

J A S P E R C O U N T Y
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JASPER COUNTY

SUBDIVISION RULES AND REGULATIONS

AS AMENDED DECEMBER 10, 2007

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1. These rules, regulations, and requirements are subject to change, amendment, or alteration without notice, whenever the Commissioners Court in its judgement deems it to be in the best interest of the Public.
2. These rules, regulations, and requirements, any and all future additions thereto and changes thereof, will be binding on all new subdivisions, re-plats, or re-subdivisions in Jasper 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, re-plat, or re-subdivision and shall be recorded with the County Clerk after same has been 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 Jasper County, Texas.
4. A final plat of each proposed subdivision, re-plat, or re-subdivision will be submitted in compliance with the following sections hereof to the Commissioners Court of Jasper 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 Jasper County prior to 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, 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 road, or a state or federally maintained road, street, or highway.
8. A certificate from each tax collector of a political subdivision in which the property is located must accompany the plat to be recorded, showing that all taxes owing to the State, County, School District, and/or any other political subdivision, have been paid in full to date.

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SECTION ONE
GENERAL PROVISIONS

I. Title

These Rules and Regulations, in accordance with the authority granted by the Legislature of the State of Texas in Chapter 232, Local Government Code; as well as, Section 12.002, of the Texas Property Code; shall be known and may be cited as the "Jasper County Subdivision Rules and Regulations ".

II. Purpose

The regulations contained herein are intended to protect the health, safety, and welfare of the citizens of Jasper County. These regulations have been adopted to provide minimum standards by which land may be subdivided and developed for the benefit of the citizens of Jasper County.

III. Jurisdiction

These regulations apply to the Owner or Owners of any tract of land situated outside of the jurisdiction of any incorporated town or city in Jasper County, Texas, and who may hereafter divide the same into two (2) or more parts, any part of which is not more than ten (10) acres in size, to lay out a subdivision of the tract.

These regulations are not intended to prohibit or to be applied to testamentary land divisions, dividing of land among family members or the division of land as a result of the dissolution of a corporation or partnership or any other exception to plat requirements as provided by Section 232.0015, Local Government Code. These regulations apply to the subdivision of land into lots for sale or rental purposes, including manufactured home rental communities and other similar land uses.

IV. Definitions

- A. Building or Setback Line: A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way.
- B. Commissioners Court: The Commissioners Court of Jasper County, Texas.
- C. County: Jasper County, Texas.
- D. County Engineer: A Registered Professional Engineer in the State of Texas, who has been duly authorized by the commissioners Court to provide engineering services to the County, or any officer or employee of Jasper County as designated by the Commissioners Court.
- E. County Judge: The County Judge of Jasper County, Texas.

- F. County Road or Street: A public road or street which has been accepted by the County, through prescription or dedication for maintenance purposes or is a road or street that was constructed and maintained by the County.
- G. Easement: A right given by the Owner of a parcel of land to another person, public agency, or private corporation for specific and limited use of that parcel.
- H. One-Hundred Year Flood Plain: That area subject to inundation by a flood having a one-percent probability of occurrence, in any given year based on existing conditions or development within the watershed area, as determined by the Federal Emergency Management Agency and approved by the County Engineer. A flood having a one-percent probability of occurrence on the average would occur once every one hundred years.
- I. Floodway: The channel and adjacent areas of a water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100 year flood plain elevation more than one (1) foot. The floodway will be defined by the Jasper County Engineer.
- J. Geometric Design Standards: The minimum allowable engineering geometric standards adopted by Jasper County affecting the functional traffic level operation, service, and safety of highways, roads, and streets in Jasper County.
- K. Homeowners Association: A formal nonprofit organization operating under recorded land agreements through which each lot and/or homeowner in a specific residential area is automatically a member, and each lot or property interest is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as the maintenance of common property, and the charge if unpaid becomes a lien against the nonpaying member's property.
- L. Lot: An undivided tract or parcel of land under one ownership having frontage on a public road, which parcel of land is designated as a separate and distinct tract.
- M. Plat: A map of a tract of land which represents the plan for the development of a subdivision.
1. Preliminary Plat: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development.
 2. Final Plat: A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other important information.

- N. Re-Plat, Revision or Re-Subdivision: The redesign of an existing subdivision, together with any changes of lot size therein, or the relocation of any street lines or lot lines.
- O. Sub-Divider or Developer: Any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, who performs or participated in the performing of any act toward the subdivision of land, within the intent, scope, and purview of these regulations.
- P. Subdivision: The division of a tract or parcel of land into two (2) or more parts for the purpose of laying out lots, streets, or land uses, for purchasers, or use by members of the Public.
1. Public Subdivision: Any subdivision with the granting of unrestricted ingress and egress to the Public by dedication of a street or road by the Sub-Divider.
 2. Private Subdivision: Any subdivision with a locked gate or controlled ingress plus a highly visible "Private Road" sign. This classification shall not avoid proper road installation for public traffic.
- Q. Road System: The Jasper County Road System Plan is the official plan for the physical development of highways, roads, and streets in Jasper County.
- R. Vacate: To annul or cancel a subdivision plat, street, or easement.
- S. Variance: A form or relief granted to a Sub-Divider by the Commissioners Court, and granted on the basis of the following criteria:
1. The existence of circumstances or conditions affecting the Sub-Divider's property in such a way that the strict application of these regulations would deprive the Sub-Divider of the reasonable use of his/her land.
 2. The Sub-Divider's offer or evidence that the grant of a variance is absolutely necessary for the preservations and enjoyment of his/her property rights.
 3. The Sub-Divider's offer of evidence that the variance **will not** be detrimental to the health, safety, and general welfare of the citizens of Jasper County.
 4. The grant of a variance will not be simply a matter of convenience or expedience but is founded on the principles of reasonableness and substantial justice.

SECTION TWO
PROCEDURE

I. Concept Plan

- A. Prior to the submission of a Preliminary Plat of the subdivision of land within the jurisdiction of Jasper County, a Sub-Divider must submit a Concept Plan to the Jasper County Engineer. The Concept Plan serves the purpose of showing an intent to subdivide, and it gives the Sub-Divider an opportunity to discuss general concepts, details, policies, laws, etc., at an early stage in the development process.
- B. The Concept Plan should contain the following information:
1. The location of the tract of land to be subdivided in relation to the surrounding area.
 2. The approximate location of all existing structures within the tract to be subdivided.
 3. The names of the Owners of all property adjoining the tract to be subdivided as disclosed by the most recent assessor's records.
 4. All existing streets, roads, wet and dry weather water courses, and other significant physical features both within the tract to be subdivided and within two-hundred (200) feet of it.
 5. The approximate location of proposed streets and property lines.
 6. A North arrow and a graphic scale.
 7. The direction of and the approximate distances to the nearest major street or highway intersection.
- C. The Jasper County Engineer must review the Concept Plan as soon as practicable and must report to the Sub-Divider his opinion as to the merits and general feasibility of the project.

II. Preliminary Plat

- A. The Sub-Divider must prepare a Preliminary Plat on mylar or other plastic drafting film and submit six (6) copies of it to the Jasper County Engineer. The plat must be submitted at least thirty (30) days before the meeting at which the approval of the Commissioners Court is requested. The Preliminary Plat will remain valid for eighteen (18) months from the date of approval, after which, it will be automatically null and void.

B. The Preliminary Plat must show the following information:

1. Subdivision Name: The proposed name of the subdivision. The name must not duplicate or be easily confused with other subdivisions located in Jasper County.
2. Subdivision Ownership: The names, addresses, and telephone numbers of the Owners of the proposed subdivision and the name, address, and telephone number of the Engineer and/or Surveyor responsible for the preparation of the preliminary plat.
3. Location and Boundary Lines: The location of the proposed subdivision together with the boundary lines and their relation to an original corner of the original survey.
4. Lot, Block, and Street Layout: The location and width of existing and proposed streets, roads, lots, blocks, alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one hundred (100) feet, and how the streets in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The acreage of the proposed subdivision must be shown on the plat.
5. Drainage and Topography: The Preliminary Plat must show the drainage plan, the physical features of the property, including water courses, the one-hundred (100) year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance to lot and street layout, prepared by a Professional Engineer who is registered in the State of Texas. Storm water drainage facilities must be designed so as to minimize any increase in the quantity or velocity of storm water runoff from the subdivision. The topography of the tract must be shown on the preliminary plat by means of contours of ten (10) foot intervals tied to United States Geological Survey (USGS) maps. Contours of lesser intervals may be required to determine topography and drainage.
6. Land Use: Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial, or public use. This information must contain the location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.
7. Drawing Requirements: The Preliminary Plat must show the North point, scale, and date. It must be drawn to a scale not exceeding one (1) inch equal to two hundred (200) feet. The preliminary plat must be drawn and presented on standard size sheets of 18 by 24 inches. If the proposed subdivision is too large to be accommodated by a single standard size sheet, then two or more sheets may be used, with alignment lines and a key map clearly shown. If the original plat has been photographically reduced, then

the reduction must be no more than fifty percent (50%) of the original.

8. Utility Service: The Sub-Divider must submit a plan for providing utility services within the proposed subdivision and must clearly present it on the Preliminary Plat. The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All water supplies must be approved by the Texas Department of Health.

The plan sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. If the Sub-Divider intends that each lot purchaser will provide private sewage facilities to his/her lot, then copies of percolation tests performed by a Professional Engineer registered in Texas, registered sanitarian, or a reputable testing laboratory must be provided, together with a letter stating the recommendations as to the type of sewage system to be installed. If private sewage facilities are to be used, the location of each percolation test must be noted on the Preliminary Plat, and the area covered by that test must be clearly outlined on the plat. All proposed private sewage facilities must be in accordance with the policies and regulations of Jasper County and the Texas Health and Safety Code. The Jasper County Engineer is hereby designated as the final authority regarding the use of private sewage systems.

9. Subdivisions Within Extraterritorial Jurisdiction: If the location of the proposed subdivision is within the extraterritorial jurisdiction of any city or town within Jasper County, Texas, the Preliminary Plat must be approved by the governing body of the city or the county as determined and designated by Interlocal Agreement.
9. Approval Procedure: If the Commissioners Court does not approve, disapprove, or ask for clarification of a completed Preliminary Plat within sixty (60) days of the date of the receipt of the Preliminary Plat, it will be deemed approved and so endorsed by the Commissioners Court. Approval of the preliminary plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the Final Plat. No grading of streets or construction is authorized in the proposed subdivision before the Final Plat is approved by the Commissioners Court, except by means of a variance or special permission of the Commissioners Court.

III. Final Plat

- A. After the Preliminary Plat has been approved by the Commissioners Court, a Final Plat for recording must be prepared and submitted to the Jasper County Engineer, at least thirty (30) days prior to the Commissioners Court meeting at which Court

approval is requested.

- B. The Final Plat must show all of the following information:
1. Subdivision Name: The proposed name of the subdivision. The name must not be duplicate or be easily confused with other subdivisions located in Jasper County.
 2. Subdivision Ownership: The names, addresses, and telephone numbers of the owners of the proposed subdivision and the name, address, and telephone number of the Engineer and/or Surveyor responsible for the preparation of the Final Plat.
 3. Boundary and Lot Lines: Boundary lines and lot lines shall be shown by bearings and distances. The subdivision shall be described in relation to established surveys and shall be located with respect to an original corner of the original survey of which it is a part. All property lines intersecting roads or streets will end at the intersecting line of the right-of-way of such road or street. No property line can be extended to the center of a road or street.
 4. Location and Accuracy: Location of lots, streets, roads, public highways, utility easements, one-hundred (100) year flood plain boundaries and source of flood plain information, and other pertinent features, must be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii, and angle of all curves, and with all other information necessary to duplicate the Final Plat on the ground. All lot numbers and street names are to be arranged by systematic order and shown on the plat in distinct and legible figures and letters, Plan and geometric design standards of streets, drawings, and drainage calculations prepared by an Engineer registered in the State of Texas must be submitted separately. The plan and geometric design standards must be drawn at a scale of one inch (1") equals forty feet (40') horizontally, and on inch (1") equals four feet (4') vertically. The location of building lines on all streets, and drainage easements, other public right-of-way or future right-of-way must be shown on the Final Plat.
 5. Drawing Requirements: The Final Plat must show the North point, scale, and date. It must be drawn to a scale not exceeding one (1) inch equal to two hundred (200) feet. The Final Plat must be drawn in waterproof black ink and presented on standard size sheets of 18 by 24 inches. If the proposed subdivision is too large to be accommodated by a single standard size sheet, then two or more sheets may be used, with alignment lines and key map clearly shown. If the original plat has been photographically reduced, then the reduction must be no more than fifty percent (50%) of the original.
 6. Certification and Dedication of the Owner: Certification must be provided

by the Owner of his dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by the Owner.

7. Certification by a Registered Public Surveyor: Certification must be provided by a Registered Public Surveyor that the plat correctly represents a survey made by him/her, and that all of the lot corners and boundary markers are correctly placed as shown thereon; including dimensions, bearings, and other technical information needed by platting each lot on the subdivision.
8. Certification of Water System: Certification must be provided by the Jasper County Health Department which certifies that the proposed water supply and distribution system are adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision.
9. Certification of Sanitary Sewer System: Certification must be provided by the Jasper County Health Department which certifies that the proposed sanitary sewer system is adequate to meet the health and safety needs of the proposed subdivision.
10. Deed Restrictions/Covenants: A copy of the deed restrictions/restrictive covenants imposed within the subdivision must accompany the Final Plat.

IV. Approval by Commissioners Court:

- A. No lots or tracts in the proposed subdivision shall be sold or transferred unless and until the Final Plat has been approved by the Commissioners Court and all streets and roads have been installed according to the specifications herein and accepted by the Commissioners Court or a bond has been posted to guarantee the construction thereof as provided for in these regulations.
- B. After examining the Final Plat, the Commissioners Court must either approve or disapprove the Final Plat. If the plat is disapproved, it must be returned to the Owner and the reasons for the disapproval must be given to the Sub-Divider.
- C. If the Final Plat is approved by the Commissioners Court, the Sub-Divider has the following options concerning the filing of the Final Plat:
 1. If the Sub-Divider decides to file the Final Plat prior to completion of the construction of the streets in a subdivision, the Sub-Divider must provide appropriate financial security in accordance with these regulations. Financial security may be arranged in one of the following methods:
 - a. A construction bond may be filed by the Sub-Divider payable to Jasper County in the amount of the cost of construction. The

bond must be a surety provided by a surety company licensed to operate in the State of Texas.

- b. The Owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit, or other financial instrument satisfactory to the Commissioners Court in the amount of the cost of construction.

After acceptable financial security is filed with the County, the County Judge and Commissioners will sign the Final Plat and the Owner can then file the Final Plat with the office of the Jasper County Clerk.

2. If the Owner decides not to guarantee the construction, the Final Plat will be withheld from filing until the completion of the construction of the streets. At such time that the Jasper County Engineer certifies to the Commissioners Court that the construction is completed according to the Jasper County specifications, the County Judge and Commissioners will sign the Final Plat and the Sub-Divider can then file the plat with the office of the Jasper County Clerk.

- V. Approval by the County Judge and Commissioners: A space must be provided on the Final Plat for the approval of the plat by the County Judge and the Commissioners acting on behalf of Jasper County.
- VI. Copy Retained by County Engineer: A copy of the Concept Plan, the Preliminary Plat, the Final Plat, and all pertinent documents will be retained by the Jasper County Engineer.
- VII. Vacation of a Subdivision: Whenever any person or corporation may desire to vacate any subdivision or a part of a subdivision in which the person or corporation has an ownership interest, the party or parties may petition the Jasper County Commissioners Court to vacate said subdivision. The petition must contain a description of the subdivision to be vacated and the names of the person who would be affected by the action, Petitions for the vacation of a subdivision must be submitted to the Jasper County Clerk. The County Clerk must publish the proposed vacation in a newspaper of general circulation for a period of not less than thirty (30) days prior to the public hearing at which the vacation will be considered. Upon approving the vacation of all or a part of a subdivision, the Commissioners Court must issue a written statement to the Jasper County Clerk to vacate same.
- VIII. Replatting: In order for a Subdivision to be replatted, it must be first vacated. Replatting of a Subdivision must follow the same procedures as that of an original platting;
- IX. Private Subdivisions: All Private Subdivisions must conform to these regulations with the exception of the County road construction requirements. In addition, Deed Restrictions are to be filed with the Commissioners Court and attached to each deed filed with the Jasper County Clerk specifying that:
 - A. All roads and/or streets are private and not to be maintained by the County

but shall have a minimum Jasper County Standard right-of-way width.

- B. The Sub-Divider, Purchaser, and Future Owners absolve the County of maintenance responsibilities now or for any time in the future until the roads and/or streets are:
 - 1. Brought up the County subdivision road standards.
 - 2. Accepted by the Commissioners Court.

SECTION THREE
GENERAL ROAD AND STREET REQUIREMENTS

I. Street Arrangement:

- A. Proposed streets must conform to the existing topography as nearly as possible, in order that drainage may be provided. Streets should, wherever possible, follow valleys or depressions so as to form a collection system for surface water.
- B. The streets must be designed in such a way as to provide unhampered circulation through the subdivision. A dead-end street must have a cul-de-sac having a minimum radius of fifty (50) feet.
- C. All streets should intersect at a ninety (90) degree angle. Where this is not possible the intersection on the side of the acute angle must be cut back as specified by the County Engineer, but in no case shall the cut back be less than twenty-five (25) feet.
- D. No street or road shall have an abrupt offset or jog in it. Developers are to avoid ninety (90) degree turns and to use gentle curves. Inside curves shall be designed so that traffic will not be induced to use the ditch as part of the traveled way.
- E. Where streets in an adjoining subdivision end at the property line of the new subdivision, where possible the said streets shall be continued through the new subdivision either on a straight line or a curve.
- F. Subdivision or additional entrances entering off of a County Road or State Road or Federal Highway shall meet the approval of the regulating authority.
- G. Any road that may exist prior to the approval of these regulations and said road can not meet all the width requirements, will be considered on a case by case basis by the Commissioners Court.

II. Drainage:

- A. The county will not assume liability or responsibility for the maintenance, repair, or replacement of any structure used to impound water.

- B. Any drainage pipes, culverts, or bridges shall be of adequate size to accommodate the average flow of water, and in all cases shall be of a size recommended by a Professional Engineer and approved by the County Engineer, but in no event less than twelve (12) inches in diameter and thirty (30) feet in length. A slab structure to flow water over the road may be substituted at the discretion of the County Engineer. Drainage structures, bridges, and culverts shall be of a permanent type, either concrete or metal. Size calculations for drainage structures, bridges, and culverts shall be made using the latest standards of the Texas Department of Highways and Public Transportation. Drainage structures shall be designed using a ten (10) year frequency for streams carrying up to one thousand (1000) cubic feet per second. A twenty-five (25) year frequency shall be used for larger streams. Energy dissipation will be placed as required to prevent erosion of drainage ditches using minimum standards within the Engineering industry.
- C. Drainage structures across streets and roads shall have a minimum of thirty (30) feet of clear roadway. Across-the-road drainage slabs, if approved, shall be a minimum of thirty (30) feet in width, including aprons.
- D. All roadway ditches shall have a minimum depth of eighteen (18) inches below the crown of the road and all front and back slopes shall be sodded or seeded. All drainage structures along the roadway shall be a minimum of twenty feet in length.
- E. Roads built over dams will not be maintained by the County.
- F. No sewage or waste water shall flow into any ditch, street, or any drainage easement.
- G. Where drainage within the subdivision may create a problem, provisions shall be made for drainage easements to allow for the proper control of drainage, and for future maintenance within the easement area.

III. Utilities:

- A. Appropriate dedication for utilities and road maintenance shall be made with not less than ten (10) feet in width on each side of any street in addition to the street right-of-way, either by absolute dedication or by dedication of easement. No structures such as fences and the like may be placed or constructed within this area.
- B. All utilities must be buried not less than twenty-four (24) inches below the level of the ground or below ditch level when crossing a street or road. No utility may pass through culverts or in ditches.

IV. Geometric Design:

- A. All roads or streets within the proposed subdivision must have right-of-way of not less than fifty (50) feet in width.

- B. All the streets shall have a minimum subgrade preparation width of twenty-eight (28) feet, a minimum base width of twenty-six (26) feet, a minimum paved surface width of twenty (20) feet, minimum shoulder width of three (3) feet., and a minimum cross slope of one-fourth (1/4) inch per foot.
- C. All road ditches shall have side slopes no steeper than 3:1 front slopes or 2:1 back slopes.

V. Construction:

- A. Before construction begins all streets and road grades must be certified by a Professional Engineer and accepted by the County Engineer that said grades meet the minimum standards of the County. A Centerline Profile and cross sections of roads must be submitted.
- B. Prior to the beginning of construction, the entire right-of-way must be cleared of all timber, roots, brush, fences, boulders, or other structures.
- C. The preparation of the subgrade shall follow good engineering practices. The subgrade shall be compacted to a minimum depth of six (6) inches, by ordinary compaction, by any method, type and size of equipment which will give 95% standard Proctor density compaction by test. Prior to the application of any base material the subgrade must be tested and the results furnished to the Jasper County Engineer.
- D. The type of base material utilized shall have the approval of the Jasper County Engineer prior to its application and shall be compacted to a density of 95% standard Proctor and pulled in over the subgrade in courses and set under the action of blading and rolling to a final compacted minimum depth of six (6) inches. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping, and recompacting. Prior to the application of any surface course the base must be tested and the results furnished to the Jasper County Engineer.
- E. The surface course shall consist of an MC-30 asphalt prime applied at a rate of 0.36 gallons per square yard and a two(2) course surface treatment (Sealcoat) with the first course being AC-5 or AC-10 asphalt applied at a rate of 0.34 gallons per square yard with a grade #3 crushed limestone aggregate applied at a rate of 1 cubic yard per 100 square yards and a second dcourse being AC-5 or AC-10 asphalt applied at a rate of 0.28 gallons per square yard with a grade #4 crushed limestone aggregate applied at a rate of 1 cubic yard per 110 square yards.
- F. The County Engineer shall from time to time inspect the construction of all drainage structures and streets within 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. 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 Sub-Divider to install improvements within the subdivision in accordance with plans and specifications therefore as approved by the County Engineer and in accordance with the County's Regulations.

VI. Testing:

- A. All testing required by the County Engineer to determine conformance to specifications shall be performed by a soil testing laboratory approved by the County Engineer.
- B. The cost of all testing shall be borne by the Owner and/or Developer of the subdivision.
- C. Test shall be conducted at a maximum of every five-hundred (500) linear foot of street or road. The results of which must be delivered to the Jasper County Engineer.

SECTION FOUR
ROAD ACCEPTANCE PROCEDURE

I. General Procedure:

- A. All conditions of Final Plat approval must be met.
- B. All construction must be in accordance with approved plans and construction standards as set forth herein or as may be adopted by the Commissioners Court.

II. Establishment of a Date of Completion of Construction:

- A. At such time as road construction is complete the developer shall notify the County Engineer in writing.
- B. The County Engineer 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 a certified testing laboratory.
- C. Upon rectification of deficiencies and re-inspection, the County Engineer shall establish a date considered to be the Date of Completion of Construction.
- D. After the Date of Completion has been established, all roads and improvements will enter into a One Year Maintenance Program whereby the Owner/Developer will be responsible for maintenance until final acceptance by the County.

III. Final Acceptance:

- A. Eleven (11) months after the Date of Completion of construction the Owner shall notify the County Engineer in writing.
- B. The County Engineer shall inspect the roads, and improvements and notify the Developer in writing of any deficiencies.
- C. Upon rectification of deficiencies and re-inspection, the County Engineer shall recommend to the Commissioners Court that the roads be accepted by the County.
- D. Upon Court action, the construction bond or other financial security shall be released to the Owner and the roads may be accepted into the Jasper County Road System. Acceptance into the Jasper County Road System shall require a separate order adopted by the Commissioners Court.

SECTION FIVE
VARIANCES AND APPEAL

I. Variances:

- A. The 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 person 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.
- B. No variance shall be granted unless the Commissioners Court finds:
 - 1. 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.
 - 2. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
 - 3. 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.
- C. 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 Sub-Divider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted as to required drainage plan, proposed County road improvements nor as to bond requirements.

II. Appeal:

Any Sub-Divider 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 Engineer to have a hearing before the Commissioners Court within twenty-one (21) days after the date of filing of such request. The decision of the Commissioners Court shall be final and such further appeal shall be in accordance with appropriate law.

SECTION SIX
SEPARABILITY OF PROVISIONS AND EFFECTIVE DATE

I. Separability: It is hereby declared to be the intention of the Commissioners Court that the provisions of these regulations are separable, in accordance with the following:

- A. If any sentence, phrase, section, paragraph, article, or any part of these rules, regulations, and requirements is declared invalid, unenforceable, or unconstitutional for any cause or reason, such invalidity, unenforceability, or unconstitutionality shall not be held to effect, invalidate, or impair the validity, force, or effect of any other sentence, phrase, section, paragraph, article, or any other part of these rules, regulations, and requirements.
- B. If any court of competent jurisdiction 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 property not specifically included in said judgement.

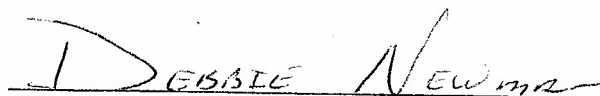
II. Effective Date: These regulations shall become effective and applicable immediately upon final approval by the Commissioners Court of the County of Jasper, Texas.

Adopted by the Commissioners Court of Jasper County, Texas on the 10th day of December, 2007, by a vote of 5 ayes and 0 nays.



County Judge

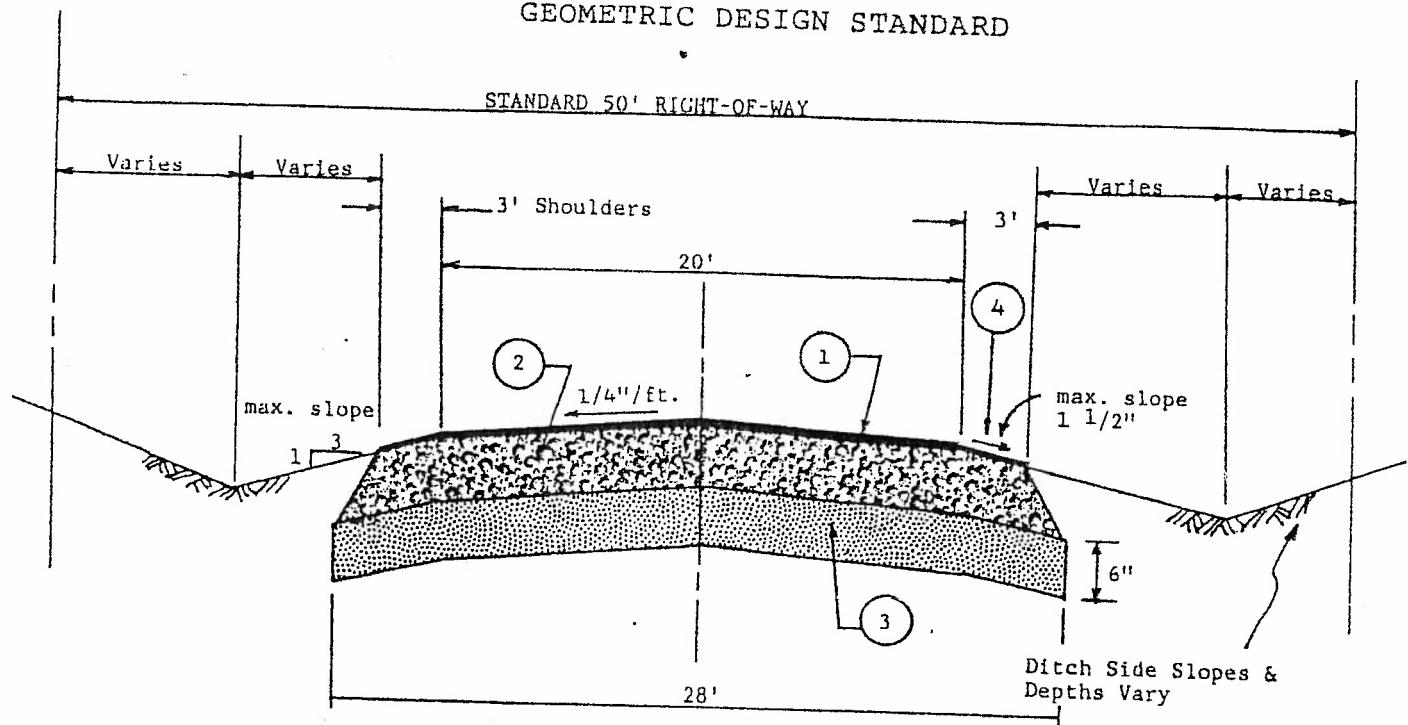
Attest:



County Clerk

E X H I B I T "A"

GEOMETRIC DESIGN STANDARD



- 1 The surface course shall consist of an MC-30 asphalt prime applied at a rate of 0.36 gallons per square yard and a two(2) course surface treatment (Sealcoat) with the first course being AC-5 or AC-10 asphalt applied at a rate of 0.34 gallons per square yard with a grade #3 crushed limestone aggregate applied at a rate of 1 cubic yard per 100 square yards and a second course being AC-5 or AC-10 asphalt applied at a rate of 0.28 gallons per square yard with a grade #4 crushed limestone aggregate applied at a rate of 1 cubic yard per 110 square yards.
- 2 The base material shall be compacted to final depth of 6".
- 3 The subgrade shall be compacted to a final depth of 6".
- 4 The shoulders shall have a minimum width of 3' on each side.