MONTGOMERY COUNTY
DEVELOPMENT REGULATIONS

THE COMMISSIONERS COURT

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March 4, 2025

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Dedicated to the memory of Dan Wilds, P.E., County Engineer

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SECTION 1 PRELIMINARY PROVISIONS

A. AUTHORITY

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

On this, the 4th day of March, 2025, at a regular meeting of the Commissioners Court, sitting as the governing body of Montgomery County, came on to be considered the necessity of adopting rules, regulations and requirements providing for the supervision of the development of new subdivisions, re-subdivisions and other developments in Montgomery County, Texas, outside the legal limits of any incorporated city or town in Montgomery County in accordance with Chapter 232, Texas Local Government Code.

After a public hearing, the Court was of the opinion that there exists a necessity for establishing such rules, regulations and requirements and that these rules, regulations and requirements will replace and supersede all existing rules, regulations or requirements heretofore passed by Commissioners Court;

NOW, THEREFORE, by and under the authority vested in the Commissioners Court, upon the motion of Commissioner Gray seconded by Commissioner Riley, duly put and carried, it is ordered, adjudged and decreed that the following rules, regulations, and requirements relating to the supervision of new subdivisions or re-subdivisions and other developments in Montgomery County (Montgomery County Development Regulations) are hereby adopted as conditions precedent to the approval, by the Commissioners Court, of plats or subdivisions or re-subdivisions for recording and shall be in full force and effect from March 4, 2025 to wit:

1. Whenever the Court in its judgment deems it to be in the best interest of the public to change any part of these Montgomery County Development Regulations, public notice of said changes will be published in a newspaper of general circulation in the County at least sixteen days (16) in advance of formal consideration by the Court.

2. These Montgomery County Development Regulations, any and all future additions thereto and changes thereof, will be binding on all new subdivisions, re-subdivisions and other developments in Montgomery County. All persons subdividing or developing real property in the applicable areas must comply with these Montgomery County Development Regulations before approval or acceptance of the streets, roads, storm sewers, drainage ditches and drainage easements of a subdivision or re-subdivision and other developments.

3. The streets in previously approved subdivisions which have not been taken into the County Road System will be considered on individual merits. This policy does not apply to any roads now being maintained by Montgomery County, Texas.

4. The Montgomery County Drainage Criteria Manual has been established to supplement these Montgomery County Development Regulations.

B. EFFECTIVE DATE

Whereas an emergency is apparent for the immediate preservation of good order, good government and the general public safety and welfare, these regulations will become effective and applicable immediately upon its passage and it is accordingly so ordained.

These regulations will become effective upon adoption by the Commissioners Court of Montgomery County, Texas.

Passed and adopted by the Commissioners Court of the County of Montgomery, Texas, on the 4th day of March, 2025.

SECTION 2 DEFINITIONS

A. INTRODUCTION

1. For the purposes of these Montgomery County Development Regulations (hereinafter "Regulations"), the following terms, phrases, words and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words used in the plural number include the singular number. Definitions not expressly prescribed herein are to be determined according to customary usage in municipal planning and engineering practices.

B. LIST OF TERMS

1. Acceptable Outfall means that point as determined by the Developer's Engineer and approved by the County Engineer where storm water can be released without causing erosion or resulting sedimentation to downstream properties. Where necessary, the outlet must include structural and vegetative measures to assure non-erosive velocities.

2. Alley means a minor private drive which provides a means of vehicular access to abutting property, and which is typically used primarily for vehicular traffic to access properties. Alleys are not maintained by the County.

3. Amending Plat means a plat submitted by the applicants for the purpose of improving or correcting the original plat by removing specified defects or faults.

4. Benchmark means a permanent marker with elevation established based on the North American Vertical Datum of 1988 (NAVD 88).

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

6. Bridge-Class Culvert means a culvert designed to withstand traffic loading of HS-20 or greater. Bridge-class culverts are required when the span length is greater than 20 feet as measured along and parallel to the centerline of the road. All box culverts must be bridge-class culverts.

7. Building setback line means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected.

8. Clear Zone means an unobstructed, traversable roadside area that allows a driver to stop safely or regain control of a vehicle that has left the roadway.

9. Commissioners Court means the Commissioners Court of Montgomery County, Texas.

10. County or Montgomery County means Montgomery County, Texas, a political subdivision of the State of Texas.

11. County Attorney means the elected County Attorney for Montgomery County, Texas and all assistant County Attorneys appointed or hired to represent the County in legal matters and to provide legal advice as needed to the County. The County Attorney's office reviews all plat applications, applications to revise or replat existing subdivisions and all other real property and land use issues that may require Commissioners Court action.

12. County Engineer means a licensed professional engineer employed or designated by the County to provide professional engineering services for and on behalf of the County.

13. County Road means a public street, or public road and/or public easement or prescriptive right-of-way which has been accepted by the County for maintenance purposes or is a street or road that was constructed by and is maintained by the County.

14. Detention Pond means a reservoir which functions to control the peak flow from the watershed upstream of the reservoir by temporarily storing the storm water runoff and releasing it by means of a flow-limiting outflow structure.

15. Developed Area means any area on which a site improvement or change is made, including buildings, parking lots, and streets. See Development definition.

16. Development means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, clearing, demolition, alteration of streams or rivers, mining, dredging, filling, grading, paving, installation of fences, excavation or drilling operations or storage of equipment or materials.

17. Developer Maintenance Period means a mandatory minimum one year period between the date of initial acceptance and the date of final acceptance.

18. Disturbed Area means any area on which there is any change to natural conditions, to include, but not limited to: the change of a flow regime, excavation, or clearing of such area. See Development definition.

19. Drainage Criteria Manual means the Montgomery County Drainage Criteria Manual adopted by the Montgomery County Commissioners Court, and all additions and amendments.

20. Driveway means an area for the purpose of private use for access to a street.

21. Easement means a non-possessory property interest that provides the easement holder permission to use another person's land for a specified purpose or purposes.

22. Engineer of Record (EOR), for the purposes of these regulations, means a licensed engineer registered in the State of Texas that signs and seals construction plans prepared for a project, or a licensed professional engineer employed by the same registered firm.

23. Extraterritorial Jurisdiction (ETJ) means the unincorporated territory extending beyond the city limits of a city as described in Chapter 42, Texas Local Government Code.

24. Flag Lot means a lot configuration that includes a "strip" of land (the "Flag Staff") running from the main body of the land (the "Flag") to a publicly maintained roadway or privately maintained roadway.

25. Floodplain means the land area susceptible to being inundated by water during the base flood as indicated on Flood Insurance Rate Maps (FIRM) provided by FEMA.

26. Floodway refers to the channel of a stream, along with any adjacent floodplain areas, that must remain free of encroachment to ensure that the one-percent annual chance flood can be conveyed without causing a substantial increase (1 foot or more) in flood heights. The limits of the floodway are defined by FEMA, as indicated on the currently effective Flood Insurance Rate Map (FIRM) panels or FEMA-approved revisions.

27. Initial Acceptance means action taken by Commissioners Court to begin the developer maintenance period for a development.

28. Landscape Alteration means a man-made change to a tract of land that changes the ground elevations within the tract.

29. Lane Width means for a roadway, the width of the road from the marked centerline to the edge of the lane marking (if present), or from the lane marking to the curb or to the edge of the Pavement Width, as applicable. For a two-way alley, the width from the center of the alley to the edge of the pavement width. For a one-way alley, the width is defined as the Pavement Width.

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

31. Montgomery County Standards means the regulations which are set forth herein and such additional standards as they may have been or may be adopted by the Commissioners Court, and which may be amended from time to time.

32. Pavement Width means the actual paved surface measured between (i) back of curbs of streets (which are designed as curb and gutter) (ii) from edge to edge of pavement for alleys and (iii) from edge of pavement to edge of pavement (excluding any required shoulders) for streets with open roadside ditch design.

33. Plat means a subdivision exhibit submitted for final approval to the Commissioners Court in conformity with the provisions of these regulations and state law and which, if given final approval, will be submitted to the County Clerk of Montgomery County for recording. A replat, re-subdivision or amending plat shall be considered a plat as defined herein.

34. Private Streets and Roads means any street, alley or road that is not a publicly dedicated or roads dedicated as private at the time of original platting. Private streets, roads and alleys will not be maintained by Montgomery County. All road construction specifications, regulations and bonding requirements apply to proposed private streets, alleys or private roads in the same manner as required for public roads. Notwithstanding the foregoing definitions, however, the following are not considered public streets or roads within the purview of these regulations, namely:

a. Any driveway designed or used principally to provide vehicular access to the outbuilding appurtenant to any principal building, or to provide vehicular access to delivery platforms or entrance of a building appropriate for the delivery thereto of goods or merchandise and located wholly on private property.

b. An area appurtenant to a store, a group of stores, a theater, a church, or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons, or employees of the establishment or group of establishments in question.

c. An entrance or roadway designed or used to provide either vehicular entrance to or communication or passage between the several units of a single industrial or commercial establishment or a group of such establishments which are under common control of management; provided such industrial or commercial entranceway or roadway will be considered a public street under the terms of these regulations if it has entrance upon two or more public streets unless there are at each of such entrances, gates, chains or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial or commercial establishments in question.

d. An entrance or driveway designed or used to provide principal or primary vehicular access to an apartment building, or a group of apartment buildings designed for multi-family occupancy and under one ownership. Such an entrance or driveway must not be used to provide public street access to adjacent areas.

35. Public Street and Roads means any area, parcel, or strip of land which provides vehicular access to adjacent property or land whether designed as local streets, collector streets, highway, freeway, thoroughfare, avenue, lane, parkway, boulevard, road, place, drive, court or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription.

36. Regulations means the Montgomery County Development Regulations, as adopted and as hereinafter amended.

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

38. Reserve means a portion or portions of land within a plat to be used for other than single family residential purposes. Reserves may be restricted to a particular use or be designated as unrestricted.

39. Residential Use means single-family residential use; two-family residential uses; and multi-family residential apartment, townhouse uses, or condominiums.

40. Special District means one or more entities that are political subdivisions of the State of Texas, including but not limited to the following common types:

a. A "Municipal Utility District" (or "MUD"), a political subdivision of the State of Texas organized under Article XVI, Section 59 of the Constitution of the State of Texas, and operating under the applicable provisions of the Texas Water Code.

b. A "Management District," a political subdivision of the State of Texas organized and operated under the provisions of Chapter 3979 of the Special District Local Laws Code, Sections 52 and 52-a of Article III of the Texas Constitution, Section 59 of Article XVI of the Texas Constitution, and the applicable provisions of the Local Government Code and the Texas Water Code.

c. A "Water Control and Improvement District" ("WCID"), a body politic, corporate, and governmental agency of the State of Texas operating under and/or governed by the applicable provisions of the Texas Water Code and Section 59 of Article XVI of the Texas Constitution.

41. Special Lot Product(s) means a Lot or Lots that are not Suburban Lots or Flag Lots (which include but are not limited to townhomes, cluster products, condos, etc.)

42. Subdivision Development Review means review and approval issued by the County in conjunction with plat approval for certain subdivisions.

43. Subdivision means the division of any lot, tract or parcel of land by plat, map or description, into 2 or more parts, lots, building lots, sites or building sites, for the purpose, whether immediate or future, of sale, rental, or lease, or division of streets, or other public access ways, with or without the establishment of lots. This definition also includes the re-subdivision and re-platting of land or lots which are part of a previously recorded subdivision. An “addition” is a subdivision as defined herein. A testamentary division of land is not a subdivision under these regulations.

44. Subdivider or Developer means any person, partnership, firm, association, corporation or combination thereof, or any officer, agent, employee, servant, or trustee thereof, who performs or participates in the performing of any act toward the subdivision of land within the intent, scope, and purview of these regulations.

45. Suburban Lot means a lot that is developed for the purposes of building single- family residential detached housing where the detached home is intended to be generally oriented with the front of the home toward the fronting street and the vehicular access will be from the fronting street (except for corner Lots where vehicular access may be from the fronting street and/or any adjacent side street).

46. Thoroughfare means a public street designed for fast, heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the Montgomery County Thoroughfare Plan.

47. Thoroughfare Plan means the latest edition of the Montgomery County Thoroughfare Plan adopted by the Montgomery County Commissioners Court.

48. Traffic Analysis Technical Memorandum (Tech Memo) is a document used in transportation planning and engineering to detail the results of a traffic analysis conducted on a specific project area, outlining existing traffic conditions, projected future traffic volumes, and potential impacts of proposed development, along with recommendations based on the analysis, often including capacity analysis, level of service (LOS) calculations, and mitigation strategies.

49. Traffic Impact Analysis (TIA) is a study that evaluates the potential traffic impacts caused by a proposed development project on the surrounding transportation system, determining if the existing infrastructure can handle the increased traffic and suggesting necessary improvements or mitigation strategies if needed; essentially, it assesses how a new development will affect nearby roads and intersections and what actions might be required to manage that impact.

50. Travel Lane means a marked, segmented section of roadway that allows vehicles to move in single file from one place to another in one direction of travel, or the portions of an alley (which may not be marked) that provide for vehicles to move in single file from one place to another in one direction of travel.

51. TxDOT means the Texas Department of Transportation. References to TxDOT Item numbers and specifications in this document refer to the Standard Specifications for the Construction and Maintenance of Highways, Streets, and Bridges, TxDOT, 2024, or subsequent revisions.

52. Vacating Plat means a vacating plat prepared and approved under the applicable provisions of the Texas Local Government Code chapter 212.

53. Vicinity Map means a map that shows the location of a subdivision in relation to existing streets, highways, railroads, water courses or other topographical features.

SECTION 3 SUBMITTALS

A. COORDINATION WITH COMMISSIONER'S OFFICE

1. Prior to the earliest submission of construction drawings or drainage reports to the County Engineering Department for a development which exceeds five (5) acres (including residential subdivisions, commercial development, commercial RV parks, mobile/modular home communities, and multi-family rental communities not subdivided), the following information must be provided (in digital and hard copy format) to the applicable Commissioner's Office:

    a. A letter addressed to the Commissioner providing the following information:

        i. The entity name, authorized coordinating individual name and title representing the entity, address, phone number and e-mail for the owner and the owner's design engineer
        ii. A brief description of the proposed size and composition of the tract being developed in one or more phases
        iii. Any reference name, marketing name and/or development name (if one has been selected) that represents the area(s) contained within the proposed development
        iv. Any proposed starting timeline (if available) for the construction and proposed submittal of the first plat
        v. An exhibit showing the proposed routing of construction traffic during the course of the development.
        vi. Maps of the development contain the following information:

            a) A vicinity map showing the size and configuration of the boundary limits of the development tract in proximity to labeled existing roadways (including those that the development intends to use for existing access and future access), and existing natural water courses all labeled in reasonable proximity to (and within) the proposed development tract

            b) A map that generally depicts the anticipated access points to be utilized or created with all existing or proposed access roadways labeled and the labeled names (if such have an identifiable name) of adjacent developments to the proposed development and/or through which access will be routed for construction and/or basic access.

2. Written acknowledgment from the Commissioner's office must be included with the development application submittal to the County Engineering Department.

3. For purposes of these Regulations, when written acknowledgment from the applicable Commissioner's office is required for a drainage report, drainage study, or construction-plan submittal, the applicable Commissioner's office shall provide written acknowledgment that the applicant has provided the information required in Section 3 and that the applicant has met with the applicable Commissioner or the applicable Commissioner's representative regarding the proposed development on or before thirty (30) calendar days after receipt of a complete submittal of information required in Section 3. If written acknowledgment is not provided within that thirty (30) day period, and the applicant provides documentation satisfactory to the County Engineer demonstrating the date a complete request was delivered to the applicable Commissioner's office, the Engineering Department shall accept the applicable drainage report, drainage study, or construction-plan submittal for review without the written acknowledgment.

B. DRAINAGE REPORTS AND STUDIES

1. For drainage reports and studies, the developer/owner (or its consultant) must submit to the Engineering Department, written acknowledgment from the Commissioner's office, applicable review fees, one (1) paper copy of the drainage report and one (1) copy of the digital files that include:

    a. the report

    b. models used in the report

    c. spatial data

    d. any spreadsheets used in calculations contained within the report.

2. Drainage reports must be prepared in accordance with requirements outlined in the current version of the Montgomery County Drainage Criteria Manual.

3. See **Section 4** of these regulations for additional information.

4. See **Table 6-1** for engineering fee schedule.

C. CONSTRUCTION PLANS

1. For subdivision construction plans, the developer/owner (or its consultant) must submit to the Engineering Department, written acknowledgment from the Commissioner's office, applicable review fees, one (1) paper copy of the construction plans and one (1) copy of the digital file that includes a pdf copy of the plans.

2. Construction plans must include all items detailed on the current version of the Montgomery County Engineering Department Application for Residential Development (Residential Checklist) or Commercial Development (Commercial Checklist).

3. A Land Study map, showing the number of acres and lots, is required to be submitted with the plans.

4. Provide written acknowledgment from the applicable Commissioner's office, confirming that they have met with the Commissioner or the Commissioner's representative to discuss the proposed development within the Commissioner's Precinct.

5. Detailed construction plans, along with design calculations as required by the County Engineer, must be prepared and submitted by a licensed professional engineer registered in the State of Texas. The developer or engineer must submit one full size paper copy and a digital file (PDF format).

6. When a Drainage Impact Analysis (DIA) or drainage study is required, it must be approved prior to the submission of the construction plans.

7. A minor Drainage Impact Analysis (DIA) or drainage study and construction plans may be submitted simultaneously, with approval from the County Engineer.

8. Construction plans must include information for the drainage infrastructure as required in the current version of the Montgomery County Drainage Criteria Manual

9. When required (see Section 7 D. of these regulations), include Traffic Engineering Study with the construction plan submittal.

10. All existing and proposed streets and alleys within the proposed subdivision must be shown in plan and profile. This information must include the right-of-way width, pavement width, gradient of the curb lines or roadway, location and size of all drainage inlets, and the type of base and pavement. See Section 7 of these regulations.

11. If a development proposes to construct retaining walls greater than 4 feet in height, as measured from the bottom of the footing to the top of the wall (excluding any decorative cap and/or safety railing) as part of the civil construction plans submitted to the County, the retaining walls must be designed by a Texas licensed professional engineer.

12. All proposed bridges or culverts crossing roadways within the proposed subdivision must be shown in detail, by plan and profile, including the structural members, connectors, railings, approaches, reinforcing steel and deck. Bridges must be designed to meet all applicable requirements of the Texas Department of Transportation. See Section 8 of these regulations.

13. For proposed subdivisions within the ETJ of the City of Houston or other municipality which requires plat approval within the ETJ, approval by the city is required prior to approval and signatures by the County.

14. If drainage analyses or construction plans are not resubmitted for approval within 6 months of the date of rejection, the project will no longer be considered as grandfathered to the County regulations in place on the date of any previous submittal. The resubmittal will be reviewed in accordance with all applicable subdivision rules and regulations in place at time of the resubmittal.

15. Unless a Plat is submitted for recordation to the County on or before three hundred and sixty-five (365) days after the most recent County approval of the construction plans, the construction plans must thereafter be resubmitted for approval and are subject to all applicable subdivision rules and regulations at the time of resubmittal. The applicant may also submit a request to the County Engineer for a one (1) year extension of construction plan approvals to meet the terms of this paragraph which may be granted by the County Engineer in the event that either (i) no changes to the Montgomery County Development Regulations have been made since the approval of the construction plans or (ii) such approved construction plans are not materially impacted by effectuation of such changes to the Montgomery County Development Regulations (as determined in the reasonable discretion of the County Engineer).

16. Construction plans must be prepared for each Subdivision Plat. Construction of improvements may commence upon County plan approval. Separate construction plans for individual sections of the same and/or a coordinated same multi-phase development may be provided in the form of either: (i) separated standalone construction plans by section; however, such plans may also include offsite improvements which are located outside of the Subdivision(s) Plat boundary or (ii) clearly delineated boundaries of phased construction plans matching each Subdivision Plat boundary and clearly calling out each

Plat boundary in bold and by labeling each Plat name within such delineated boundary so that each sections numbering and Reserve lettering clearly matches the corresponding Plat(s). Such plans may also include offsite improvements which are located outside of the Subdivision(s) Plat boundary. The information on the construction plan(s) that are located within a Plat boundary must match the corresponding information shown on the applicable Plat(s). Separate construction plans (which may not require Subdivision Plat(s)) shall be acceptable for trunk utilities, mass grading, clearing for detention, mitigation, primary drainage channels, and/or any other construction that provides access to, service to, or through a Subdivision Plat to serve other property, or which is outside the respective Subdivision Plat boundary. Such improvements may begin upon receipt of County plan approval.

17. In locations where new commercial developments share a common property line with existing lots or tracts containing single-family residential development, the new commercial development must provide a privacy fence a minimum of 6-feet high along the common property line. The fencing must be constructed in such a way to not block drainage from offsite properties.

18. In locations where a new single-family residential development shares a common property line with existing lots or tracts containing single-family residential development or an existing commercial development, the new single-family residential development must provide a privacy fence a minimum of 6-feet high along the common property line. The fencing must be constructed in such a way to not block drainage from offsite properties.

19. In certain instances, as determined by County personnel, final approval of documents governed by these Regulations may be contingent upon the recording of documents in the Real Property Records of the County. Such recorded documents shall serve as notice to the public of the duties and responsibilities applicable to individual lots, adherence to which is required to avoid being in violation of these Regulations or other County regulations. Any document required to be recorded pursuant to this provision shall be subject to final review and approval by the County prior to recordation.

20. See **Table 6-1** for engineering fee schedule.

D. PLATS

1. Submit a complete plat application, along with all required supporting documents to the County Engineering Department for plat review on designated plat submittal dates. Incomplete submittals will not be accepted. The application is included in **Appendix C**.

2. Include separate payment with the plat application for all applicable fees, as specified in these regulations. See **Table 6-1.**

E. INSPECTION REQUESTS FOR INITIAL AND FINAL ACCEPTANCE

1. See Section 10 and 11.

2. See **Table 6-1** for engineering fee schedule.

SECTION 4 DRAINAGE REQUIREMENTS

A. DRAINAGE PLAN

1. A complete and detailed drainage plan prepared and sealed by a Professional Engineer, licensed by the State of Texas, must be submitted to the Engineering Department for all proposed subdivision developments subject to the platting requirements of these regulations. This drainage plan must provide for the disposition of runoff entering the development from adjacent property, runoff within the development and runoff leaving the development to an acceptable outfall.

    a. A drainage plan will not be required for subdivisions resulting in four lots or less which are not part of a larger scheme of development.

    b. A drainage plan will not be required for an individual residential structure unless the disturbed area is 15,000 square feet or more.

    c. For platted commercial or unrestricted reserves, a drainage plan will be required for the entire reserve.

2. Drainage plans must be prepared in accordance with the requirements and methodologies outlined in the Montgomery County Drainage Criteria Manual and subsequent amendments. The use of methodologies not outlined in the Montgomery County Drainage Criteria Manual and its subsequent amendments will require approval from the County Engineer.

3. See **Table 6-1** for engineering fee schedule.

B. COMMERCIAL DRAINAGE PLANS

1. Plan Required

    a. As outlined in the Montgomery County Floodplain Management regulations, a commercial drainage plan is required for commercial developments that propose a total Disturbed and/or Developed area of 15,000 square feet or more, regardless of whether a subdivision plat is required under these regulations.

    b. For commercial developments with existing impervious cover, a commercial drainage plan will be required if the proposed improvements result in a total aggregate developed or disturbed area of 15,000 square feet or more, including both existing and proposed areas.

2. The commercial drainage plans must be prepared in accordance with the requirements and methodologies outlined in the Montgomery County Drainage Criteria Manual and subsequent amendments. The use of methodologies not outlined in the Montgomery County Drainage Criteria Manual and its subsequent amendments will require approval from the County Engineer.

3. Review and Approval

   a. Drainage plans for restricted or unrestricted reserves included in new subdivision plats must be reviewed and approved by the County Engineer prior to the submittal of the plat application. Upon plat approval the developer must obtain any additional permits required through the permit department.

   b. Drainage plans for individual commercial sites that are not subject to platting requirements must be submitted to the County Engineering Department for review with the accompanying development application.

   c. The Commercial plan development review fee must be paid in the form of cash (exact change only), cashier's check or money order or any other acceptable means of electronic payment to the County made payable to Montgomery County once the initial submittal has been received by the Engineering Department. See **Table 6-1** for engineering fee schedule.

   d. Once plans are reviewed and approved by the County Engineering Department, an application must be submitted to the permit office with the accompanying development application.

SECTION 5 DEVELOPMENT IN THE FLOODPLAIN/FLOODWAY

A. COMPLIANCE

1. All development in the floodplain must comply with the requirements of the Montgomery County Floodplain Management Regulations and permitting for the Floodplain Administration Department.

2. All drainage analyses and/or drainage plans in support of development in the floodplain must comply with the requirements and methodologies presented in the Montgomery County Drainage Criteria Manual. The use of methodologies not outlined in the Montgomery County Drainage Criteria Manual and its subsequent amendments will require approval from the County Engineer.

B. CONDITIONAL LETTER OF MAP REVISION (CLOMR) REQUIREMENTS

1. If a developer proposes to construct a detention pond or other landscape alteration in the floodway, the developer must obtain an approved CLOMR from FEMA prior to County approval of a drainage plan or drainage study. A CLOMR will not be required for piped outfalls that extend into the floodway as long as there is no obstruction to flow.

2. If a developer proposes to alter or relocate a stream in the floodplain or floodway, the developer must obtain an approved CLOMR from FEMA prior to County approval of the drainage plan, drainage study or development permit.

3. Alteration of any stream or river, which could be classified as an ephemeral, intermittent, or a perennial stream, requires notice to the Texas Water Development Board (TWDB), the Texas Commission on Environmental Quality (TCEQ), as well as to any other governing entity/community within 1,000 feet of the location where the alteration is occurring. Proof of the notice, including a copy of the notice and certified tracking number must be provided. Please contact the Montgomery County Floodplain Administration department (info.floodplain@mctx.org) for approved forms and additional instructions.

4. The developer must provide a bond in conformance with Section 9 K. 1. of these regulations prior to the approval of the construction or drainage plans for proposed landscape alterations in the floodway.

SECTION 6 ENGINEERING FEE SCHEDULE

TABLE 6-1 ENGINEERING FEE SCHEDULE

Type of Review	Fee
Drainage Impact Analysis, Traffic Impact Analysis, FEMA Letter of Map Change (LOMC-all types), or Mass Grading Plan	$1,500
Admin. Reviews (Tech Memo, Drainage Determination and Driveways, etc)	$50
Single Family Residential Civil Design Plans (<100 lots)	$2,000
Single Family Residential Civil Design Plans (≥100 lots)	$2,000 + $10 per lot
Commercial/Industrial Civil Design Plans (<2 acres)	$2,000
Commercial/Industrial Civil Design Plans (≥2 acres)	$2,000 + $50 per acre
Commercial/Rental Community Civil Design Plans*	$1,000 + $50 per space
Administration Fee for third-party peer review	$1,000
Resubmittals**	$1,000
Final Plats, Replats and or Amending Plat Application Fee***	$500 + $30 per lot + $30 per acre in reserve
Final Street Dedication Plat Application Fee	$500 + $50 per acre of dedicated ROW
Inspection Fee and Re-Inspection Fee****	See sheet 22a
Road Cut Fee - Utility Installation	$500 per cut
Overload/Overweight Permit Fee*****	$50 per truck every 3 months + $50,000 yearly blanket bond

* Applies to RV parks, mobile home communities, and rental communities that are not being subdivided.
** Review fees include initial submittal and one resubmittal. Additional submittals are subject to a resubmittal fee as noted above. This includes replacements prior to reviews.
*** For replats requiring public hearing before Commissioners Court, the developer must also pay a fee covering the total cost to publish legal notices. This fee is determined and handled by the County Attorney's office.
**** Inspection Fee covers initial inspection and 1 re-inspection.
Each additional re-inspection is subject to a re-inspection fee as noted above.

***** For overweight trucks not permitted through TXDOT

Note:
Any updates or revisions to previously approved submittals are subject to the review process and applicable fee schedule outlined above.

The Subdivision Development Permit Fee from the previous regulations shall remain in effect until the new fee schedule is applied to submittals after the expiration of the adopted grace period.

Inspection Fees

Project Size (Acres)	Fee
0-5.99 acres	$600
6-15.99 acres	$800
16-99.99 acres	$1,200
100+ acres	$1,600
Re-Inspections Fee	Increase by $300 each additional re-inspection

Note: One re-inspection will be provided at no cost if requested within 90 days of the initial deficiency list; after 90 days, or for any subsequent re-inspections, the fee will equal the original inspection fee plus $300, ensuring it is never lower than the first and encouraging contractors to complete work correctly the first time.

SECTION 7 REQUIRED ROADWAY IMPROVEMENTS

A. MINIMUM STANDARDS FOR STREETS AND ROADS

1. Minimum Right-of-Way Width

   a. See **Table 7-2** for street widths, rights-of-way and additional defined terms.

   b. Cul-de-sacs must have a minimum right-of-way radius of 50 feet for curb and gutter sections and 60 feet for open ditch sections.

   c. Alleys must have a minimum right-of-way width of 20 feet.

   d. All dedicated road right-of-way widths must be wide enough to contain the required roadway cross sections (including roadside ditches with proper front and back slopes intended to be maintained by the County). Unless separate utility and/or drainage easements are dedicated along road rights of way of adequate width, additional road right-of-way width (in excess of the minimum) will be required as necessary to ensure that all roadside ditches, sanitary sewer manholes and water line valves and related surface appurtenances are located outside of the outside top of bank of the roadside ditch and within the dedicated road rights-of-way. Drainage easements are not permitted to run parallel to the street right-of-way; ditches should be included within the right-of-way width.

2. Proposed street names must conform to the names of existing streets of which they may be or become extensions. Proposed street names must not duplicate nor conflict with the recognized name of any other street located in the County subject to these regulations. There must be no name changes for continuous pavements or streets continuing through intersections unless they cross major thoroughfares. Apostrophes or other character symbols must not be used. Addressing and street name approval are provided by the Montgomery County Emergency Communication District.

3. Traffic Control Devices

   a. The developer and/or a Special District must properly install the following traffic control devices (in conformance with the latest edition of the Texas Manual on Uniform Traffic Control Devices (TxMUTCD) and TxDOT standards (as may be amended by any approved decorative traffic control designs which are approved for use). The applicable County Commissioner may approve the use of decorative traffic control devices (including but not limited to signals, street signs and poles) on a street and/or within and/or adjacent to a development in writing. If the applicable County Commissioner approves of the use of decorative traffic control device designs for use on a street and/or within and/or adjacent to a development, (i) the County shall not be responsible for the maintenance, repair and/or replacement of any decorative elements of such improvements (ii) the County may require the delivery of maintenance letter executed by a representative of a Special District, owner's association or other responsible party confirming the continuing obligation for the maintenance of such decorative traffic control, decorative street signage and/or decorative poles.

(iii) requirements for traffic control improvements will be thereafter modified to include or permit decorative elements for the approved areas.

i. Street name signs (D3-1G) must be installed at each street intersection. The sign shall consist of white letters on a green background with a sign blade height of 8 inches (unless the use of decorative signs has been approved as allowed in 3 a.). The signs must conform to the design requirements presented in Appendix C.

ii. Stop signs (R1-1) shall be installed at locations determined by the developer's engineer of record. The sign shall consist of white letters on a red background with a total sign width of 30 inches single lane and 36 inches for multi-lanes.

iii. Speed Limit signs (R2-1) shall be installed on all streets to show the speed limit in both directions, i.e., two per street. Alternately, the developer may install speed limit signs at each ingress point to a subdivision and use a residential plaque (R2-5cP) to indicate that the speed limit applies to all roads within the residential area. Speed limit signs shall consist of black letters on a white background with sign dimensions of 24 inches wide by 30 inches high. Residential plaques shall consist of black letters on a white background with sign dimensions 24 inches wide by 6 inches high. If used, the residential plaque shall be installed on to top of the speed limit sign.

iv. Other regulatory signs shall be provided as needed and configured and installed in conformance with the provisions in the TxMUTCD. In general, rectangular regulatory signs shall consist of black lettering on a white background and be 24 inches wide by 30 inches high or other dimensions as recommended by the TxMUTCD and approved by the County Engineer.

v. Traffic signals may be required on an individual basis and must be reviewed and approved by the County Engineer based on proper warrant studies (unless otherwise approved by the County Engineer). Requirements for Traffic Studies can be found in Traffic Engineering Study - Section 7 D.

vi. Permanent Type III barricades must be placed at the end of all dead-end streets that do not terminate in a cul-de-sac.

vii. Pavement markings shall be installed in accordance with the recommendations of the TxMUTCD using thermoplastic material.

   a) Center and edge striping is required for all roads with a posted speed of 35 mph or greater.

   b) Stop lines are required at all stop signs. Stop lines shall be 12 to 24 inches wide as detailed on the construction plans.

c) Crosswalk striping shall be provided at all locations where curb ramps are installed. If crosswalks are provided, they must be located at controlled intersections (unless otherwise approved in writing by the County Engineer). Crosswalk striping shall be 12 to 24 inches wide. Crosswalk striping details must be included in the construction plans for review and approval of the County Engineer; however, if future crosswalk(s) not included in the original plans are needed due to unforeseen circumstances and needs, these plans may be submitted separately to the County Engineering Department for review and approval.

d) Mid-block pedestrian crossings are generally not preferred; however, if permitted, they should intersect the roadway at a 90-degree angle to minimize the crossing distance. For guidance and design, refer to the latest version of TxDOT Standard Detail PM (4)-20.

b. Regulatory, warning, guide signs and object markers shall be retroreflective to show the same shape and similar color both day and night. Lettering shall be in conformance with TxMUTCD requirements.

c. Signs shall be installed with a minimum 7-foot clearance as measured from the edge of pavement or top of curb to the bottom of the regulatory sign.

d. Materials for signs, pavement markings and barricades must conform to current TxDOT specifications.

e. Traffic signage and pavement markings must be shown on a separate page in the construction plans.

4. Driveways

a. The maximum width at the right-of-way of a driveway serving a single family detached dwelling is twenty-five (25) feet.

b. The maximum width of a commercial driveway is forty-five (45) feet. Cleanouts consisting of traffic-rated grate inlets must be placed in the center of commercial driveway culverts (or as close there to as practicable).

c. An island proposed within a commercial driveway must be set back at least ten (10) feet from the right-of-way of the intersecting road.

d. For commercial tracts located on corners, the site must be designed such that the driveways are located as far from the intersection as possible.

e. One driveway will be allowed for each commercial tract. Additional driveways may be considered by the County Engineer based on individual site circumstances and the following driveway spacing criteria:

TABLE 7-1 COMMERCIAL DRIVEWAY SPACING CRITERIA

Posted Speed (mph)	Spacing Distance to Nearest Driveway (ft)
30 or less	200*
35	250*
40	305
45	360
50 or greater	425

*Minimum spacing distances to the nearest driveway can be reduced by 50 percent for lower speed streets with 30-35 mph posted speed limits only for undivided (i.e. no median) streets or for divided thoroughfares (with a median) where only a "right in- right out" only movement occurs (i.e. no median crossing) occurs.

f. Tracts may not be further subdivided to circumvent the driveway spacing requirements.

g. For driveways connecting to open-ditch roads, any curb must not extend into the right-of-way of the existing road.

h. Driveways which serve lift stations, water plants, sewer plants, pump stations, detention and/or drainage facilities and/or pipeline rights-of-way may not be counted and/or included in the spacing requirement calculations (due in large part to the infrequency of use by a governing authority for maintenance purposes only). As approved by the County Engineer.

i. Driveways used to provide secondary access to developments to ensure compliance with fire code requirements must be, at minimum, be designed and constructed as all-weather access driveways and must be maintained during all periods while serving the purpose as a secondary access point. The all-weather access driveway must extend to the public or private road to make the necessary connection. These driveways may be gated provided that an approved 911 gate access device is installed.

5. Backfill for Utilities

a. Backfill excavated areas and trenches under or within one foot of existing or proposed pavement with cement-stabilized sand from the top of the pipe embedment zone up to the paving subgrade. Backfill must be compacted to 95 percent standard proctor density.

B. PAVING REQUIREMENTS

1. Geotechnical Report

a. The developer must provide a geotechnical report prepared by a geotechnical engineer who is licensed as a professional engineer with the State of Texas. All geotechnical soils laboratory testing done in support of the work of the geotechnical engineer shall be performed by a laboratory accredited by the American Association for Laboratory Accreditation (A2LA) or the American Association of State Highway and Transportation Officials (AASHTO) in the area of geotechnical soils testing, and the accreditation shall include the specific geotechnical soils testing requested by the geotechnical engineer.

b. For the geotechnical study, bore samples to a depth of at least 10 feet shall be taken a minimum of every 500 feet along the proposed road rights of way with a minimum of one bore per road.

c. The geotechnical study shall include recommendations for subgrade stabilization, pavement thickness and minimum reinforcement. These recommendations shall, at a minimum, meet or exceed minimum County requirements as outlined in these regulations. The report shall also include recommendations for maximum embankment slopes for various design elements proposed by the development. The study must provide specific recommendations for permanent slope stability for embankments proposed to be constructed in the floodplain or adjacent to natural or man-made drainage courses. The geotechnical report shall be required for the approval of construction plans.

2. Pavement Width

a. Curb and Gutter Sections

i. See **Table 7-2** for street widths.

ii. Alleys must have a minimum pavement width of 20 feet.

iii. For Thoroughfares where the full right-of-way exists or is being dedicated within a Subdivision Plat the engineer shall design and prepare plans for the full Thoroughfare section within the Subdivision Plat boundary. The developer is required to construct one half of the boulevard and ultimate outfall drainage system including any required detention (for the future full width Thoroughfare) unless location specific needs and/or topography dictate an alternate consideration approved by the County Engineer. The centerline of swales used to drain the unimproved half boulevard section shall be placed to drain to future inlets which must be constructed to stage one with type E inlet tops.

iv. The Developer (or its consultants) will be permitted to design and construct open ditch roads only if the minimum average lot width for typical (rectangular) suburban lots meets or exceeds 65 feet, unless a variance is granted by the Commissioners Court. For this calculation, suburban lots located on knuckles and cul-de-sacs, which may have a width of less than 65 feet at the street right-of-way, shall be excluded from the average.

b. Open Ditch Sections

i. For Thoroughfares with open ditch drainage, the design engineer must design and prepare plans for the full boulevard section. The plans shall include provisions for a temporary roadside ditch along the future median to be constructed in the initial phase. The developer is required to construct one half of the boulevard with the temporary roadside ditch that drains to the ultimate design outfall along with required detention unless location specific needs dictate an alternate consideration approved by the County Engineer.

ii. All open ditch sections shall be constructed with minimum 1-foot unpaved berm on the edges of the pavement.

iii. For new roads that connect to open-ditch roads, cleanouts consisting of traffic-rated grate inlets must be provided for culverts that exceed 50 feet in length.

3. Concrete Pavement

a. The minimum thickness for Thoroughfares is 8 inches and Collector Road is 7 inches. The minimum thickness for all other roads is 6 inches.

b. Subgrade requirements are the same as those in Section 7 B. 4.

c. All concrete pavements shall have a minimum design and in place compressive strength of 3,200 psi at 7 days or a minimum average compressive strength of 4,000 psi at 28 days. Test in accordance with Tex-448-A or Tex-418-A.

d. The minimum reinforcement for all roads is specified as follows:

i. For pavement thickness less than 8 inches, use #4 bars spaced 24 inches on center in each direction.

ii. For pavement thickness of 8 inches or more, use #4 bars spaced 18 inches on center in each direction.

e. Minimum lap length for #4 reinforcing steel shall be twenty-two inches (22”).

f. Reinforcement shall be grade 60 steel.

g. Maximum spacing for expansion joints is 60 feet. Expansion joints must also be placed at all structures and at curb returns at street intersections. Material for expansion joints must be preformed bituminous fiber material board or equal material with an acceptable load transmission device. An expansion joint must be used as a transverse construction joint at the end of a concrete pour.

h. Control joints must have an approximate spacing of twenty (20') feet.

i. Saw cutting must be completed within 36 hours after placement. The standard depth for both longitudinal and transverse saw cut control joints shall be one-third of the total pavement thickness.

j. Pavement widths of more than 15 feet, shall have a longitudinal joint.

k. A longitudinal joint, positioned at the center of the pavement section, should incorporate a deformed metal strip or keyway to ensure proper connection between concrete slabs. Any temporary form material used to shape the keyway must be removed before placing additional concrete to create a smooth, continuous surface across the joint.

l. The chairs used to support the bar mats shall be of sufficient structural quality and number to hold the mat within the placement height and shall be of a type approved by the engineer. Spacing of bar support chairs shall be 18-inch minimum and 24-inch maximum.

m. All concrete must be compacted using mechanical vibration.

n. The air temperature must be at least 35 degrees Fahrenheit and rising before concrete placement.

o. All control joint sealants must meet the requirements of TxDOT Item 438 and must meet Class 5 or Class 8 material specifications as indicated in TxDOT Item 360.

p. Concrete pavement shall meet the minimum requirements for Class P concrete as per TxDOT Items 360 and 421.

q. Concrete for curbs shall meet the minimum requirements for Class A concrete as per TxDOT Item 421.

r. Minimum gutter grades and inlet spacing must be in accordance with the provisions of the County Drainage Criteria Manual.

s. For proposed connections to existing asphalt roads, the developer must provide asphalt pavement to the right-of-way line of the existing asphalt road with a concrete pavement header at the material transition.

t. Concrete pavement must be provided for all roadway sections that contain medians and cul-de-sacs not receiving roadside drainage, that have landscaping and irrigation features.

4. Asphalt Pavement (Flexible Base Pavement)

a. Subgrade

i. Subgrades for all types of pavements must be plowed and grubbed, have all organic material removed, must be accurately shaped prior to placing base material or pavement thereon, and must be compacted to provide for uniform density capable of supporting the pavement loads to be imposed thereupon.

ii. Subgrades must be stabilized to a minimum depth of 8 inches for Thoroughfares and Collectors and 6 inches for other roads. Stabilization and material must comply with the approved geotechnical report. All paving subgrades must be proof rolled after the roadway has been cut to grade. The geotechnical engineer or testing laboratory must monitor proof rolling operations and must determine whether remediation of weak areas is required before subgrade treatment. If remediation is required, the geotechnical engineer or testing laboratory must provide recommendations for remediation.

iii. For curb and gutter sections, the width of the treated subgrade must extend to a minimum of 1 foot on each side from the back of curb.

iv. For all open ditch sections with flexible base pavement, the width of the treated subgrade must extend a minimum of 1 foot on each side from the edge of base.

b. Flexible Base

i. Flexible base materials must consist of crushed stone, crushed concrete, iron ore or black base, must comply with the requirements of TxDOT item 247. The base

thickness for crushed rock or crushed concrete must be a minimum of 10 inches for thoroughfares and collectors and 8 inches for other roads. Black base must be a minimum of 8 inches for thoroughfares and collectors and 6 inches for other roads.

ii. Crushed stone or crushed concrete base must comply with the requirements of TxDOT Item 247 and must meet Type D, Grade 1-2 materials specifications.

iii. Black base must comply with the requirements of TxDOT Item 346 and must meet SMA-C master gradation limits.

iv. The width of the base material must extend to a minimum of 1 foot on each side from the finished pavement course.

c. Asphalt Surface

i. Prime coat shall be applied in conformance with TxDOT Item 310. The material shall meet the requirements for emulsified asphalt prime and tack (EAP&T) as specified in TxDOT Item 300.

ii. Hot mix asphalt must comply with the requirements of TxDOT Item 341 and must meet the Type D master gradation limits.

iii. The asphalt surface must have a minimum thickness of 3 inches for thoroughfares and collectors and 2 inches for other roads.

5. Cement stabilized sand shall contain not less than 2 sacks of Portland cement per ton of material.

6. The design of other elements in and adjacent to the road right-of-way must be constructed in compliance with applicable TxDOT requirements as required by the County Engineer.

C. GEOMETRIC REQUIREMENTS

1. General

a. The provisions of these requirements (as set forth in Section 7 C. hereof) apply as stated (unless a less stringent standard is approved by Commissioners Court through the County Engineer to be used).

b. Curves

i. Streets, excluding thoroughfares, must have a minimum centerline radius of 300 feet for reverse curves. The minimum tangent between points of reverse curvature is 50 feet. Thoroughfares, as outlined in the Montgomery County Thoroughfare Plan, shall be designed in accordance with the TxDOT Roadway Design Manual (latest version), unless otherwise approved by the County Engineer.

ii. Vertical Curves must be provided for paving grade changes greater than 1 percent in areas with speed limits of 45 miles per hour or less. For areas with speed limits greater than 45 miles per hour vertical curves must be provided for paving grade changes greater than 0.5 percent. Elevations shall be shown at 10-foot intervals

through vertical curves. A minimum differential of 0.04 feet on 10-foot intervals shall be maintained by altering the calculated elevations.

2. Cul-De-Sacs

    a. The required radius of cul-de-sac pavement is as follows:

        i. Residential radius shall be a minimum of 42 feet to face of curb or 42 feet to the outside edge of the shoulder for open-ditch sections.

        ii. Commercial radius shall be a minimum of 50 feet to face of curb or 50 feet to the outside edge of the shoulder for open-ditch sections.

        iii. The maximum length of cul-de-sac streets is 1,000 feet without providing an intermediate turnaround.

        iv. Temporary turnarounds, conforming to the minimum radii requirements, must be used at the end of a street more than 400 feet long which will be extended in the future. Temporary turnarounds must be shown as an easement on the plat or must be dedicated by separate instrument.

3. If intersecting streets are not aligned by their centerlines, they must have a minimum centerline offset of 125 feet.

4. All streets and alleys must intersect at a 90-degree angle plus or minus 10 degrees. Acute angle intersections may be approved by the County Engineer and must have 30 foot or greater radius at acute corners.

5. The finished grade of all roads must be established such that the maximum depth of ponding will be 12 inches above the curb gutter, or 6 inches above the centerline of roads without curb, during the 100-year storm event.

6. All pavements must have a minimum cross slope of ¼ inch per foot.

7. Curb and Gutter Sections

    a. The minimum gradient on gutters shall be 0.3 percent.

    b. The maximum allowable curb run to an inlet shall be 330 feet in one direction for major thoroughfares and 700 feet in one direction for all paved curb and gutter streets with dedicated right-of-way.

    c. There shall be a minimum 1 percent fall around intersection turnout for a minimum radius of 25 feet.

    d. The minimum grade for cul-de-sac shall be 0.60 percent along the gutter.

    e. Valley public streets (public streets depressed in the center of paving lanes) are not permitted. Paving lanes divided by a median are permitted to drain to a center esplanade when it is used to collect/convey drainage. (Green infrastructure projects with depressed intersection or valley streets may be approved by the County Engineer but will not be maintained by the County). Alleys are permitted to use valley designs.

8. Curbs

    a. The standard curb height for residential streets is either a six-inch (6") standard curb or a four-inch by twelve-inch (4" x 12") roll curb configuration. The roll curb configuration shall be used for all residential lots. Islands, esplanades within the street right-of-way, and reserves located on residential streets shall be constructed with a six-inch (6") standard curb height.

    b. Curbs are to be decreased from 6 inches to 2 inches in ten feet when approaching railroad tracks, an existing roadway without curbs, or channelized turn lanes. When connecting to an open-ditch road, the curb should be terminated at the right-of-way line of the existing road.

    c. Curb penetration for roll curbs shall be a 3-inch V-cut drain. For a 6-inch curb, the maximum allowable penetration is a 3-inch pipe.

    d. Curbs shall be block sodded with a width of 16 inches along the back of the curb, and the remaining area shall be hydro mulched and seeded.

9. Water and sanitary sewer lines shall be located such that service lead taps to the main will not be located under the pavement.

10. Burn pits are not allowed in proposed street right-of-way (ROW), unless the residue and debris are removed and disposed of offsite. The burn pit must then be filled and compacted with select fill material in 8-inch lifts, in accordance with TxDOT Item 132 Embankment.

11. Roundabouts

    a. Roundabouts shall be designed in accordance with the TxDOT Roadway Design Manual (latest version), Appendix E — Alternative Intersections and Interchanges, Section 2 – Roundabouts

    b. All roundabouts shall comply with the latest editions of Texas Manual on Uniform Traffic Control Devices, AASHTO's "A Policy on Geometric Design of Highways and Streets" and NCHRP Report 672 (Roundabouts an Informational Guide, 2nd Edition) as the primary source for roundabout design guidelines.

    c. Unless the central island contains additional landscaping, it shall be mounded to a height of three feet above the truck apron. The central island shall be block sodded 16 inches wide along the back of curb and hydro mulch seeded in the remaining area.

    d. Roundabouts must be designed to drain away from the central island. A two percent cross slope is typical. Drainage inlets will typically be located along the outer curb line. Inlets and low points should be located upstream of the crosswalks.

    e. Illumination and Irrigation

        i. Accommodation for lighting shall be provided at all four quadrants. Drawings should include a four-inch diameter Schedule 80 PVC sleeves under each pedestrian crossing extending three feet behind each back of the proposed pavement curb. The sleeves should be installed three feet below the top of pavement, bedded

and backfilled in cement stabilized sand. The sleeves should include a capped riser at each end, which should be incidental to the sleeve linear feet quantity.

ii. Two six-inch diameter Schedule 80 PVC sleeves shall be installed for irrigation and/or electrical access to the roundabout central island.

TABLE 7-2 MONTGOMERY COUNTY STREET TABLES

Table A- Minimums - Curb & Gutter ("C&G") Roadways							
	Local* Suburban & Urban **C&G** (≤ 32 lots)	**Local *** Suburban & Urban **C&G** (> 32 lots)	**Minor Collector *** Suburban **C&G** 2-lanes	**Minor Collector*** Undivided **C&G** 3- lanes	**Major Collector^^** Undivided **C&G** 3- lanes	**Major Collector^^** Undivided **C&G** 4-lanes	**Major Thoroughfare^^** Divided **C&G** 4-lanes
ROW	50	50	60	70	90	100	120
Max Design Speed (mph)	30	35	45	50	55	55	60
Minimum Pavement Width (ft)^	25	27	29	39**	41**	51**	54**
Travel Lanes	2	2	2	3	3	4	4
Lane Width (ft)	N/A	N/A	N/A	12	12	12	12
Left Turn Lane Width (ft)	N/A	N/A	N/A	12	14	N/A	N/A
Curb	Rollover / Standard	Rollover / Standard	Rollover / Standard	Standard	Standard	Standard	Standard
Clear Zone (ft)	2	2	4	4	4	4	6
Shoulder Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A

^Minimum pavement width are calculated as back of curb to back of curb.

^^ Minimums apply to Major Collector and Major Throughfare designations on Throughfare Plan only.

*Local Public Streets and Collectors (not on the Throughfare Plan) and private streets may also be designed as divided roads with medians for aesthetic purposes provided that the Travel Lane Widths are a minimum of 12'. Additional ROW required.

**Includes 1-ft offset to face of curb

Table B- Minimums -Open Ditch ("OD") Drainage Roadways							
	Local Urban **OD** 2-Lanes	**Local** Suburban **OD** (≤3000 ADT)	**Local** Rural **OD** (≤1500 ADT)	**Minor Collector** (Undivided) **OD**	**Major Collector^^** Undivided **OD**	**Major Collector^^** Divided **OD**	**Major Thoroughfare^^** Divided **OD**
ROW	60	60	60	80	90	100	120
Max. Design Speed (mph)	40	40	40	50	55	55	60
Min. Pavement Width (ft)^	26	24	22	42	52	56	72
Travel Lanes	2	2	2	3	4	4	4
Lane Width (ft)	12	11	10	12	12	12	12
Left Turn Lane Width (ft)	N/A	N/A	N/A	14	N/A	N/A	N/A
Curb	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Clear Zone (ft)	10	10	10	16	16	16	16
Shoulder Width (ft)	2 - 1' EA*	2 - 1' EA*	2 - 1' EA*	2 - 2' EA*	2 - 2' EA*	2 - 2' EA inside* 2 - 2' EA outside*	2 - 4' EA inside* 2 - 8' EA outside*

^Pavement Width includes shoulder widths which are required.

^^ Minimums apply to Collector and Major Throughfare designations on Throughfare Plan only.

* Paved Shoulders width added to Pavement Width.

All open ditch sections shall be constructed with a minimum 1-foot unpaved berm off the edges of the pavement.

ADT - Average Daily Traffic

D. TRAFFIC ENGINEERING STUDY

1. A developer (or its consultants) shall submit a traffic study for review and approval by the County Engineer when required under this Section. Required traffic studies shall consist of one of the following, as applicable:

    a. Traffic Impact Analysis (TIA)

    b. Traffic Analysis Technical Memorandum (Tech Memo)

    c. Traffic Information Form (TIF)

2. All required traffic documentation shall be submitted prior to or concurrent with construction plans, drainage plans, or plat approval as applicable.

3. Traffic documentation shall be prepared in accordance with the Institute of Transportation Engineers (ITE) recommended practiced and publications, ITE Trip Generation Manual, current edition, the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets," current edition, TxDOT criteria and standards, the Texas Manual on Uniform Traffic Control Devices (TxMUTCD), current edition, and applicable Montgomery County Development Regulations.

4. Applicability by Development Type

    a. For single family residential lot subdivisions taking access from an existing County-maintained, or TxDOT Road where the overall development proposes to develop (in one or more phases) the following will be required prior to or concurrent with the construction plans for the first section of development based on the criteria below:

        i. More than 100 proposed Lots, a TIA is required.

        ii. Less than 100 proposed Lots, a Tech Memo is required.

    b. Multi-family residential developments taking access from a County-maintained, or TxDOT Road where the development proposes to develop (in one or more ultimate phases of the same development) the following will be required prior to or concurrent with the construction or drainage plans for the first phase of the multifamily development:

        i. More than 200 units in total aggregate, a TIA is required

        ii. Less than 200 units in total aggregate, a Tech Memo is required.

    c. For developments not categorized as single-family or multi-family residential (e.g. commercial, schools, etc.), traffic documentation shall be required prior to the approval of the construction plans (or drainage plan), and be in accordance with the following thresholds:

        i. Generates 1,000 or more trips/day, a TIA is required.

        ii. Generates 100 or more peak hour trips, a TIA is required.

iii. 100 acres or more is involved in the development, a TIA is required.

iv. Generates 200 trips/day or more, but less than 1,000 trips/day, a Tech Memo is required.

v. Generates 20 peak hour trips or more, but less than 100 peak hour trips, a Tech Memo is required.

vi. Generates less than 200 trips/day, and less than 20 peak hour trips, a TIF is required.

5. Notwithstanding the thresholds established herein, the County may require a Traffic Impact Analysis (TIA) when deemed necessary to evaluate future roadway mobility needs, planned or programmed transportation infrastructure improvements, or projects associated with the adopted Master Thoroughfare Plan or other County-adopted long-range transportation plans.

6. The Traffic Impact Analysis shall include, at a minimum, the elements identified below. The information may be organized under equivalent headings or combined sections, provided that all required elements are clearly addressed, as determined by the County Engineer.

   a. Purpose and Study Area Definition

   b. Proposed Development Description

   c. Existing and Background Traffic Conditions

   d. Trip Generation, Distribution, and Assignment

   e. Traffic Operations and Capacity Analysis (LOS), if required

   f. Access, Sight Distance, and Turn Lane Evaluation

   g. Signal Warrant Analysis, if applicable

   h. Safety and Pavement Impact Analysis

   i. Conclusions and Mitigation Recommendations

   j. Appendices and Supporting Documentation

7. The Traffic Analysis Technical Memorandum is a minor traffic engineering study intended to evaluate limited traffic impacts and shall include abbreviated elements of a Traffic Impact Analysis, and limited to 10 total pages.

8. The Traffic Information Form shall, at a minimum, identify the proposed land use and development size, applicable ITE Trip Generation land use code(s), estimated Average Daily Traffic (ADT), estimated AM and PM peak-hour traffic volumes, and a general description of site access and conceptual layout; no operational capacity analysis, safety analysis, or mitigation evaluation shall be required.

9. A KMZ file delineating the project boundary shall be submitted for all Traffic Impact Analyses, Traffic Analysis Technical Memoranda, and Traffic Information Forms required under this section. The KMZ file shall be prepared in accordance with the County's KMZ submittal guidelines and shall be submitted concurrently with the applicable traffic study.

10. All traffic studies shall be signed and sealed by a licensed professional engineer registered in the State of Texas.

11. The developer will be required to design and construct improvements to the existing County Road per TxDOT criteria and standards as indicated below.

    k. Left turn lanes are required at proposed connections where the left turn peak hour volume for any single hour exceeds 20 vehicles per hour.

    l. Right turn (deceleration) lanes are required in locations where the right turn peak hour volume for any single hour exceeds 60 vehicles per hour.

    m. Stop signs or traffic signals are required if they are warranted as outlined in the TxMUTCD.

12. The developer shall design and construct the proposed mitigation measures either prior to or concurrent with the section or phase of development that triggers the need for the mitigation measure per TxDOT criteria and standards. In lieu of performing physical improvements in the County right-of-way, the developer may provide payment to the County that sufficiently cover the costs of design and construction of the proposed mitigation measures pursuant to a roadway improvement agreement. The construction plan and/or drainage plan approval of the proposed development will be contingent upon compliance with the provisions of this section.

13. The developer shall execute a roadway improvements agreement prepared by the County Attorney for all proposed improvements to existing County right-of-way. The agreement shall include provisions for a warranty period of at least one year after initial acceptance by the Commissioners Court. The warranty period shall terminate upon final acceptance by the Commissioners Court.

14. All traffic data, models, assumptions, and analysis files prepared as part of a traffic study may be retained and reused by the County for planning, capital improvement, and long-range transportation purposes.

SECTION 8 BRIDGES AND BRIDGE-CLASS CULVERTS

A. BRIDGES

1. Bridges must be constructed of reinforced concrete and designed and constructed in accordance with current TxDOT requirements; however, decorative features of bridges that meet or exceed TxDOT standards shall be permitted.

2. Bridges and bridge-class culverts may include decorative features. However, while the County may maintain these bridges and culvert crossings, it is only responsible for maintaining the standard bridge and bridge-class features. The County is not responsible for any costs or efforts related to maintaining decorative features, improvements, or equipment that increase the maintenance burden. Any additional maintenance, repair, or replacement of decorative features, as shown in the approved plans, must be provided by a responsible party other than the County. This responsibility must be clearly noted on the approved bridge and/or bridge-class culvert plans and/or covered in a developer's agreement.

3. Where there are no curbs on the approach pavement, the width of the bridge must be the width of the approach pavement plus 4 feet, with a minimum width of 28 feet.

4. Where curbs are on the approach pavement, the width of the bridge from curb face to curb face must be the same as the width between the curb faces on the approach road, but not less than 28 feet.

5. If a sidewalk is provided on Major Thoroughfare Road bridge, a traffic-rated rail must be designed and constructed adjacent to the vehicular lanes with a pedestrian-rated rail on the outside edge of the sidewalk.

6. Unless otherwise approved by the County Engineer in writing with a developer's agreement, bridge rails must be designed and constructed as per minimum TxDOT requirements. If decorative or non-standard rails are proposed, they must meet or exceed the structural requirements of a standard TxDOT rail unless the minimum required recovery zone (clear zone) constructed outside of the curb on the area of the bridge or bridge-class culvert is adequate to not require a rail, in which case a decorative rail which does not meet TXDOT standards may be used.

B. BRIDGE-CLASS CULVERTS

1. Bridge-class culverts must be precast box culverts or cast-in-place box culverts designed and constructed in accordance with current TxDOT specifications.

2. Headwalls must be provided and designed at sufficient height to accommodate the construction of the guardrail. These headwalls may be decorative, provided they meet the same structural engineering requirements as non-decorative headwalls.

3. Rails must be provided as indicated in Section 8 A.

SECTION 9 PLATTING CRITERIA AND PROCEDURES

A. INTRODUCTION

1. A final plat of each proposed subdivision or re-subdivision (and any amending plat) must be submitted in compliance with these regulations including without limitation the following sections. All plans and plats must be drawn to conform to the requirements set forth herein. In all newly developed subdivisions, a final plat must be submitted to and approved by the Commissioners Court prior to the issuance of permits or authorization of initial inspection. A plat application must be submitted to the County Engineering Department with each original plat submittal. The plat application is valid for one year from the date of original submittal.
2. A developer may not sell lots prior to the recordation of a plat approved by Commissioners Court unless the developer complies with Texas Property Code §12.002(d) (2007).

B. PLAT REQUIRED

1. Unless an Owner or the grantee of a tract is a municipality or a Special District or a public entity with the power of eminent domain, then an Owner of a tract of land outside the limits of a municipality must have a plat of the Subdivision prepared if the Owner divides the tract into two or more parts to lay out:
   a. a subdivision of the tract, including an addition;
   b. lots;
   c. streets, alleys, squares, parks, or other parts of a tract intended by the owner of the tract to be dedicated to public use.
2. A division of a tract under Section 9 B. 1. includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract for sale or other executory contract to convey, or by using any other method.
3. To be recorded, a plat must:
   a. describe the subdivision by metes and bounds;
   b. locate the subdivision with respect to an original corner of the original survey of which it is a part;
   c. state the dimensions, both angular and linear, of the subdivision and of each lot, street, alley, square, park or other part of the tract intended to be dedicated for public use or for use of purchasers or owners of the lots fronting on or adjacent to the street, alley, square, park or other part.
4. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds. Refer to Appendix A.

5. Unless otherwise specifically exempted, a plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

C. EXCEPTIONS TO THE PLAT REQUIREMENT

1. The owner of a tract of land outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:

   a. the owner does not lay out a part of the tract described in Section 9 B. 1. b.; and

   b. The land is to be used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

   c. If a tract is described by Section 9 C. 1. b. ceases to be used for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.

2. The owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract as described by Section 9 B. 1. b. is not required to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Chapter 573 Government Code. If any lot is sold, given or otherwise transferred to an individual who is not related to the owner within the third degree of consanguinity or affinity, the platting requirements of this subchapter apply.

3. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:

   a. all of the lots in the subdivision are more than 10 acres in area; and

   b. the owner does not lay out a part of the tract described by Section 9 B. 1. b.; and

   c. all tracts abut or adjoin a publicly maintained road, or a private road constructed to meet or exceed the minimum County standards as set forth in these regulations; and

   d. all tracts comply with County flag lot requirements if they are configured as flag lots. See Section 9 C. 11.

4. The owner of a tract of land outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract as described in Section 9 B. 1. b. is not required to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans Land Board program.

5. The provisions of Section 9 B. do not apply to a subdivision of any tract of land belonging to the state or any state agency, board, commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract as described in Section 9 B. 1. b.

6. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
   a. The owner of the land is a political subdivision of the state;
   b. the land is situated in the floodplain; and
   c. the lots are sold to adjoining landowners.
7. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
   a. the owner does not lay out a part of the tract described by Section 9 B. 1. b. and
   b. one new part is to be retained by the owner and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.
8. The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
   a. the owner does not lay out a part of the tract described by Section 9 B. 1. b. and
   b. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
9. The owner of a tract of land outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
   a. the owner does not lay out a part of the tract described by Section 9 B. 1. b.;
   b. the tract of land is divided into five (5) or fewer parts and each part contains two (2) or more acres;
   c. each part directly abuts or adjoins a public road (common or shared entrances are not permitted);
   d. each part has adequate drainage, water and sewer service facilities available.
10. The owner of a tract of land outside the limits of a municipality who divides the tract into two or more parts is not required to have a plat of the subdivision prepared if:
    a. the owner is dividing a previously platted reserve restricted for commercial use; and
    b. the owner does not lay out a part of the tract as described by Section 9 B. 1. b.
11. Flag Lots may be used to subdivide land without approval of a final plat based on the following requirements.
    a. The Flag Staff providing access to a publicly maintained roadway or a private road must have a minimum width of 30 continuous feet for lots less than or equal 2 acres.
    b. The Flag Staff must have a minimum width of 60 feet for lots greater than 2 acres.

c. The division of a tract of land may not have more than 2 Flag Staffs side by side.

d. The main body of land of the Flag Lot may not be located behind more than one other flag lot.

D. PLAT SPECIFICATIONS

1. All plats must meet the requirements of these regulations including the following specifications:

   a. Accurate dimensions, both linear and angular, of all items on the plat must be indicated and shown on the final plat at a scale of at least 1 inch = 100, 60, 50, 40, 30 or 20 feet. The boundary of the site must close within one in ten thousand (1:10,000). Linear dimensions must be expressed in feet and decimals of a foot; angular dimensions must be shown by bearing. Plats must be 20 inches by 24 inches mylar plastic. Multiple sheet plats must have subdivision name and sheet number located in lower right-hand corner of each sheet. An overall map must be provided on the dedication sheet showing individual sheet relationship. Sheets must be numbered individually '1 of x, 2 of x …' in the lower right-hand corner of each sheet. In all respects the plat must be neat and legible with no text smaller than 10 point whenever possible with 8 point being the minimum when allowed by the County Engineer.

   b. The name of the subdivision, name, addresses and telephone numbers of owners, subdividers, engineers, surveyors or managers preparing the plat. The name of the subdivision must not duplicate the name of a subdivision on a previously approved plat.

   c. Legal description of plat and date of preparation or revision including acreage, survey, abstract, number of lots, number of blocks and number of reserves.

   d. A surveyor's acknowledgment certification on the dedicatory sheet as shown in Appendix A.

   e. An original certificate or letter from a title guaranty company and reviewed by the County Attorney certifying to at least the following concerning the title to the land; a statement of records examined and date of examination within 30 days of submittal to Commissioners Court; the name of the fee owner as of the date of examination and the date, file number, and volume and page of the recording of the vesting deed(s) involved; the name of any lienholder together with the date of filing, file number and volume and page of such lien instrument(s); and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.

   f. In the event any street is to be platted across any conflicting surface easement, or any land not owned by the subdivider or developers, the owner of such land must join in the dedication of such public street, or the holder of the conflicting surface easement must provide written acknowledgment of no objection to the street dedication.

   g. North point, scale and vicinity map.

   h. All certification statements, dedication restrictions and other inscriptions required by these regulations.

i. All lots, blocks, streets, alleys, pipelines, fee strips, water courses, easements (either temporary or permanent, proposed or existing) and reserves.

j. Minimum Requirements for Lots and Reserves:

i. All platted lots and platted reserves (except those owned by or to be owned by a municipality and/or Special District) must have access to a public street, public road, or private street or private road or alley (if platting private streets and/or alleys). Such access may include (but not be limited to) from and/or through an adjacent tract under common ownership which has access to a public or private roadway or alley and/or via an access easement, access by deed restriction and/or shared driveway or such other means of providing access.

ii. Suburban Lots will be designed in a manner where the design engineer endeavors to design the side lot lines at right angles to the streets on which the Lot faces or radial to curved street lines except in circumstances occurring in the land plan where geometric constraints of the tract or parcel, existing easements and/or roadway alignments create the need for variations to accommodate these conditions to maintain reasonable Suburban Lot yield and buildable areas on Suburban Lot(s) and/or meet the other conditions and requirements of the Regulations. If such lot line cannot meet the right-angle requirements set forth above, the lot line angle may not vary more than 45 degrees (unless otherwise approved by the County Engineer). (This provision does not apply to flag lots).

iii. With respect to lots, rear and side driveway access to thoroughfares or freeways is not allowed.

iv. No direct lot access to a thoroughfare or freeway will be allowed from a residential lot unless express written consent is obtained from TxDOT if the road is maintained by TxDOT, or a variance is approved by Commissioners Court for County maintained thoroughfares.

v. Double frontage lots are not allowed except when they back on thoroughfares or freeways, where access is denied.

vi. Suburban Lots must have a minimum average width of not less than 40 feet at the front lot line within relatively straight streets within a development. Suburban Lots on knuckles, curved streets or cul-de-sacs within a development must have a minimum average width of not less than 40 feet at the building line. (This provision does not apply to Flag Lots or Special Lot Product).

vii. In Subdivisions comprised only of suburban lots, detention ponds must be located in restricted reserves which provide for drainage and/or detention as a restricted use (which may be among other concurrent uses). Detention reserves in such residential subdivisions must have a minimum access corridor of 20 feet (which may either be achieved via actual frontage of the reserve on a street or via a recorded access easement or a combination of both) to a public or private street (or alley) and/or a county, state, federal, municipal and/or special district-maintained roadway. Unless other such reserves in a plat comprised only of residential Lots

are owned by (or to be conveyed or dedicated to) a municipality, a Special District, another public entity with the powers of eminent domain or a utility provider, all reserves located within residential subdivisions must have a minimum access corridor of 15 feet (which may be achieved via actual frontage on a street or via an easement or by a combination of both) to a public or private street (or alley) and/or a roadway maintained by a county, state, federal, municipal or special district. Reserves (including those for detention ponds) in residential lot subdivisions may be adjacent to, connected to and/or planned to be connected to other reserves (to be held under common ownership that have road and/or alley access) and/or are connected to a public or private street via easements (and/or a combinations of easements and fee strips) which all shall be considered acceptable means by the County to meet the minimum access corridor requirements for reserves herein.

k. Setback lines must be set as follows:

   i. Along the road frontage of all lots and reserves, a 10-foot building line is established for the principal structure only (which includes garages that do not face a fronting street) and a 20-foot building line is for any non-principal structure only (which includes carports or garages that face the fronting street).

   ii. A minimum 5-foot building line setback for primary occupied home structures is required on all sides and rear Lot lines for (i) Suburban Lots and (ii) Flag portion only (not the Flag Staff) of Flag Lots. This building line is for the principal structure and does not apply to ancillary portions of the primary structure located outside the vertical walls of the primary structure including but not limited to eaves, roof overhangs, patio covers, awnings, decks, patios, air conditioner units and any other improvements which are not part of the occupied dwelling structure. This provision does not apply to any Special Lot Product(s) (including but not limited to townhomes, duplexes, 4-plexes and condos).

   iii. For Lots and Reserves with frontage on a Thoroughfare, the minimum building setback line along the side of the Lot with Thoroughfare Road frontage must be 20-feet.

l. Lot numbers and alphabetical identification of reserves.

   i. Blocks are to be numbered consecutively beginning with Block 1 within the overall plat or sections of an overall plat as recorded. Block boundaries must not extend across proposed roads.

   ii. All lots are to be numbered consecutively within each individual block beginning with Lot 1.

   iii. Reserves are to be labeled alphabetically, A, B, C, etc., consecutively rather than numbered as blocks and lots.

m. Dimensions:

   i. Street and alley rights-of-way must include:

a) Complete curve data (radius, delta angle, arch length, chord bearing, chord length) shown on each side of streets and alleys and centerline of streets.

b) Length and bearings of all tangents on street centerline and on each side of streets.

c) Dimensions from all angle points and points of curve to an adjacent side lot line.

d) Actual right-of-way width of all streets and alleys, measured at right angles or radially where curved.

e) All dedicated road right-of-way widths must be wide enough to contain the required roadway cross sections (including roadside ditches with proper front and back slopes intended to be maintained by the County). Unless separate utility and/or drainage easements are dedicated along road rights of way of adequate width, additional road right-of-way width (in excess of the minimum) will be required as necessary to ensure that all roadside ditches, sanitary sewer manholes and water line valves and related surface appurtenances are located outside of the outside top of bank of the roadside ditch and within the dedicated road rights-of-way. Drainage easements are not permitted to run parallel to the street right-of-way; ditches should be included within the right-of-way width.

f) Montgomery County and/or any other public agency shall have the right, at any time, to enter upon all drainage easements adjacent to and/or within a right-of-way as dedicated above and depicted on this plat, for the purpose of constructing and/or maintaining drainage facilities.

g) All drainage easements must remain clear of fences, buildings, vegetation, and any other obstructions that could impede the operation and maintenance of drainage facilities.

ii. Reserves and Lots: Complete bearings and dimensions for front, rear, and side lot lines.

iii. Water Courses and Easements: Distances must be provided along the side lot lines from the front lot line to the point where the side lot line crosses the drainage easement line or the high bank of a stream.

iv. Pipeline easements must be tied by dimensions to all adjacent Lot, Reserve and tract corners. Only pipelines having no defined easement location or defined easement width must be tied by dimensions to all adjacent Lot, Reserve and/or tract corners. If no agreement can be reached on a defined pipeline easement location or width, then the building setback lines for properties adjacent to the pipeline must be shown at a minimum distance of 20 feet from and parallel to the centerline of the closest pipeline pipe.

n. Boundaries: Ownership or outlines of the tract or tracts the plat is proposed to subdivide must be shown with heavy, solid lines. The boundaries of the plat must be described with the complete and overall dimensions and bearings and be tied to an original corner of original abstract survey of which the subdivision is a part, and to the nearest possible recorded right-of-way intersection.

o. Extensional Data: The location, width, and name of existing streets and subdivisions and the location of existing lots, easements, pipelines, fee strips, survey lines, building lines, water courses; including ownership, recording information or other important information must be shown on all sides of the subdivision for a distance of not less than 200 feet. The lines of such indication beyond the plat boundary must be thin dashed lines.

p. The final plat must not show construction features, cross-section, public utility lines, or other structures not involved in the title covenant.

q. Access to all new Subdivisions must be from a County maintained road and/or a state, federal and/or municipal maintained road or street. Private roads may be used to connect to Subdivisions with private roads with the approval of the entity responsible for the maintenance of the existing road. Public roads may not be solely accessed through privately maintained roads.

r. Staking on ground. Before submittal to the Commissioners Court for approval, all final plats must be in full accordance with the required certification made upon the plat by a registered land surveyor ascertaining that the plat represents the survey made by the surveyor or under the surveyor's supervision and that all necessary monuments are accurately and correctly shown. The surveyor must place or locate existing monuments at all corners and angle points of the boundaries of the original tract to be subdivided. The surveyor must also place or locate monuments at all block corners and right-of-way corners. Such monuments must be of iron pipe or rod not less than five-eighths of an inch (5/8") in diameter and three feet (3') in length, driven securely into solid earth with the grades of same being at grade with established sidewalks or if walks are not established, flush with the natural grade of the earth's surface. In addition, the surveyor must place not less than one elevation benchmark within the boundaries of the subdivided tracts, which benchmark must be placed within a dedicated street or road right-of-way at a location approved by the County Engineer, but outside of the paved street or road. A new benchmark will not be required if there is an existing benchmark established in an adjacent plat 200 feet or less from the plat boundary. The plat must accurately reflect the location, elevation and datum of the benchmark which must consist of a three-inch brass disk set in a concrete column being six inches (6") in diameter and three feet (3') deep, reinforced with at least one 5/8-inch iron rod and buried with the top flush with the natural grade. Such disk must be stamped with the benchmark number and the elevation based on Texas Coordinate System, Central Zone (4203), NAD83 (2011), Epoch 2010, the vertical datum is NAVD 88 based on Geoid 18.

s. If the subdivision design proposes storm sewers (for either public or private streets), a note must be added to the face of the plat stating that the storm sewers are not maintained by the County and that a written acknowledgment signed by the responsible party for maintenance must be provided to the County before the final inspection of streets with storm sewers by the County is performed. In the event that the storm sewers are private and will be maintained by a property owner's association, the association may provide either (i) a copy of recorded deed restrictions stating that the property owners association is responsible to maintain any private streets (if applicable) and/or storm sewers in the subdivision or (ii) an easement to the property owner's association covering the maintenance of streets in the subdivision which shall be deemed to meet this requirement. In the event there is a special district maintaining the storm sewers, the special district may agree to (i) issue a written acknowledgment accepting maintenance of storm sewers within the boundaries of the special district or the specific subdivision or (ii) may provide recorded easements that have been dedicated to such special district for such maintenance, either of which shall be deemed to meet this requirement.

t. Subdivisions abutting prescriptive rights-of-way or which contain thoroughfares as indicated in the County Thoroughfare Plan must dedicate at least one-half (1/2) of the minimum required road right-of-way width as measured from the centerline of the existing or proposed full-width pavement. In the event that such prescriptive rights-of-way and/or throughfare (as indicated in the County Thoroughfare Plan) transitions unevenly outside of the boundary of the subdivision, then such lesser portion of the transition area of such rights-of-way shall be required to be dedicated (so that such partial rights of way may be combined into full width rights-of-way and may be extended in the future by others in accordance with the Regulations).

u. Subdivisions containing the full extent (100 percent) of existing prescriptive rights-of-way or thoroughfares and/or collectors (as indicated on the County Thoroughfare Plan) must dedicate the full (100 percent) of the required right-of-way width occurring within the boundary of such plat or subdivision.

v. All subdivisions bordering Lake Conroe must have the following note placed on the face of the plat:

"Portions of the property in this subdivision are subject to one of the following:

(1) a flowage and inundation easement up to elevation 207 MSL (mean sea level) in favor of the San Jacinto River Authority (SJRA), or

(2) a waiver of damages caused by flooding or inundation in favor of the SJRA between 201 MSL and 207 MSL.

E. AMENDING PLATS

1. Notice, hearing and approval of other lot owners are not required for the filing, recording, or approval of an Amending Plat. An Amending Plat may be used:
    a. to correct an error in a course or distance shown on the preceding plat;
    b. to add a course or distance that was omitted on the preceding plat;
    c. to correct an error in a real property description shown on the preceding plat;
    d. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
    e. to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
    f. to correct an error in courses and distances of lot lines between two adjacent lots if:
        i. both lot owners join in the application for amending the plat;
        ii. neither lot is abolished;
        iii. the amendment does not attempt to remove recorded covenants or restrictions; and
        iv. the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.
        v. Alternate Provision(s)
            a) to correct an error in a course or distance shown on the preceding plat;
            b) to add a course or distance that was omitted on the preceding plat;
            c) to correct an error in a real property description shown on the preceding plat;
            d) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
            e) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
            f) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
            g) to correct an error in courses and distances of lot lines between two adjacent lots if:
                1) both lot owners join in the application for amending the plat;

2) neither lot is abolished;

3) the amendment does not attempt to remove recorded covenants or restrictions; and

4) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;

h) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

i) to relocate one or more lot lines between one or more adjacent lots if:

1) the owners of all those lots join in the application for amending the plat;

2) the amendment does not attempt to remove recorded covenants or restrictions; and

3) the amendment does not increase the number of lots;

j) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

1) the changes do not affect applicable zoning and other regulations of the municipality;

2) the changes do not attempt to amend or remove any covenants or restrictions; and

3) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

k) to replat one or more lots fronting on an existing street if:

1) the owners of all those lots join in the application for amending the plat;

2) the amendment does not attempt to remove recorded covenants or restrictions;

3) the amendment does not increase the number of lots; and

4) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

2. All Amending Plats must contain all information and meet all requirements as follows:

a. All requirements and specifications of the Final Plat Specifications in these regulations.

b. Include in the dedication the following text:

Further, Owners hereby certify that this amending plat does not attempt to alter, amend, or remove any covenants or restrictions.

c. Add below the surveyor's certification on the plat the following:

I, (Name of surveyor), hereby certify that the following changes were necessary (describe reason for amending plat, e.g. to eliminate errors, or to relocate one or more lot lines between adjacent lots, etc.) which appear on the plat of (Subdivision name), recorded on (month, date, year), in Cabinet__, Sheets__, of the Montgomery County Map Records:

(Include a detailed explanation of the changes being made by the Amending Plat).

(Surveyor's signature)

Print name and Texas Registration No.

d. The following amending plat certificate should be added to indicate the owner's consent to the amending plat when lot lines are relocated. An amending plat for the purpose of relocating lot lines cannot increase the number of lots in the subdivision.

I (or we), (Name(s) of owner(s)), owner(s) of the property directly affected by this amending plat being lot(s) number(s) out of block(s) number(s) as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

(Owner's signature)

Print name

F. REPLATS (RESUBDIVISION)

1. Applicability. A replat is a new plat which changes all or a part of a previously approved plat. A replat must not attempt to remove or amend any restrictive covenants recorded in separate written instruments. Approval of a replat by Commissioners Court shall not remove, amend or alter any restrictive covenants recorded in separate written instruments.

2. Public Hearing. A public hearing is required prior to the approval and acceptance of a replat. The public hearing is set by Commissioners Court at least twenty (20) days prior to the date of the hearing. The notice and public hearing must comply with Texas Local Government Code §232.009(c) or (c-1) as may be applicable. A public hearing is not required for a replat in the extra territorial jurisdiction of the City of Houston.

3. Subdivision of Unrestricted (or Restricted) Reserve. A subdivision plat is not required for a subdivision of a restricted reserve tract that is part of an approved subdivision plat or approved pursuant to this section if the reserve tract is not encumbered by a one-foot reserve and will not be used for single-family residential purposes. In the City of Houston ETJ, a subdivision plat is not required for a subdivision of a reserve tract (restricted or unrestricted), that is part of a subdivision plat approved by the City of Houston Planning Commission if the reserve tract is not encumbered by a one-foot reserve and will not be used for single-family residential purposes.

4. Additional Requirements for Replat. In addition to the requirements for a Final Plat Section 9 A., B., and C. above, all replats require the following:

   a. Replats must include the recording information of the original plat and must provide a statement regarding the reason for the replat on the replat.

   b. Include in the dedication the following text:

      Further, Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions.

5. Notice to Property Owners Association. The applicant must send a written notice of the public hearing to the Property Owners Association for the subdivision by (1) certified mail, return receipt requested, (2) first class mail, and (3) email. At or before the public hearing, the applicant must submit (1) a Letter of no objection from any active Property Owners Association, (2) a written statement or affirmation that notice of the hearing was sent to the Property Owners Association in accordance with this subsection and that no response has been received, or (3) a written affirmation that there is no active Property Owners Association for the subdivision.

6. Exception(s). A replat is not required to divide a designated commercial reserve (or unrestricted reserve) into two (or more) tracts if all of which will be restricted in use for commercial or non-residential purposes.

G. VACATING PLATS

1. The owner of previously platted property may file an application for vacation of all or a portion of the prior plat. If lots within the subdivision have been previously sold, the application must be joined by the owners of all property within the previously platted subdivision, regardless of whether or not all property within the prior subdivision is included in the area to be vacated. The application must be in a form acceptable for recording in the real property records and must bear the signature, appropriately acknowledged, of each property owner within the subdivision.

2. Each application for vacation must be accompanied by:

   a. The required filing fee.

   b. The written certification of an attorney or title guaranty company attesting to the name of each person or other legal entity appearing in the real property records of the county as a current owner of each lot, tract or reserve within the subdivision, together with the recording information identifying the instrument establishing such interest; and

   c. A copy of the plat to be vacated upon which the areas of any proposed partial vacation are clearly marked.

3. Streets, alleys, easements, water or sewer improvements, drainage improvements or other improvements previously dedicated to the public may be excluded from vacation if:

   a. The public easements or facilities have been previously accepted by a governmental entity on behalf of the public; and

b. Preservation of the public easements or facilities is necessary to provide continued access or services to property outside of the area to be vacated.

H. CANCELLATION OF PLATS

1. Cancellation of all or part of a previously recorded plat is by cancellation pursuant to Texas Local Government Code §232.008. Cancellation must include a petition and notice as described therein and may include a Cancellation Plat.

I. CONSTRUCTION PLANS

1. See Section 3 C.

J. BONDING REQUIREMENTS FOR ROAD AND DRAINAGE CONSTRUCTION

1. The owner of the proposed subdivision must file a bond or alternate financial guarantee pursuant to Chapter 232 of the Local Government Code. The bond must be reviewed by the attorney for the County and approved by the County Judge as to form surety or sureties on such bond, letter of credit, or equivalent instrument guaranteeing the completion of the roads and drainage improvements. The bonding requirement applies to both public and private road subdivisions. The bond or alternate financial guarantee must be in the name of the fee owner(s) as shown in the original certificate or letter from a title guaranty company.

2. The bond must be effective from the date of plat approval and must remain in effect until such time as the roads and drainage improvements have been inspected by the County Engineer and final completion has been acknowledged by Commissioners Court. The bond must be payable to the "County Judge or his successor", shall guarantee the completion of the road and drainage improvements as are required to be constructed by the owner in accordance with the specifications contained in these regulations and must also warrant the quality of the construction against defects, poor materials and poor workmanship.

3. The bond amount will be calculated at $250.00 per linear foot of street or road for the standard roadway cross section (two or three-lane pavement) and $500.00 per linear foot for boulevard sections (four-lane pavement). If only two-lanes of an ultimate four-lane pavement section are to be constructed, then the bond amount to be calculated shall be 50 percent of the amounts required for a four-lane pavement road. For bridges the bond amount will be calculated at $2,000.00 per linear foot of bridge (measured only for the area being spanned) or $1,500.00 for bridge-class culverts (only for distance measured from the outside edge of the boxes from one side to the other). The total bond amount must also include $15,000.00 per acre foot of detention volume provided. The required bond amount will be determined by the County Engineer. In the event of discrepancies in bond calculations between the owner and the County, the County Engineer's calculation of the bond amount shall be final. The total required bond amount will automatically be reduced to 50 percent of the total original bond amount at the time that the initial acceptance of roads and related drainage into the maintenance period is approved by Commissioners Court and upon final acceptance of roads and related drainage, the entire remaining portion of the total required bond amount shall be automatically released. The total bond amount

is considered an aggregate amount that will not be divided by the type of construction in the event of a claim.

4. The bond will be filed with the County Clerk at the time of final plat approval and kept in the custody of the County Clerk. See Appendix B for the bond forms.

5. It is the responsibility of the owner(s) (or their successors) or their authorized representative(s) to notify Montgomery County upon completion of all roads and/or drainage improvements (according to the plans and specifications approved by the County Engineer) for placement into the maintenance period and upon final completion for final acceptance. The owner(s) (or their successors) will be responsible for the repair of all deficiencies in the roads and drainage improvements noted upon inspection regardless of the length of time that has lapsed during the initial construction period or the developer maintenance period.

6. Bonding companies must have a minimum standard rating of A-minus or better according to the most current issue of the A. M. Best Key Rating Guide.

7. In lieu of a bond with surety, an owner may obtain a letter of credit issued by a federally insured financial institution (refer to Appendix B for the letter of credit form) approved by the County Attorney. Letters of credit must automatically renew for a period of not less than one year from each expiration date.

K. ADDITIONAL BONDING REQUIREMENTS

1. If a developer of a Subdivision (not located within a municipality or a Special District) is required to or proposes to submit a Conditional Letter of Map Revision ("CLOMR") for approval by FEMA then, on or before ninety (90) days following the acknowledgment of the acceptance of CLOMR by FEMA (in the form provided by FEMA), the developer (or its successors or assigns) must file a separate performance bond in the amount of $50,000 (for CLOMRs covering areas of 100 acres or less) or $75,000 for CLOMRs covering areas in excess of 100-acres. Alternate financial guarantee sufficient to cover the bond amount (in a reasonable form acceptable to the County Attorney which may include but not be limited to cash deposits, letters of credit, or equivalent guaranty instruments and such forms as approved by the County to memorialize and administrate such alternative guarantee) to obtain a Letter of Map Revision ("LOMR") related to the previous CLOMR. The form of the LOMR bond is provided in Appendix B. The completed bond form must be reviewed by the County Attorney and approved in writing by the County Judge. The bonding requirement applies to each CLOMR. The bond amount shall be automatically reduced by 50 percent when the LOMR is submitted to FEMA and the entire bond shall be released when the form of LOMR approval (in the form provided by FEMA) is issued by FEMA. If an alternate form of guarantee other than a bond is approved, the same guaranteed reduction amount (and/or refund if cash is provided) shall apply to such approved forms of guarantee.

2. In circumstances where the developer of a subdivision is located outside of a municipality (i.e. the extraterritorial jurisdiction or unincorporated area) and within a special district, the special district may deliver an executed letter addressed to the County Engineer (in lieu of a bond or other acceptable guarantee form) stating that the special district will assume

all obligations and/or financial responsibility for the preparation and submittal of the final LOMR related to the previous CLOMR (in the event that it is not otherwise provided by the developer/owner). Such letter guarantee must be provided on or before such same 90-day period as the developer would otherwise have to provide the bond/guarantee. If the special district fails to provide such letter guarantee to the County within the prescribed time-period, then the bond/guarantee must be provided by the developer. Notwithstanding the foregoing, only one letter guarantee by a special district, alternative guarantee or bond in the bond amount is required for the LOMR necessary to confirm the results of the constructed conditions of the CLOMR (even if multiple developers or landowners' property are involved in the CLOMR). No bond and/or guarantees of any kind shall be required by the County for the submittals of any other FEMA applications including but not limited to

a. A Letter of Map Revision Based on Fill (LOMR-F)

b. Letters of Map Amendment (LOMA)

c. LOMRs which are not part of a CLOMR

d. LOMRs which are filed (in advance of the final LOMR) that are required to verify the partial results of the entire CLOMR (provided that the bond or guarantee is in place for the Bond amount to cover the entire LOMR associated with the entire CLOMR).

L. APPROVAL AND RECORDING

1. Plat Approval

   a. Upon receipt of the plat, the bond and other required information, the County Engineering Department and the County Attorney's office will review the submittal package for completeness. If any items are missing or deficient, the plat applicant will be notified in writing of the deficiencies. The original Mylar's are held in the County Engineering Department. Once all deficiencies are corrected the plat will be placed on the next available Commissioners Court agenda. The Commissioners Court will then take action on the item.

   b. Plats dependent upon adjacent plats for access will not be approved until the required access is provided by a recorded plat. The recording information must then be shown on the subsequent plat. Plats providing access on adjacent tracts may be approved concurrently.

   c. On approval of the plat by a vote of Commissioners Court or if the plat is approved by operation of law pursuant to Texas Local Government Code § 232.0025 or § 232.0028, said plat being otherwise fully and properly endorsed, the County Judge will sign in the space provided. This approval, by and on behalf of the Commissioners Court, must be on the dedication sheet.

2. Recording

   a. After the plat has been approved and signed by the Commissioners Court, the original plat and supporting documents will be forwarded to the County Clerk's office for recording. The developer must comply with the requirements of the County Clerk's office for final recordation of the plat.

   b. After final approval and proper endorsement have been obtained and all requirements of these regulations have otherwise been complied with, the plat and all other instruments may be recorded. No changes, erasures, modifications, or revisions shall be made on any plat of a subdivision or to any required instrument after approval has been given to the plat and endorsed on the plat in writing, unless such changes, modifications, or revision are first submitted to and approved by the Commissioners Court.

   c. After approval by Commissioners Court, the final plat must be filed for record with the County Clerk within thirty (30) days. Failure to file a final plat and supporting documents within thirty (30) days will require re-submission to the Commissioners Court and a forfeiture of submittal fees.

M. SUBDIVISION DEVELOPMENT

1. Fees

   a. Recording fees, records management fees, security fees or other fees as determined by the Montgomery County Clerk must be paid in the form of cash, cashier's check or money order or any other acceptable means of electronic payment to the County made payable to the Montgomery County Clerk, at the time of recordation. Contact the County Clerk's office to obtain a fee schedule.

   b. Plat application fees must be paid in the form of cash (exact change only), cashier's check or money order or other means of acceptable electronic payment to the County made payable to Montgomery County.

      i. Table **6-1** provides the engineering fee schedule.

      ii. For replats requiring public hearing before Commissioner Court, the developer must also pay a fee in the amount necessary to pay the actual costs paid by third parties to publish legal notices. This fee is provided by the County Attorney's office (with backup evidencing such costs upon request).

   c. The subdivision development review fee must be paid in the form of cash (exact change only), cashier's check or money order or any other acceptable means of electronic payment to the County made payable to Montgomery County with the initial submittal.

      i. The Subdivision Development Review Fee applies to the submission of a consolidated plan set to the County for review. This plan set may include construction plans for one or more of the following:

         a) Utilities

b) Paving

c) Bridges and Bridge-Class Culverts

d) Drainage and Drainage/Mitigation Improvements

e) Clearing and Grading

f) Traffic Control Plan Improvements

g) Stormwater Pollution Prevention Plan (SWPPP) Improvements

h) Offsite Improvements

i) Any other improvements necessary to develop the Subdivision that may require County approval.

ii. For a detailed breakdown of the engineering fees, please see **Table 6-1** of the fee schedule.

2. The Commercial plan development review fee must be paid in the form of cash (exact change only), cashier's check or money order or any other acceptable means of electronic payment to the County made payable to Montgomery County once the initial submittal has been received by the Engineering Department.

3. Review fees include initial submittal and one resubmittal. Additional submittals are subject to resubmittal fee as noted in **Table 6-1**.

4. Major plan revision after first submittal; 50 percent of original review fee. A major plan revision is a change in 25 percent of plans as to be determined in the reasonable and good faith judgment of the County Engineer.

5. Plans will be rejected, without comments, if the majority of basic County criteria have not been met and quality assurance & quality control (QA/QC) has not been reasonably performed. This will be determined in the reasonable and good faith judgment of the County Engineer. If the County rejects the plans without comments on this basis, the plan review fee shall be non-refundable, and another full review fee must be paid upon re-submission of revised plans. These fees shall be used to supplement efforts within the County Engineering Department to expedite construction plan and plat review and approval processes.

N. ENFORCEMENT

1. Upon request, the County Attorney may file an action in a court of competent jurisdiction to:

   a. Enjoin the violation or threatened violation of a requirement established by this order.

   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 this order.

   c. Seek and recover any other relief provided by law or equity.

SECTION 10 INSPECTION AND TESTING

A. SUPERVISION AND INSPECTION OF CONSTRUCTION

1. Inspection by Engineer of Record

    a. The Engineer of Record (EOR) must provide adequate on-site qualified inspection and supervision of all subdivision projects in order that close adherence to plans and specifications may be assured. Extremely careful and particular inspection must be made of the subgrade and form lines and grades prior to and while the base material or pavement is being laid in order to attain a true line, a uniform thickness, and a smooth riding surface.

2. Inspection by Montgomery County

    a. The County Engineer may from time to time inspect the construction of drainage structures and streets in the subdivision during the course of construction to see that they comply with the regulations governing the same. In this regard, free access to the subdivision must be accorded the County Engineer or Inspector by the developer, his agent and employees. It is the duty of the EOR to ensure that layout and construction follow the approved plans prepared in support of the final subdivision plat. Inspection or a failure to inspect construction by the County Engineer or Inspector, does not in any way impair or diminish the responsibility of the Developer or EOR for work performed under his responsible supervision to install improvements in the subdivision in accordance with plans and specifications as approved by the County Engineer and in accordance with County regulations.

B. TESTING REQUIREMENTS

1. General

    a. All construction materials shall be tested and monitored by an A2LA or AASHTO accredited laboratory. Field personnel should be certified by ACI, TXDOT, or NICET relative to the testing being performed.

    b. Utility backfill shall be tested at a minimum of one test every 150 feet per lift and a minimum of one test per lift at all roadway crossings.

    c. The owner or owner's representative shall notify the County Engineer at least 24 hours prior to material delivery for a road, laying of the base course of a road, before the installation of culverts or the replacement of concrete, and before paving of a road is to be started, so that the County representative will have an opportunity to visit the site to verify that specifications for the road are being met. Failure to do so may result in the road not being accepted by the County.

    d. Specifications for TxDOT items referred to may be found on the TxDOT website.

2. Subgrade

    a. All paving subgrades shall be proof rolled after the roadway has been cut to grade. The EOR, an accredited laboratory, or their designated representative shall monitor proof-rolling operations and shall determine whether remediation of weak areas is required before subgrade treatment. If remediation is required, the EOR or accredited laboratory shall provide recommendations for remediation. The EOR shall determine equipment that is suitable for use during proof-rolling.

    b. All treated subgrades must be tested at a frequency of one test every 300 feet, alternating lanes for the following parameters. A minimum of one test is required per street.

        i. Gradation

            a) 100 percent passing the 1 ¾-inch sieve.

            b) Minimum 85 percent passing the ¾-inch sieve.

            c) Minimum 60 percent passing the No. 4 sieve.

        ii. Density

            a) Subgrade must be compacted to 95 percent Standard Proctor density (ASTM D-698). Compaction must be accomplished by use of approved and acceptable mixing and rolling equipment and construction methods.

        iii. Depth of stabilization

            a) The testing laboratory must verify the depth of stabilization of the subgrade at each test location.

3. Flexible Base

    a. Crushed Concrete and Crushed Rock Base

        i. Gradation

            a) Provide one test from a sample taken from the stockpile at the source and one test from a sample taken from a truck for each day base is being placed.

        ii. Density

            a) Provide density tests at a minimum frequency of one test every 250 feet alternating lanes.

            b) Compact the flex base courses to a minimum density of 95 percent of the maximum density as determined using test method Tex-113-E.

            c) Crushed concrete or crushed stone base must be tested in conformance with test method TEX-115-E and must be compacted to 95 percent modified proctor density (ASTM D-1557).

iii. Thickness

a) Cores must be taken from the compacted base every 250 feet alternating lanes to verify thickness. A minimum of one core test is required per street.

b. Asphalt Treated Base (Black Base)

i. Mix Design

a) Provide the plant mix design to verify compliance with the design requirements of Section 7 of these regulations.

b) Obtain bulk mixture control samples every 250 tons to verify compliance with TxDOT requirements for material under TxDOT Item 346.

ii. Density

a) Compacted black base shall be tested for density every 250 feet alternating lanes. Compact the courses to a minimum density of 95 percent of the maximum density as determined using test method Tex-126-E. A minimum of one core test is required per street.

iii. Thickness

a) Cores must be taken from the compacted base every 500 feet alternating lanes to verify thickness. A minimum of one core test is required per street.

4. Cement Stabilized Sand

a. The minimum amount of cement required for stabilizing sand is 2.0 sacks per ton of sand. Cement stabilized sand shall comply with ASTM C31. Cement stabilized sand shall achieve a minimum of 100 PSI compressive strength at 48 hours from placement. When used for backfill or subgrade, the cement-stabilized sand must be compacted to at least 95% of the maximum dry density of the material, which is determined by the Standard Proctor Compaction Test (ASTM D-698).

b. Cement stabilized sand shall be placed and compacted within four (4) hours of batching.

c. A minimum of two (2) samples for compressive strength shall be taken for each supplier if more than one supplier is being used.

d. Cement stabilized sand samples shall be taken at the point of placement of the cement stabilized sand and identified as to the location of the sample.

e. Density tests must be performed at a minimum of every 150 linear feet of trench, and at least two (2) tests must be taken (one in each direction of travel) at each road crossing. For subgrade on roadway repairs, density tests should be done every 100 square feet of subgrade, with at least one (1) test taken per repair area.

f. Cement stabilized sand must not be placed in loose lifts greater than 8 inches (8”). Each lift should be compacted to 95% of the maximum dry density as determined by the Standard Proctor Compaction Test (ASTM D-698). For all density tests, the moisture content must be within plus or minus 2% of the optimum moisture content for the material to pass the test.

5. Asphalt Pavement

   a. Mix Design

      i. Provide the plant mix design to verify compliance with the design requirements of Section 7 of these regulations. Recycled asphalt pavement (RAP) content shall not exceed 20 percent.

      ii. Obtain bulk mixture control samples every 250 tons to verify compliance with TxDOT requirements for material under Item 341. A minimum of one core test is required per street.

   b. Density

      i. Compacted asphalt shall be tested for density every 250 feet alternating lanes. The material must be compacted at or between a minimum of 92 percent to 96 percent of the maximum theoretical density as determined according to Test Method Tex-227F and Test Method Tex-207-F. A minimum of one core test is required per street.

   c. Thickness

      i. Cores must be taken every 250 feet alternating lanes to verify thickness. A minimum of one core test is required per street.

6. Concrete Pavement

   a. Mix Design

      i. Provide the plant mix design to verify compliance with the design requirements of Section 7 of these regulations.

   b. Concrete Strength

      i. A minimum of one set of 4 cylinders must be obtained for every 100 cubic yards of concrete placed with a minimum of one set of cylinders taken per day concrete is placed. The cylinders must have a minimum compressive strength of 4,000 psi at 28 days. The laboratory report must indicate the location where the cylinders were taken indicated by street and station number and offset from the centerline.

      ii. Slump must be tested with each set of cylinders or as directed by the County inspector. The maximum allowable slump is 5-1/2 inches. The County Inspector may at his discretion require additional slump tests from any truck delivering concrete to the job site. If any load exceeds the maximum allowable slump, the Inspector may at his discretion reject that load.

c. Concrete Cores

i. One core test is required for each 250 linear feet alternating lanes. Each core must be checked for thickness and must have a minimum compressive strength of 4,000 psi at 28 days. A minimum of one core test is required per street.

7. Correction of Deficiencies

a. Items in any pavement layer found to be deficient must be corrected before the subsequent layer is constructed. Retests must be provided demonstrating that any deficiency has been corrected.

b. If test reports are provided to the County with uncorrected failing results, the correction of the deficiency is at the discretion of the County Engineer. The following may be considered:

i. If an isolated asphalt core is determined to be less than the required thickness, additional cores must be taken ten feet up station and down station from the failing core. If these cores meet the thickness requirement, then the County Engineer has the option of requiring no further action.

ii. For deficiencies in core thickness for flexible base, if the asphalt thickness at that location is such that the total asphalt/base layer is at least 13 inches thick for thoroughfares and collectors or 10 inches thick for other roads, then the County Engineer has the option of requiring no further action.

iii. For flexible base pavement, if the test reports indicate multiple locations on a road with minor insufficient thicknesses in asphalt, base or combined layers, the entire road must be overlaid with a minimum of 1.5 inches of asphalt to achieve the full minimum cross-sectional thickness. See Section 10 B. 6. a.

iv. If a concrete cylinder or core is determined to be deficient in compressive strength, the entire panel where that core or cylinder is located must be removed and replaced. Testing will be required on the replaced concrete to ensure compliance with the requirements of these regulations.

v. If the thickness of a concrete core is determined to be less than required by these regulations, additional cores must be taken at ten-foot intervals up station and down station from the failing core to establish the limits of the deficient section. If the immediate adjacent cores meet or exceed the minimum thickness requirement and the failing core is no more than ½ inch deficient, then the County Engineer has the option of requiring no further action. If additional failing thicknesses are discovered, then the entire limits of the failing section must be determined, and the deficient section must be removed and replaced. The County Engineer may, at his discretion, require that entire panels be replaced based on conditions in the field. Testing is required on the replaced concrete to ensure compliance with these regulations.

vi. If concrete is placed with a slump result that exceeds the maximum allowable, the County Engineer has the discretion to require that the entire panel where that concrete was placed be removed and replaced. Testing will be required on the replaced concrete to ensure compliance with these regulations.

vii. Based on the type and extent of other deficiencies and the potential impacts of anticipated remediation work, the County Engineer, at his discretion, may recommend that the roads in the affected development be subject to an extended initial acceptance period. The extended acceptance period will be subject to approval by Commissioners Court.

8. Reporting Requirements

a. Identification of Test Locations

i. All roadway testing results must be reported as referenced to a street name, station, and offset from centerline.

ii. The engineer or testing laboratory must plot the locations of all required tests on a pavement layout sheet or on a copy of the plan and profile drawings. The plot must be submitted with the test reports for review by the County Engineer.

SECTION 11 ROAD ACCEPTANCE PROCEDURE

A. GENERAL

1. All conditions of final plat approval must be met. All construction must be in accordance with approved plans and construction standards set forth herein or as adopted by Commissioners Court.
2. If the existing roadway pavement is damaged by construction activity during construction phases of the ongoing development, the Developer/Contractor is responsible to repair the roadway back to its original or better condition. This also includes on-going roadway maintenance of the section of roadway that falls within the development's construction phases/activities/truck routes.
3. Trees may remain in the right-of-way, outside of the clear zone, if approved by the County Engineer.
4. No obstruction, including mailboxes, will be allowed within the clear zone of the road. For new subdivisions, cluster mailboxes approved by the U.S. Postal Service will be required. Cluster mailboxes shall be located on easements dedicated by the Owner or Developer of the subdivision or in areas designated by the County, subject to approval by the Postal Service. Mailboxes must be accessible to individuals with disabilities. Individual mailboxes, when allowed, shall be mounted on breakaway support and shall be offset from the edge of pavement determined by the clear zone requirements. The mailbox installation must conform to the latest edition of the TxDOT Sign Crew Field Book, Section 9. Mailboxes. Standard sheets MB (1-4)-21 and Mailbox Placement Standards MBP (1-2)-22 provide additional information about mailbox installation.

B. INITIAL ACCEPTANCE

1. Inspections
    a. The Developer, EOR, or Special District must submit a written request for inspection to the County Engineering Department. The initial request for inspection shall include the following ("Initial Inspection Documents") delivered in hard copy and digital (PDF) format:
        i. Transmittal Letter (County form letter) identifying the recorded plat name or other road dedication instrument that contains roads requested to be inspected.
        ii. As-Built Drawings (hard copy and digital format)
            a) Surveyed as-built drawings sealed by the EOR, must be provided documenting the work constructed. At a minimum, the as-builts must include the following:
                1) As-built signature block provided by County Engineer.
                2) Material, size and grade of all flow lines for all cross-culverts and driveway culverts, including elevations for all inlets and headwalls.

3) Grades, flow lines, top of bank, for all swales and ditches.

4) Horizontal and vertical information for all detention facilities including top of bank, toe of slope, outfall structure(s), extreme event overflow structures, riprap, concrete slope paving and pilot channels.

5) Horizontal and vertical information for all pavements.

iii. Materials Testing Reports

a) A complete set of laboratory test reports (any reports for soils, concrete and cores as applicable) must be provided for each section. Testing must comply with all the requirements set forth in these regulations.

iv. Engineer's Certifications

a) The accredited materials engineering laboratory shall submit the signed and sealed Statement of Substantial Compliance form for Construction Materials Testing sealed by a licensed professional engineer registered in the State of Texas. The form is provided in Appendix C.

b) The EOR shall provide the signed and sealed Engineer's Certification of Completion – Initial Acceptance form. This form is provided in Appendix C.

v. Inspection Fee Payment

a) An inspection fee in the form of cash (exact change), check or money order or other electronically accepted forms of payment by the County made payable to Montgomery County must be remitted (or proof of payment having already been made thereof) with the subdivision inspection request during the initial acceptance process in accordance with these regulations.

b) See **Table 6-1** for engineering fee schedule.

c) No fee will be required for the first re-inspection if requested within ninety (90 days) of the date of the initial deficiency list. After ninety (90) days, an inspection fee will be required for the first re-inspection.

d) If written deficiencies noted on the first inspection or subsequent re-inspections have not been adequately corrected as determined by the County Engineer, an inspection fee will be reassessed for each additional re-inspection.

b. Upon receipt of all the Initial Inspection Documents, the County Engineering Department may schedule an inspection and invite the designated Precinct representatives, the EOR, Special District, Developer and Contractor(s) to the inspection.

c. Any deficiencies noted during the inspection shall be documented and distributed to all parties. The Contractor(s), EOR and/or Developer(s) may request clarification from the

County representatives in attendance at the inspection related to any noted deficiencies to obtain a clear understanding of actions necessary to achieve compliance with corrections.

d. The Developer/Contractor must address all deficiencies as well as any other deficiencies that may have developed in the time that elapsed since the initial inspection, on or before ninety (90) days following the inspection. If any items are not completed within such ninety (90) day period, an additional re-inspection fee will be required. Once completed, the EOR, the Developer and/or the Special District is required to submit written evidence that all deficiency list items are complete and request re-inspection.

e. Upon receipt of evidence that all items were completed, the County Engineering Department will re-inspect the roads and drainage improvements and provide written concurrence that the items on the original deficiency list have been completed, identify items from the original deficiency list that have not been completed, and/or any items that may have developed in the time that elapsed since the initial inspection.

f. Additional re-inspections must be requested in writing and be accompanied by a new Engineer's Certification of Completion - Re-inspection form and any applicable inspection fee. This form is provided in Appendix C.

g. Upon rectification of deficiencies and re-inspection the County Engineering Department shall provide the recommendation to Commissioners Court that the roads be accepted into the maintenance period.

C. FINAL ACCEPTANCE

1. No more than 30 days prior to the end of the maintenance period the Developer or his representative shall provide a written request for final acceptance inspection to the County Engineer.

   a. The written request shall include the Engineer's Certification of Completion - Final Acceptance, included in Appendix C, completed by the EOR along with the required inspection fee.

      i. An inspection fee in the form of cash (exact change), check or money order or other electronically accepted forms of payment by the County made payable to Montgomery County must be remitted (or proof of payment having already been made thereof) with the subdivision inspection request during final acceptance process in accordance with these rules.

      ii. See **Table 6-1** for engineering fee schedule.

2. The County Engineer or Inspector will inspect the roads and improvements and give written notice of any deficiencies.

   a. Any deficiencies noted during the final acceptance inspection shall be documented and distributed to all parties. The Contractor(s), EOR and/or Developer(s) may request clarification from the County representatives in attendance at the inspection related to

any noted deficiencies to obtain a clear understanding of actions necessary to achieve compliance with corrections.

3. After the Developer/Contractor or EOR has corrected all the noted deficiencies as well as any other deficiencies that may have developed in the time that elapsed since the first inspection, the Developer or EOR must submit a written request for re-inspection to the County Engineer.

    a. The written request shall include the Engineer's Certification of Completion – Re-inspection, included in Appendix C, completed by the EOR. No fee will be required for the first re-inspection.

    b. The Contractor must address all deficiencies on or before ninety (90) days following the final inspection. If any items are not completed within such ninety (90) day period, an additional re-inspection fee will be required. Once completed, the EOR, the Developer and/or the Special District is required to submit written evidence that all deficient items are complete.

    c. Upon receipt of evidence that all items were completed, the County Engineering Department will re-inspect the roads and drainage improvements and provide written concurrence that the items on the original deficiency list have been completed, identify items from the original deficiency list that have not been completed, and/or any items that may have developed in the time that elapsed since the initial inspection.

4. Additional re-inspections must be requested in writing and be accompanied by a new Engineer's Certification of Completion – Re-inspection form and any applicable inspection fee. This form is provided in Appendix C.

5. Upon rectification of deficiencies and re-inspection, the County Engineer shall recommend to Commissioners Court that the roads be accepted by Montgomery County. Upon court action the maintenance bond shall be released to the Developer and the roads accepted into the County system. Private roads will be acknowledged as complete and the bond released but will not be maintained by Montgomery County.

6. Acceptance of roads into the County Road maintenance system will only constitute acceptance of public roads, streets, County standard street signage, bridges, County standard bridge railings, bridge-class culverts and related headwalls, open ditch drainage and their related appurtenances located within the dedicated public right-of-way. The County does not accept nor assume maintenance, liability or responsibility for sidewalks, utilities, storm sewer systems, alleys, or related construction within the public right-of-way.

7. Drainage ditches and all other detention facilities located outside of the dedicated right-of-way will not be accepted for maintenance by Montgomery County.

8. If the existing roadway pavement and/or curb and/or drainage facilities are damaged during construction activities, the Contractor responsible for the damage must repair the roadway to its original condition or better condition. This responsibility also extends to ongoing roadway maintenance for the section of roadway within the development's construction phases, activities, or truck routes.

SECTION 12 STORM WATER QUALITY

A. COMPLIANCE WITH REGULATIONS

1. The developer must comply with all applicable regulations regarding storm water pollution control.
2. For subdivisions and commercial developments disturbing 15,000 square feet or more, the developer must include an adequate Storm Water Pollution Prevention Plan (SW3P), prepared by a Texas Licensed Professional Engineer, in the construction plans, in addition to the required drainage plans.
3. Before construction, place the temporary erosion and sedimentation control features as shown on the SW3P.
4. This requirement applies to developments on properties with a total land area of at least one acre or properties that are part of a common plan of development or sale that totals at least one acre. By definition, a common plan of development or sale means a construction activity that is completed in separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project and the scope of the project, including but not limited to plats, blueprints, marketing plans, contracts, building permits, public notices or hearings, or other similar documentation or activities.
5. For single family residential construction or commercial developments with less than 15,000 square feet of disturbed area, the applicant for the building permit must indicate as part of the permit application the erosion and/or sediment controls to be implemented during construction.
6. Under compliance with regulations, the following are required:
    a. Water Truck Requirements: The use of water trucks to control dust during clearing activities.
    b. Rock Driveway Regulations: Enforcing standards for the construction and maintenance of rock driveways to prevent excessive sedimentation onto public or private roads.
    c. Silt Fence / Rock Filter Dams Installation: Requiring the installation of silt fences to capture sediment and prevent its discharge into waterways or adjacent properties.

B. PERMANENT SEDIMENT CONTROL

1. Initial sodding and/or seeding (required for future establishment of vegetation and slope stabilization upon final County acceptance) must have been initially installed and established on all exposed earth within County rights of way (which are intended to be accepted for maintenance by the County), channels and detention ponds (maintained by others). Provide materials and construction as per TxDOT Item 162 (Sodding for Erosion Control) or Item 164 (Seeding for Erosion Control).

2. Other sedimentation controls as shown on the approved construction plans must be constructed prior to initial acceptance (except in any areas where turf establishment meets required criteria for removal of sedimentation controls).

SECTION 13 VESTED RIGHTS (GRANDFATHERING)

A. GENERAL

1. If certain conditions are met, a development project (including, but not limited to, an owner/applicant within, a developer of, and/or a Special District covering all or a portion of a development project or multiple development projects) may be eligible to request vested rights. Development projects requesting vested rights shall be eligible, under the provisions of Local Government Code 245, to be reviewed in accordance with the Montgomery County Subdivision Rules and Regulations, dated October 1, 1984, including subsequent amendments and addenda. Eligible projects may include existing or future developments, including future phases of an existing multi-phased and/or master-planned development.

2. It is the responsibility of the applicant to notify the County in writing at the time of submittal if the development project intends to request vested rights.

3. To request vested rights, a development project must meet one or more of the following conditions:

Development projects and/or Special Districts qualifying for grandfathering (vested rights)	Expiration of grandfathering (vested rights)
A. For Previous Approvals	
A written agreement involving the development project (which may include a Special District) was approved by Montgomery County prior to the adoption date of these regulations and/or	No expiration.
A construction plan covering a portion of an area proposed for a development project (and/or within a Special District covering all or a portion of the development project) was approved by Montgomery County prior to the adoption date of these regulations and/or	The development project/Special District shall no longer qualify for vested rights if the development project and/or the area within a Special District has gone dormant for more than one (1) year.
B. For Previous Submittals	
Construction plans submitted to the County for review within one (1) year prior to the adoption date of these regulations.	The development project shall no longer qualify for vested rights if it has gone dormant for more than a ninety (90) day period after the adoption of these regulations; or the applicant has not responded to the County on or before ninety (90) days after receiving comments.

4. This vested right only applies to the sections/phases that have been approved and/or submitted, as outlined in the chart above. It does not extend to additional sections or phases, nor does it apply to the entire development, except for development projects or Special Districts that: (i) have a written agreement with Montgomery County, approved prior to the adoption of these regulations, or (ii) subsequently enter into an approved written agreement with Montgomery County that specifically address grandfathering rights for the respective project.

5. For subsequent phases/sections and new developments, the plans and plats must comply with the terms of these Regulations unless submitted within 60 days after adoption. This construction plan submittal must be complete package per the approved checklist. An incomplete package will not be accepted. No exceptions will be granted.

6. Fees imposed by the County under these regulations shall be paid to the County after the adoption of these regulations and shall not be subject to vested rights, unless they are already paid to the County on or prior to the adoption date of these regulations.

7. Notwithstanding any other provisions of this Section, Vested Rights (Grandfathering) may not be granted with respect to the requirements for Drainage Criteria Manual, Platting Criteria, and Procedures, Bond Requirements, or Road Acceptance Procedure (Inspections).

SECTION 14 VARIANCES AND APPEAL

A. VARIANCES

1. The County Commissioners Court may authorize a variance from these regulations if, in its judgment, undue hardship would result from requiring strict compliance. When granting a variance, the Commissioners Court may impose conditions it deems necessary or beneficial to the public interest. In making the required findings, the Court may consider factors such as the proposed land use, existing land uses in the vicinity, the number of people who will reside or work in the subdivision, and the likely effects on traffic conditions and the public health, safety, convenience, and welfare of the surrounding area. No variance will be granted unless the Commissioners Court finds:

    a. That special circumstances or conditions exist affecting the land such that strict application of these regulations would deprive the applicant of reasonable use of their land.

    b. That granting variance will not be detrimental to public health, safety, welfare, or harmful to other property in the area.

    c. That granting the variance will not prevent the orderly subdivision of other land in the area in accordance with these regulations.

2. The findings of the Commissioners Court, along with the specific facts upon which these findings are based, will be incorporated into the official minutes of the Commissioners Court meeting at which the variance is granted or denied. Variances may only be granted when they align with the general purpose and intent of these regulations, ensuring that public health, safety, and welfare are secured, and substantial justice is achieved. Financial hardship to the subdivider, standing alone, will not be considered sufficient to justify a variance.

3. Notwithstanding any other provisions of this Section, the Commissioners Court may not grant a variance regarding the requirement for drainage plans, proposed county road improvements, or bond requirements.

B. APPEAL

1. Any subdivider contesting the disapproval or the interpretation or application of any rule, standard, regulation, determination, requirement, or necessity set forth in these regulations, either directly or by delegation of authority, must request a hearing before the Commissioners Court. The written request must be filed with the County Commissioners Court, and the hearing will be scheduled within twenty-one (21) days from the date of the request. The decision of the Commissioners Court shall be final, and any further appeal shall be in accordance with applicable law.

SECTION 15 SEVERABILITY

A. GENERAL

1. It is hereby declared to be the intention of the County Commissioners Court that the provisions of these regulations are severable, in accordance with the following:

   a. If any sentence, phrase, section, paragraph, article or any part of these rules, regulations and requirements is declared invalid, unenforceable or unconstitutional for any cause of reason, such invalidity, unenforceability or unconstitutionality shall not be held to affect, invalidate or impair the validity, force or effect of any other sentence, phrase, section, paragraph, article or any other part of these rules, regulations and requirements.

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

2. If there is a conflict between this document and any other Montgomery County or TxDOT rule, criteria, regulation, or other applicable guidelines, the most stringent provision shall take precedence.

APPENDIX A PLAT FORMS

A. OWNER DEDICATION FORMS

FORM OF DEDICATION FOR INDIVIDUAL OWNER(S)

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

The undersigned, *(name of owner or names of owners)* (hereinafter "Owner"), whether one or more), owner of the property subdivided in the above and foregoing map of the *(name of subdivision)*, do hereby make subdivision of said property, according to lines, streets, lots, alleys, parks, building lines, and easements therein shown, and designate said subdivision as *(name of subdivision)* in the *(name of original survey)* Survey, Abstract No. ___, Montgomery County, Texas; and dedicates to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that Owner has complied with or will comply with all Development Regulations and/or other regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County.

INSERT ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES IF SUBDIVISION CONTAINS OVERHEAD UTILITY LINES

INSERT ADDITIONAL PARAGRAPH FOR PRIVATE STREETS IF SUBDIVISION CONTAINS PRIVATE STREETS

INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS STORM SEWERS

FURTHER, Owner does hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Montgomery County and/or other public agency the right (but not the obligation) to enter upon said easement at any and all times for the purpose of construction and/or maintaining drainage work and/or structure.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

WITNESS my hand (or our hands) in _____, Montgomery County, Texas, this _____ day of _____, 20__.

OWNER:

By: _____
Name: *(name of person signing)*

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on _____, 20__ by_____.

_____
Notary Public, State of Texas

My commission expires:
_____

FORM OF DEDICATION FOR CORPORATION

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

_____, a Texas _____ , owner of the property subdivided in the above and foregoing map of ***(name of subdivision)***, ("Owner") does hereby make subdivision of said property, according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as ***(name of subdivision)***, located in the *(name of original survey)* Survey, Abstract No. _____ , Montgomery County, Texas, and dedicates to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that Owner has complied or will comply with all Development Regulations and/or other regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County, Texas.

INSERT ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES IF SUBDIVISION CONTAINS OVERHEAD UTILITY LINES

***INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS PRIVATE STREETS ***

INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS STORM SEWERS

FURTHER, Owner does hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage coursed located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right (but not the obligation) to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by_____ , President of _____ , its authorized officer this __ day of _____, 20__.

OWNER

By: _____
Name: *(name of person signing)*
Title: *(title of person with corporation signing)*

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared (name) , (title) _____, of _____known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for the purposes and consideration therein expressed , and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, _____ .

NOTARY PUBLIC, IN AND FOR
_____ COUNTY,
STATE OF _____

(Name to be Printed) (Affix Notary Seal)

FORM OF DEDICATION FOR LIMITED PARTNERSHIP
WITH INDIVIDUAL GENERAL PARTNER

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

The undersigned (hereinafter "Owner" whether one or more), *(name of limited partnership)*, a *(state of formation)* limited partnership, acting by and through its general partner *(name of general partner)*, owner of the property subdivided in the above and foregoing map of *(name of subdivision)*, do hereby make subdivision of said property for and on behalf of said *(name of limited partnership)*, according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as *(name of subdivision)*, located in the *(name of original survey)* Survey, Abstract No. _____ , Montgomery County, Texas, and on behalf of said *(name of limited partnership)* dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that Owner has complied or will comply with all Development Regulations and/or other regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County, Texas.

INSERT ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES IF SUBDIVISION CONTAINS OVERHEAD UTILITY LINES

***INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS PRIVATE STREETS ***

INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS STORM SEWERS

FURTHER, Owner does hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as privates streets by the owners, heirs, and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for fireman, firefighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind ourselves our heirs, and assigns to warrant and forever defend the title to the land so designated and established as private streets.

FURTHER, Owner does hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage coursed located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right(but not the obligation) to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by *(name of general partner)*, its General Partner as the act of *(name of limited partnership)*, thereunto authorized, this ___ day of _____, 20__.

(NAME OF LIMITED PARTNERSHIP)
A *(state of organization)* limited partnership

By: _____
Signature, its General Partner
Name: _____

ACKNOWLEDGMENT

THE STATE OF _____ §
COUNTY OF _____ §

Before me *(name)*, notary public in and for the State of _____, on this day personally appeared *(name of person signing)*, General Partner of *(name of limited partnership)* a *(state of organization)* limited partnership, known to me (or proved to me on the oath of _____ or through *(description of identity card or other document)* to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is the act of *(name of limited partnership)*, a *(state of organization)* limited partnership, and that he/she executed the same as its General Partner and as the act of such limited partnership and for the purposes and consideration therein expressed in the foregoing instrument.

Given under my hand and seal of office this ____ day of _____, A.D., _____.

(Affix Notary Seal)

_____
NOTARY PUBLIC STATE OF_____

My commission expires: _____

FORM OF DEDICATION FOR LIMITED PARTNERSHIP
WITH CORPORATION AS GENERAL PARTNER

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

The undersigned (hereinafter "Owner" whether one or more), *(name of limited partnership)*, a *(state of formation)* limited partnership, acting by and through its General Partner *(name of general partner)* a *(state of organization of corporation)* corporation, owner of the property subdivided in the above and foregoing map of *(name of subdivision)*, do hereby make subdivision of said property for and on behalf of said *(name of limited partnership)*, according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as *(name of subdivision)*, located in the *(name of original survey)* Survey, Abstract No. _____ , Montgomery County, Texas, and on behalf of said *(name of limited partnership)* dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that Owner has complied or will comply with all Development Regulations and/or other regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County, Texas.

INSERT ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES IF SUBDIVISION CONTAINS OVERHEAD UTILITY LINES

***INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS PRIVATE STREETS ***

INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS STORM SEWERS

FURTHER, Owner does hereby dedicate forever to the public a strip a strip of land a minimum of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage coursed located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right (but not the obligation) to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by *(name of person signing), (title of person signing)* of *(name of general partner),* its General Partner as the act of *(name of limited partnership),* thereunto authorized, this ___ day of _____, 20__.

(NAME OF LIMITED PARTNERSHIP)
A *(state of organization)* limited partnership
By: *(Name of corporation general partner)*
its General Partner

By: _____
Name: *(name of person signing)*
Title: *(title of person with corporation signing)*

ACKNOWLEDGMENT

THE STATE OF _____ §
COUNTY OF _____ §

Before me *(name)*, notary public in and for the State of _____, on this day personally appeared *(name of person signing)*, *(title of person signing)* of *(name of corporation)*, a *(state of organization)* corporation, the General Partner of *(name of limited partnership)* a *(state of organization)* limited partnership, known to me (or proved to me on the oath of _____ or through *(description of identity card or other document)* to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is the act of *(name of limited partnership)*, a *(state of organization)* limited partnership, and that he/she executed the same as its General Partner and as the act of such limited partnership and for the purposes and consideration therein expressed in the foregoing instrument.

Given under my hand and seal of office this ____ day of _____, A.D., _____.

(Affix Notary Seal)

_____
NOTARY PUBLIC STATE OF_____

My commission expires: _____

FORM OF DEDICATION FOR LIMITED PARTNERSHIP WITH
LIMITED LIABILITY COMPANY GENERAL PARTNER

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

The undersigned (hereinafter "Owner" whether one or more), *(name of limited partnership)*, a *(state of formation)* limited partnership, acting by and through its General Partner *(name of general partner)* a *(state of organization of LLC)* limited liability company, owner of the property subdivided in the above and foregoing map of *(name of subdivision)*, do hereby make subdivision of said property for and on behalf of said *(name of limited partnership)*, according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as *(name of subdivision)*, located in the *(name of original survey)* Survey, Abstract No. _____ , Montgomery County, Texas, and on behalf of said *(name of limited partnership)* dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that Owner has complied or will comply with all Development Regulations and/or other regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County, Texas.

INSERT ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES IF SUBDIVISION CONTAINS OVERHEAD UTILITY LINES

***INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS PRIVATE STREETS ***

INSERT ADDITIONAL PARAGRAPH IF SUBDIVISION CONTAINS STORM SEWERS

FURTHER, Owner does hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage coursed located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by *(name of person signing), (title of person signing)* of *(name of LLC general partner),* its General Partner as the act of *(name of limited partnership)*, thereunto authorized, this ___ day of _____, 20__.

(Name of limited partnership)

A _____ limited partnership
By: *(Name of LLC general partner)*
its General Partner

By: _____
Name: *(name of person signing)*
Title: *(title of person with LLC signing)*

ACKNOWLEDGMENT

THE STATE OF _____ §
COUNTY OF _____ §

Before me *(name)*, notary public in and for the State of _____, on this day personally appeared *(name of person signing)*, *(title of person signing)* of *(name of LLC)*, a *(state of organization)* limited liability company, the General Partner of *(name of limited partnership)* a *(state of organization)* limited partnership, known to me (or proved to me on the oath of _____ or through *(description of identity card or other document)* to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is the act of *(name of limited partnership)*, a *(state of organization)* limited partnership, and that he/she executed the same as its General Partner and as the act of such limited partnership and for the purposes and consideration therein expressed in the foregoing instrument.

Given under my hand and seal of office this ____ day of _____, A.D., _____.

(Affix Notary Seal)

_____
NOTARY PUBLIC STATE OF_____

My commission expires: _____

B. ADDITIONAL DEDICATION PARAGRAPHS

ADDITIONAL PARAGRAPH FOR OVERHEAD UTILITY LINES

There is also dedicated for utilities and an unobstructed aerial easement five feet wide from a plane twenty feet above the ground upward, located adjacent to all easements shown hereon.

ADDITIONAL PARAGRAPH FOR PRIVATE STREETS

FURTHER, Owner does hereby covenant and agree that those streets located within the boundaries of this plat, specifically noted as private streets, shall be hereby established and maintained as private streets by the owners, heirs, and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for fireman, firefighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind ourselves our heirs, and assigns to warrant and forever defend the title to the land so designated and established as private streets.

ADDITIONAL PARAGRAPH FOR STORM SEWERS

Storm sewers located in the dedicated street rights-of-way are not maintained by Montgomery County. The storm sewers in the subdivision will be maintained by *(identify the entity responsible for maintenance)*, its successors and assigns.

C. LIENHOLDER'S ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

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

EXAMPLE FORM

The undersigned, owner and holder of a deed of trust or other lien against the property subdivided in the plat known as_____, and said lien being evidenced by instrument of record in File No._____ , of the Official Public Records of Montgomery County, Texas, joins in the dedication of all roads, streets, alleys, parks and utility easements to the public and subordinates to the plat the above-referenced lien(s), and confirms that the undersigned is the present owner of said lien(s) and have not assigned the same nor any part thereof.

LIENHOLDER: *(name)*

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared *(name)* _____, *(title)* _____, of *(name of lienholder)* _____known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for the purposes and consideration therein expressed, and in the capacity therein and herein set out, and as the act and deed of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____20__.

_____
NOTARY PUBLIC, IN AND FOR
STATE OF _____

(Notary Seal)

D. CONSENT AND JOINDER

The undersigned, having this date seen the proposed plat of _____ (name of subdivision), hereby consent(s) to and join(s) in the execution of said plat and hereby subordinate(s) any and all property interests in property included in or affected by said plat to the subdivision and dedication of the property set forth in said plat. In no event shall the undersigned be required to enforce any restrictions, covenants, or easements appearing on said plat, nor shall the failure to enforce such restrictions, covenants, or easements, if any, give claim or cause of action against the undersigned.

EXECUTED this _____ day of _____, 20_.

(Add appropriate signature line and acknowledgment for person/entity executing the consent)

E. SURVEYOR'S ACKNOWLEDGMENT

I, (name of surveyor), am authorized (or registered) under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron (or other suitable permanent metal) pipe or rods have a diameter of not less than five-eighths of an inch (5/8") diameter and a length of not less than three feet (3'), and that the plat boundary corners have been tied to the nearest survey corner.

_____
Name: (*printed name of surveyor*)

Texas Registration No. _____

(SEAL)

F. CITY ACKNOWLEDGMENT

This is to certify that the City Planning Commission (or City Council) of the City of _____, Texas, has approved this plat and subdivision of (*name of subdivision*) as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the *Chairman (or Mayor)* and Secretary of the City Planning Commission (or City Council) of the City of _____, Texas, this _____ day of _____, 20__.

_____ _____

City Secretary Title: *Mayor (or Chairman)*

G. COUNTY ENGINEER ACKNOWLEDGMENT

I, _____, County Engineer of Montgomery County, Texas, do hereby certify that the plat of this subdivision complies with the Montgomery County Development Regulations and all other existing rules and regulations of this office as adopted by the Montgomery County Commissioners Court.

I further certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by Commissioners Court; however, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or on any other area of subdivision within the watershed.

_____

County Engineer

H. COMMISSIONERS COURT APPROVAL AND ACKNOWLEDGEMENT

This subdivision plat was duly APPROVED by the Commissioners Court of Montgomery County, Texas as the official plat of such subdivision on this _____ day of _____, 20__.

_____ _____

Commissioner, Precinct 1 Commissioner, Precinct 2

_____

County Judge

_____ _____

Commissioner, Precinct 3 Commissioner, Precinct 4

I. COUNTY CLERK ACKNOWLEDGMENT STATEMENT AND DIRECTIONS FOR PROPER DEDICATION EXECUTION

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

I, _____, Clerk of the Commissioners Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 20_____, at _____ o clock, ___.M., and duly recorded on _____, 20____, at _____ o clock, ____.M., in cabinet _____, sheet _____, of the Official Public Records of Montgomery County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

COUNTY CLERK,

MONTGOMERY COUNTY, TEXAS

By: _____

Directions for Proper Dedication Execution

1. All plats shall have original signatures in black ink. Each signature shall have, immediately under it in legible lettering or typing in black ink, the name corresponding to the original signature. All corporate, legal, license, and registration seals shall be affixed and darkened in such a manner as to be legible.
2. Acknowledgments should conform to the forms contained in the Texas Civil Practice and Remedies Code §§121.007-008.

APPENDIX B BOND AND LETTER OF CREDIT FORMS

A. MAINTENANCE BOND WITH SURETY – CORPORATE OWNER

BOND WITH SURETY
(Corporate principal)

NO. _____

STATE OF TEXAS §
§ KNOW ALL BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

That _____ , a Texas _____ , with offices and principal place of business in _____County, Texas, hereinafter called PRINCIPAL, and _____, a corporation or other entity existing under and by virtue of the laws of the State of_____ and authorized to do business as a surety in the State of Texas, and whose principal office is located in the City of_____, State of _____ whose officer residing in the State of Texas authorized to accept service in all suits and actions brought within said State is _____, residing in the City of _____, hereinafter called the SURETY, are held and firmly bound unto Mark J. Keough, County Judge of Montgomery County, Texas, and his successors in office in the full sum of _____DOLLARS ($) current, lawful money of the United States of America, to be paid to *(name of County Judge)*, County Judge of Montgomery County, Texas, or his successors in office, to which payment well and truly to be made and done, the undersigned PRINCIPAL and SURETY, each binds itself and its successors and assigns, jointly and severally, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision: _____ , located in Montgomery County, Texas, as per the map or plat thereof (the "Plat") approved by Montgomery County Commissioners Court and filed in Cabinet _____, Sheet(s) _____, Map Records of Montgomery County, Texas; and

WHEREAS, the Commissioners Court of Montgomery County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Montgomery County, Texas, as more specifically set out in the Minutes of Commissioners Court (the "Development Regulations"), and all revisions and additions as may have been or may be adopted by separate action prior to the date of this bond; same being made a part hereof for all purposes, as though fully set out herein; wherein it is provided, among other things, that the owner of a Subdivision will construct the roads and streets and the drainage requirements for the Subdivision as depicted on the Plat, in accordance with the specifications and within the time set out therein, and maintain such roads and streets and the drainage requirements for a period of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with the Development Regulations, and that the terms of the Development Regulations, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of Montgomery and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, his, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the Development Regulations and all other rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads and streets in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and streets and the drainage requirements by the County Engineer or Inspector and Initial Acceptance (as described in the Development Regulations) by Commissioners Court, the amount held under this bond shall automatically be reduced to _____DOLLARS ($ _____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County Engineer or Inspector and Final Acceptance (as described in the Development Regulations) by the Commissioners Court, then this obligation is to be void and of no force and effect.

The PRINCIPAL and the SURETY hereon each agrees, binds, and obligates itself and themselves to pay to the County Judge of Montgomery County, State of Texas, for the use and benefit of Montgomery County, an amount, not to exceed the then principal sum of this bond, adequate for Montgomery County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads and streets in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Montgomery from any and all damages, expenses, and claims of every kind and character which the County of Montgomery may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads, streets, and drainage requirements in the above named Subdivision. Montgomery County reserves the right to require PRINCIPAL to provide a bond from a different surety should Montgomery County deem itself insecure in the current SURETY'S ability to perform the obligations under the bond.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words *ROADS* or *STREETS* as used herein mean each and every road or street in said Subdivision according to the Plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including

but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Montgomery County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of at least one (1) year from the completion of the roads and streets in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector. The word *SURETY* when used herein means surety or sureties and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the PRINCIPAL by the terms hereof extends in full force and vigor to each and every SURETY jointly and severally.

EXECUTED this _____ day of _____, 20__.

PRINCIPAL:	SURETY:
_____	_____
(printed name of principal)	*(printed name of surety)*
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
ADDRESS:	ADDRESS:
_____	_____
_____	_____
_____	_____

APPROVED THIS__day of _____, 20__.

_____
(printed name of County Judge), COUNTY JUDGE

ATTEST:

_____
(printed name of County Clerk), COUNTY CLERK

B. MAINTENANCE BOND WITHOUT SURETY – CORPORATE OWNER

BOND WITHOUT SURETY
(Corporate principal)

NO. _____

STATE OF TEXAS §
§ KNOW ALL BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

That _____ , a Texas _____ , with offices and principal place of business in _____County, Texas, hereinafter called PRINCIPAL, is held and firmly bound unto *(name of County Judge)*, County Judge of Montgomery County, Texas, and his successors in office in the full sum of _____DOLLARS ($) current, lawful money of the United States of America, to be paid to *(name of County Judge)*, County Judge of Montgomery County, Texas, or his successors in office, to which payment well and truly to be made and done, the undersigned PRINCIPAL binds itself and its successors and assigns, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision: _____ , located in Montgomery County, Texas, as per the map or plat thereof (the "Plat") approved by Montgomery County Commissioners Court and filed in Cabinet _____, Sheet(s) _____, Map Records of Montgomery County, Texas; and

WHEREAS, the Commissioners Court of Montgomery County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Montgomery County, Texas, as more specifically set out in the Minutes of Commissioners Court (the "Development Regulations"), and all revisions and additions as may have been or may be adopted by separate action prior to the date of this bond; same being made a part hereof for all purposes, as though fully set out herein; wherein it is provided, among other things, that the owner of a Subdivision will construct the roads and streets and the drainage requirements for the Subdivision as depicted on the Plat, in accordance with the specifications and within the time set out therein, and maintain such roads and streets and the drainage requirements for a period of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with the Development Regulations, and that the terms of the Development Regulations, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of Montgomery and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said Development Regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, his, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the Development Regulations and all other rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads and streets in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and streets and the drainage requirements by the County Engineer or Inspector and Initial Acceptance (as described in the Development Regulations) by Commissioners Court, the amount held under this bond shall automatically be reduced to _____DOLLARS ($ _____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County Engineer or Inspector and Final Acceptance (as described in the Development Regulations) by the Commissioners Court, then this obligation is to be void and of no force and effect.

The PRINCIPAL and the SURETY hereon each agrees, binds, and obligates itself and themselves to pay to the County Judge of Montgomery County, State of Texas, for the use and benefit of Montgomery County, an amount, not to exceed the then principal sum of this bond, adequate for Montgomery County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads and streets in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Montgomery from any and all damages, expenses, and claims of every kind and character which the County of Montgomery may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads, streets, and drainage requirements in the above named Subdivision.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words *ROADS* or *STREETS* as used herein mean each and every road or street in said Subdivision according to the Plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Montgomery County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of at least one (1) year from the completion of the roads and streets in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector.

EXECUTED this _____ day of _____, 20__.

PRINCIPAL:

_____
(printed name of principal)

By: _____
Name: _____
Title: _____

ADDRESS:
_____
_____
_____

APPROVED THIS__day of _____, 20__.

_____
(printed name of County Judge), COUNTY JUDGE

ATTEST:

_____
(printed name of County Clerk), COUNTY CLERK

C. MAINTENANCE BOND WITH SURETY – INDIVIDUAL OWNER(S)

BOND WITH SURETY
(Individual principal)

NO. _____

STATE OF TEXAS §
§ KNOW ALL BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

That _____, hereinafter called PRINCIPAL (whether one or more), and _____, a corporation or other entity existing under and by virtue of the laws of the State of_____ and authorized to do business as a surety in the State of Texas, and whose principal office is located in the City of_____, State of _____ whose officer residing in the State of Texas authorized to accept service in all suits and actions brought within said State is _____, residing in the City of _____, hereinafter called SURETY, are held and firmly bound unto *(name of County Judge)*, County Judge of Montgomery County, Texas, and his successors in office in the full sum of _____DOLLARS ($) current, lawful money of the United States of America, to be paid to *(name of County Judge)*, County Judge of Montgomery County, Texas, or his successors in office, to which payment well and truly to be made and done, we, the undersigned PRINCIPAL and SURETY, bind ourselves and each of us, our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and severally, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision: _____ , located in Montgomery County, Texas, as per the map or plat thereof (the "Plat") approved by Montgomery County Commissioners Court and filed in Cabinet _____, Sheet(s) _____, Map Records of Montgomery County, Texas; and

WHEREAS, the Commissioners Court of Montgomery County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Montgomery County, Texas, as more specifically set out in the Minutes of Commissioners Court (the "Development Regulations"), and all revisions and additions as may have been or may be adopted by separate action prior to the date of this bond; same being made a part hereof for all purposes, as though fully set out herein; wherein it is provided, among other things, that the owner of a Subdivision will construct the roads and streets and the drainage requirements for the Subdivision as depicted on the Plat, in accordance with the specifications and within the time set out therein, and maintain such roads and streets and the drainage requirements for a period of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with the Development Regulations, and that the terms of the Development Regulations, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of Montgomery and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, his, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the Development Regulations and all other rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads and streets in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and streets and the drainage requirements by the County Engineer or Inspector and Initial Acceptance (as described in the Development Regulations) by Commissioners Court, the amount held under this bond shall automatically be reduced to _____DOLLARS ($ _____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County Engineer or Inspector and Final Acceptance (as described in the Development Regulations) by the Commissioners Court, then this obligation is to be void and of no force and effect.

The PRINCIPAL and the SURETY hereon each agrees, binds, and obligates itself and themselves to pay to the County Judge of Montgomery County, State of Texas, for the use and benefit of Montgomery County, an amount, not to exceed the then principal sum of this bond, adequate for Montgomery County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads and streets in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Montgomery from any and all damages, expenses, and claims of every kind and character which the County of Montgomery may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads, streets, and drainage requirements in the above named Subdivision. Montgomery County reserves the right to require PRINCIPAL to provide a bond from a different surety should Montgomery County deem itself insecure in the current SURETY'S ability to perform the obligations under the bond.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words *ROADS* or *STREETS* as used herein mean each and every road or street in said Subdivision according to the Plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Montgomery County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of at least one (1) year from the completion of the roads and streets in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector. The word *SURETY* when used herein means surety or sureties and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the PRINCIPAL by the terms hereof extends in full force and vigor to each and every SURETY jointly and severally.

EXECUTED this _____ day of _____, 20__.

PRINCIPAL:	SURETY:
_____	_____
(printed name of principal)	*(printed name of surety)*
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
ADDRESS:	ADDRESS:
_____	_____
_____	_____
_____	_____

APPROVED THIS__day of _____, 20__.

_____
(printed name of County Judge), COUNTY JUDGE

ATTEST:

_____
(printed name of County Clerk), COUNTY CLERK

D. MAINTENANCE BOND WITHOUT SURETY – INDIVIDUAL OWNER(S)

BOND WITHOUT SURETY
(Individual principal)

NO. _____

STATE OF TEXAS §
§ KNOW ALL BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

That _____, hereinafter called PRINCIPAL (whether one or more), is held and firmly bound unto (name of County Judge), County Judge of Montgomery County, Texas, and his successors in office in the full sum of _____DOLLARS ($) current, lawful money of the United States of America, to be paid to (name of County Judge), County Judge of Montgomery County, Texas, or his successors in office, to which payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us, our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and severally, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision: _____ , located in Montgomery County, Texas, as per the map or plat thereof (the "Plat") approved by Montgomery County Commissioners Court and filed in Cabinet _____, Sheet(s) _____, Map Records of Montgomery County, Texas; and

WHEREAS, the Commissioners Court of Montgomery County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Montgomery County, Texas, as more specifically set out in the Minutes of Commissioners Court (the "Development Regulations"), and all revisions and additions as may have been or may be adopted by separate action prior to the date of this bond; same being made a part hereof for all purposes, as though fully set out herein; wherein it is provided, among other things, that the owner of a Subdivision will construct the roads and streets and the drainage requirements for the Subdivision as depicted on the Plat, in accordance with the specifications and within the time set out therein, and maintain such roads and streets and the drainage requirements for a period of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with the Development Regulations, and that the terms of the Development Regulations, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of Montgomery and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said Development Regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, his, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the Development Regulations and all other rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads and streets in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and streets and the drainage requirements by the County Engineer or Inspector and Initial Acceptance (as described in the Development Regulations) by Commissioners Court, the amount held under this bond shall automatically be reduced to _____DOLLARS ($ _____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County Engineer or Inspector and Final Acceptance (as described in the Development Regulations) by the Commissioners Court, then this obligation is to be void and of no force and effect.

The PRINCIPAL agrees, binds, and obligates itself and themselves to pay to the County Judge of Montgomery County, State of Texas, for the use and benefit of Montgomery County, an amount, not to exceed the then principal sum of this bond, adequate for Montgomery County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads and streets in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Montgomery from any and all damages, expenses, and claims of every kind and character which the County of Montgomery may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads, streets, and drainage requirements in the above named Subdivision.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words *ROADS* or *STREETS* as used herein mean each and every road or street in said Subdivision according to the Plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Montgomery County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of at least one (1) year from the completion of the roads and streets in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector.

EXECUTED this _____ day of _____, 20__.

PRINCIPAL:

_____
(printed name of principal)

By: _____
Name: _____
Title: _____

ADDRESS:
_____
_____
_____

APPROVED THIS__day of _____, 20__.

_____
(name of County Judge), COUNTY JUDGE

ATTEST:

_____
(name of County Clerk),
COUNTY CLERK

E. LETTER OF CREDIT

LETTER OF CREDIT FORM

(Financial Institution's Letterhead)

Date

(name of County Judge), County Judge
Montgomery County, Texas
501 N. Thompson, Suite 401
Conroe, TX 77301

RE: Irrevocable Letter of Credit Number _____

To Whom It May Concern:

We hereby establish our Irrevocable Letter of Credit No._ in your favor and at the request of and for the account of (*Developer/Principal*), for an amount not to exceed _____ U.S. Dollars ($_), to warrant that the road construction of (*subdivision plat name and/or street dedication name*) in the (Survey and Abstract No.)_ will be built, completed, and comply with the one-year maintenance period according to Montgomery County Development Regulations, available by your draft at sight drawn on (Financial Institution), to be accompanied by an affidavit from Montgomery County Judge (name of County Judge), or his successors in office, stating one of the following:

1. "The undersigned, Montgomery County Judge *(name of County Judge)*, or his successors in office, hereby certifies to (*Financial Institution*), as the issuer of Letter of Credit No. , dated _____, that _____ (*name of Developer/Principal*) has failed to build and/or maintain roads, streets, and bridges within (*subdivision plat name and/or street dedication plat name*) in accordance with the Montgomery County Development Regulations and, by virtue of such failure, Beneficiary is entitled to receive funds in the amount of _____ Dollars ($__)"; or
2. "The undersigned, Montgomery County Judge *(name of County Judge)*, or his successors in office, hereby certifies to *(Financial Institution)* as the issuer of Letter of Credit No. , dated _____, that (*Financial Institution*) has delivered notice of intent to not automatically renew Letter of Credit No.__ for a period no less than one year from the present expiration date and, by virtue of said delivery and notification, Beneficiary is entitled to receive funds in the amount of ___Dollars ($)."

It is the condition of this Letter of Credit that it shall be automatically renewed for a period of no less than one year from the present or each future expiration date, unless at least sixty (60) days prior to such date we, the Issuer, shall notify Montgomery County Judge *(name of County Judge)*, or his successors in office, that we elect not to renew this Letter of Credit for such additional periods.

Partial drawings on this Letter of Credit are not permitted.

All drafts so drawn must be marked, *"drawn under* (*Financial Institution*) , *Letter of Credit No.* , *dated* ."

We hereby agree that drafts drawn under and in accordance with the terms of this credit will be honored upon presentation and delivery of documents as specified if presented to *(Financial Institution) (Address of Financial Institution).*

It is the condition of this Letter of Credit that the amount shall be reduced to an aggregate sum not to exceed U.S. Dollars ($) upon receipt by (*name of financial institutional*) of written notification from Montgomery County Commissioners Court that Initial Acceptance of the construction of streets and roads in conformity with the Montgomery County Development Regulations, as amended, has occurred, as evidenced by an official action of the Commissioners Court of Montgomery County, Texas, incorporating such streets and roads into the maintenance period.

This credit is subject to *"Uniform Customs and Practice for Documentary Credits"* (1993 revision) fixed by the International Chamber of Commerce Publication No. 600.

(name of financial institution)

By: _____
Name: _____
Title: _____

APPENDIX C ENGINEERING FORMS

(This page is intentionally left blank)

A. ENGINEER'S CERTIFICATION OF COMPLETION - INITIAL ACCEPTANCE

MONTGOMERY COUNTY
Engineer's Certification of Completion
Initial Acceptance

_____
Project Name

I, _____, a Licensed Professional Engineer registered in the State of Texas, do hereby certify to the following:

- I have provided responsible supervision of the engineering construction for the referenced project as defined in Chapter 131, Subchapter A, Section 131.2 of the Rules Concerning the Practice of Engineering and Land Surveying (the Rules).

- I have reviewed the As-Built drawings that I have signed and sealed and I have reviewed the road construction test reports for the project and verified compliance with County requirements or approved variances.

- I have personally conducted on-site inspection. Based on my visual inspection and responsible supervision, all of the roads and drainage improvements have been constructed in accordance with the signed As-Built drawings.

- I understand that misrepresentations on the signed As-Built drawings or on this certification may result in a referral to the Texas Board of Professional Engineers and Land Surveyors for consideration of enforcement actions under Chapter 139 of the Rules.

Engineer's Seal

_____
Engineer's Signature

_____
Date

_____
Licensed Engineering Firm Name

_____
Address

_____
City, State, Zip

Phone/Email

B. ENGINEER'S CERTIFICATION OF COMPLETION - FINAL ACCEPTANCE

MONTGOMERY COUNTY
Engineer's Certification of Completion
Final Acceptance

Project Name

I, _____, a Licensed Professional Engineer registered in the State of Texas, do hereby certify to the following:

- I have personally conducted an on-site inspection of the roads and drainage improvements in this project and have verified that all deficiencies, including but not limited to damaged curbs, ponding area (bird bath), spalls, spilled concrete and other concrete defects, damaged joint sealant, worn pavement markings, missing signage, water leaks, standing water, erosion, potholes, excessive cracking, settlement have been properly corrected.

- The project either conforms to the as-built drawings submitted during the initial acceptance process or revised as-built drawings have been prepared and submitted to the County.

- I understand that misrepresentations on this certification may result in a referral to the Texas Board of Professional Engineers and Land Surveyors for consideration of enforcement actions under Chapter 139 of the Rules Concerning the Practice of Engineering and Land Surveying.

Engineer's Seal

Engineer's Signature

Date

Licensed Engineering Firm Name

Address

City, State, Zip

Phone/Email

C. ENGINEER'S CERTIFICATION OF COMPLETION – RE-INSPECTION

MONTGOMERY COUNTY
Engineer's Certification of Completion
Re-inspection

Project Name

I, _____, a Licensed Professional Engineer registered in the State of Texas, do hereby certify to the following:

- I have personally conducted an on-site inspection of the roads and drainage improvements in this project and have verified that all deficiencies, including but not limited to damaged curbs, bird baths, spalls, spilled concrete and other concrete defects, damaged joint sealant, worn pavement markings, missing signage, water leaks, standing water, erosion, potholes, excessive cracking and settlement have been properly corrected.

- I understand that misrepresentations on this certification may result in a referral to the Texas Board of Professional Engineers and Land Surveyors for consideration of enforcement actions under Chapter 139 of the Rules Concerning the Practice of Engineering and Land Surveying.

Engineer's Seal

Engineer's Signature

Date

Licensed Engineering Firm Name

Address

City, State, Zip

Phone/Email

D. LABORATORY STATEMENT OF SUBSTANTIAL COMPLIANCE

MONTGOMERY COUNTY
Statement of Substantial Compliance
Construction Materials Testing Project Review

_____
Project Name

I,_____, a Licensed Professional Engineer, do
Name of Licensed Engineer

hereby acknowledge that field and laboratory materials tests were performed on the materials installed under and for the proposed pavement on the above referenced project and the final test results at each location sampled or tested by our accredited and licensed laboratory met the project specifications as listed below and as required by the Montgomery County Development Regulations. Attached hereto are the results of the testing performed on the project with a summary below.

Final Subgrade Compaction:	Minimum % Required:	_____	Minimum % Obtained:	_____
Concrete Cylinder Tests: Compressive Strength, psi	Minimum psi Required:	_____	Minimum psi Obtained:	_____
Concrete Core Tests: Compressive Strength, psi	Minimum psi Required:	_____	Minimum psi Obtained:	_____
Concrete or Asphalt: Thickness, in.	Minimum in. Required:	_____	Minimum in. Obtained:	_____
Backfill and Bedding: Compressive Strength of Cement Stabilized Sand, psi	Minimum psi Required:	_____	Minimum psi Obtained:	_____
Compaction of Backfill	Minimum % Required:	_____	Minimum % Obtained:	_____

Engineer's Seal

_____
Engineer's Signature

_____
Date

_____
Licensed Engineering Firm Name

_____
Address

_____
City, State, Zip

_____
Phone/Email

E. PLAT APPLICATION

APPLICATION FOR PLAT APPROVAL

(Note: Plat applications will only be accepted for consideration every Wednesday (excluding County holidays) between 8:00 AM and 4:00 PM. Incomplete applications and those submitted outside of the normal acceptance day will be returned to the Applicant for resubmittal on the next available date.)

Plat Name _____
(Complete subdivision name, section and replat number if applicable)

For Street Dedication Plat, list name of associated subdivision _____

Court Action Requested

_____ Final _____ Amending _____ Replat _____ Partial Replat

Plat Location

Survey Name(s) and Abstract Number(s):

_____
_____
_____
_____

Geographic Location (Major Street):
North of _____ East of _____
South of _____ West of _____

School District _____ Commissioner Precinct No. _____

Plat Data

Plat Type: (Check appropriate box at each description)
_____ Commercial _____ Residential _____ Street Dedication Plat
_____ Other (explain) _____

New Development Proposed		For Replat Only Existing	Proposed
	Total No. of Acres		
	Blocks		
	Lots		
	Acres in Reserve		
	Acres in Right-of-Way in a Street Dedication Plat		

Planned Improvements (Check the boxes that apply)

Streets: _____ Public _____ Private
Storm System: _____ Storm Sewer _____ Open Ditch _____ Combination

Sanitary System (Check the one that applies):

_____ Sanitary Sewer System
Provider Name, Address and Phone No.

_____

_____

(Attach approval letter from sanitary sewer provider).

_____ On-Site Sewage Facilities (30 TAC Chapter 285 Section 285.4)
(Attach approval letter from the Montgomery County Environmental Health Services)

Water System (Check the one that applies):

_____ Public Water System
Provider Name, Address and Phone No.

_____

_____

(Attach approval letter from water provider).

_____ Individual wells on each lot
(Attach approval letter from the Lone Star Groundwater Conservation District.)

Other Items Required

Plat Application Fee:

_____ Attach check made payable to Montgomery County. (The fee is calculated as per the following: $500 Base Fee + $30 per Lot + $30 per Acre in Reserve.
For Street Dedication Plat: $500 Base Fee + $50 per Acre of Right-of-Way) ***IN ACCORDANCE WITH THE LAW, PLATS MUST BE RECORDED WITH THE COUNTY CLERK AFTER COMMISSIONERS COURT APPROVAL. RECORDING FEES WILL BE COLLECTED SEPARATELY BY THE COUNTY CLERK.**

Subdivision Development Permit Fee: (applicable to projects approved under previous regulations)

____ Attach separate check made payable to Montgomery County. (The fee is calculated as per the following: $1000 Base Fee + $20 per Lot)
*Approval of plat in Commissioners Court serves as permit.

Mylars:

_____ Attach 20” x 24” original signed mylar(s). (One for Montgomery County + one if the City of Houston will require an original + one if the owner wants an original back) If in an ETJ of a municipality, the mylars must be signed by the city. (Local Government Code 232.101, Montgomery County Development Regulations)

Paper Copies:

_____ Attach two complete paper copies of the plat. (Local Government Code 232.101, Montgomery County Development Regulations)

911 Address Map:

_____ Attach address map approved by the Montgomery County Emergency Communications District (Health and Safety Code, Title 9, Subtitle B, Chapter 772)

TxDOT Approval:

_____ Provide TxDOT approval for access connection. (For subdivisions proposing new or modified street connections to TxDOT right-of-way or for lots with driveways fronting TxDOT right-of-way. Preliminary approval from TxDOT of the access locations will be acceptable.) (43 TAC Part 1, Chapter 11, Subchapter C)

Bond:

_____ Bond with Surety (Local Government Code 232.004)

(Attach executed Bond with Surety Form)

_____ Letter of Credit (Local Government Code 232.0045)

(Attach executed Letter of Credit and Bond without Surety Form)

_____ Other Financial Guarantee (Local Government Code 232.0045)

(Attach approval from Montgomery County Attorney and include Bond without Surety Form)

Original Tax Certificate:

_____ Attach original tax certificate showing all taxes paid. (Property Code Section 12.002)

Title Report:

_____ Attach City Planning Letter or Title Report issued within 30 days of the plat application. (Local Government Code Section 232.101, Montgomery County Development Regulations.)

Metes and Bounds:

_____ Attach metes and bounds description of the plat boundary signed and sealed by a Registered Professional Land Surveyor. (Local Government Code Chapter 232.001)

Construction Plans:

_____ Attach a complete set of construction plans approved by the County Engineer and the Fire Marshal. (Local Government Code Section 232.101, Local Government Code Section 233.061, Montgomery County Development Regulations)

Identifying Information

Owner of Record:

Name: _____

Company: _____

Address: _____

_____

Phone: _____ E-mail: _____

Developer:

Name: _____

Company: _____

Address: _____

_____

Phone: _____ E-mail: _____

Architect/Engineer:

Name: _____

Company: _____

Address: _____

_____

Phone: _____ E-mail: _____

Applicant (Person responsible to receive communications regarding the plat application):

Name: _____

Company: _____

Address: _____

_____

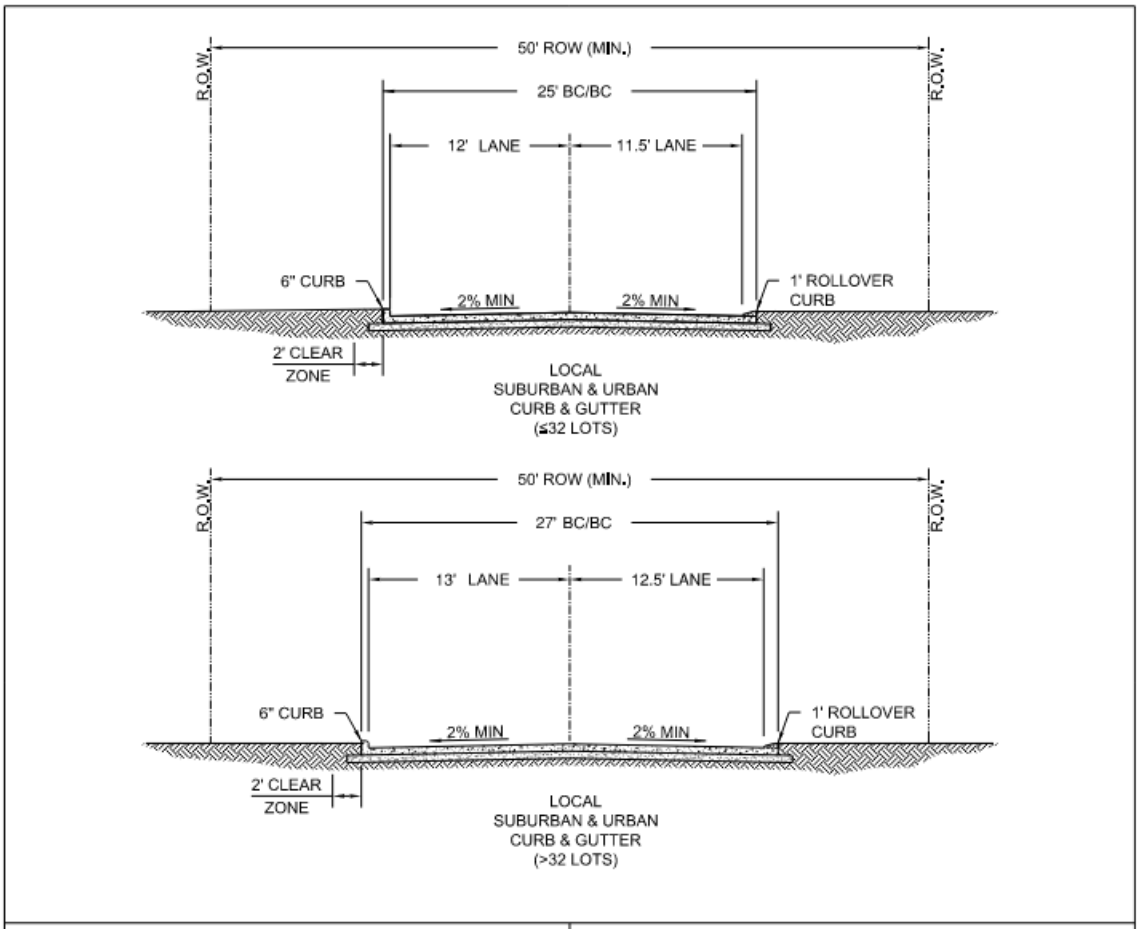
Phone: _____ E-mail: _____

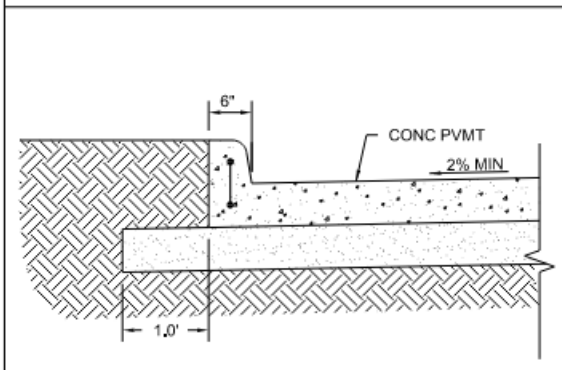
This is to certify that the information on this form is complete, true and correct and the undersigned is authorized to make this application.

Signature of Applicant _____ Date _____

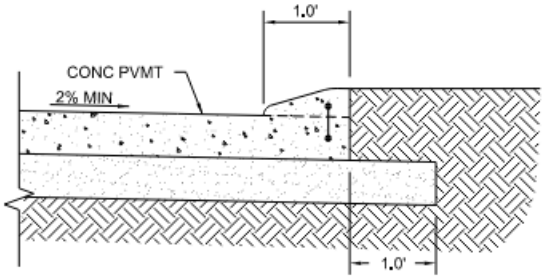
APPENDIX D TYPICAL SECTION

A. LOCAL ROADWAY TYPICAL SECTIONS (CURB AND GUTTER)





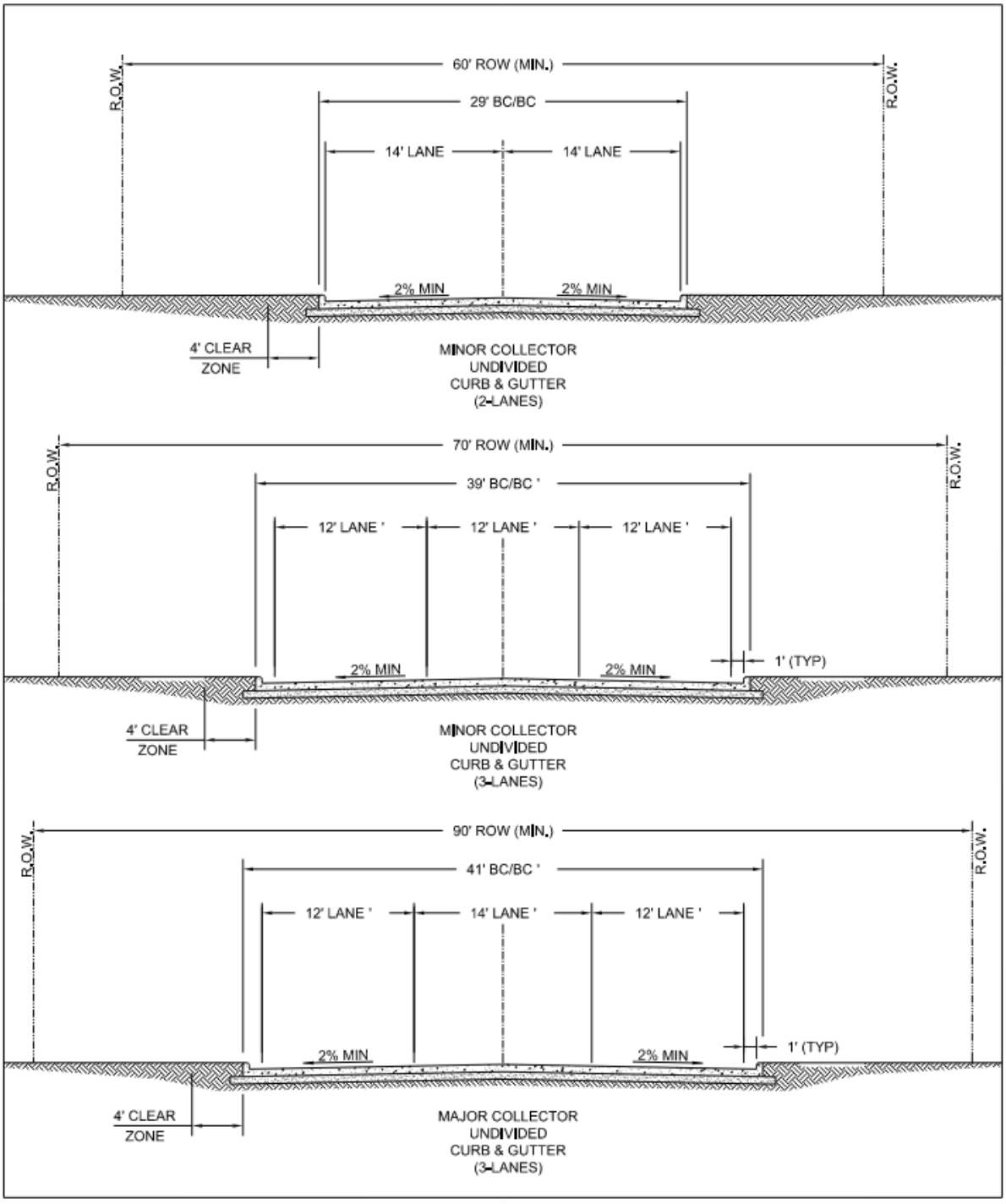
6" CURB



1' ROLLOVER CURB

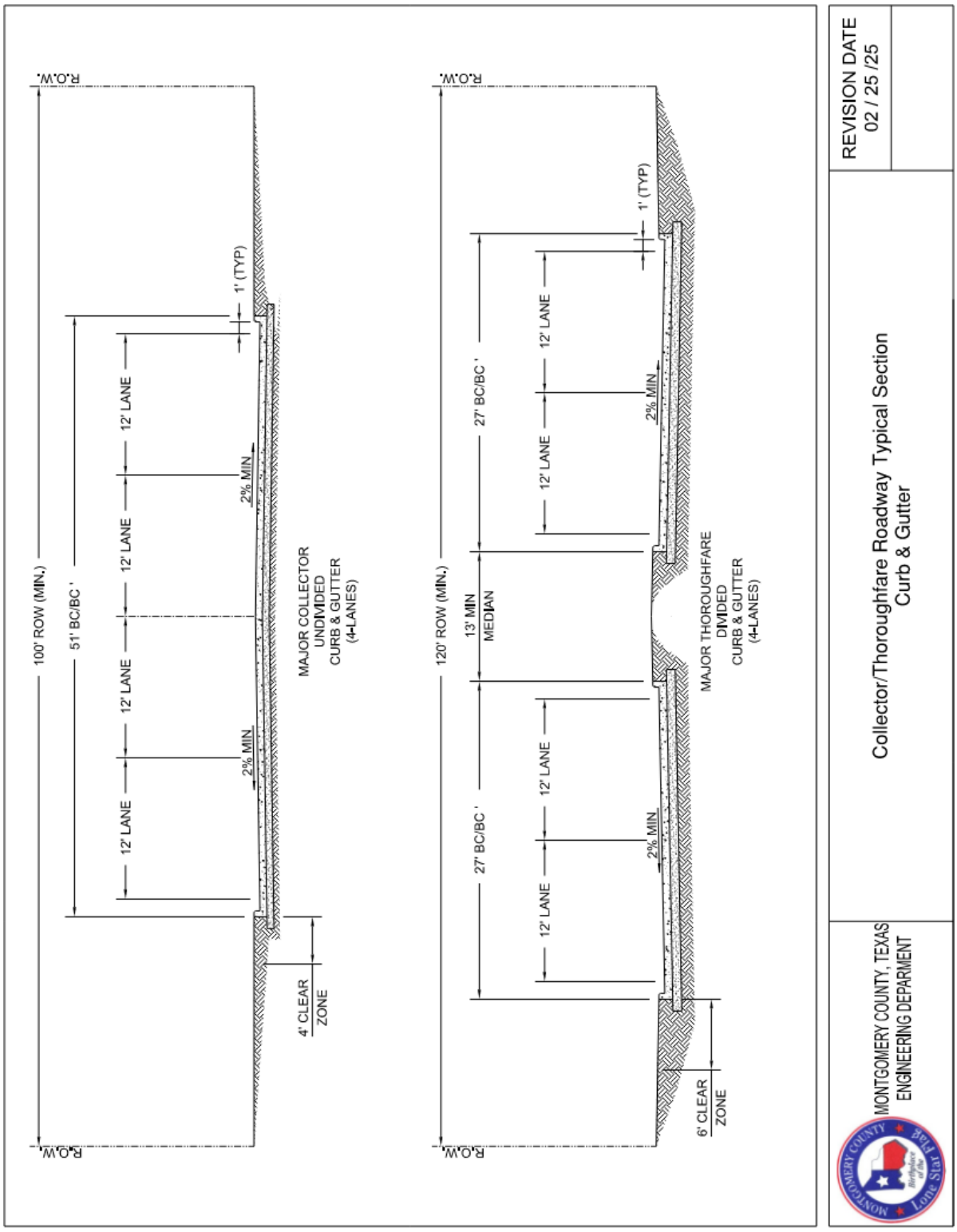
MONTGOMERY COUNTY, TEXAS ENGINEERING DEPARMENT	Local Roadway Typical Section Curb and Gutter	REVISION DATE 02 / 25 /25

B. COLLECTOR ROADWAY TYPICAL SECTION (CURB AND GUTTER)

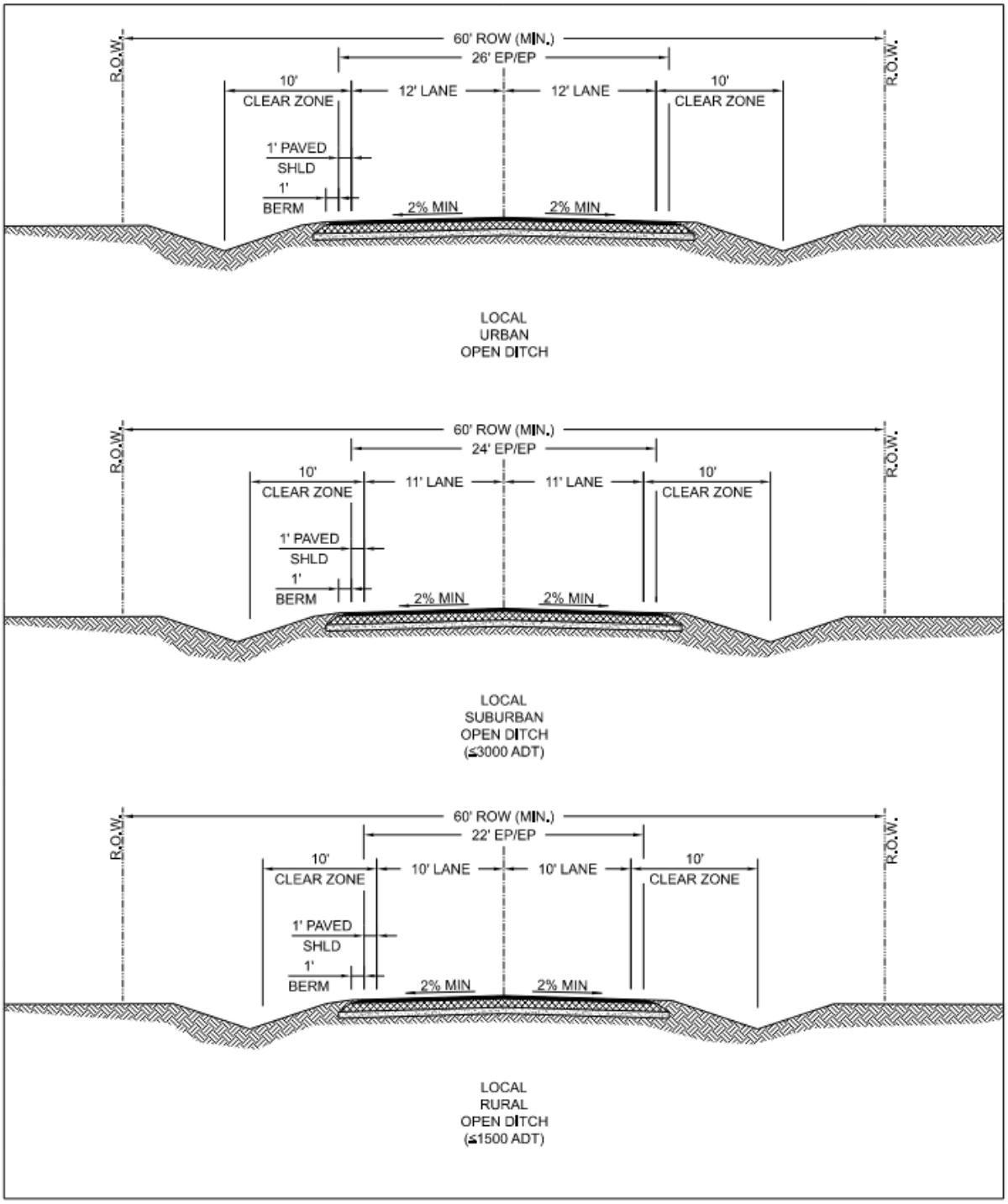


MONTGOMERY COUNTY, TEXAS ENGINEERING DEPARMENT	Collector Roadway Typical Section Curb & Gutter	REVISION DATE 02 / 25 /25

C. COLLECTOR/THOROUGHFARE ROADWAY TYPICAL SECTION (CURB AND GUTTER)

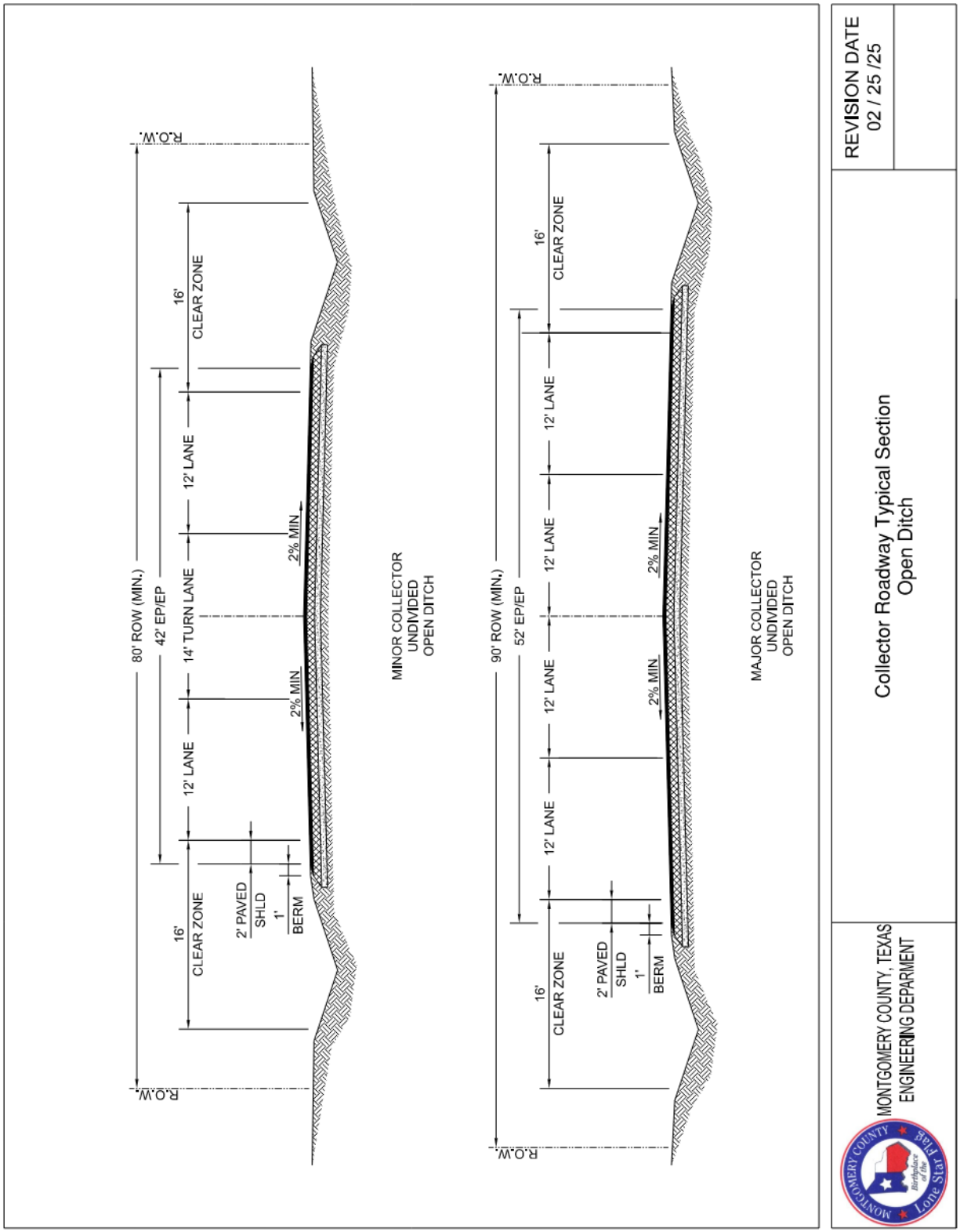


D. LOCAL ROADWAY TYPICAL SECTION (OPEN DITCH)



MONTGOMERY COUNTY, TEXAS ENGINEERING DEPARMENT	Local Roadway Typical Section Open Ditch	REVISION DATE 02 / 25 /25

E. COLLECTOR ROADWAY TYPICAL SECTION (OPEN DITCH)



F. COLLECTOR/THOROUGHFARE ROADWAY TYPICAL SECTION (OPEN DITCH)

