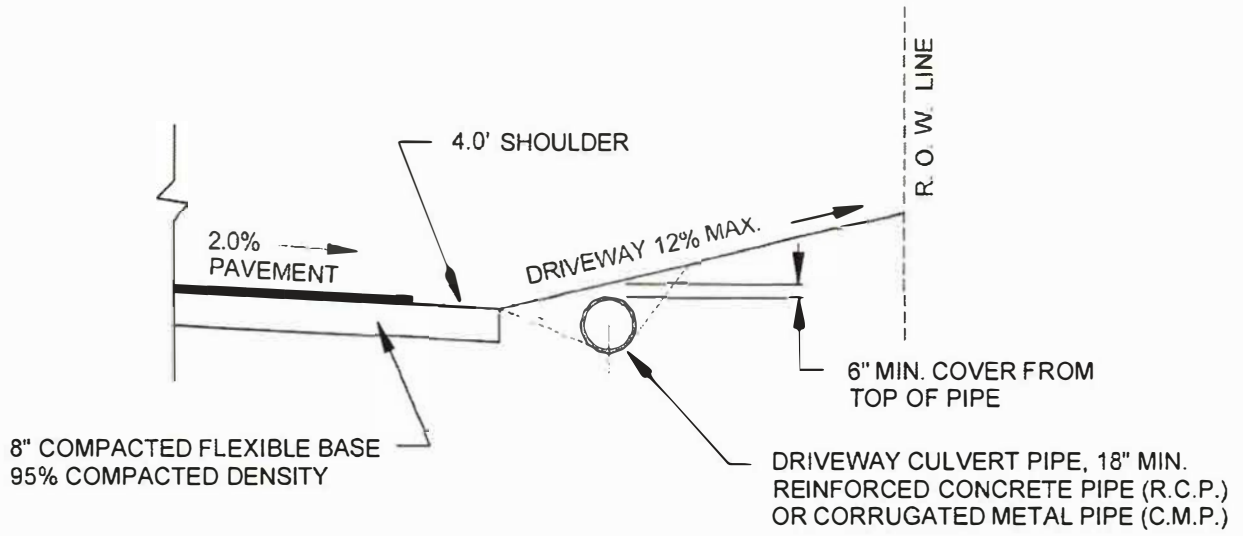
TRAPEZOIDAL CHANNEL N.T.S.



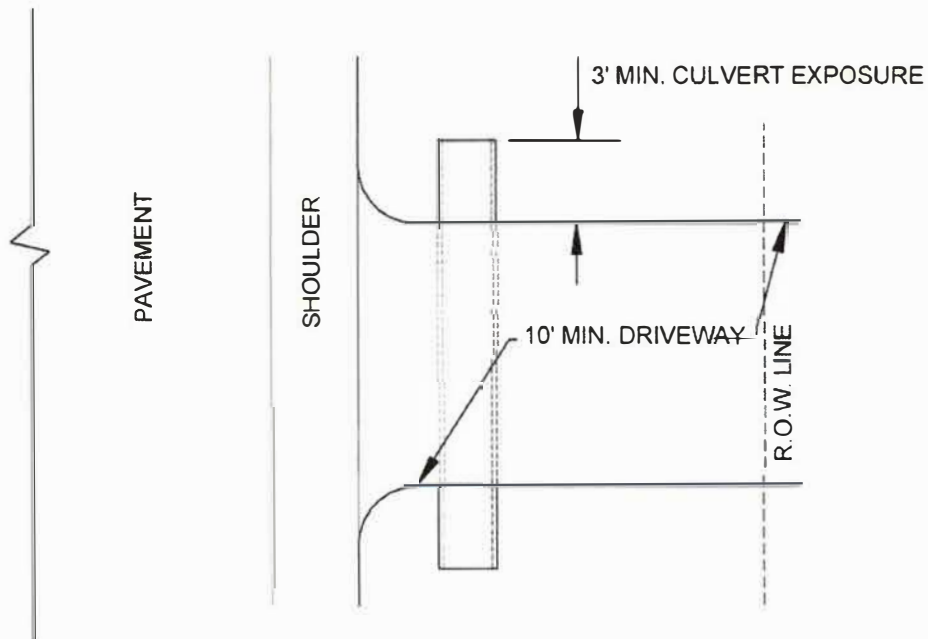
"V" - SHAPED CHANNEL N.T.S.

FIGURE 8

REAL COUNTY DRIVEWAY AND CULVERT DETAIL



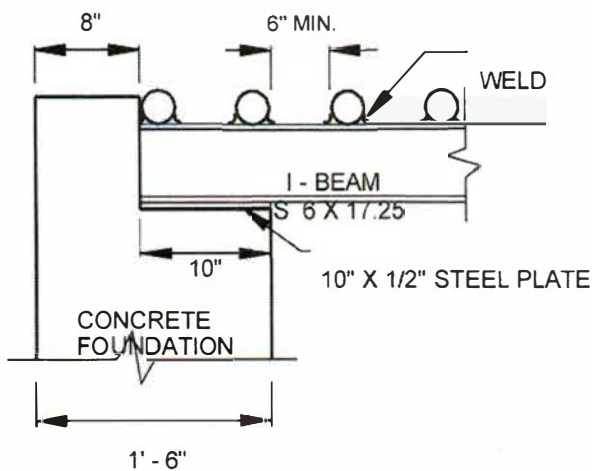
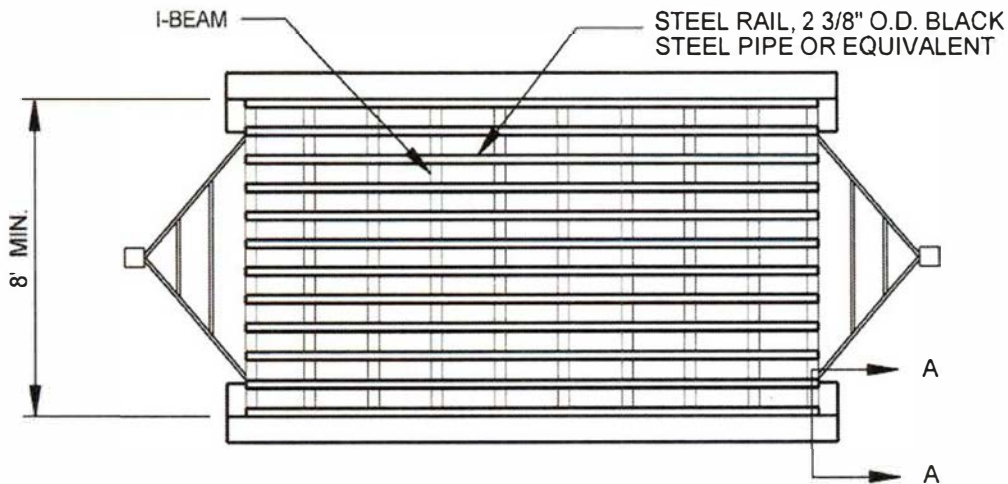
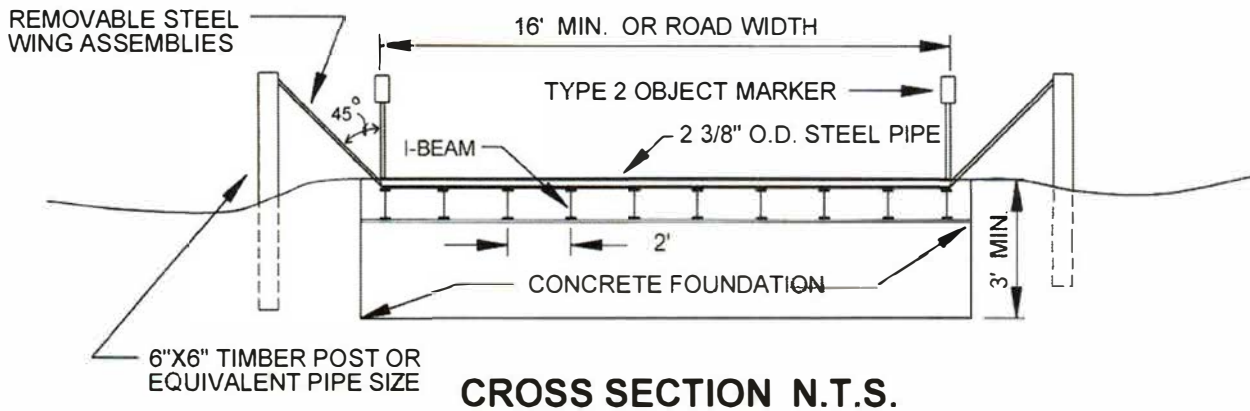
CROSS SECTION N.T.S.



PLAN VIEW N.T.S.

FIGURE 9

REAL COUNTY CATTLE GUARD



NOTES:

1. CONCRETE CLASS "A" SHALL MEET ALL THE REQUIREMENTS AS SET FORTH IN ASTM C-94.
2. ALL STRUCTURAL STEEL SHALL MEET THE REQUIREMENTS AS SET FORTH IN ASTM A-36.
3. ALL BLACK STANDARD STEEL PIPE SHALL MEET REQUIREMENTS AS SET FORTH IN ASTM A-53.
4. ALL I-BEAM SPACING SHALL BE TWO FEET MEASURED CENTER TO CENTER.

FIGURE 10

5. STEEL
RAIL OR
STEEL
BLACK
PIPE
SPACING
SHALL BE
A
MINIMUM
OF SIX
INCHES.
6. WING ASSEMBLIES
SHALL BE REMOVABLE.

FIGURE 10

STORM DRAINAGE

1.0 Method of Computing Runoff

- a. For drainage areas less than six hundred forty (640) acres, the basis for computing runoff shall be the rational formula or some other method provided it is acceptable to the County Engineer:

$Q = CIA$; where:

- Q = Runoff in cubic feet per second
- C = Coefficient of runoff
- I = Intensity of rainfall in inches per hour
- A = Drainage area in acres

- b. Drainage areas six hundred forty (640) acres or greater, the basis for computing runoff shall be a unit hydrograph, preferably the Soil Conservation Service (SCS) TR-20 method as contained in the U.S Army Corps of Engineers Hydrologic Engineering Center HEC-1 "flood Hydrograph Package."

2.0 Runoff Calculations

- a. In all cases, wet antecedent conditions shall be assumed.
- b. For drainage areas less than six hundred forty (640) acres, runoff rates shall be computed at not less than the following:

TABLE 5
Average Runoff Percentage

Character of Area	Slope			
	Up to 1.0%	Over 1.0% to 3.0%	Over 3.0% to 5.0%	Over 5.0%
Business or commercial areas (90% or more impervious)	95	96	97	97
Densely developed areas (80% to 90% impervious)	85	88	91	95
Closely built residential areas and school sites	75	77	80	84
Undeveloped areas	68	70	72	75
Cultivated	35	60	80	90
Average residential areas	65	67	69	72

TABLE 6
Manning's Roughness Coefficient

<u>Channel Description</u>	<u>Manning's "n" Value</u>
Concrete Lined Channel	0.015
Grass Lined Channel with regular maintenance	0.035
Grass Lined Channel without recent maintenance	0.050
Vegetated Channel with trees, little or no underbrush	0.055
Natural Channel with trees, moderate underbrush	0.075
Natural Channel with trees, dense underbrush	0.090
<u>Overbank Description</u>	<u>Manning's "n" Value</u>
Pasture	0.050 - 0.055
Trees, little or no underbrush, scattered structures	0.060 - 0.075
Dense vegetation, multiple fences and structures	0.075 - 0.090

- c. Runoff rates shall be computed on the basis of ultimate development of the entire watershed of the proposed development.

3.0 Concrete Lined Channels

- a. The design of concrete lined channels shall be based on a twenty-five (25) year frequency. The design is subject to the approval of the County Engineer and shall comply with the following requirements.

TABLE 7
Drainage Freeboard for Channels

<u>Design Depth of Flow</u>	<u>Required Freeboard</u>
0 to 5 feet	0.5 foot
5 to 10 feet	10% of design depth
10 feet and over	1.0 foot

- b. From the top of the concrete lining to the top of the ditch, a maximum side slope of two (2) horizontal to one (1) vertical shall be required. The side slope will have a minimum of twelve (12) to one (1).

- d. For normal conditions, the concrete lining shall be a minimum of five (5) inches thick and reinforced with No. 3 round bars placed at eighteen (18) inches on center both directions.

4.0 Earth Channels

- a. The design of earth channels shall be based on a twenty-five (25) year frequency subject to the approval of the County Engineer.
- b. The depth of the earth channel shall be for the design depth of flow plus the required freeboard.
- c. The side slopes shall not be steeper than three (3) horizontal to one (1) vertical.

5.0 Drainage Structures

All drainage structures shall be based on a twenty-five (25) year frequency subject to the approval of the County Engineer. Drainage structures include low water crossings, culverts, and bridges. Drainage plans shall be prepared by a registered Professional Engineer experienced in hydrology analysis, and shall be signed and sealed. Whenever possible concrete multiple box culverts having a minimum span of twenty (20) feet measured from inside wall to inside wall with a minimum height of two (2) feet shall be used.

6.0 Roadway Ditches

Ditches intended for parallel drainage shall be designed to accommodate runoff to be expected at a two (2) year frequency.

7.0 Driveway Culvert Pipe

No pipe less than eighteen (18) inches in diameter or comparable flow shall be used for driveway crossings. (See Figure 9 – Details)

- a. No culvert
- b. If culvert required, pipe size will be recommended by County Engineer or designed by a Professional Engineer. Owner may appeal to Commissioners' Court in the event of a disagreement between County Engineer and Professional Engineer.

APPENDIX “C”



CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM

Title 30 Texas Administrative Code (TAC), Section 230.4 (30 TAC 230.4)

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

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



CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM

Administrative Information, 30 TAC 230.4

1. Name of Proposed Subdivision:
2. Any Previous Name that Identifies the Tract of Land
3. Property Owner's Name(s):
Address:
Phone:
Email:
4. Plat Applicant's Name:
Address:
Phone:
Email:
5. Licensed Professional Engineer or Geoscientist's Information
Name:
Address:
Phone:
Email:
Certificate / License Number:
6. Location and Property Description of Proposed Subdivision:
7. Tax Assessor Parcel Number(s).
Book:
Map:
Parcel:

Proposed Subdivision Information, 30 TAC 230.5

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

TCEQ Certification Form: Groundwater Availability for Platting

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

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

Note: If PWS is anticipated, a written application for service for existing water providers with a one-half mile radius must be attached to this form (30 TAC 230.5(f)). Indicate "YES" if the above-mentioned application for service for existing water providers is attached, or N/A if not applicable: YES N/A

Projected Water Demand Estimate, 30 TAC 230.6

14. Residential Water Demand estimate at Full Build Out (includes both single family and multi-family residential):
- a. Number of Proposed Housing Units (single and multi-family):
 - b. Average Number of Persons Per Housing Unit:
 - c. Volume of Water Required Per Person Per Day (gallons):
 - d. Water Demand Per Housing Unit Per Year (acre-feet):
 - e. Total Expected Residential Water Demand Per Year (acre-feet):
15. Non-Residential Water Demand Estimate at Full Build-Out (acre-feet/year):
- a. Type(s) of Non-Residential Water Use(s):
 - b. Water Demand Per Type Per Year (acre-feet):
16. Total Water Demand Estimate at Full Build-Out (acre-feet/year):
17. Sources of Information Used for Demand Estimates:

General Groundwater Resource Information, 30 TAC 230.7

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

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

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

Obtaining Site-Specific Groundwater Data, 30 TAC 230.8

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

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

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

Determination of Groundwater Quality, 30 TAC 230.9

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

Determination of Groundwater Availability, 30 TAC 230.10

- 29. Have the aquifer parameters required by 30 TAC 230.10(c) been determined?
 YES NO

30. If YES, provide the aquifer parameters as determined, including units as applicable. Or, check here if a. through i. below are not applicable: N/A

- a. Rate of yield and drawdown:
- b. Specific capacity:
- c. Efficiency of the pumped well:
- d. Transmissivity:
- e. Coefficient of storage:
- f. Hydraulic conductivity:
- g. Were any recharge or barrier boundaries detected? YES NO

If YES, please describe:

- h. Thickness of aquifer(s):
- 31. Have time-drawdown determinations been calculated as required under 30 TAC 230.10(d)(1)? YES NO

32. Have distance-drawdown determinations been calculated as required under 30 TAC 230.10(d)(2)? YES NO

33. Have well interference determinations been made as required under 30 TAC 230.10(d)(3)? YES NO

34. Has the water quality analysis required under Section 230.9 of this title been compared to primary and secondary public drinking water standards as required under 30 TAC 230.10(e)? YES NO

35. Does the concentration of any analyzed constituent exceed the standards?
 YES NO

If YES, list the constituent(s) and concentration(s) that exceed standards:

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

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

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

Certification of Groundwater Availability, 30 TAC 230.11(c)

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

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

Signature _____

Date _____ (affix seal)

APPENDIX D

Commissioners' Court Signature Block

A signature block shall be inscribed on the first plat sheet as follows:

STATE OF TEXAS §

COUNTY OF REAL §

Approved by the Commissioners' Court of Real County, Texas this
_____ day of _____, A.D., 20____.

County Judge, Real County, Texas

Commissioner, PCT. No. 1

Commissioner, PCT. No. 2

Commissioner, PCT. No. 3

Commissioner, PCT. No. 4

APPENDIX E

Ad Valorem Tax Affidavit

AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF REAL §

BEFORE ME, the undersigned authority on this day personally appeared _____,
who being duly sworn says:

In compliance with Tex. Prop. Code §12.002, I certify that all Ad valorem Taxes due on the following:

have been paid as evidenced by the attached tax Certificates from all taxing agencies having jurisdiction
over this property.

I further attest that the above information is true and correct. Further affiant sayeth not.

Owner and/or Developer

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____.

Notary Public, State of Texas

Commission expires: _____

NOTICE: The foregoing Affidavit must be filed in the official public records of Real County, Texas.

APPENDIX F

County Clerk's Certification

CERTIFICATION

STATE OF TEXAS §
COUNTY OF REAL §

I, _____, COUNTY CLERK OF SAID COUNTY, 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. IN THE PLAT RECORDS OF SAID COUNTY IN BOOK ____ PAGE ____ , WITH ACCOMPANYING RESTRICTIONS FILED FOR RECORD AT VOL. ____ , P. ____ , OFFICIAL PUBLIC RECORDS OF REAL COUNTY, TEXAS.

TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME _____ , PAGE _____ , REAL COUNTY DEED RECORDS.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20____.

COUNTY CLERK, REAL COUNTY, TEXAS

NOTICE: The foregoing Statement must appear on all preliminary and final subdivision plats prior to plat approval.

APPENDIX H

Application for Subdivision Approval

Application for Subdivision Approval
Real County, Texas

This form must be filled out in its entirety and submitted along with all documents required by the Real County Subdivision and Development Rules.

PROPOSED NAME OF SUBDIVISION: _____

PRECINCT(S) IN WHICH THE SUBDIVISION LIES: _____

PRECINCT COMMISSIONER(S): _____

NAME OF PROPERTY OWNER(s): _____

Address: _____

Telephone No: _____

(Attach additional pages for additional property owners)

NAME OF APPLICANT(s): _____

Company: _____

Address: _____

Telephone No: _____

(Attach additional pages for additional Applicants.)

NAME OF LIEN HOLDER(s): _____

Company: _____

Address: _____

Telephone No: _____

(Attach additional pages for additional lienholders.)

DATE PLAT FILED: _____

TOTAL ACREAGE OF DEVELOPMENT: _____

TOTAL ACREAGE OF LOTS: _____

INTENDED USE OF LOTS:

Residential: _____

TOTAL NUMBER: _____

SMALLEST LOT ACREAGE: _____

Commercial/Industrial: _____

TOTAL NUMBER: _____

SMALLEST LOT ACREAGE: _____

OPEN SPACE, PARK, COMMON AREAS:

TOTAL ACREAGE: _____

STREETS AND ROADS:

TOTAL ACREAGE: _____

FRONTAGE ON EXISTING ROAD: _____

COUNTY ROAD: _____

STATE ROAD: _____

OTHER ROAD: _____

PROPERTY ADDRESS/LOCATION: _____

CURRENT LEGAL DESCRIPTION: _____

TOTAL CURRENT LAND AREA: _____ ACRES

CITY ETJ: _____ (no) _____ (yes) City Name: _____

IS THERE FLOODPLAIN WITHIN SUBDIVISION BOUNDARY? YES: _____ NO: _____

(If Yes, attach Flood Plain Map.)

SCHOOL DISTRICT(S): _____

NEW ROADS IN DEVELOPMENT:

PUBLIC ROADS: _____

PRIVATE ROADS: _____

ANTICIPATED SOURCE(S) OF WATER: _____

(PUBLIC WATER SUPPLY, RAINWATER CATCHMENT, PRIVATE WELL, SHARED WELL)

Water Availability check or note?

ANTICIPATED WASTEWATER SYSTEM(S): _____

(CONVENTIONAL SEPTIC SYSTEM, CLASS I PERMITTED SYSTEM, COLLECTIVE SANITARY SEWER)

ATTACH PROPOSED PLAT

FISCAL SECURITY TYPE: _____

FISCAL SECURITY EXPIRATION DATE (if applicable): _____

ATTACH GROUNDWATER AVAILABILITY CERTIFICATION.

ATTACH ALL OTHER DOCUMENTS REQUIRED BY REAL COUNTY SUBDIVISION RULES.

Appendix I

Development Plan Checklist

Documents to be filed with the Real County Commissioners Court (Note the Submittal Calendar provisions of ¶3.4.20) for a Development Plan:

1. Four (4) Blackline prints of the Proposed Plat, one (1) original mylar print of the Proposed Plat, and One (1) digital copy (either CD or thumb drive) of the Proposed Plat. (¶3.4.1)
2. Proposed Certificate(s) of Dedication. (¶3.4.12)
3. If available, Groundwater Water Availability Study complying with Article Four, Texas law, and federal law. (¶4.1.1, et seq) If not available, as much information as possible about groundwater availability and projected use by the Proposed Subdivision.
4. General Description of Solid Waste Disposal plan. (¶5.2)
5. General Description of Wastewater Disposal plan. (¶5.3)
6. Any anticipated Requests for Variances pursuant to Article Eleven.
7. Fee Deposit. (¶3.4.21.)

APPENDIX J

Final Plat Checklist

Final Plat Checklist Real County, Texas

SUBDIVISION NAME: _____

APPLICATION MATERIALS:

Comments:

- | | | |
|--|--------------------------|-------|
| Eight (8) blackline copies of plat | <input type="checkbox"/> | _____ |
| One original mylar of plat with signatures/seals | <input type="checkbox"/> | _____ |
| Electronic copy of plat
(copy must be in pdf format in a version no earlier than
one version from current) | <input type="checkbox"/> | _____ |
| Application fees | <input type="checkbox"/> | _____ |
| Tax certificate(s) | <input type="checkbox"/> | _____ |
| Letter from 911 Rural Addressing Department | <input type="checkbox"/> | _____ |
| Letter from lien holder, acknowledgment | <input type="checkbox"/> | _____ |
| Completed subdivision application | <input type="checkbox"/> | _____ |
| Utility Checklist | <input type="checkbox"/> | _____ |
| Construction fiscal surety | <input type="checkbox"/> | _____ |
| Letter of water/wastewater availability | <input type="checkbox"/> | _____ |
| Construction plans for streets/drainage (approved) | <input type="checkbox"/> | _____ |
| Street name and traffic regulatory sign checklist | <input type="checkbox"/> | _____ |

GENERAL INFORMATION:

Comments:

- | | | |
|-----------------------------|--------------------------|-------|
| Final plat requirements | <input type="checkbox"/> | _____ |
| Bearings & dimensions | <input type="checkbox"/> | _____ |
| Monumentation description | <input type="checkbox"/> | _____ |
| Location to original survey | <input type="checkbox"/> | _____ |
| Lot & block numbers | <input type="checkbox"/> | _____ |
| Acreage of all lots | <input type="checkbox"/> | _____ |

FLOODPLAIN & DRAINAGE INFORMATION:

- | | | |
|---|--------------------------|-------|
| 100-yr benchmarks & finish floor elevations | <input type="checkbox"/> | _____ |
| 100-year monument lat/long | <input type="checkbox"/> | _____ |

STREETS & RIGHT OF WAY INFORMATION:

Comments:

- Length of streets
- Total area of ROW dedicated to public
- Minimum driveway culvert size

WATER, WASTEWATER, UTILITIES INFORMATION:

- Viable percolation area
- Water supply warning statement
- Wastewater permit statement
- Utility easements:
 - Electric
 - Telephone
 - Gas
 - Water
 - Sewer
 - Pipeline

WATER AVAILABILITY:

OTHER PLAT NOTES:

- Development permit statement

Appendix J

Final Plat Application Checklist

Documents to be filed with the Real County Commissioners Court (Note the Submittal Calendar provisions of ¶3.4.20) for a Final Plat Application:

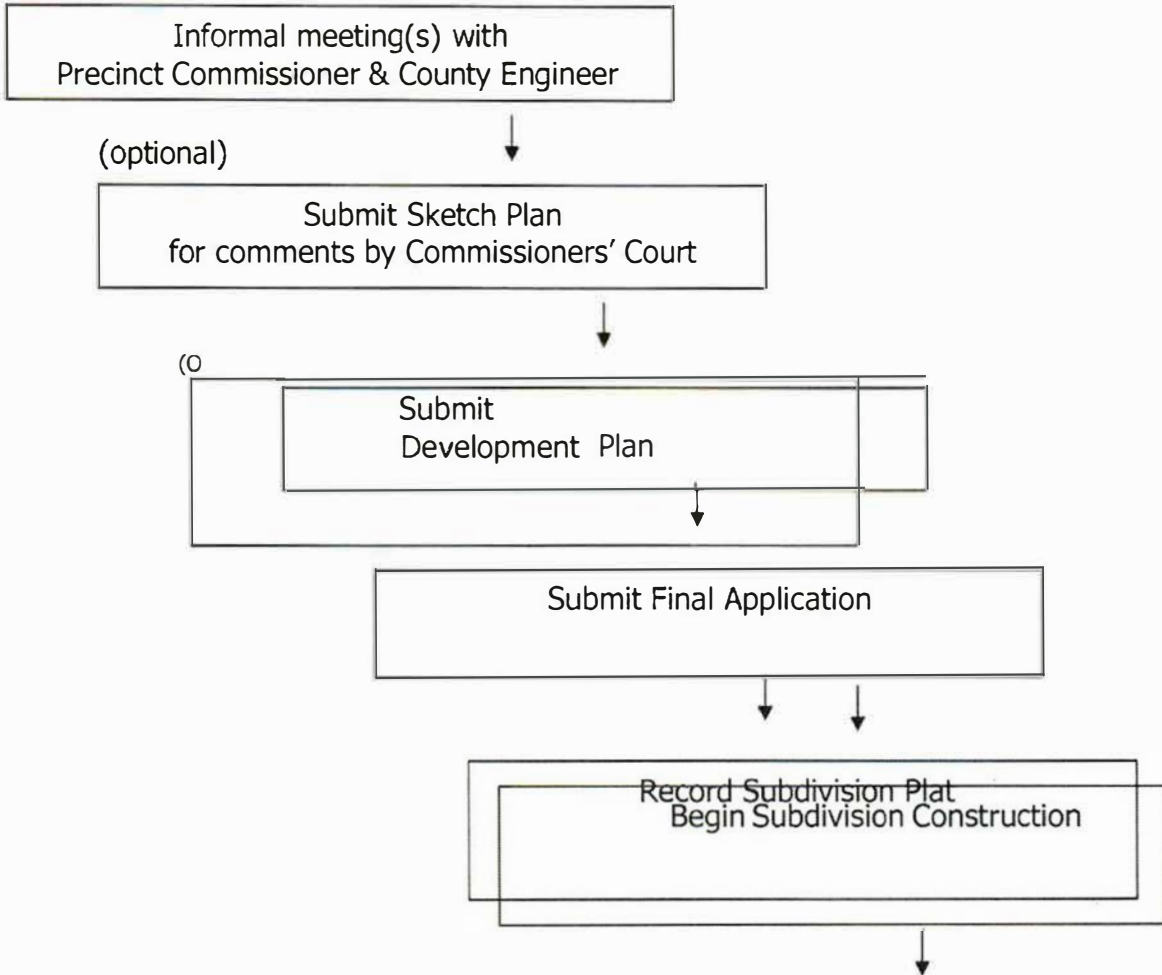
1. Eight (8) Blackline prints of the Proposed Plat, one (1) original mylar print of the Proposed Plat, and One (1) digital copy (CD or thumb drive) of the Proposed Plat. (¶3.4.1)
2. Certificate(s) of Dedication. (¶3.4.12)
3. Groundwater Water Availability Study complying with Article Four, Texas law, and federal law. (¶4.1.1, et seq)
4. Description of Solid Waste Disposal plan. (¶5.2)
5. Description of Wastewater Disposal plan. (¶5.3)
6. Tax Certificates required by ¶8.5.
7. Proposed Construction Bond or Alternative Financial Guarantee to be used in the event that the Plat Application is granted. (¶10.1)
8. Any Requests for Variances pursuant to Article Eleven.
9. Fee Deposit. (¶3.4.21.)
10. Statement from all electric utility providers licensed by the Texas PUC to deliver electric utilities to any part of the Proposed Subdivision that the Proposed Subdivision Plat has been reviewed and approved by them. (¶3.4.1)

APPENDIX K

Real County

Subdivision Process Summary

(optional)



APPENDIX L

Regulatory and Permitting Fees

Current land development fee schedule is available at the office of the County Engineer

Appendix L-1

Subdivision and Land Development

Rules and Regulations

NOTICE

STATE OF TEXAS §
 §
COUNTY OF REAL §

BEFORE ME, the undersigned authority, on this day personally appeared _____, who after being by me duly sworn, stated:

"I am the County Engineer for Real County, Texas. The property described in the attached Exhibit A is deemed an "Under-sized lot", and is recorded at Vol _____page_____of the Plat Records of Real County, Texas. The Subdivision which contains the Under-sized lot has been approved by the Commissioners' Court of Real County, Texas under Article XIII of the Real County Subdivision Land Development Rules and Regulations. Notice is hereby given that approval of such Subdivision and Under-sized lot was contingent upon the restriction that the Under-sized lot shall be used exclusively for commercial purposes as clarified herein.

The Under-sized lot and any and all Structures located thereon shall be used exclusively for commercial purposes and activities, and in no event shall the Under-sized Lot and/or any Structure on an Under-sized Lot be used for residential purposes as defined herein.

As used herein "residential purposes" is to be given the broadest definition possible and includes without limitation the act by one or more persons of lodging, sleeping, living, abiding or dwelling for a single night or more, inside or outside of a Structure of any type located on the Under-sized lot, regardless of whether there is or is not a charge for such lodging, sleeping, living, abiding or dwelling.

A "building" is any Structure with four walls and a roof regardless of whether it is or is not permanently affixed to the Under-sized lot. "Structure" includes but is not limited to the whole or any part of: a building, anything existing on the Under-sized lot that does not have four walls and a roof, a temporary Structure, a permanent Structure, a trailer of any kind, a mobile home, a modular home and/or a tent. The phrase "a trailer of any kind, a mobile home, a modular home and/or a tent" provides examples of what is intended to be included in the definition of "Structure" and is not intended to exclude any other type of structure that would otherwise fall within the given definition.

For further clarification, transient lodging, the occupancy, lease or rental of any Structure on an Under-sized lot for residential purposes, as defined herein, and/or the use of an Under-sized lot and any Structure located thereon for an apartment, a tourist court, a trailer park, an inn, a lodging house, a rooming house, a bed and breakfast, a motel and/or a hotel is deemed a residential use or purpose. Such use of an Under-sized lot and any Structure located thereon is not allowed but specifically prohibited. A violation of this prohibition shall be subject to enforcement as provided in the Real County Subdivision Land Development Rules and Regulations.

The restriction of the use of the Under-size lot to commercial purposes as clarified above shall be a covenant running with the land, and all future assignments, conveyances and/or transfers of the Under-sized lot or any part of the Under-sized lot, whether by itself or as part of another portion of property, shall be subject to such commercial use only restriction.

_____, P.E.
County Engineer for Real
County, Texas

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 20____
by _____, as and under his authority as County Engineer for
Real County, Texas.

Notary Public, State of Texas