

MONTGOMERY COUNTY  
SUBDIVISION  
RULES AND REGULATIONS



OCTOBER 1, 1984  
WITH AMENDMENTS AND ADDENDA INCORPORATED  
JULY 22, 2021

RULES, REGULATIONS AND REQUIREMENTS  
RELATING TO THE APPROVAL AND ACCEPTANCE  
OF IMPROVEMENTS IN SUBDIVISIONS  
OR RE-SUBDIVISIONS

THE STATE OF TEXAS           §  
COUNTY OF MONTGOMERY   §

On this, the 13<sup>th</sup> day of August, 1984, 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 or re-subdivisions in Montgomery County, Texas, outside the legal limits of any incorporated city or town in Montgomery County in accordance with Article 6626a, Vernon's Civil Statutes.

Upon due consideration, 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 shall supercede 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 Shelton Seconded by Commissioner Locke, 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 in Montgomery County and 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 the October 1<sup>st</sup>, 1984 to wit:

1. Whenever the Court in its judgement deems it to be in the best interest of the public to change any part of these rules and regulations, said changes shall be published in a newspaper of general circulation in the county at least thirty days (30) in advance of formal consideration by the Court.

2. These rules, regulations and requirements, any and all future additions thereto and changes thereof, will be binding on all new subdivisions or re-subdivisions in Montgomery County. Said rules, regulations and requirements must be complied with before approval or acceptance of the streets, roads, storm sewers, drainage ditches and drainage easements of a subdivision or re-subdivision and shall be recorded with the County Clerk after same has been first approved by the Commissioners Court as set forth herein.

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

4. A final plat of each proposed subdivision or re-subdivision will be submitted in compliance with the following sections hereof to the Commissioners Court of Montgomery County. All plans and plats shall be drawn to conform to the requirements set forth herein.

5. In all newly developed subdivisions a final plat must be submitted and approved by the Commissioners Court of Montgomery County prior to the issuance of permits or authorization of inspection.

6. It shall be the duty of the developer to see that layout and construction, subject to inspection by the County Engineer or representative of the County Engineer follow the approved plans as presented with the final subdivision plat.

7. Access to all new subdivisions shall be from an adequate County maintained street or a state or federally maintained road or street.

8. In conjunction with the rules, regulations and requirements set forth below, the Commissioners Court has adopted this date certain Guidelines for Subdivision Development which set forth the recommendations of the Court regarding prudent methods of development.

9. All road construction specifications, regulations and bonding requirements shall apply to proposed private roads as well as proposed County and public roads.

## TABLE OF CONTENTS

<b>SECTION ONE – DEFINITIONS.....</b>	<b>1</b>
<b>SECTION TWO – FINAL PLAT AND FILING PROCEDURES .....</b>	<b>6</b>
I.    FINAL PLAT.....	6
A.    FINAL PLAT SPECIFICATIONS.....	6
B.    SUBMITTAL.....	8
II.   REQUIREMENTS PRIOR TO APPROVAL OF FINAL PLAT .....	9
A.    DRAINAGE PLAN.....	9
B.    DEVELOPMENT WITHIN THE FLOOD PLAIN .....	10
C.    SEPTIC TANKS.....	11
D.    IMPROVEMENT PLANS.....	12
E.    MAINTENANCE BOND.....	12
III.  APPROVAL AND RECORDING.....	14
A.    APPROVAL OF FINAL PLAT .....	14
B.    RECORDING A FINAL PLAT .....	14
IV.  AMENDING PLATS.....	15
A.    APPROVAL OF AMENDING PLAT .....	15
B.    NOTIFICATION FOR AMENDING PLAT.....	16
<b>SECTION THREE – REQUIRED MINIMUM IMPROVEMENTS.....</b>	<b>17</b>
I.    GENERAL REQUIREMENTS.....	17
A.    APPROVAL PRIOR TO CONSTRUCTION .....	17
B.    MAINTENANCE BOND.....	17
C.    INSPECTION DURING CONSTRUCTION .....	17
D.    REVISION TO REGULATIONS .....	17
E.    RECORD CONSTRUCTION PLANS .....	17
F.    TRAFFIC CONTROL DEVICES.....	17
G.    ROAD STRIPING.....	18
H.    TWO MEANS OF INGRESS AND EGRESS REQUIRED FOR LARGE SUBDIVISIONS.....	18
I.    CHANGE IN PLANS.....	18
J.    DRAINAGE CRITERIA MANUAL.....	18
II.   MINIMUM STANDARDS FOR IMPROVEMENT OF STREETS AND ROADS .....	18
A.    CURB AND GUTTER SECTIONS .....	18
B.    STREETS OR ROADS WITHOUT CURB AND GUTTER.....	19
C.    FINISH GRADE .....	20
D.    ASPHALT PAVING SEASON .....	20
E.    COMPACTION OF BASE .....	20
F.    WEARING SURFACES.....	21
G.    DESIGN AND TESTING .....	21

H.	SUBGRADE .....	22
I.	SUPERVISION AND INSPECTION OF CONSTRUCTION .....	22
J.	RECORD DRAWINGS.....	23
K.	MAJOR THOROUGHFARES .....	23
III.	STORM SEWERS .....	23
A.	RUNOFF CALCULATIONS .....	23
B.	VELOCITY .....	23
C.	MANHOLE SPACING .....	23
D.	TYPES OF CONSTRUCTION .....	23
E.	MINIMUM SIZE .....	24
F.	EXCAVATION AND BACKFILL .....	24
G.	STREETS WITH CURB AND GUTTER SECTION.....	24
H.	ROAD SECTIONS WITH OPEN DITCHES .....	25
I.	OUTFALL.....	25
J.	MAJOR STRUCTURES.....	25
IV.	SEDIMENT CONTROL AND SEDIMENTATION PONDS .....	26
V.	PERMANENT EROSION CONTROL .....	27
VI.	STAKING BLOCK CORNERS AND STREETS .....	27
VII.	SIDEWALKS, HIKE AND BIKE TRAILS .....	27
<b>SECTION FOUR – VARIANCES AND APPEAL.....</b>		<b>28</b>
I.	VARIANCES.....	28
II.	APPEAL .....	28
<b>SECTION FIVE – ROAD ACCEPTANCE PROCEDURE FOR MONTGOMERY COUNTY.....</b>		<b>29</b>
I.	GENERAL .....	29
II.	ACCEPTANCE INTO ONE YEAR MAINTENANCE PERIOD.....	29
III.	FINAL ACCEPTANCE.....	29
<b>SECTION SIX – FORMS OF DEDICATION .....</b>		<b>30</b>
I.	Owner Dedication .....	30
A.	Form of Dedication for Individual or Individuals .....	30
B.	Form of Dedication for Corporations.....	32
C.	Alternative Paragraphs to be Used as Appropriate and as Follows: .....	34
II.	Lienholders Acknowledgment and Subordination Statement.....	34
III.	Notary Public Acknowledgment .....	35
A.	Owner’s Acknowledgment for Individual or Individuals.....	35
B.	Owner’s Acknowledgment for Corporations .....	35
C.	Lien Holders Acknowledgment .....	36

IV. Surveyor’s Acknowledgment .....	36
V. Incorporated City Acknowledgment.....	37
VI. County Engineer’s Acknowledgment.....	37
VII. Commissioners Court Acknowledgment.....	38
VIII. County Clerk Filing Acknowledgment Statement .....	38
IX. Directions for Proper Dedication Execution .....	38
<b>SECTION SEVEN – SEPARABILITY OF PROVISIONS AND EFFECTIVE DATE.....</b>	<b>39</b>
I. SEPARABILITY .....	39
II. EFFECTIVE DATE .....	39
<b>APPENDICES .....</b>	<b>I</b>
I. TYPICAL INTERSECTION, TYPICAL CROSS SECTION .....	I
II. MAINTENANCE BONDS AND LETTER OF CREDIT FORM.....	II
A. Maintenance Bond with Surety – Corporate.....	II
B. Maintenance Bond without Surety – Corporate .....	VI
C. Maintenance Bond with Surety – Individual.....	X
D. Maintenance Bond without Surety – Individual .....	XIV
E. Letter of Credit Form .....	XVIII
III. AMENDMENTS AND ADDENDA .....	XX
IV. ENDNOTES .....	XXIII

## SECTION ONE – DEFINITIONS

For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning given in this article. 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.

ACCEPTABLE OUTFALL. Tidewater or that point as determined by the Developers Engineer and approved by the County Engineer where storm water can be released to a channel without causing erosion or resulting sedimentation to the receiving channel or its flood plain. Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive velocities.

ALLEY. An “alley” is a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street as that term is defined herein.

BENCH MARK. Permanent marker with elevation established on U.S.C. & G.S. Data Plane; or other governmental agency, acceptable to the Commissioners Court of Montgomery County, Texas.

BUILDING SETBACK LINE. A “building setback line” is a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected and the area between a street right-of-way and the building setback line within which no structure may be permitted.

CLUSTER DEVELOPMENT. A method of development for land that permits variation in lot sizes without a significant increase in the overall density of population or development. In evaluating the overall density, due consideration shall be given to open space provided within the plat boundary and in other portions of the total development. Each lot in a cluster sequence should be considered in relation to the entire group of which it is a part. This allows subdivisions with varying lot sizes so as to provide home buyers a choice of lot sizes according to their needs, and preserves open space, tree cover, scenic vistas, natural drainage ways and outstanding topography. Such measures prevent soil erosion by permitting development according to the nature of the terrain, provides larger open spaces with greater utility for rest and recreation; and encourages the development of more attractive and economic site design.

COMMISSIONERS COURT. The words “Commissioners Court” shall refer to the County Commissioners Court of Montgomery County, Texas.

COMPENSATING OPEN SPACE. Those areas designated on a plat which are restricted from development, except for landscaping and recreational uses and which all owners of residential properties within the plat have a legal common interest or which is retained in private ownership and restricted from development, except for landscaping and recreational uses for the exclusive use of all owners of residential property within the plat. The terms compensating open space and common open space may be used interchangeably and can be considered the same.

COUNTY. The word “County” shall refer to the County of Montgomery.

COUNTY ENGINEER. A registered professional engineer employed or designated by the County of Montgomery to provide professional engineering services for and in behalf of the County.

COUNTY OF MONTGOMERY STANDARDS. County of Montgomery Standards as used herein, shall mean the regulations for streets and alleys, storm sewer lines and appurtenant structures, which are set forth herein, and such additional standards as may have been or may be adopted by the Commissioners Court, and which may be amended from time to time, and are hereby referred to.

COUNTY STREET. Is defined as a Public Street or Public Road which has been accepted by the County for maintenance purposes or is a street or road that was constructed and is maintained by the County.

DETENTION POND. A reservoir which functions to reduce the peak flow of the stream or streams downstream from the reservoir by temporarily storing the runoff within the reservoir by means of a limited outflow structure.

EASEMENT. An “easement” is the area for a right granted thereon for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.

FIFTY YEAR FLOOD PLAIN. That area subject to inundation by a flood having a two-percent probability of occurrence, in any given year based on existing conditions of development within the watershed area, as determined by or approved by the flood plain administrator of Montgomery County. A flood having a two-percent probability of occurrence on the average occurs once every fifty years.

FLAG LOT. The term "flag lot" is used to describe a lot configuration that includes a "strip" of land, (the "flag staff"), running from the main body of land to a publicly maintained roadway.

The owner of a tract of land who divides the tract into two or more parts without the need for dedications or easements may do so without a subdivision plat. Flag lots may be used to divide land without filing a plat, provided:

- The strip must have a minimum width of 30 feet.
- The division of a tract of land may not have more than 2 flag lot strips side by side.
- The flag lot's main body of land may not be located behind more than one other flag lot.<sup>1</sup>

FLOOD WAY. The channel and adjacent areas of a water course within which no obstructions to flow would be allowed so that the 100-year flood flow may pass without cumulatively increasing the 100-year flood plain elevation more than one foot. The flood way limits are to be defined based on standard engineering practices or procedures as approved by the County Engineer.

GENERAL OVERALL PLAN. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections. This plan, when approved by the County, constitutes a guide which the County will refer to in the subsequent review of more detailed sectional plats as they are presented to the County covering portions of the land contained within the general overall plan and adjacent properties.

LOT DEPTH. The “lot depth” is the length of a line drawn from the front lot line to the back lot line perpendicular to the lot width line connecting the side lot lines at the building setback line or at a point no farther than 35 feet from the front lot line.

MAJOR THOROUGHFARE PLAN. The “Major Thoroughfare Plan” is the officially adopted plan for the physical development of the County of Montgomery and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.



- A. Major thoroughfare - public streets designated in the Major Thoroughfare Plan which provide for the major vehicular circulation of crosstowns, loops, by-pass or radial routes of a region, county or city.
- B. Collector streets - public streets so designated in the in the Major Thoroughfare Plan which provide for expeditious movement of vehicular traffic with a neighborhood collecting traffic from minor streets and connecting to a major street.
- C. Minor street - used primarily for access and circulation to abutting residential properties and which is intended to serve traffic within a limited area.
- D. Cul-de-sac - a short public street having but one opening or access to another public street and is terminated by a permanent vehicular turn-around.
- E. Dead-end - that portion of a public street, that initially has only one opening or access to another public street and which will be extended at a later date.
- F. Loop road - a minor road or street that serves the purpose of providing circulation with its beginning and ending being at the same road, street or thoroughfare.

MOBILE HOME. Means any vehicle or similar portable structure having no foundation other than wheels, jacks, blocks or skirting, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MOBILE HOME PARK. A contiguous development of land comprised of at least two (2) acres and/or not less than ten (10) sites, which has been planned and improved for the placement of mobile homes.

MODULAR OR RECONSTRUCTED HOME. A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built to be placed on a permanent slab foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained herein.

ONE HUNDRED YEAR FLOOD PLAIN. That area subject to inundation by a flood having a one percent probability of occurrence, in any given year, as determined by the Federal Emergency Management Agency and approved by the Flood Plain Administrator of Montgomery County. A flood having a one-percent probability of occurrence on the average would occur once every one hundred years.

PLAT. A “plat” is a subdivision plan submitted for preliminary or final approval to the Commissioners Court in conformity with the provisions of these regulations and which, if given final approval, will be submitted to the County Clerk of Montgomery County for recording. A replat or re-subdivision shall be considered a plat as defined herein.

PRIVATE STREETS. Is defined as any street that is not a public street including streets designated as private at the time of original platting. Notwithstanding the foregoing definitions; however, the following shall not be considered public streets 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 shall 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 entrance or driveway shall not be used to provide public street access to adjacent areas.

PUBLIC STREET. A “public street” is any area, parcel, or strip of land which provides vehicular access to adjacent property or land whether designed as a street, highway, freeway, thoroughfare, avenue, lane, boulevard, road, place, drive, or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription.

RECREATIONAL VEHICLE. A vehicular, portable structure built on a chassis, designed by the manufacturer as a temporary dwelling for travel, recreational and vacation use, having a total body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

RESIDENTIAL USE. The term “residential use” shall be construed to include single family residential uses; two-family uses; and multi-family residential apartment, townhouse uses, or condominiums.

SHALL AND MAY. As used herein, the word “shall” is a mandatory and the word “may” is permissive.

SHOULD AND WILL. As used herein, the word “should” is a recommendation and is not mandatory. The word “will” is mandatory.

SUBDIVISION. A “subdivision” is the division of any lot, tract or parcel of land by plat, map or description, into two (2) or more parts, lots, building lots, or 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 lotting, is a subdivision. This definition also includes the resubdivision and replatting 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 upon dissolution of a corporation or partnership shall not be considered a subdivision.

SUBDIVIDER OR DEVELOPER. These terms are synonymous and are used interchangeably and shall include any person, partnership, firm association, corporation (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.

TWENTY FIVE YEAR FLOOD PLAIN. That area subject to inundation by a flood having a four-percent probability of occurrence, in any given year based on existing conditions of development within the watershed area, as determined by the Flood Plain Administrator of Montgomery County. A flood having a four-percent probability of occurrence on the average occurs once every twenty-five years.

## SECTION TWO – FINAL PLAT AND FILING PROCEDURES

### I. FINAL PLAT.

#### A. FINAL PLAT SPECIFICATIONS.

1. GENERAL. Accurate dimensions, both linear and angular, of all items on the plat shall be indicated and shown on the final plat at a scale of at least 1 inch = 100 feet (60, 50, 40, 30, 20 feet). The boundary of the site shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearing. Plat dimensions shall not exceed 20 inches by 24 inches. A clear positive print of the subdivision plat to scale of 1 inch - 1000 feet shall be provided. Multiple sheet plats must have Subdivision name and sheet number located in lower right hand corner of each sheet. A key map must be provided on the dedication sheet showing individual sheet relationship.
2. The name of the subdivision, name and addresses of owners and/or subdividers, name and addresses of engineer or manager preparing plat. Legal description of plat and date of preparation or revision to facilitate flood plain checking and county mapping.
3. A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas and reviewed by the attorney for the county 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. Name of the fee owner as of the date of examination and the date, file number, and volume and page or the recording of the deed involved; the name of any lienholder together with the date of filing and volume and page of such lien; 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.
4. In the event any public 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 or conflicting surface easement must join in the dedication of such public street.
5. Proposed location of drainage easements for purposes of sediment traps or detention ponds, if any, to be constructed for temporary or permanent purposes in stream and other drainage ways.
6. Legal description of location of subdivision. This description shall be sufficient for the requirements of title examination.
7. North point, scale and vicinity map.
8. All certification statements, dedication restrictions and other inscriptions as required by the order.
9. All lots, blocks, streets, alleys, pipelines, fee strips, water courses, easements, reserves and total area, number of lots and number of blocks.

10. Setback lines.
11. Street names, lot numbers and alphabetical identification of reserves.
  - a. Blocks are to be numbered consecutively within the overall plat/or sections of an overall plat as recorded.
  - b. All lots are to be numbered consecutively within each block.
  - c. Reserves (land to be used for other than residential purposes) are to be labeled A.B.C. etc., rather than numbered as blocks and lots.
12. Dimension
  - a. Street and alley rights-of-way
    - (1) Complete curve data (radius, delta angle, arch length, cord bearing, cord length) shown on each side of streets and alleys and center line of streets.
    - (2) Length and bearings of all tangents on street centerline and on each side of streets.
    - (3) Dimensions from all angle points and points of curve to an adjacent side lot line.
    - (4) Actual right-of-way width of all streets and alleys, measured at right angles or radially where curved.
  - b. Lots: Complete bearings and dimensions for front, rear, and side lot lines.
  - c. Water courses and Easements: Distances to 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. Transverse line shall be provided along the edge of all large water courses in a convenient location, preferably along a utility easement if paralleling the drainage easement of stream.
  - d. Pipelines: Pipelines having no defined easement location or width shall be tied to dimensions to all adjacent lot and tract corners. If no agreement can be reached on a defined easement, then building setback lines shall be shown at a minimum distance of 10 feet from and parallel to the center line of the pipeline.
13. Boundaries: Ownership or outlines of the tract or tracts the plat is proposed to subdivide shall be shown with heavy, solid lines. The boundaries of the plat shall be described with the complete and overall dimensions and bearings and be tied to an original corner of the original survey of which the subdivision is a part, or to the nearest possible street intersection.

14. 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, or other important information shall 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 shall be dashed.
  15. SJRA Flowage Easement: The San Jacinto River Authority flowage easement shall be shown on the face of the plat on properties around Lake Conroe.<sup>2</sup>
  16. No “stick-ons” may be used on the final plat.
- B. SUBMITTAL. The subdivider shall prepare and submit a complete plat application with all required documents to the County Engineer’s Office. Complete plat applications will be submitted to the County Engineer’s Office at the designated time(s) as determined and posted by the County Engineer’s Office. The following information must be included with the complete plat application:<sup>3</sup>
1. The original and two (2) copies of a final plat meeting all applicable requirements as set forth herein, and certified by a surveyor registered by the State of Texas, if the proposed subdivision lies within the County and within the extraterritorial jurisdiction of any municipality. The original and one (1) copy of a final plat meeting all applicable requirements as set forth herein, and certified by a surveyor registered by the State of Texas, if the proposed subdivision lies within the County and outside the extraterritorial jurisdiction of any municipality.<sup>4</sup> The plat shall be drawn on mylar plastic, or their equivalent, with waterproof black tracing ink or reproduced by photographic process on mylar, plastic, or their equivalent, to scale from an accurate survey made on the ground, and in all respects shall be neat. The final plat shall not show construction features, cross-section, public utility lines, or other structures not involved in the title covenant.
  2. Tax certificates shall accompany the plat, indicating that all taxes have been paid.
  3. Plat Application Fee. A base fee of \$200.00, plus \$30.00 per lot, plus \$30.00 per acre in reserve, plus \$50.00 per acre of right of way being dedicated in a street dedication plat. The Plat Application Fee must be paid at the time of plat application and such fee is separate and apart from the recording fees, records management fees, courthouse security fees, or other fees as required by the Montgomery County Clerk at the time of recordation.<sup>5</sup>
  4. Subordinations to be filed separately shall accompany the final plat, along with the necessary filing fees as required by the County Clerk’s Office.
  5. Two copies of a [certificate or letter](#) as described in Section Two I.A.3, of these regulations shall be submitted.
  6. One blueline copy of the proposed plat to the 911 Emergency Management Office for the purpose of assigning addresses.<sup>6</sup>

- II. REQUIREMENTS PRIOR TO APPROVAL OF FINAL PLAT. Before approval of the plat by the Commissioners Court and before recording of the plat shall be permitted by the Commissioners Court, compliance with the following requirements shall be made. Complete and detailed construction plans and written specifications (indicating the method of construction and the materials to be used and specifying all construction equal to or better than hereinafter required, and certified to by a professional engineer registered by the State of Texas) shall be submitted for:

A. DRAINAGE PLAN

A complete and detailed drainage plan prepared and sealed by a Professional Engineer, registered by the State of Texas, shall be submitted to the County Engineer along with any plat submitted for recording. This drainage plan shall provide for the handling of runoff entering the development from adjacent property, runoff within the development and runoff leaving the development to an acceptable outfall. An inset should be shown on the drainage plan at a scale that will allow any off-site drainage areas to be shown in their entirety. The drainage plan should show contour lines of the existing property, any natural drainage ways, proposed ditches and culverts, with the direction of flow indicated and the drainage areas clearly marked and numbered. At each proposed drainage structure the following information should be shown; the drainage area number or numbers which will flow through the proposed structure; the total acreage of the drainage area and the calculated flow rate.

Typical sections of the proposed road way and ditches as well as typical sections of all proposed drainage easements, will also be required. The proposed section of the ditches and drainage easements must be based on hydraulic computations to provide adequate capacity.

Drainage calculations shall be made using the Rational Method or some other method acceptable to the County Engineer.

Drainage for major thoroughfares shall be designed using: (a) 25-year design frequency for open ditch drainage and (b) ten-year frequency for curb and gutter and/or storm sewer drainage.

Drainage for collector streets, minor streets, loop roads and cul-de-sacs shall be designed using; (a) ten-year frequency for open ditch drainage and (b) three-year frequency for curb and gutter and/or storm sewer drainage.

All out fall ditches shall be designed to handle a 25-year frequency rainfall.

The storm sewer drainage system by plans and profile the means and methods of draining the proposed subdivision, showing in detail all existing and proposed drainage structures and the means and method of connecting the proposed drainage system into any existing drainage system and the means and methods of sediment control shall be shown.

Where open ditch drainage is proposed, an adequate number of outfall ditches should be provided to prevent any road ditch from being deeper than 4' below natural ground, with 3' being desirable.

The characteristics of an individual development may be such that additional calculations, plans and details may be required both for proper review and for construction. The County Engineer shall notify the Developer of the Engineer as this need becomes evident.

The Developer or Engineer shall present an updated drainage plan showing the approved development drainage and proposed driveway culvert sizes for each lot. This plan, when approved by the County Engineer, shall be used as a guide to driveway construction.

The placement of driveway pipe shall be controlled by the county or other responsible public entity, etc., to insure proper size and grade. All driveway pipes and drainage structures shall be approved in writing by Montgomery County prior to installation thereof. The subdivision developer will be held responsible to notify builders or lot owners of this requirement. It shall be placed in all deed restrictions. The minimum length for driveway pipe shall be sixteen (16) feet. The maximum length for driveway culverts in residential subdivisions shall be thirty (30) feet.<sup>7</sup> Cement stabilized sand backfill shall be used on all new driveway culvert installations.<sup>8</sup>

It shall be demonstrated in the drainage plan that any increased runoff from the proposed development, under typical hydrologic and meteorologic conditions, will not result in significant increases in flood damage to downstream property. Demonstration of this shall consider the location of the proposed development in the watershed with respect to the downstream properties of concern, the land uses of the downstream property, and the history of flooding on the properties. Appropriate methods must be provided to minimize downstream effect.

**B. DEVELOPMENT WITHIN THE FLOOD PLAIN.**

1. GENERAL. (Zero to Two Feet in Flood Plain). Lots platted within the 100-year flood plain shall be permitted only after all other viable alternatives are exhausted. Efforts should be made to arrange lots in such a manner as to provide a building site on each lot that is above the 100-year flood plain. Lots platted within the flood plain shall meet the following specific requirements:
  - a. The lowest habitable floor of the residential structures shall have a floor elevation equal or not less than one foot above the 100-year flood plain elevation.
  - b. No structure shall be located within the 100-year flood way that will obstruct the flow of water unless offsetting flow carrying capacity is provided. Bridges culverts road-ways, and dams are not considered to be structures under these regulations and are to be evaluated on an individual basis.
  - c. Any area to be platted within the 100-year flood plain and the 100-year flood way, if it has been defined, shall be specifically shown on the final plat.
  - d. For proposed lots to be platted in the flood plain, the location of the natural ground elevation two feet below the 100-year flood elevation shall be shown.



2. ENGINEERING REPORT. (Two to Six Feet in Flood Plain) If lots do not have a sufficient buildable area above the two-foot line, an engineering report concerning construction of structures on those lots will be required to be submitted to the County Engineer and reviewed by him prior to approval of the final plat. This report shall contain at a minimum the following information:
    - a. A topographic map showing the relationship of the existing natural ground elevation of the proposed lots to the 100-year flood plain elevation, the 100-year flood plain limit, and the flood way.
    - b. If filling is to be performed, a preliminary lot fill plan and grading plan map shall be provided showing proposed fill areas, fill depths, and proposed finish grade elevations. This plan shall show that no fill is to be placed within the flood way unless off-setting flow carrying capacity is provided. Preliminary specifications for the proposed filling activity shall be submitted. Measures to be used to control erosion and promote revegetation of the fill area shall be defined.
    - c. A preliminary plan of access to all lots shall show that all proposed subdivision access roads will have a finished roadway elevation at or above the 50-year flood elevation.
    - d. An analysis of 100-year flood flow velocities shall be provided to show that all lots and proposed structures will not be subjected to hazardous flood flow velocities and excessive erosion. In general, hazardous velocities shall be considered as those greater than three feet per second, in lieu of a specific more detailed analysis.
    - e. An analysis shall be provided to show that the flood potential and erosion characteristics of other properties within the vicinity of the plat boundary shall not be adversely affected.
    - f. This report must be approved by the County Engineer prior to approval of the final plat. In lieu of submitting an engineering report for each specific subdivision plat, a report may be submitted for an entire subdivision which describes the master plan for development of flood plain lands below the two-foot line and generally meets the required elements of the report described above. Approval by the County Engineer of the master plan for development of flood plain land shall eliminate the requirement for submittal of individual reports for each plat.
  3. No lots shall be platted which have a building site at a depth greater than 6 feet into the 100-year flood plain.
  4. PARKING. Parking areas for non-residential purposes and recreational uses may be located below the 100-year flood plain elevation and within the flood way if the areas are designed to not obstruct the flow of water.
- C. SEPTIC TANKS. If a residential subdivision proposed to contain only single-family or duplex dwelling units is not to be served by a public sanitary sewer system and private sewage facilities, are to be used, lot sizes should be adequate to accommodate the size of

drain field as necessary because of soil type to effectively absorb the effluent without creating a health hazard or nuisance. The minimum reasonable lot sizes shall be, for each proposed development, as set forth by the Texas State Department of Health, or in the absence of this specification by the ruling of the Commissioners Court. In no event shall applicable State laws or regulations be violated and as may be established by separate regulation or the order of the Texas Department of Water Resources. Private sewage facilities may be prohibited in certain or all areas of the County.

If private sewage facilities are to be utilized for disposal of domestic liquid wastes, an Independent Septic Study shall be prepared by a Registered Professional Engineer and submitted to Montgomery County. Upon review, a letter from the Environmental Section of the Montgomery County Health Department certifying that in keeping with soil types, slope of land, proximity to streams or other water courses, proximity to parks or lakes, and proposed density of population in the subdivision that the use of septic tanks will not likely result in foul, unhealthful or obnoxious conditions which may be of become detrimental to the public health, safety or welfare. In those areas which appear questionable as a site for private sewage facilities under state standards, the Environmental Section of the Montgomery County Health Department shall recommend to the Commissioners Court that further study of the problem of wastewater disposal for the subdivision be undertaken by a Registered Professional Engineer.

D. IMPROVEMENT PLANS.

1. All proposed bridges or culvert crossing roadways within the proposed subdivision, showing in detail, by plan and/or profile, the structural members, connectors, railings, approaches, reinforcing steel and deck.
2. All existing and proposed streets and alleys within the proposed subdivision, showing by plans and profiles the width of the right-of-way; the widths of the proposed roadways; the gradient of the curb lines; the location and size of all drainage inlets; and the type of base and pavement.
3. All of the above-required plans and specifications must be approved by the County Engineer and such approval indicated in writing along with his signature before the plat will be approved and permitted to be recorded.

E. MAINTENANCE BOND.

The owner or developer of the proposed subdivision shall file a maintenance bond, letter of credit, contractor's bond, or an equivalent instrument reviewed by the attorney for the county and approved by the County Judge as to form and surety or sureties on such bond or the equivalent instrument guaranteeing the completion of the improvements as are required to be constructed by the owner or developer in accordance with the specifications contained in these regulations. The bonding requirement shall apply to both public and private road subdivisions. The term of the letter of credit shall be for at least two (2) years, and shall contain an "evergreen clause" which prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than sixty (60) days notice prior to the expiration date or nonrenewal. See Appendix II for the required [Letter of Credit Form](#).<sup>9</sup> Companies serving as sureties for the bonds shall have an A.M. Best's Financial Strength Rating of "A-" or better according to [www.ambest.com](http://www.ambest.com).<sup>10</sup>

The maintenance bond shall be payable to the “County Judge or his successor” and shall guarantee the quality of the construction against defects, poor materials and poor workmanship for a period of one year from the date that such improvements were completed.

The bond amount shall be calculated at \$80.00 per linear foot of street or road for the standard 2-lane roadway cross section and \$160.00 per linear foot for 4-lane boulevard sections and shall remain in force until the roads are placed into the one-year maintenance period; at which time the bond shall be reduced to \$40.00 and \$80.00 per linear foot respectively. For bridges, the bond amount shall be calculated at \$1,500.00 per linear foot of bridge reducing to \$750.00 per linear foot upon placement into the one-year maintenance program. The total bond amount shall also include \$10,000.00 per acre-foot of detention volume provided. The bond shall remain in force until such time as the roads and drainage facilities have been inspected and the roads are accepted into the maintenance system. For private roads, the bond shall remain in force until final inspection has been passed and Commissioner’s Court releases the bond.<sup>11</sup>

Provisions should be made within the wording of the bond to automatically reduce to the lesser amount at the time of acceptance into the maintenance period. The maintenance bond shall be filed with the County at the time of final plat approval. The estimated amount of the bonds shall be approved by the County Engineer. Property will not be accepted as performance or maintenance bonds. See Appendix II for [Maintenance Bond](#) form. The maintenance bond shall remain in force until such time as the roads have been inspected and accepted into the maintenance system.

Where for good cause shown to the satisfaction of the County Engineer, the developer or owner has not completed the required site improvements within 18 months from the date of final approval of the plat, the Commissioners Court may grant additional time, not to exceed one year, within which to complete said improvements. The request for an extension of time shall be addressed in writing to the County Engineer stating just cause for said extension. No such extension shall be granted unless the developer or owner has filed new security in conformance with the conditions applied to the original bond.

All bonds shall be kept in the custody of the County Clerk, and it shall be the responsibility of the developer or his authorized representative to notify Montgomery County upon completion and also, thirty days (30) prior to the end of the one year maintenance period. Bonds shall be released to the principal and/or surety only after all the subdivision requirements have been fulfilled or the money sum of the bond or the amount of the work required yet to be finished has been paid to the County and one year has passed since completion of the construction and the County Engineer certified to the County Judge that such required improvements have been completed and have not become defective. In the event that a money settlement is paid the County in lieu of performing the required work the County Engineer shall certify to the County Judge that such sum is adequate compensation. All construction of streets and drainage facilities will be subject to inspection by the County Engineer or his representative. The developer shall notify the County Engineer at least forty eight hours prior to when construction is to begin.

### III. APPROVAL AND RECORDING.

#### A. APPROVAL OF FINAL PLAT.

1. Upon receipt of the final plat, the bond and other required information the Commissioners Court should render a decision. Such decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval, or conditional approval shall be stated to the developer-subdivider in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or imposed conditions, and the Commissioners Court shall within ten (10) days thereafter approve the final plat, provided it meets the objections or imposed conditions.
2. On approval of the plat, said plat being otherwise fully and properly endorsed, the County Judge and Commissioners Court shall sign in the spaces provided. This approval, by the Commissioners Court shall be on the same sheet as the plat itself, and each sheet of the final plat shall be numbered consecutively such as 1 of 1, 1 of 2, 2 of 2, etc. and identifying the subdivision on each individual sheet. In no case shall the Commissioners Court allow such plat to be recorded until the County Engineer has approved all plans and specifications for the subdivision as herein required and the appropriate maintenance bond has been filed by the developer.
3. Commissioners Court will act to accept or reject the roads, streets and drainage facilities for maintenance and secure the land referred to above upon certification by the County Engineer as to the acceptability of same.
4. After acceptance of the final plat, 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 filing fees.

#### B. RECORDING A FINAL PLAT.

1. Staking on ground. Before submittal to the Commissioners Court for recordation, 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 him or under his supervision and that all necessary monuments are accurately and correctly shown. The surveyor shall place or locate existing monuments at all corners and angle points of the boundaries of the original tract to be subdivided. Such monuments shall 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 natural grade of the earth's surface. In addition, the surveyor shall place not less than one elevation benchmark within the boundaries of the subdivided tracts, which benchmark shall 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. The plat shall accurately reflect the location of the benchmark which shall consist of a three-inch brass disk set in a concrete column being six inches (6") in diameter and three feet (3') deep and buried with the top flush with the natural grade. Such disk shall be stamped with

the benchmark number and the elevation as determined from a known benchmark based on USCGS elevation benchmark datum.<sup>12</sup>

2. 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 in 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.
3. 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.

#### IV. AMENDING PLATS.<sup>13</sup>

Montgomery County adopts the provisions of Local Government Code Section 232.0095 and therefore, may approve an amending plat in the same manner and under the same conditions, including the notice and hearing requirements, as a municipal authority responsible for approving plats under Local Government Code Section 212.016.

##### A. APPROVAL OF AMENDING PLAT.

The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. to correct an error in a course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat;
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. 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;
6. 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;
7. to correct an error in courses and distances of lot lines between two adjacent lots if:
  - a. both lot owners join in the application for amending the plat;

- b. neither lot is abolished;
  - c. the amendment does not attempt to remove recorded covenants or restrictions; and
  - d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- 8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- 9. to relocate one or more lot lines between one or more adjacent lots if:
  - a. the owners of all those lots join in the application for amending the plat;
  - b. the amendment does not attempt to remove recorded covenants or restrictions; and
  - c. the amendment does not increase the number of lots;
- 10. 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:
  - a. the changes do not affect applicable zoning and other regulations of the municipality;
  - b. the changes do not attempt to amend or remove any covenants or restrictions; and
  - c. 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
- 11. to replat one or more lots fronting on an existing street if:
  - a. the owners of all those lots join in the application for amending the plat;
  - b. the amendment does not attempt to remove recorded covenants or restrictions;
  - c. the amendment does not increase the number of lots; and
  - d. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

B. NOTIFICATION FOR AMENDING PLAT.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

### SECTION THREE – REQUIRED MINIMUM IMPROVEMENTS

#### I. GENERAL REQUIREMENTS.

- A. APPROVAL PRIOR TO CONSTRUCTION. Before beginning any construction of the improvements on proposed roadways, public utilities, or drainage facilities or structures pertaining to any subdivision coming under the provisions of these regulations, complete plans and specifications for such improvements shall be completely approved by the County Engineer as meeting the County's standards in connection with the approval of a final plat of the proposed subdivision. All improvements shall be designed and constructed in conformity with the provisions of this order.
- B. MAINTENANCE BOND. Improvements shall be installed excluding sanitary sewer and utilities, or a bond guaranteeing same in an amount as limited by State statute, shall be posted within all of the area of any subdivision or portion thereof given final approval and filed or to be filed for record.
- C. INSPECTION DURING CONSTRUCTION. The County Engineer shall from time to time inspect the construction of all 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 shall be accorded the County Engineer or his authorized representative by the subdivider, his agent and employees. Inspection by the County Engineer or a failure by him to inspect construction as required herein shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specification therefore as approved by the County Engineer and in accordance with the County's Regulations.
- D. REVISION TO REGULATIONS. The regulation for streets, parkways, driveway entrances and curbs and gutters are established and set forth herein. All other regulations which are referred to herein, but not included, may be altered from time to time by the Commissioners Court without requiring an amendment to this order; such regulations being subject to change from time to time by motion duly adopted by the Commissioners Court. Any such changes or alterations shall be immediately noted upon such regulations.
- E. RECORD CONSTRUCTION PLANS. After all required improvements have been completed by the owner or subdivider of the subdivision, one set of record construction plans of all underground utilities and street improvements that have been constructed shall be filed with the County Engineer within ninety (90) days after completion of all required improvements.
- F. TRAFFIC CONTROL DEVICES. The subdivision developer will be required to properly install (in conformance with the Texas Manual on Uniform Traffic Control Devices)<sup>14</sup> the following signs:
  - 1. Street signs: At each street intersection, one, minimum 1-1/2 inch I.D. galvanized pipe standards, set in concrete, on which is attached, with acceptable four-way assembly hardware, baked enamel bonderized steel plate signs. (4-inch letters on 6-inch background) Height of sign above natural ground shall be approximately seven (7) feet.

2. Traffic Signs: At intersections and locations designated by the County Engineer, Stop signs and Yield signs mounted on galvanized pipe shall be installed.
  3. Signalization: Signalization of intersections will be reviewed and approved on an individual basis with proper warrant studies submitted to the County Engineer.
  4. Speed limit signs: The proposed location of speed limit signs shall be included as part of the construction plans to the County Engineer. The speed limits will be approved by the County Engineer's office and the developer will install the signs.<sup>15</sup>
  5. Sign Installation: Developers shall install the required speed limit signs, regulatory signs and street signs prior to opening roads to traffic.<sup>16</sup>
- G. ROAD STRIPING. The subdivision developer will be required to properly stripe the roads before Montgomery County accepts the roads into the County system for maintenance.<sup>17</sup>
- H. TWO MEANS OF INGRESS AND EGRESS REQUIRED FOR LARGE SUBDIVISIONS. In instances where a residential subdivision, made up of one or more platted sections, is subdivided into 1,000 or more lots, developers must provide a minimum of two separate means of ingress and egress to provide for sufficient routes of travel for use by emergency vehicles and for use during evacuations from fire or other natural disasters.<sup>18</sup>
- I. CHANGE IN PLANS. In the event exigencies of construction necessitate change in plans and specifications, approval by the County Engineer and/or Commissioners Court will be required.
- J. DRAINAGE CRITERIA MANUAL. The Montgomery County Drainage Criteria Manual is incorporated into this document.<sup>19</sup>
- II. MINIMUM STANDARDS FOR IMPROVEMENT OF STREETS AND ROADS.
- A. CURB AND GUTTER SECTIONS. Streets or Roads with Curb and Gutter Sections shall be constructed of portland cement concrete or asphaltic surfaced flexible base sections.
1. Minimum width for residential street pavement in a 50' ROW width shall not be less than 28 feet for collector streets and 22 feet for cul-de-sac and minor residential loop streets back to back of curb. For divided major thoroughfares the developer will be required to build a minimum of a 24 foot street section and dedicate the ultimate rights-of-way.
  2. Minimum thickness shall be 6" uniform thickness for portland cement concrete construction.
  3. Expansion joints. All slabs shall be provided with an acceptance load transmission device at expansion joint, with expansion joints at approximately eighty (80') foot intervals. Expansion joints shall also be placed at all structures and at curb return at street intersections. Material for expansion joints shall be redwood or equal material.



4. Contraction joints (dummy joints) shall have an approximate spacing of twenty-six (26') feet.
5. Construction joints (transverse), when not placed at an expansion or contraction joints, shall not be closer than ten (10') feet to an expansion or contraction joint. Longitudinal construction joints shall be at the center-line of 22-foot wide pavement and at approved locations for greater width pavements.
6. Reinforcing steel. Concrete pavement shall be reinforced with 3/8 inch round deformed steel bars spaced not more than twenty-four (24") inch center to center each way.
7. Curbs shall be constructed monolithic, or shall be doweled to the pavement.
8. Minimum gutter gradients and inlet spacing shall be in accordance with drainage requirements.
9. Hot-poured asphaltic-joint sealing compound or equivalent shall be used at all expansion joints, construction joints and contraction joints. Expansion joints made with 3/4 inch (Crowned Section) asphalt saturated fiberboard, shall have hot poured asphaltic joint sealing or its equivalent in top 1-inch.

**B. STREETS OR ROADS WITHOUT CURB AND GUTTER.**

1. GENERAL. Streets or roads with an open ditch section shall have a roadway base crown and surface with the following minimum widths:
  - a. All non-commercial streets shall have a minimum base width of 24 feet, a minimum paved surface of 22 feet and a minimum cross slope of 1/4 inch per foot.<sup>20</sup>
  - b. Commercial and heavy industrial streets shall have a minimum base width of 28 feet, a minimum paved surface of 22 feet and a minimum cross slope of 1/4 inch per foot.
2. CONCRETE PAVEMENT. The slab thickness shall be of the six (6") inch type, with the same reinforcing, expansion joints, contraction joints and construction joints as recommended for six (6") inch pavement with curb and gutter.
3. STABILIZED BASES. The bases construction of stabilized select aggregate shall be six (6") inches compacted thickness on all streets and roads, residential or thoroughfares. Commercial and heavy industrial shall have eight (8") inches compacted thickness.
4. FLEXIBLE BASE. Flexible base materials shall consist of crushed stone, crushed concrete, black base, or iron ore. The base thickness shall be a minimum of 8 inches except for black base which shall have a minimum thickness of 6 inches.<sup>21</sup>
  - a. Crushed stone base shall comply with Item 247 of the Standard Specifications for Construction of Highways, Streets, and Bridges, TxDOT, 1993 for Type "A", Grade 1 or 2 material.<sup>22</sup>

- b. Crushed concrete base shall comply with Item 247 of the Standard Specifications for Construction of Highways, Streets, and Bridges, TxDOT, 1993 and shall meet Grade 1 physical requirements.<sup>23</sup>
- c. Black base shall comply with Item 345 of the Standard Specifications for Construction of Highways, Streets, and Bridges, TxDOT, 1993 and shall meet Grade 1 or 2 Master Grading requirements.<sup>24</sup>
- d. Iron ore base shall be constructed as herein specified and in conformity with the plans submitted to Montgomery County for approval. The material shall be approved by the County. Material containing gravel or hard pieces of ore exceeding the maximum specified size in their larger dimension shall be broken up and uniformly mixed with the remainder of the material.<sup>25</sup>

When properly slaked and tested by laboratory methods approved by TxDOT, the iron ore flexible base material shall meet the following requirements:

Retained on 2 ½ in. sieve = 0%

Retained on No. 40 sieve = 50% to 85% or as approved by the Commissioners Court<sup>26</sup>

Material passing the No. 40 sieve shall be known as soil binder and shall meet the following requirements when prepared in accordance with test method Tex-101-E procedure:

The Liquid Limit shall not exceed 35

The Plasticity Index shall not exceed 12

- 5. Both stabilized bases and flexible base shall be tested by an approved commercial laboratory a minimum of every 500 feet for density, thickness and gradation.
- C. FINISH GRADE. The finished grade to all roads shall not be less than the 50-year flood plain elevation.
- D. ASPHALT PAVING SEASON. Asphalt season shall be from April 1 to October 31 or as approved by the County Engineer.
- E. COMPACTION OF BASE. All flexible base shall be compacted to 95% Standard Proctor density (ASTM D-698) except for black base which shall be compacted to 91% of the maximum theoretical density as determined according to Test Method Tex-227-F and Test Method Tex-207-F.<sup>27</sup>

F. WEARING SURFACES.

1. Hot mix asphaltic concrete shall be placed such that the average thickness of all cores on any individual street is two inches or greater with no core measuring less than 1.9 inches in thickness.<sup>28</sup>

G. DESIGN AND TESTING.

1. The developer shall submit a geotechnical report prepared by a geotechnical engineer licensed in the State of Texas and employed by a company that is accredited by the American Association for Laboratory Accreditation (A2LA). The geotechnical report shall include subgrade treatment recommendations including the type of stabilizer and anticipated application rate (lb/yd<sup>2</sup>) to develop a modulus of subgrade reaction of no less than 200 pci for all roadway classifications. The geotechnical report shall be required for the approval of construction plans. All laboratory testing shall be done by a testing laboratory that is accredited by the American Association for Laboratory Accreditation (A2LA). The laboratory shall submit a copy of all test reports to the County Engineer's office.<sup>29</sup>
2. All concrete shall be designed and tested by an approved testing laboratory and shall have a minimum of four and one-half (4 ½) sacks of portland cement per cubic yard of concrete.
3. Cement Stabilized Sand-Shell shall be pug-mill mixed and contain not less than 1 ½ sacks of portland cement per ton of material.
4. Gradation and soil binders for cement stabilized sand-shell and flexible base material shall meet the current requirements of the State Department of Highways and Public Transportation. Flexible bases shall be cored to determine thickness and to check conformity with specifications.
5. Concrete pavement shall have a flexural strength of 500 p.s.i. at 28 days.  
  
One beam (two breaks) shall be required for each 1,000 square yards of pavement.  
  
One Core test shall be required for each 1,000 lin. ft. of pavement. Each core shall be checked for thickness and compressive strength shall be 2,500 p.s.i. Minimum of three (3) core tests required.
6. Cement Stabilized Sand-Shell  
  
No flexural test will be required on cement-stabilized sand-shell; however, one core test (minimum of 3 core test required) for each 600 lin. ft. of pavement, and tested for thickness and compressive strength. Minimum compressive strength required is 800 p.s.i.
7. Hot-mix asphaltic concrete shall be designed and tested by an accredited laboratory and shall meet the requirements for Type "D" asphalt as indicated in Item 340 of the Standard Specifications for Construction of Highways, Streets, and Bridges, TxDOT, 1993. Asphalt shall be tested every 250 feet alternating lanes for thickness

and density with a minimum of one test per street. The asphalt shall have a minimum Hveem stability of 35 and shall have an optimum in-place density of 91% of the maximum theoretical density as determined according to Test Method Tex-227-F and Test Method Tex-207-F.<sup>30</sup>

8. Subgrades shall be tested a minimum of every 250 feet alternating lanes for density and P.I. with a minimum of one test per street. All paving subgrade shall be proof-rolled after the roadway has been cut to grade. The geotechnical engineer, testing 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 geotechnical engineer or testing laboratory shall provide recommendations for remediation.<sup>31</sup>
9. Bases shall be tested a minimum of three tests every 250 feet for density, thickness, and gradation with a minimum of one group of three tests per street. The tests shall be taken at the center line and one foot in from each edge of the base. Gradation shall be tested each day that base material is placed.<sup>32</sup>
10. The laboratory shall identify all test locations based on the stations and offsets established in the approved construction plans.<sup>33</sup>
11. Prior to acceptance of the roads into the one-year maintenance program, the geotechnical engineer or testing laboratory shall submit to the County Engineer's office a written statement of substantial compliance sealed by a professional engineer licensed in the State of Texas. The written statement of substantial compliance must acknowledge that all construction materials and operations used in the project were tested and inspected by an accredited laboratory and that they comply with all the specifications applicable to the project.<sup>34</sup>

H. SUBGRADE.

1. Subgrades for all types of roads shall be plowed and grubbed, have all organic material removed, shall be accurately shaped prior to placing base material or pavement thereon, and shall be compacted to provide for uniform density capable of supporting the pavement loads to be imposed thereupon. Subgrades shall be stabilized to a minimum depth of six inches and shall comply with the approved geotechnical report.<sup>35</sup>
2. Subgrade shall be compacted to 95% Standard Proctor density (ASTM-D-698) with a moisture content of -2% to +3% of optimum moisture. Compaction shall be accomplished by use of approved and acceptable mixing and rolling equipment and construction methods. The treated subgrade shall meet the following gradation requirements:<sup>36</sup>

100% passing the 1-3/4" sieve  
80% passing the 3/4" sieve

I. SUPERVISION AND INSPECTION OF CONSTRUCTION. The developer shall provide (adequate) on-site qualified inspection of all projects connected to the subdivision in order that close adherence to plans and specifications may be assured.

Extremely careful and particular inspection must be made of the subgrade, 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. One complete set of record construction drawings, certified to by the Engineer, shall be furnished for the County Engineer's records.

J. RECORD DRAWINGS. The record drawings shall be accompanied by a certification from a Registered Professional Engineer that all work was in substantial accordance with plans and specifications as outlined in the drawings.

K. MAJOR THOROUGHFARES<sup>37</sup>. The following right-of-way widths are required:

1. A width of not more than 120 feet on a street or road that functions as a major thoroughfare; or
2. A width of 120 feet or more on a street or road that functions as a major thoroughfare per Houston-Galveston Area Council's (HGAC) Major Thoroughfare Plan.

### III. STORM SEWERS.

A. RUNOFF CALCULATIONS. The rational method of determining the runoff shall be used for areas both inside subdivision and outside subdivision.

B. VELOCITY. Sewers shall be designed to carry the discharges from factors listed above, but must have a design velocity of not less than 3.0 feet per second, nor more than 10.0 feet per second.

C. MANHOLE SPACING. At all sewer intersections, street intersections and a maximum spacing of 750 feet on straight lines.

D. TYPES OF CONSTRUCTION.

1. Reinforced precast concrete pipe shall be used as specified by the manufacturer as to depth of fill. Jointing of pipe may be either portland cement-sand mortar or an approved mastic, or rubber gasket joint.
2. Monolithic, reinforced concrete sewers may be used for all storm sewers 42 inches in diameter or larger.
3. Corrugated Galvanized Pipe may be used, but should be Asphalt coated in accordance with Texas State Department of Highway and Public Transportation specifications.
4. Uncoated Aluminized Steel Type II corrugated steel pipe may be used as an equal alternate to reinforced concrete pipe for use in culverts and storm sewers and include concrete lining of corrugated steel pipe in storm sewer applications.<sup>38</sup>
5. N-12 HDPE storm drain pipe may be used for storm sewers.<sup>39</sup>

6. Contech A-2000 PVC pipe may be used in storm sewer applications.<sup>40</sup>
  7. Polymer-coated corrugated metal pipe may be used as an alternate to asphalt-coated corrugated metal pipe.<sup>41</sup>
  8. Corrugated dual-wall polypropylene pipe may be used for culvert and storm sewer applications. For storm sewer applications in proposed rights of way subject to the County's Subdivision Rules and Regulations, the County Engineer's Office will require mandrel testing prior to initial and final acceptance.<sup>42</sup>
- E. MINIMUM SIZE. Design of sewers and manholes shall follow acceptable engineering practice, but not less than 18" diameter pipe.
- F. EXCAVATION AND BACKFILL. The bottom of the storm sewer trenches shall be accurately hand graded and the pipe properly bedded. The backfilling shall be done in such a manner as to not disturb the pipe or the jointing material. The compaction across future roadway sections shall be comparable to the natural surrounding ground.
- G. STREETS WITH CURB AND GUTTER SECTION.
1. Location of Storm Sewers

Storm sewers shall not be placed under pavement unless specifically authorized; when authorized to be placed under pavement, the excavation shall be backfilled with cement stabilized processed sand, 1 ½ sacks per ton minimum, or cement stabilized bank-sand 1 ½ sacks per ton minimum to within 1 foot of subgrade.
  2. Grades
    - a. Minimum gradient on gutters - 0.25%
    - b. Minimum drop around curb return - 0.10 ft.
    - c. When a curb and gutter section intersects a drainage ditch, the grade of the gutter shall be above the design water surface of the ditch.
  3. Inlets spaced to serve runoffs from the area at rate consistent with drainage design requirements.
    - a. Inlets shall be spaced so that maximum travel distance of water in gutter will not exceed 750 feet.
    - b. Inlets shall be placed at all low points on gutter gradient.
  4. Inlet size and allowable design discharge
    - a. Throat 5" x 5'0" capacity - 5.0 cfs
    - b. Throat 6" x 3'0" capacity - 3.5 cfs

5. Leads from inlets to be of such size as to be able to carry the design discharge of the inlet served, but not less than 18" diameter.
6. Valley Gutters are not permitted; except valley-gutter curb grades through intersections, with approval by the County Engineer.

H. ROAD SECTIONS WITH OPEN DITCHES.

1. Minimum grade 0.10%, 0.15% desirable.
2. Ditch section to handle design discharge as derived by the rational method, or as may be determined by study of the drainage area.
3. Side slopes of ditch not steeper than 3:1 front slope, or 2:1 back slope.
4. Culverts
  - a. Designed to carry ditch discharge and not less than the equivalent of an 18 inch pipe.
  - b. All driveways to have culverts or paved dips.

I. OUTFALL. Outfalls from sewers and ditches into drainage ways or natural navigable waterways shall enter at the grade of the drainage channel. If necessary, rip-rap and/or drop type outfall structures shall be used to prevent erosion. When the drop type outfall structure is used, it shall be placed so that the structure will not interfere with maintenance of the channel

J. MAJOR STRUCTURES. If the developer proposes to construct major structures, such as box culverts or bridges across drainage channels, such structures shall conform to current standards for culverts and bridges and specifications of the State Department of Highways and Public Transportation.

1. All bridges are to be designed to a minimum HS-20 load design.
2. Bridge widths
  - a. Major Thoroughfares - shall be in accordance with The Major Thoroughfare Plan for Montgomery County.
  - b. Where there are no curbs on approach pavement, the width of bridge from curb face to curb face, shall be the width of approach road pavement edges, plus four feet.
  - c. Where curbs are on approach pavement, the width of the bridge from curb face to curb face, shall be the same as the width between curb faces on the approach road.

- IV. SEDIMENT CONTROL AND SEDIMENTATION PONDS. The subdivider shall provide effective sediment control measures in the planning and construction of subdivisions. Practical combinations of the following technical principles should be applied:
- A. No more than ten acres of land in road right-of-way shall be exposed at any one time during development, without prior approval of the County Engineer.
  - B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
  - C. Temporary vegetation and/or mulching shall be used to protect critical area exposed during development.
  - D. Sediment basins and traps shall be installed and maintained in properly designated places to remove sediment from runoff waters on land undergoing development.
  - E. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
  - F. The permanent final vegetation and structures shall be installed as soon as practical in the development.
  - G. The development plat shall be fitted to the topography and soils so as to create the least erosion potential.
  - H. For subdivisions and commercial developments proposing 15,000 square feet or greater of impervious cover, the developer shall provide a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Texas Registered Professional Engineer, in addition to the required drainage plans. 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 that identifies 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.<sup>43</sup>
  - I. For single family residential construction or commercial developments with less than 15,000 square feet of impervious cover, the applicant for the building permit shall indicate as part of the permit application the erosion and/or sediment controls to be implemented during construction.<sup>44</sup>



- V. PERMANENT EROSION CONTROL. At such time as construction of roads is complete the right-of-way shall be seeded from the roadway crown to the right-of-way line for open ditch sections. Curb and gutter sections shall be seeded from curb line to right-of-way line.

Seeding Rates		
October thru February	Rye	20 lb/Ac.
	Bermuda (Hulled)	15 lb/Ac.
	Bermuda (Un-hulled)	15 lb/Ac.
March thru September	Bermuda (Hulled)	20 lb/Ac.
Fertilizer Rate		
All Seasons	(Shall be 13-13-13)	500 lb/Ac.

or as approved by the County Engineer or Commissioners Court.

- VI. STAKING BLOCK CORNERS AND STREETS. Before the acceptance of streets or roads into the one-year maintenance period provided by these Regulations, the developer shall submit to the County Engineer a certificate executed and sealed by a registered land surveyor and attesting that all block corners, lot corners, street intersections, angle points in street lines and points of curve in street lines have been surveyed on the ground and that all such points have been marked with monuments of iron pipe or rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3').<sup>45</sup>
- VII. SIDEWALKS, HIKE AND BIKE TRAILS. Developers or others who construct sidewalks or hike and bike trails on public rights of way shall construct them in compliance with the Americans with Disabilities Act (ADA).<sup>46</sup>

## SECTION FOUR – VARIANCES AND APPEAL

- I. VARIANCES. The County Commissioners Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the findings herein below required, the Commissioners Court shall take into account the nature of the proposed use of land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Commissioners Court find:
- A. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive that applicant of the reasonable use of his land.
  - B. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
  - C. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

Such findings of the Commissioners Court together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Commissioners Court meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted as to required drainage plans, proposed county road improvements nor as to bond requirements.

- II. APPEAL. Any subdivider contesting any disapproval and/or the interpretation and/or the application of any rule standard, regulation determination, requirement, or necessity set forth in these regulations directly or by delegation of authority shall have the right after filing a written request with the County Commissioners Court to have a hearing before the Commissioners Court within twenty-one (21) days after the date of filing of such request. Decision of the Commissioners Court shall be final and such further appeal shall be in accordance with appropriate law.

## **SECTION FIVE – ROAD ACCEPTANCE PROCEDURE FOR MONTGOMERY COUNTY**

- I. GENERAL. All conditions of final plat approval must be met. All constructions must be in accordance with approved plans and construction standards set forth herein or as may be adopted by Commissioners Court.
- II. ACCEPTANCE INTO ONE YEAR MAINTENANCE PERIOD. At such time as the road construction is complete the developer shall notify the County Engineer in writing.

The County Engineer or his representative shall then inspect the roads and improvements and give written notice of any deficiencies. Should it be deemed necessary, to ascertain compliance with county construction specifications, the County Engineer may require copies of test results performed by Certified Testing Laboratory.

Upon rectification of deficiencies and reinspection, the County Engineer shall recommend to Commissioners Court that the roads be accepted into the one year maintenance period.

Upon court action the roads shall be accepted into the one year maintenance period.

- III. FINAL ACCEPTANCE. 30 days prior to the end of the one year maintenance period the developer shall notify the County Engineer in writing.

The County Engineer or his representative shall inspect the road and improvements and notify the developer in writing of any deficiencies.

Upon rectification of deficiencies and reinspection, 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.

## SECTION SIX – FORMS OF DEDICATION

### THE FOLLOWING IS THE FORM OF DEDICATION TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS

#### I. Owner Dedication

##### A. Form of Dedication for Individual or Individuals

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

I (or We), (Name of owner or names of owners), owner (or owners) 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 \_\_\_\_\_ Survey, Montgomery County, Texas; and 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 myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.

(The following paragraph is to be used when the subdivision is outside the corporate limits of any city and within Montgomery County:)

This is to certify that I (or we), (Name of owner or names of owners), have complied with or will comply with all regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County.

(The following paragraph is not required, but is necessary for overhead lines in easements:)

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

(The following paragraphs are to be used when the subdivision is outside the corporate limits of any city and in Montgomery County:)

FURTHER, I (or we), do hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the center line 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 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).

(The following paragraph is to be used for all subdivisions:)

FURTHER, I (or we) do 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\_\_\_\_.

\_\_\_\_\_  
(Signature of owner)  
(Name to be Printed)

\_\_\_\_\_  
(Or signatures of owners)  
(Name to be Printed)

B. Form of Dedication for Corporations

THE STATE OF TEXAS           §  
   §  
COUNTY OF \_\_\_\_\_ §

We, (Name of President) and (Name of Secretary), President and Secretary respectively of (Name of 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 Company), 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 \_\_\_\_\_ Survey, \_\_\_\_\_ County, Texas, and on behalf of said (Name of Company); and 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.

(The following paragraph is to be used when the subdivision is outside the corporate limits of any city and within Montgomery County:)

This is to certify that we, (Name of President) and (Name of Secretary), President and Secretary respectively of (Name of Company), owner of the property subdivided in the above and foregoing map of (Name of Subdivision), have complied or will comply with all regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners Court of Montgomery County, Texas.

(The following paragraph is not required, but is necessary for overhead lines in easements:)

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

(The following paragraphs are to be used when the subdivision is outside the city limits of the city and within Montgomery County:)

FURTHER, we, (Name of Company), do hereby dedicate forever to the public a strip, a minimum of land fifteen (15) feet wide on each side of the center line 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. That 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).

(The following paragraph is to be used for all subdivisions:)

FURTHER, we do 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, the (Name of Company) has caused these presents to be signed by (Name of President), its President, thereunto authorized, attested by its Secretary, (Name of Secretary), and its common seal hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name of Company)

By \_\_\_\_\_  
(President)  
(Name to be Printed)

ATTEST:

\_\_\_\_\_  
(Secretary)  
(Name to be Printed)

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

C. Alternative Paragraphs to be Used as Appropriate and as Follows:

1. (When private streets are established within the plat)

FURTHER, I (or we) do 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 myself (or ourselves), my (or our) heirs, and assigns to warrant and forever defend the title to the land so designated and established as private streets.

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

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

II. Lienholders 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

I (or we), (Name of mortgagee or names of mortgagees), owner and holder (or owners and holders) or a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Real Property Records of Montgomery County, Texas, do hereby in all things subordinate to said plat said lien (or liens), and I (or we) hereby confirm that I am (or we are ) the present owner (or owners) of said lien (or Liens) and have not assigned the same nor any part thereof.

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

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



III. Notary Public Acknowledgment

A. Owner's Acknowledgment for Individual or Individuals

THE STATE OF TEXAS           §  
   §  
COUNTY OF MONTGOMERY   §

BEFORE ME, the undersigned authority, on this day personally appeared (NAME of owner or names of owners), known to me to be the person (or persons) whose name (or names) is (or are) subscribed to the foregoing instrument, and acknowledged to me the he (or they) executed the same for purposes and consideration therein set forth. (If a husband and wife join in the dedication, the following form should be added:) and the same said (name of wife), having been examined by me privately and apart from her husband and having the same fully explained to her by me, acknowledged said instrument to be her act and deed, and that she had willingly signed the same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
(Name to be Printed) Notary Public in and for  
\_\_\_\_\_ County, Texas

B. Owner's Acknowledgment for Corporations

THE STATE OF TEXAS           )  
   )  
COUNTY OF MONTGOMERY   )

BEFORE ME, the undersigned authority, on this day personally appeared (name of President), President, and (name of Secretary), Secretary of the (name of Company), known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations 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 \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
(Name to be Printed) Notary Public in and for  
\_\_\_\_\_ County, Texas

C. Lien Holders Acknowledgment

THE STATE OF TEXAS           §  
   §  
COUNTY OF MONTGOMERY   §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

(Name to be Printed)   Signature of Notary Public  
Notary Public in and for  
Montgomery County, Texas  
  
(affix notary seal)

IV. 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") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.<sup>47</sup>

\_\_\_\_\_  
(Signature of Surveyor)  
Print name: \_\_\_\_\_  
Texas Registration No. \_\_\_\_\_  
(affix seal)

V. Incorporated City Acknowledgment

(The following paragraph is to be used when the subdivision is inside the corporate limits of any city or within any city's extra-territorial jurisdiction any specific city's declaration may vary somewhat:)

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 \_\_\_\_.

\_\_\_\_\_  
Secretary  
(Name to be Printed)

\_\_\_\_\_  
Chairman (or Mayor)  
(Name to be Printed)

VI. County Engineer's Acknowledgment

(The following paragraph is to be used when the subdivision is outside any city limits and within Montgomery County:) (Use even if subdivision is within the extra-territorial jurisdiction of a city:)

I, \_\_\_\_\_, County Engineer of Montgomery County, Texas, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the 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

VII. Commissioners Court Acknowledgment

(The following paragraph is to be used when the subdivision is outside any city limits and within Montgomery County:)

APPROVED by the Commissioners Court of Montgomery County, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner, Precinct 1

\_\_\_\_\_  
Commissioner, Precinct 2

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

\_\_\_\_\_  
Commissioner, Precinct 3

\_\_\_\_\_  
Commissioner, Precinct 4

VIII. County Clerk Filing Acknowledgment Statement

THE STATE OF TEXAS       §  
  §  
COUNTY OF MONTGOMERY §

I, \_\_\_\_\_, Clerk of the County 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 record of \_\_\_\_\_ for said County.

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

(Name of County Clerk), Clerk, County Court,  
Montgomery County, Texas

By \_\_\_\_\_ Deputy

IX. Directions for Proper Dedication Execution

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.

## SECTION SEVEN – SEPARABILITY OF PROVISIONS AND EFFECTIVE DATE

- I. SEPARABILITY: It is hereby declared to be the intention of the County Commissioners Court that the several provisions of these regulations are separable, in accordance with the following:
1. 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, unenforceable or unconstitutionality shall not be held to affect, invalidate or impair the validity, force or effect of any other sentence, phrase, section, paragraph, article or any other part of these rules, regulations and requirements.
  2. If any court of competent jurisdiction shall judge invalid the application of any provision of these regulations to a particular property, such judgement shall not affect the application of said provision to any other property not specifically included in said judgement.
- II. EFFECTIVE DATE: Whereas an emergency is apparent for the immediate preservation of good order, good government and the good order, good government and general public safety and welfare, these regulations shall become effective and applicable immediately upon its passage and it is accordingly so ordained.

Passed and adopted by the Commissioners Court of the County of Montgomery, Texas, on the 20<sup>th</sup> day of October, 19 80.

\_\_\_\_\_  
(Deison's signature)

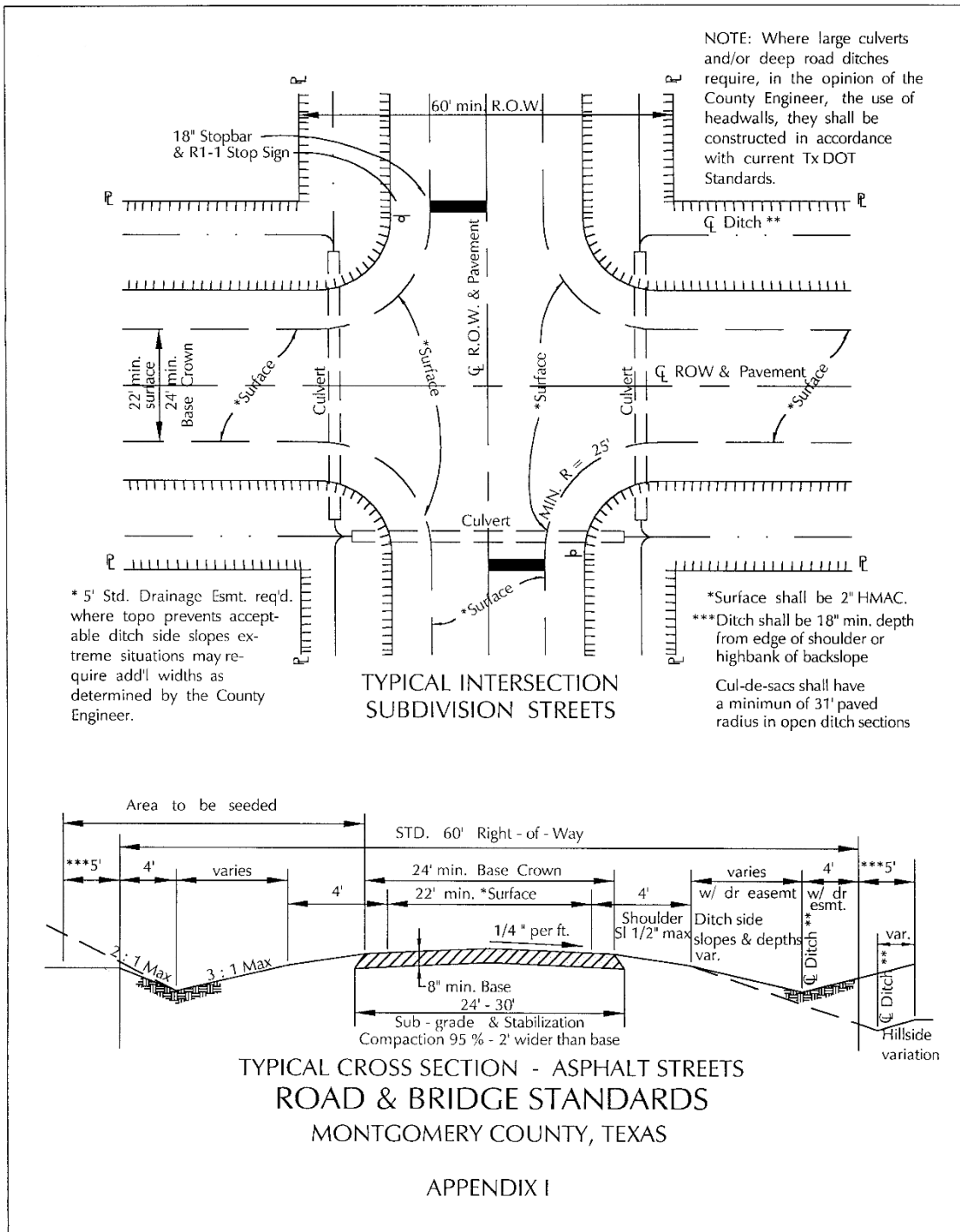
R. A. Deison  
County Judge

\_\_\_\_\_  
(Harris' signature)

Roy Harris  
County Clerk

## APPENDICES

### I. TYPICAL INTERSECTION, TYPICAL CROSS SECTION



II. MAINTENANCE BONDS AND LETTER OF CREDIT FORM

A. Maintenance Bond with Surety – Corporate

Bond With Surety (Entity)

1.

APPENDIX II

**BOND WITH SURETY**

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 the PRINCIPAL, and \_\_\_\_\_, a Corporation 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 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 Mark Keough, 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 Volume 32, Pages 128 through 179, Minutes of Commissioners' Court, 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 aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of 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 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, 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, 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 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.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
SURETY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME & TITLE

\_\_\_\_\_  
PRINTED NAME & TITLE

Bond With Surety (Entity)

4.

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MARK KEOUGH, MONTGOMERY COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
MARK TURNBULL  
MONTGOMERY COUNTY CLERK

B. Maintenance Bond without Surety – Corporate

Bond Without Surety (Entity)

1.

**BOND WITHOUT SURETY**

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 the PRINCIPAL, is held and firmly bound unto Mark Keough, County Judge of Montgomery County, Texas, and his successors in office in the full sum \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_) current, lawful money of the United States of America, to be paid to Mark Keough, 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 Volume 32, Pages 128 through 179, Minutes of Commissioners' Court, 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 aforesaid specifications, and that the terms of said specifications, including all deletions,

additions, changes, or modifications of any kind or character, constitute a contract between the County of 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 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, 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, 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 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.

This Bond Without Surety is secured with Letter of Credit No. \_\_\_\_\_ from  
\_\_\_\_\_.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME & TITLE

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

Bond Without Surety (Entity)

4.

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARK KEOUGH, MONTGOMERY COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
MARK TURNBULL  
MONTGOMERY COUNTY CLERK

C. Maintenance Bond with Surety – Individual

Bond With Surety (Individual)

1.

**BOND WITH SURETY**

NO. \_\_\_\_\_

STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

§

COUNTY OF MONTGOMERY

§

That \_\_\_\_\_, hereinafter called the PRINCIPAL, and \_\_\_\_\_, a Corporation 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 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 Mark Keough, 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 Volume 32, Pages 128 through 179, Minutes of Commissioners' Court, 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 aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of 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 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, 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, 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 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.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
SURETY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME & TITLE

Bond With Surety (Individual)

4.

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_  
FAX: \_\_\_\_\_

PHONE: \_\_\_\_\_  
FAX: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MARK KEOUGH, MONTGOMERY COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
MARK TURNBULL  
MONTGOMERY COUNTY CLERK

D. Maintenance Bond without Surety – Individual

Bond Without Surety (Individual)

1.

**BOND WITHOUT SURETY**

NO. \_\_\_\_\_

STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

§

COUNTY OF MONTGOMERY

§

That \_\_\_\_\_, hereinafter called the PRINCIPAL, is held and firmly bound unto Mark 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 Mark Keough, 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 Volume 32, Pages 128 through 179, Minutes of Commissioners' Court, 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 aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of 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 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, 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, 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

Bond Without Surety (Individual)

3.

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 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.

This Bond Without Surety is secured with Letter of Credit No. \_\_\_\_\_ from

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME

ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_  
FAX: \_\_\_\_\_

Bond Without Surety (Individual)

4.

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARK KEOUGH, MONTGOMERY COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
MARK TURNBULL  
MONTGOMERY COUNTY CLERK

E. Letter of Credit Form

**LETTER OF CREDIT FORM**

(Financial Institution's Letterhead)

Date

Mark Keough, County Judge  
Montgomery County, Texas  
501 N. Thompson  
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) will be built, completed, and comply with the one-year maintenance period according to Montgomery County 1984 Subdivision Rules and Regulations, available by your draft at sight drawn on (Financial Institution), to be accompanied by an affidavit from Montgomery County Judge Mark Keough, or his successors in office, stating one of the following:

1. "The undersigned, Montgomery County Judge Mark Keough, or his successors in office, hereby certifies to \_\_\_\_\_ (Financial Institution), as the issuer of Letter of Credit No. \_\_\_\_\_, dated \_\_\_\_\_, that \_\_\_\_\_ (Developer/Principal) has failed to build and/or maintain roads, streets, and bridges within \_\_\_\_\_ (Subdivision plat name and/or street dedication name) in accordance with the 1984 Subdivision Rules and Regulations of Montgomery County and, by virtue of such failure, Beneficiary is entitled to receive funds in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)"; or
2. "The undersigned, Montgomery County Judge Mark Keough, 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 Mark Keough, 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 (Financial Institution) of written notification from Montgomery County Commissioners' Court that the construction of streets and roads in conformity with the Montgomery County Rules and Regulations for Subdivision, 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 one-year 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. 500.

(Signature)

(Printed Name and Title)



### III. AMENDMENTS AND ADDENDA

<b>Num.</b>	<b>Commissioners Court Item</b>	<b>Description</b>	<b>SR&amp;R Reference</b>
1.	1984-12-03 #33	Approve the use of un-coated Aluminized Steel Type II CSP as an equal alternate to reinforced concrete pipe for use in storm sewers and include concrete lining of CSP in storm sewer applications.	3.III.D.4
2.	1985-10-14 #32(C)	Addendum to Montgomery County Subdivision Rules and Regulations (MCSR&R) in regard to the acceptance of Gypsum Aggregate as road building material.	Superseded by 2003-09-22
3.	1989-05-01 #11	Adopt the revision to MCSR&R to require three (3) mylar copies of all subdivision plats to be submitted to Commissioners Court.	2.I.B.1
4.	1990-04-02 #30	Approve the revision to MCSR&R for the Drainage Criteria Manual to become a portion of the Subdivision Rules and Regulations.	3.I.J
5.	1990-05-14 #20	Order approved for the Drainage Criteria Manual to be incorporated into the MCSR&R.	3.I.J
6.	1990-05-29 #22	Order approved amending the Surveying Requirements for subdivisions, requiring staking of subdivision on the ground and revised the required surveyor's certificate to be affixed to each plat tendered for recording under the Regulations.	2.III.B.1 3.VI 6.IV
7.	1991-10-21 #12	Addendum approved for MCSR&R to allow the use of N-12 Storm Drain Pipe in construction of Subdivision Roads.	3.III.D.5
8.	1991-12-02 #13	Addendum approved for MCSR&R to require the Striping of roads be part of the developer's road construction requirements.	3.I.G
9.	1992-10-19 #16	Addendum approved for MCSR&R for developers to include in their construction plans the location of speed limit signs, said locations to be approved by the County Engineers office and installation of said signs shall be in accordance with Texas MUTCD.	3.I.F 3.I.F.4 3.I.F.5
10.	1992-12-14 #28	Amendment approved for MCSR&R concerning the requirements for submission of test results on HMAC.	Superseded by 2003-09-22
11.	1993-03-08 #15	Addendum approved for MCSR&R concerning Cement Stabilized Base. (See 1993-04-12 for specifications.)	Superseded by 2003-09-22
12.	1993-04-12 #19	Addendum approved to MCSR&R for the use of Crushed Concrete as an aggregate for Cement Stabilized Base.	Superseded by 2003-09-22
13.	1993-07-12 #37	Addendum approved to MCSR&R for the use of Cement Stabilized Sand backfill on all new driveway culvert installations and require developers or others who construct sidewalks or hike and bike trails on public R.O.W. to construct in compliance with Americans With Disabilities Act.	2.II.A 3.VII

<b>Num.</b>	<b>Commissioners Court Item</b>	<b>Description</b>	<b>SR&amp;R Reference</b>
14.	1994-04-04 #27	Addendum approved to MCSR&R for developers to submit an additional blueline copy of proposed plat to 911 Emergency Management Office for the purpose of assigning addresses.	2.I.B.6
15.	1995-12-04 #5	Addendum approved to MCSR&R for the deletion of one course surface treatment as an acceptable surface on County Roads.	3.II.F
16.	1995-12-04 #6	Addendum approved to MCSR&R for the San Jacinto River Authority Flowage Easement to be shown on the face of the plat on properties around Lake Conroe.	2.I.A.15
17.	1996-07-15 #17	Addendum approved to MCSR&R for HMAC Design and Testing showing percent of asphalt, Hveem stability and in place density.	Superseded by 2003-09-22
18.	1996-08-26 #22	Amendment approved to MCSR&R for Flag Lots. (Some discrepancies, will be sent thru Commissioners Court at a later date).	(see 1997-01-06)
19.	1997-01-06 #7Fa	Amendment from 1996-08-26 clarified and approved.	1
20.	1997-09-08 #19	Addendum approved to MCSR&R for the use of Crushed Concrete Aggregate as a base material on subdivision roads in Montgomery County.	3.II.B.4.b
21.	1999-05-10 #19	Amendment approved for MCSR&R allowing use of Contech's A-2000 PVC pipe in stormwater applications.	3.III.D.6
22.	2003-09-22 #40	Amendments approved for MCSR&R affecting bond amounts, pavement width, subgrade, base, asphalt thickness, testing frequency, asphalt testing, geotechnical reports, and accreditation. (Bonding amounts superseded by 2008-11-03 #29c1)	3.II.B.1, 3.II.B.4, 3.II.E-H
23.	2004-04-19 #37	Amendments approved for MCSR&R adopting Major Thoroughfare Plan Right-of-Way Width requirements, as authorized by Section 232.102 of the Local Government Code	3.II.K
24.	2004-07-12 #33b	Amendments approved for MCSR&R adopting state statute Section 232.0095 and allowing amending plats	2.IV
25.	2005-12-19 #41d	Addendum approved to MCSR&R establishing a maximum driveway culvert length in residential subdivisions.	2.II.A
26.	2006-09-25 #8H4a	Amendment from 2005-12-19 clarified and approved establishing 30-foot maximum driveway culvert length in residential subdivision.	2.II.A
27.	2007-08-27 #37b	Amendment approved for MCSR&R to allow the use of polymer-coated corrugated metal pipe as an approved alternate to asphalt-coated corrugated metal pipe.	3.III.D.7
28.	2008-11-03 #29c1	Bonding amount revision	2.II.E
29.	2008-11-03 #29c2	Letter of Credit form revised to Evergreen Letter of Credit form.	2.II.E

<b>Num.</b>	<b>Commissioners Court Item</b>	<b>Description</b>	<b>SR&amp;R Reference</b>
30.	2009-05-18 #37	Addendum approved to MCSR&R requiring any surety company securing road bonds to have an A.M. Best's "A-" (Excellent) rating or higher and to revise bond forms.	2.II.E
31.	2010-06-28 #27	Amendment approved to MCSR&R requiring storm water quality submittals for drainage plan and building permit approval.	3.IV.H 3.IV.I
32.	2014-01-27 #26	Amendment approved to MCSR&R requiring two means of ingress and egress for subdivisions that are subdivided into 1,000 or more lots.	3.I.H
33.	2017-01-24 #20	Amendment approved for MCSR&R regarding payment of fees.	Superseded by 2019-08-27
34.	2019-08-27 #18	Revisions to procedures for accepting plat submittals to ensure compliance with revised Chapter 232 of Texas Local Government Code.	2.I.B 2.I.B.3
35.	2021-05-25 #8	Addendum approved for MCSR&R to allow the use of dual-wall corrugated polypropylene (PP) Storm Drain Pipe in construction of Subdivision Roads.	3.III.D.8

#### IV. ENDNOTES

The following are references to motions in Commissioners Court minutes.

- 
- <sup>1</sup> Addendum 1996-08-26, #22 & Addendum 1997-01-06, #7Fa
  - <sup>2</sup> Addendum 1995-12-04, #6
  - <sup>3</sup> Amendment 2019-08-27, #18
  - <sup>4</sup> Amendment 1989-05-01, #11
  - <sup>5</sup> Amendment 2019-08-27, #18
  - <sup>6</sup> Addendum 1994-04-04, #27
  - <sup>7</sup> Amendment 2006-09-25, #8H4a
  - <sup>8</sup> Addendum 1993-07-12, #37
  - <sup>9</sup> Amendment 2008-11-03, #29c2
  - <sup>10</sup> Addendum 2009-05-18, #37
  - <sup>11</sup> Amendment 2008-11-03, #29c1
  - <sup>12</sup> Amendment 1990-05-29, #22
  - <sup>13</sup> Addendum 2004-07-12, #33b
  - <sup>14</sup> Amendment 1992-10-19, #16
  - <sup>15</sup> Amendment 1992-10-19, #16
  - <sup>16</sup> Amendment 1992-10-19, #16
  - <sup>17</sup> Addendum 1991-12-02, #13
  - <sup>18</sup> Addendum 2014-01-27, #26
  - <sup>19</sup> Addendum 1990-04-02, #30 & Addendum 1990-05-14, #20
  - <sup>20</sup> Amendment 2003-09-22, #40
  - <sup>21</sup> Amendment 2003-09-22, #40
  - <sup>22</sup> Amendment 2003-09-22, #40
  - <sup>23</sup> Amendment 2003-09-22, #40
  - <sup>24</sup> Amendment 2003-09-22, #40
  - <sup>25</sup> Amendment 2003-09-22, #40
  - <sup>26</sup> Amendment 2003-09-22, #40
  - <sup>27</sup> Amendment 2003-09-22, #40
  - <sup>28</sup> Amendment 2003-09-22, #40
  - <sup>29</sup> Amendment 2003-09-22, #40
  - <sup>30</sup> Amendment 2003-09-22, #40
  - <sup>31</sup> Amendment 2003-09-22, #40
  - <sup>32</sup> Amendment 2003-09-22, #40
  - <sup>33</sup> Amendment 2003-09-22, #40
  - <sup>34</sup> Amendment 2003-09-22, #40
  - <sup>35</sup> Amendment 2003-09-22, #40
  - <sup>36</sup> Amendment 2003-09-22, #40
  - <sup>37</sup> Addendum 2004-04-19, #37
  - <sup>38</sup> Addendum 1984-12-03, #33
  - <sup>39</sup> Addendum 1991-10-21, #12
  - <sup>40</sup> Addendum 1999-05-10, #23
  - <sup>41</sup> Addendum 2007-08-27, #37b
  - <sup>42</sup> Addendum 2021-05-25, #8
  - <sup>43</sup> Addendum 2010-06-28, #27
  - <sup>44</sup> Addendum 2010-06-28, #27
  - <sup>45</sup> Amendment 1990-05-29, #22
  - <sup>46</sup> Addendum 1993-07-12, #37
  - <sup>47</sup> Addendum 1990-05-29, #22