

# **MIDLAND COUNTY SUBDIVISION REGULATIONS**

## **PREAMBLE**

On May 22, 1992, the Midland County Commissioners Court adopted subdivision regulations in order to accommodate more easily the amount and kind of traffic over all streets and roads within subdivisions and similar property development in unincorporated areas of the county, to reduce potential property losses and property damage due to floods, and to provide adequate drainage systems within said subdivisions and similar property development and to facilitate the identification of land within said subdivisions for purposes of placement on the tax roll.

On August 24, 2020 the Midland County Commissioners Court finds that it is in the best interest of the citizens of Midland County to adopt the following revised subdivision regulations.

The purpose of these regulations is to implement the powers and duties of the County authorized under the Texas Local Government Code, the Texas Water Code, the Texas Health and Safety Code, and other laws, to establish the policies of the Commissioners Court and to set forth procedures to be followed in County proceedings in regulating certain activities associated with development in Midland County. The regulations should be interpreted to simplify procedure, avoid delay, save expense, and facilitate the administration and enforcement of laws and regulations by the County. Additional purposes of these revised regulations are:

1. To provide for the orderly, safe, and healthful development of the land in unincorporated areas of Midland County, Texas.
2. To prevent Midland County from being burdened with substandard streets and roadways in the future, thereby protecting the taxpayers from unnecessary maintenance costs.
3. To ensure that the residents of Midland County receive the necessary services for the supply of water, and that new development will be served by adequate sewage treatment systems and drainage facilities.
4. To provide information to the developer, and assist in the preparation of plats and approvals of future development.

## DEFINITIONS

**BUILDING or SETBACK LINE** – a line established, in general, parallel to the front street line. No building or structure shall be permitted in the area between the building line and the street right-of-way.

**COMMERCIAL PROPERTY** – real estate that includes income-producing property, such as office buildings, restaurants, shopping centers, hotels, industrial parks, warehouses, and factories and/or is zoned for business or industrial use.

**COMMERCIAL or INSTITUTIONAL FACILITY** – any building that is not utilized as a single family dwelling.

**COMMISSIONERS COURT** – the Midland County Commissioners Court.

**CONTINUOUS TWO-WAY LEFT-TURN LANE (CTWLTL)** – a clearly marked lane in approximately the center of certain streets, which lane is designated by markings on the street surface or overhead signs or both for use by vehicular traffic from either direction for left turns only.

**COUNTY WASTE WATER ORDER** – a waste water order officially adopted by Midland County in accordance with authorizing statutes.

**COUNTY FLOODPLAIN REGULATIONS** – a floodplain management regulation adopted by Midland County in accordance with authorizing statutes.

**CUL-DE-SAC** – a street or road having one outlet to another street with a vehicular turnaround at the remaining end.

**DEVELOPER** – any owner of property who wishes to divide it into two or more smaller tracts, including persons, corporations, organizations, estates, trusts, partnerships, agents, associates, and other entities which undertake the activities covered by these regulations.

**DRAINAGE PLAN** – calculations and drawings showing the existing watershed characteristics and site water flow conditions, and the effects the proposed subdivision will have onsite and offsite to adjacent and surrounding land.

**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.

1. **ACCESS EASEMENT** – an area for ingress and egress between the site and a paved public street, private street, or approved access easement.
2. **UTILITY EASEMENT** - an area for restricted use on private property upon which a public entity or utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on or under any of these easements. The public entity or utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

**ENGINEER** – any person registered and currently licensed to practice engineering by the Texas Board of Professional Engineers and Land Surveyors.

**EXCEPTION** – a variation or deviation from approved standards, rules, or regulations.

**EXTRATERRITORIAL JURISDICTION (ETJ)** – that area outside of, but adjacent and contiguous to, the corporate limits of any city recognized by state statute as the area a city, based on population, could enforce its own subdivision rules and regulations upon – or as defined by the city.

**FLOOD INSURANCE RATE MAP** – an official map of a community, on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to a community.

**FLOODPLAIN** – generally, any land area susceptible to being inundated by floodwaters. Specifically, the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered temporarily by flood water. Floodplains are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation. The 100-year floodplain is the area subject to flood for the 100-year flood.

**100-YEAR FLOODPLAIN** – any area susceptible to inundation by flood waters from any source and subject to the statistical 100-year (has a 1% chance of flooding in any given year).

**FLOODWAY** – the channel of a river or other watercourse, and the adjacent areas, within a portion of the 100-year floodplain, that must be preserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot above the 100-year flood elevation before encroachment in the 100-year floodplain.

**INSPECTION PERSONNEL** – any person designated by the Midland County Commissioners Court to perform inspections under the requirements of the Midland County Subdivision Regulations.

**LOT** – a distinct and separate tract or parcel of land being a part of a larger tract of land and having frontage on a street or road which is then, or in the future may be, offered for sale, conveyance, transfer, or improved separately from the remainder of any part of the larger tract, and generally intended to be occupied by one building or a group of buildings.

**MANUFACTURED HOME RENTAL COMMUNITY (MHRC)** – a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

**ON-SITE SEWAGE FACILITY (OSSF)** – all systems and methods used for the disposal of sewage and wastewater on a specific site other than an organized disposal system operated under a valid TCEQ permit.

**OWNER** – the owner of real property subject to a proposed or existing subdivision.

**PARKWAY** – within the right-of-way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists).

**PAVEMENT WIDTH** – the portion of a street or road with an improved surface intended for vehicular traffic, but not to include parkway or ditches, or similar parts of a right-of-way not intended or used for vehicular traffic.

**PLAT** – a map depicting the division or subdivisions of land into, lots, blocks, parcels, tracts, or other portions. A replat will be considered a plat.

1. **SKETCH PLAT** - a sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in obtaining city staff review and comment as to the form of the plat and the objectives of these regulations.
2. **PRELIMINARY PLAT** – one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show the developer’s intended development program in order to assure that all regulations are complied with.
3. **FINAL PLAT** – a map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these Regulations.
4. **SHORT PLAT PROCEDURE** – a review process for a plat containing lots with frontage on an existing street or road of required right-of-way width, and not requiring any additional streets, roads, or other public easements in order to comply with these regulations. Land or surrounding lands that, due to topography and/or location, are deemed to require submission of a drainage plan will NOT be subdivided as a short plat.
5. **EXTRATERRITORIAL JURISDICTION (ETJ) PLAT** – any plat of a proposed subdivision of land located within the ETJ and reviewed in accordance with the County Subdivision Regulations and the approved Interlocal Agreement.

**PRESCRIPTIVE ROAD or RIGHT-OF-WAY** – a road or right-of-way that becomes a county-maintained road or right-of-way by means of continuous public use and County maintenance over a statutorily defined time period.

**REGULATIONS** – refers to the Midland County Subdivision Regulations.

**REPLAT** – any map, drawing, or plan to show further subdivision of any part of a previously platted subdivision, addition, lot, tract, or parcel of land which had been recorded of record in the County plat records and which may be in either preliminary or final plat form.

**RIGHT-OF-WAY (ROW)** – generally, the entire platted, deeded, or dedicated public street which exists between two property lines, whether improved or not, but may also refer to any other public way or portion thereof. In some instances, the term “right-of-way” may describe property for public use through prescriptive rights as identified or limited by legal precedent in the State of Texas.

**ROADWAY SURFACE** – the portion of a right-of-way improved, designed, or ordinarily used for vehicular travel and which includes travel lanes, shoulders, and CTWLTL, as applicable.

**SHALL** – mandatory and not discretionary.

**SINGLE FAMILY DWELLING** – a structure that is either built on, or brought to, the development site for use as a residence for one family.

**SPECIAL FLOOD HAZARD AREA (SFHA)** – the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year according to the Flood Insurance Rate Map.

**25-YEAR STORM FREQUENCY** - a storm event with a four (4) percent chance of being equaled or exceeded in any given year.

**STREET OR ROAD** - a public right-of-way used, or intended to be used, for passage or travel by motor vehicles and classified in accordance with the Thoroughfare Plan and Map. Refer also to THOROUGHFARE PLAN AND THOROUGHFARE PLAN MAP

**STREET, COUNTY (ROAD)** – a public street or road which has been accepted for maintenance purposes by the Midland County Commissioners Court, whether acquired by prescription, dedication, or statutory means, or originally constructed by the County. The term “street” and “road” are used interchangeably for the purpose of these regulations. Refer also to THOROUGHFARE PLAN MAP

**STREET, PRIVATE** – a road or street that has not been accepted by the Midland County Commissioners Court for maintenance. Some private roads may have been dedicated to the public (see definition of Street or Road, Public). Others may not be dedicated to the public and are under private ownership. In either case, the County is not responsible for maintenance. Refer also to THOROUGHFARE PLAN MAP

**STREET, PUBLIC** – any area, parcel, or strip of land which provides vehicular access to adjacent property or land whether designated as a street, road, avenue, lane, thoroughfare, boulevard, place, drive, court, loop, or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription. (Not all Public Road are County Roads nor are they all maintained by the County. See Definition of Street or Road, County) Refer also to THOROUGHFARE PLAN MAP

**STREET STUB** – a street or road that is extended to the property line for purposes of future extension onto neighboring property.

**SUBDIVIDER** – any person, firm, corporation, partnership, association, or any similar individual or group of agents thereof, who divide or propose to divide land so as to constitute a subdivision, whether or not the individual or group is also a developer of the subdivision.

**SUBDIVISION** – the division of any tract or parcel of land into two or more parts to lay out any division of the tract, including an addition, lots, or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alleys, squares, parks, or other parts. A division includes a division using metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract for sale or other executory contract to convey, or by using any other method.

**SURVEYOR** – a person licensed to practice surveying by the Texas Board of Professional Engineers and Land Surveyors.

**THOROUGHFARE PLAN** - a plan adopted by the Commissioners Court or governing body of a city or town which identifies the general routing and classification of proposed streets and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses, they are proposed to serve. This refers to any plan adopted prior to or after the date of adoption of these regulations.

**THOROUGHFARE PLAN MAP** – a graphic component of the Thoroughfare Plan used to depict the transportation network and further facilitate development and redevelopment objectives. Streets are typically classified as follows:

1. **ARTERIAL**

- a. **MAJOR ARTERIAL** – a highway intended to move large volumes of traffic around and across the city without direct access to adjacent land providing vehicular movement from one neighborhood to another or to distant points within the City, and including highways leading to other communities. Provides for cross-town movement and continuity and designed to carry higher volumes of traffic between major activity centers such as commercial and employment centers, and neighborhoods, etc. Due to the high traffic volume, direct access is controlled. A road with high density volumes of traffic across lengthy distances within a roadway network, such as an interstate or freeway. These types of roadways are intended to have little to no trip interruptions due to intersections or direct access to abutting properties. Major arterials are also called principal arterials. Major arterials serve as a principal connecting street with State or Federal highways, farm to market roads, or major thoroughfares shown or projected on current transportation plans of the Texas Department of Transportation, the Permian Basin Metropolitan Planning Organization, and cities of Odessa and Midland.
- b. **PRINCIPAL ARTERIAL** – refer to MAJOR ARTERIAL.
- c. **MINOR ARTERIAL** – a road that serves as a connection between collector roadways and conveys similar traffic volumes as principal arterials, but for shorter distances. Because providing direct access to adjacent property is not the primary function of an arterial roadway, access points along this roadway should be limited as much as possible.

2. **COLLECTOR** – a road that provides the connection between arterial and local streets and is intended to balance the functions of traffic movement and property access. Compared to arterials, they accommodate lower traffic volumes for shorter distances. There are two types of collectors that are based off the density of the adjacent development, major and minor collectors.

- a. **MAJOR COLLECTOR** – a road that accommodates higher traffic volumes for longer distances than minor collectors.
- b. **MINOR COLLECTOR** – a road that is typically utilized to serve a lower density of development and has a shorter street length than major collectors.

3. **LOCAL** – a road whose primary function is to provide direct access to adjacent land. Local streets also serve to provide short distance trips to access collectors, and further arterials.

- a. **RESIDENTIAL** – a type of local street predominantly located internal to a residential subdivision and providing access to privately owned residential lots and uses.

**VACATION** – to cancel, rescind or render an act that has the effect of voiding a subdivision plat or a portion thereof as public easement, right-of-way, or other dedication.

**ARTICLE 1  
PLATS**

**Section 1.01.** Every owner of any tract of land situated without the corporate limits of any city in Midland County, Texas, who divides the same into two (2) or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town, or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof on said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

**Section 1.02.** The owner, owners, subdivider or subdividers shall consult with the City of Midland Planning Department or the City of Odessa Planning Department, as applicable, for plat requirements when the property to be platted is located within either of these cities' extra-territorial jurisdiction. The subdivision approval process within the ETJ of the City of Midland shall be handled by the City of Midland, and all plats must conform to the City of Midland subdivision rules and regulations.

**Section 1.03.** Every such plat shall be duly acknowledged by owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for acknowledgement of deeds.

**Section 1.04.** The plat shall be prepared by a licensed engineer or licensed land surveyor and shall be based on a scale of not more than two hundred (200) feet per inch and certified to as to accuracy by the engineer or surveyor preparing the plat of the subdivision, showing in reasonable detail the location of and width of existing streets, lots, and alleys and similar details regarding all property immediately adjacent thereto.

**Section 1.05.** The plat shall be drawn on permanent Mylar type material, consisting of one or more sheets measuring either eighteen inches wide and twenty-four inches long or twenty-four

inches wide and thirty-six inches long. If two or more sheets are used, a key map showing the entire area shall be drawn on the first sheet or on a separate sheet.

**Section 1.06.** The subdivision plat must be made from an actual survey on the ground by or under the supervision of either a registered professional engineer or a licensed land surveyor, and his certificate to that effect must appear on said plat.

**Section 1.07.** Boundary lines must be shown by bearings and distances, calling for the lines of established surveys, land marks, school districts and other data furnished, sufficient to locate the property on the ground. All block corners and angles in streets and alleys should be marked with a one-half inch steel pin approximately two (2) feet in length, or with a permanent marker.

**Section 1.08.** The names of the proposed subdivision and any of the physical features (such as streets and parks) must not be so similar in spelling or in pronunciation to the names of any similar features in Midland County, or in any incorporated city or town in Midland County, as to cause confusion.

**Section 1.09.** The plat shall also show the location of all existing permanent, man-made structures in the proposed subdivision, including houses, barns, shacks, other buildings, walls, wells, ponds and stock tanks.

**Section 1.10.** The elevation (in relation to mean sea level) to which the lowest floor (including the basement) shall be built for all new and substantially improved structures shall be shown on the plat.

**Section 1.11.** The exact location, dimensions, description, capacity and flow line elevation of existing drainage structures and drainage structures proposed to be installed by the owner or owners or subdivider or subdividers and the location, flow line elevations and floodplain limits of existing surface water runoff sources within the proposed subdivision must be shown on said plat.

**Section 1.12.** The minimum elevation (in relation to mean sea level) to which any nonresidential structure shall be flood proofed shall be shown on the plat, should flood proofing of nonresidential structures be proposed for the site. Flood proofing shall meet the requirements of "An order Establishing Regulations for Flood Damage Prevention," which is hereby incorporated by reference.

**Section 1.13.** The plat shall further show the existing topography of the proposed subdivision by use of contour lines. Said contour lines shall be based on a vertical interval of two (2) feet for



terrain with a slope of two be based on data provided by Midland County, or in lieu thereof, by any governmental agency or department, which shall be specified on the plat.

**Section 1.14.** The plat shall also indicate by use of contour lines any changes in the existing topography proposed by the land owner or subdivider. Said contour lines shall be based on a vertical interval of two (2) feet for terrain with a slope of two (2) per cent or more and on a vertical interval of one (1) foot for terrain with a slope of less than two (2) per cent. Said contour lines shall further be based on data provided by Midland County, or, in lieu thereof, by any governmental agency or department, which shall be specified on the plat. The extent to which any watercourse or natural drainage will be altered or relocated as a result of any development shall be included on the plat.

**Section 1.15.** The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

**Section 1.16.** The plat must be accompanied by a copy of any and all restrictions or restrictive covenants to be made a part, by inclusion, recitation, or incorporation, of any conveyances of parcels within the proposed subdivision.

**Section 1.17.** The following statement shall appear on any plat containing private streets, drives, emergency access easements, recreation areas, and open spaces:

NOTE: All private roads will be signed in a manner that indicates its' private status.

**MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.**

**Section 1.18.** The Commissioners Court will from time to time establish fees for filing and review of plats and other documents required by these rules and regulations. The developer will be required to pay the fees in existence at the time the plat or other document is filed.

**Section 1.19.** No grading of streets/roads or the sale of lots shall commence, nor shall any other associated construction be accomplished by the owner/developer upon land being subdivided prior to final plat approval, except by written authorization of the Commissioners Court. Approval from the Commissioners Court is required before recording a final plat.

**Section 1.20.** No plat, replat, or amended plat or replat may be filed in the County Clerk's office until the developer has complied with the requirements of these regulations, Texas Local Government Code Chapter 232 and Texas Property Code Section 12.02. These include the requirement that the plat, replat, or amended plat or replat have attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property.

**Section 1.21.** Any plat that includes a drainage easement to Midland County will include the following language:

A. Midland County and its employees, contractors, agents, successors, and assigns shall have the free and uninterrupted right and privilege at any and all times to enter, or any part thereof, for the purposes of establishing, constructing, installing, realigning, modifying, replacing, improving, operating, maintaining, inspecting, repairing and removing drainage facilities, including but not limited to the right to cut and trim bushes and trees and to remove sediment, and for enforcement of the County Subdivision Regulations and Flood Damage Prevention Regulations, or for any other ancillary public use as usual and customary in connection therewith.

B. Developer may not use any part of the property described herein if such use will damage, destroy, injure, and/or unduly interfere with Midland County's use of the property. Developer expressly covenants and agrees for itself, its legal representatives, successors and/or assigns, that no building, roadways, or curbs and gutters of any kind will be placed on the property described herein. Written permission for above ground appurtenances must be obtained from Midland County prior to installation.

C. The maintenance of any stormwater facility in this easement is the responsibility of the property owner. Property owner agrees to maintain the facility in working order, with inspections and corrective action made at least annually. Reports of such inspections and maintenance shall be kept for inspection by the Midland County Judge's Office on request, or may be forwarded to the County Judge's office at 500 N. Loraine St, Suite 1100, Midland, Texas 79701.

D. Midland County shall have the right to mitigate deficiencies in the function of the stormwater facility, and to be reimbursed by the property owner, if the County finds it necessary for public health and safety.

## **ARTICLE II VACATIONS**

**Section 2.01.** An application form, as shown in Appendix A to these regulations, will be required to initiate a request for any vacation. This form must be filled out and signed by the person(s) requesting the vacation, or their authorized agent.

**Section 2.02** Right-of-Way Vacation (for any right-of-way in Midland County which is outside an incorporated area). The person making a request for right-of-way vacation shall submit a letter to the Commissioner of the Precinct in which the right-of-way is located, with a copy to the County Road Department. The letter should state the reason for the request. The following documents shall be attached to the letter:

**2.02.01.** Approval or concurrence with the request by all adjacent and abutting property owners.

**2.02.02.** Letter from all utility companies (electric, telephone, cable, water and wastewater, natural gas, etc.) serving the area stating they have no need for the right-of-way requested for vacation for the installation of utilities or a sketch and field notes on any required easement to remain for utilities.

**2.02.03.** Sketch and field notes on the right-of-way to be vacated.

**2.02.04.** If the right-of-way to be vacated was dedicated by a plat approved by the City of Midland or the City of Odessa under their extra-territorial jurisdiction authority, then attach letters from the City of Midland or the City of Odessa, as applicable, concurring with the vacation request.

**Section 2.03.** The request for vacation will be placed on the agenda for consideration by the County Commissioners Court for the earliest practicable regular Commissioners Court meeting following the receipt of all documents in the County Road Department.

**Section 2.04.** If the request is considered favorably by the Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than the second Monday of a month following the third Monday of the previous month. This will allow time for posting

notices in the Courthouse and in the local newspaper for a minimum period of three (3) weeks and for the public hearing to be held on a Regular Session (second Monday or fourth Monday of the month) as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

**Section 2.05.** Drainage Easement Vacation for Any Drainage Easement in Midland County Which is Outside Any Incorporated Area. The person(s) making a request for a drainage way vacation shall submit a letter to the Commissioner of the Precinct in which the drainage easement is located with a copy to the County Road Department. The letter should state the reason for the request. The following documents shall be attached to the letter:

**2.05.01.** If the drainage easement is also a public utility easement and that public utility easement is outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa, then attach letters from all utility companies (electric, telephone, cable, water and wastewater, natural gas, etc.) serving the area stating they have no need for the public utility easement which has been requested for vacation.

**2.05.02.** If the drainage easement is also a public easement and is within the extra-territorial jurisdiction of the City of Midland or the City of Odessa, then the public utility easement must be vacated by the applicable City prior to vacation of the drainage easement by Midland County.

**2.05.03.** Sketch and field notes on the easement to be vacated.

**2.05.04.** The request for drainage easement vacation will be investigated and a recommendation made by the Midland County Road and Bridge Administrator prior to the Public Hearing. The County may require the person(s) making request for vacation to perform a drainage study to prove that vacation of the drainage easement will not result in detrimental drainage conditions.

**Section 2.06.** The request for vacation will be placed on the agenda for consideration by the County Commissioners Court for the earliest practicable regular Commissioners Court meeting following the receipt of all documents in the County Road Department.

**Section 2.07.** If the request is considered favorably by the Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than the second Monday of a month following the third Monday of the previous month. This will allow time for posting notices in the Courthouse and in local newspaper for a minimum period of three (3) weeks and for the public hearing to be held on a Regular Session (second Monday of fourth Monday of the month) as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

**Section 2.08.** Vacation Request for Other than Right-of-Way and Drainage

**2.08.01.** Vacation requests for public utility easements outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa will be processed by Midland County through the Commissioners Court only if these public utility easements were established by a plat approved by the Commissioners Court of Midland County. The procedure shall be as stated for public utility easements on the drainage easement vacation procedure, Sections 2.04, 2.05, 2.06 and 2.07.

**2.08.02.** Vacation requests for an entire plat or a portion of a plat will follow the procedure for drainage easement vacation except Section s.05.04 (reference to a drainage study) shall be omitted. Road rights-of-way on a plat or portion of a plat for vacation may require vacation by separate action under right-of-way vacation procedure.

**2.08.03.** Vacation requests for public utility easements inside the extra-territorial jurisdiction of the City of Midland or the City of Odessa will be referred to the appropriate City.

**2.08.04.** Vacation requests for private access easements outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa must be negotiated between the grantee and grantor of such easements, or their heirs, successors or assigns.

**2.08.05.** Vacation requests for private streets or for reserves must be made to the property owner.

### **ARTICLE III STREET CONSTRUCTION**

#### **Section 3.01. JURISDICTION AND APPLICABILITY**

These Regulations are subject to any County Thoroughfare Plan adopted by the Midland County Commissioners Court before or after the adoption of these Regulations. Any County Thoroughfare Plan adopted by the Midland County Commissioners Court is expressly incorporated into these Regulations to the same extent as if included herein.

#### **Section 3.02. ALL STREETS**

**3.02.01** All public and private streets or roads must have a minimum right-of-way of at least sixty (60) feet in width, except as described below for Arterial Streets as necessary.

**3.02.02** All public streets shall have a minimum pavement width of 32 feet and include the following:

- a. Two (2) 12-foot lanes and
- b. Two (2) 4-foot shoulders, each side.

**3.02.03** All public and private streets shall accommodate drainage within the right-of-way, preferably outside of the travel lanes and within the parkway.

#### **Section 3.03. PUBLIC STREETS**

**3.03.01** All County maintained public streets and roads must be paved in accordance to the specifications herein.

**3.03.02** The Commissioners Court, however, shall have the power to require that all streets and roads within the same subdivision remain unpaved. If the Court elects to impose such a requirement, the Court must do so in its order granting or denying preliminary authorization of the plat.

**Section 3.04. PRIVATE STREETS** All private streets shall be identified on the face of the plat or by separate instrument and constructed in accordance with the specifications herein.

**Section 3.05. ARTERIAL STREETS**

**3.05.01** The designation of a street or road as an arterial may be made by the Commissioners Court in its order granting or denying preliminary authorization of the plat.

**3.05.02** Arterial streets or roads be designed to the following minimum criteria by street classification as specified herein.

**3.05.03 Major Arterial**

- a. Minimum right-of-way width of 150 feet, unless otherwise specified by another agency with jurisdiction over the major arterial;
- b. Six (6) travel lanes each a minimum of 12-foot wide;
- c. Two (2) 48-foot wide roadway surfaces each include an eight-foot wide exterior shoulder and a four-foot wide interior shoulder; and
- d. Separated by 26-foot wide median.
- e. Design speeds shall be between 60 and 75 miles per hour.

**3.05.04 Principal Arterial** – same as Major Arterial

### **3.05.05 Minor Arterial**

- a. Minimum right-of-way width of 120 feet, unless otherwise specified by another agency with jurisdiction over the minor arterial;
- b. Four (4) travel lanes with exterior lanes a minimum of 12-feet wide and interior lanes a minimum of 13-feet wide;
- c. Two (2) 37-foot wide roadway surfaces each include an eight-foot wide exterior shoulder and a four-foot wide interior shoulder; and
- d. Separated by 16-foot wide median.
- e. Design speeds shall be between 60 and 75 miles per hour.

## **Section 3.06. COLLECTOR STREETS**

### **3.06.01 Major Collector**

- a. Minimum right-of-way width of 100 feet, unless otherwise specified by another agency with jurisdiction over the major collector;
- b. Four (4) travel lanes with exterior lanes a minimum of 12-feet wide and interior lanes a minimum of 13-feet wide; and
- c. One (1) 72-foot wide roadway surface including four-foot wide shoulders and a 14-foot wide Continuous Two-Way Left-Turn Lane (CTWLTL).
- d. Design speeds shall be between 40 and 60 miles per hour.

### **3.06.02 Minor Collector**

- a. Minimum right-of-way width of 66 feet, unless otherwise specified by another agency with jurisdiction over the minor collector;



- b. Two (2) travel lanes each a minimum of 12-feet wide; and
- c. One (1) 44-foot wide roadway surface including four-foot wide shoulders and a 12-foot wide CTWLTL.
- d. Design speeds shall be between 40 and 60 miles per hour.

**Section 3.07. LOCAL STREETS** – the following minimum design standards apply to all categories of local streets, including residential streets.

**3.07.01 Local**

- a. Minimum right-of-way width of 60 feet, unless otherwise specified by another agency with jurisdiction over the local street;
- b. Two (2) travel lanes each a minimum of 12-feet wide;
- c. One (1) 32-foot wide roadway surface, which includes four-foot wide exterior shoulders; and
- d. No median.
- e. Design speeds shall be maximum of 50 miles per hour.
- f. Residential street speeds shall be maximum of 35 miles per hour.

**Section 3.08 CUL-DE-SAC / DEAD-END STREETS**

**3.08.01** All permanent dead-end streets or roads shall have a turnaround with a right-of-way radius of 50 feet.

**3.08.02** The maximum length for cul-de-sac streets shall be 600 feet.

**Section 3.09 INTERSECTIONS / LAYOUT**

**3.09.01** Streets or roads should be designed and constructed so as to intersect with each other at 90-degree angles.

**3.09.02** No street or road shall be constructed with an abrupt offset or “jog” in it.

**3.09.02** Variance process:

- a. Variance/Waiver Where compliance with this regulation is impossible, due to terrain, the subdivider may file a written petition with the Commissioners Court for a variance contemporaneously with the original submission of the plat to the Court.
- b. Said petition shall state concisely why the condition of the terrain or existing man-made structures make it impossible to comply with this regulation.
- c. The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat.

### **Section 3.10 STREET STUBS**

**3.10.01** Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivisions shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivisions.

**3.10.02** All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.

**3.10.03** Street stubs more than 200 feet long shall have a temporary turnaround with a right-of-way radius of 50 feet.

### **Section 3.11 TWO POINTS OF ACCESS**

Two points of access to a county or public road must be provided for any subdivision with more than 10 lots.

### **Section 3.12 CONSTRUCTION STANDARDS and REVIEW**

#### **3.12.01 All Streets**

- a. Proposed base material shall be crushed rock conforming to TxDOT Item 247, Grade 1-2 or better. The flexible base material shall be installed in four to six (4"-6") inch compacted lifts. Additionally, the flexible base material in each lift shall be compacted to a minimum of 98 percent of the material's dry density as per ASTM D698 (Standard Proctor) with a minimum moisture content of plus or minus four (4) percent.
- b. The center line of each street in every subdivision shall have an elevation of at least one-fourth (1/4) inch per foot of width above the elevation of the edges of said street. The Commissioners Court may, in its order granting or denying preliminary authorization of a plat, permit inverted crowns for purposes of drainage, when necessitated by topography.
- c. Plans for all streets and drainage systems shall be submitted to the Director of Public Work for review prior to start of construction, in order to verify compliance with these subdivision regulations.
- d. All plans for street and drainage system construction must contain an erosion control and stormwater quality plan to comply with Texas

Commission on Environmental Quality (TCEQ) construction general permit, TXR150000.

### **3.12.02 Private Streets**

- a. Every connection to the County Road system shall require a roadway access or driveway permit, to be approved by the Commissioners Court in accordance with approved standards, prior to the start of any construction or grading.

### **3.12.03 Paved streets** shall be constructed to the following standards:

- a. Asphalt shall be a Type D HMAC that meets TxDOT Item 340 Specifications.
- b. The depth of the finished asphalt surface shall be not less than three (3) inches.
- c. The asphalt used under this item shall be specified by the County Road and Bridge Administrator and shall meet the requirements of Item 300 (Asphalts, Oils and Emulsions) of the said Texas Department of Transportation Standard
- d. Specifications. Prime coat shall be used per TxDOT Item 310. There are multiple materials accepted for use as Prime in the specification called “Item 300: Asphalts, Oils, and Emulsions.” MC-30, AE-P, EAP&T, and PCE, are stated in the specification as acceptable. The application rate is dependent on the material used and should be sufficient to reduce dust and provide good adhesion. Too high of a rate will inhibit proper adhesion. If

AE-P, EAP&T, or PCE are used, adequate penetration into the base material must also be ensured.

#### **3.12.04 Curb and Gutter**

- a. A variance is required if street is designed for curb and gutter. Refer to Section 3.09.02.
- b. Streets with curbs and gutters shall be designed as follows:
  - i. Plasticity index of the sub-grade soil shall be determined by the AASHTO method of testing.
  - ii. When the plasticity index exceeds “20”, lime shall be added to the sub-grade, which shall be stabilized to a depth of 12 inches.

**3.12.05** The Commissioners Court may specify that construction of all streets, roads and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received final authorization from the Court, and said time period must be specified by the Court in its order granting or denying preliminary authorization of the plat.

**3.12.06** Prior to construction of streets and drainage systems for the subdivision, the contractor shall obtain coverage under TCEQ construction general permit TXR150000, and submit a copy of the Notice of Intent to the Director of Public Work. Failure to comply with the construction general permit will be grounds for the County to stop work on the project until deficiencies are resolved

**3.12.07** Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other construction material created by said construction must be removed and

dumped at an authorized refuse and/or fill site. Construction materials shall be as those defined in the State of Texas Solid Waste Regulations. Solid waste which does not meet the definition of construction materials, nor meets the definition of a hazardous waste, shall be disposed of in a State of Texas permitted solid waste disposal site.

#### **ARTICLE IV ACCESS DRIVEWAYS TO COUNTY ROADS**

**Section 4.01** The intent of these regulations is to assure maximum safety to the traveling public.

**Section 4.02** Applications for permits shall be made by the owner or lessee, who shall represent all parties in interest, and such permits shall be only for the bona fide purpose of securing or changing access to his property, but not for the purpose of parking or servicing vehicles on the County Roads.

**Section 4.03** The grantee shall hold harmless Midland County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of his permit.

**Section 4.04** The grantee shall furnish all materials necessary for the construction of the access driveways and their appurtenances authorized by the permit. All materials shall be of satisfactory quality and shall be subject to inspection and approval of the County.

**Section 4.05** The County reserves the right to inspect these installation at the time of construction and at all times thereafter, and to require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property on or adjacent to the roadway.

**Section 4.06** The cost of changes, maintenance and repairs of private and commercial driveways, islands and other access driveway appurtenances on the right of way will be the responsibility of the grantee.

**Section 4.07** No driveway, approach, or other improvement constructed on the right of way shall be rebuilt, relocated or its dimensions altered without a duly executed permit from the County.

**Section 4.08** The grantee shall not be permitted to erect any sign, either fixed or movable, on or extending over any portion of the right of way.

**Section 4.09** Design requirements for access driveways are as follows:

**4.09.01** Locations of access driveways shall be selected to provide maximum safety for roadway traffic and for users of the driveway.

**4.09.02** At any intersection of a County Road with another roadway, road or street, where additional sight distance right of way exists, no access driveway will be permitted within the frontage thereof. At any other intersection, access driveways shall be restricted for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it.

**4.09.03** Radii for all access driveways shall be not less than ten feet.

**4.09.04** Drainage in roadway side ditches shall not be altered or impeded. When drainage structures are required, size of opening and other design features shall be approved by the County.

**4.09.05** The driveway shall not impede the natural flow of water in the roadway ditches.

**4.09.06** The grade on the driveway shall be so constructed as to conform to the slope of the roadway shoulder from the edge of the travel way to the shoulder line and thence shall be sloped downward at approximately one quarter to one inch per foot for a distance necessary to place the low point of the driveway not less than six inches below the shoulder elevation. If valley gutters are used, the lowest point of the gutter shall be a minimum of at least two feet in width maintained.

**4.09.07** The minimum and maximum design limits should not be considered absolute in all instances as the County may require a design between these limits in order to provide reasonable safety—depending upon type, speed, and volume—for roadway traffic and to provide for reasonable access for the grantee.

**4.09.09** End treatment for driveways requiring a structure (pipe, box, paved dip, etc.) shall be designed to be traversable by a colliding vehicle without abrupt change in speed or roll-over.

**Section 4.10** A private driveway is an entrance to and/or exit from a residential dwelling, farm or ranch adjacent to a County Road for the exclusive use and benefit of the grantee.

**4.10.01** Cost of materials and installation of all private access driveways shall be the responsibility of the grantee. The County may assist as the work load permits.

**4.10.02** The width shall not exceed twenty feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

**4.10.03** The angle of the access driveway from the roadway pavement shall be sixty to ninety degrees, except that one-way forty-five degree angle driveways will be permitted.

**4.10.04** Maintenance of all private access driveways shall be the responsibility of the grantee. The County may assist as the work load permits.

**Section 4.11** The Typical Access Layouts in Appendix A to these development regulations illustrate the various control dimensions that are to be used and the latitude permitted by these regulations.

**Section 4.12** Access driveways to fenced oilfield properties or other properties that will be a destination for tanker trucks, tractor-trailers and vehicles of a similar size must be designed to allow these vehicles to be off of the right of way when they stop while waiting for the gate to be opened. The driveway must be designed and built with the entrance gate offset from the road no less than \_\_\_\_\_ feet.

## **ARTICLE V DRAINAGE**

**Section 5.01** Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible.

**Section 5.02** The minimum grade of all streets and roads shall be 0.05 per cent, and the maximum grade of all streets and roads shall be 3 per cent.

**Section 5.03** All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage shall have a minimum depth of 6 inches below the level of the edge of the adjacent street or road.

**Section 5.04** Permanent drainage structures, including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including



ditches, with driveways, roads and streets. Any such structures must conform to and be installed in accordance with standard and accepted engineering practices.

**Section 5.05** The exact dimensions and type of said permanent drainage structures, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the Commissioners Court in its order granting or denying preliminary authorization of a subdivision plat.

**Section 5.06** All low water crossings and all roadways crossing streams must have reinforced embankments to prevent erosion of said embankments. The reinforcing material must be concrete, which shall have a test strength of 3,000 pounds per square inch.

**Section 5.07** The Commissioners Court may require, at the permittee's expense, hydrologic and/or hydraulic analyses of drainage structures, including culverts, pipes, drainage boxes and bridges, low water crossings and roadways crossing streams in its order granting or denying preliminary authorization of a subdivision plat.

**Section 5.08** Permanent obstacles, such as concrete or rock retards, shall be installed, according to accepted best practices at the time of installation, on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners Court in its order granting or denying preliminary authorization to the subdivision plat.

**Section 5.09** Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters.

**Section 5.10** All drainage easements in the land being authorized for development must be of adequate width, as determined by the Commissioners Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all land whose natural drainage runs through the property being authorized for development.

## **ARTICLE VI PERMITS AND CERTIFICATIONS**

**Section 6.01** The owner or developer shall make application to the Midland County Floodplain Administrator for a floodplain permit at the same time a plat is submitted. Owners or developers who are not subdividing property into two (2) or more parts, and thus do not require plats under the provisions of this court order, shall still make application to the Midland County Floodplain

Administrator for a floodplain permit prior to the construction of any structure within the property boundaries. Application shall be on forms supplied by the Floodplain Administrator.

**Section 6.02** The owner or developer holding the floodplain permit shall provide the elevation of the lowest floor after concrete placement and prior to framing. The lowest floor elevation shall be determined by a registered land surveyor, registered professional engineer or a registered architect.

**Section 6.03** The owner or developer holding the floodplain permit shall comply with the provisions of the Midland County, Texas flood damage prevention regulations.

**Section 6.04** If private sanitary sewage disposal is proposed, i.e. a septic tank or other treatment system serving one or more lots that is not part of a publicly-owned treatment works, the owner or developer shall install the sewage disposal system in accordance with the rules and regulations of the State Health Department, the local health authority and Midland County's regulations for flood damage prevention. The sewage disposal system shall not be placed in use until the local health authority has inspected the installation and approved the system for operation.

**Section 6.05.** Driveways and Onsite Sanitary Sewer System Permit Applications must include Flood Permit Application.

**Section 6.06.** 911 supplied address required for all Driveway and OSS permit applications

## **ARTICLE VII BONDING PROCEDURES**

**Section 7.01** The developer shall complete all construction of improvements within two (2) years after approval of Final Plat. The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the streets and roads in all subdivisions. Such bond may be either a performance bond executed by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank.

**Section 7.02** Such performance bond or letter of credit shall be made payable to "County Judge or His Successors in Office," conditioned that the owner or owners of any such tract of land to be

subdivided will complete all roads and streets and other required construction within such subdivision in accordance with these Regulations.

**Section 7.03** The performance bond or letter of credit shall be in an amount equal to one hundred twenty five (125%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements based on certified developers/engineers estimated cost.

**Section 7.04** The performance bond or letter of credit, in the amount as established in Section 7.03 herein, shall be presented to the Commissioners Court when the subdivision plat and plans are presented to the Court for final approval. The County Attorney must have approved, in writing, of the form of said bond or letter of credit prior to the date of submission to the Commissioners Court. No subdivision plat or plans can receive final authorization without being accompanied by a performance bond or letter of credit meeting the requirements of this Article VII.

**Section 7.05** The performance bond or letter of credit shall go into effect on the day the subdivision plat and plans receive final authorization and shall remain in full force, and in effect, until all roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements in the subdivision have been completed to the satisfaction of the Midland County Commissioners Court, and the construction has been released by the County Judge on the recommendation of Commissioners Court.

If any or all of the streets, roads, drainage and drainage structures, as constructed by owner, fail to meet the requirements of these Regulations and the developer fails or refuses to correct the defect within sixty (60) days, from the date the Commissioner with precinct jurisdiction issues notice, in writing, the unfinished improvements shall be completed at the cost and expense of the obligee or surety/financial securities as provided.

**Section 7.06** When all streets and roads in a subdivision have been constructed in compliance with these Regulations, and the owner or owners of such tract desire that Midland County accept

the dedication of such roads for public use and maintenance, the owner or owners shall give written notice of this fact to the Commissioners Court by giving said notice to the County Judge.

**Section 7.07** Application for certification and acceptance of dedication of streets and roads in a subdivision will not be considered by the Commissioners Court prior to the expiration of twelve (12) calendar months from the date of final authorization of a subdivision hereunder or the sale of sixty per cent (60%) of the individual lots or parcels contained in the subdivision, whichever event occurs first in time.

**Section 7.08** Within thirty (30) days of the receipt of said notice by the County Judge, if the provisions of Section 7.07 of these Regulations have been met, the Commissioners Court shall pass an order granting or denying certification that the streets and roads in said subdivisions have been constructed in compliance with these Regulations and accepting or refusing to accept any dedication of such streets and roads for public use and maintenance. An order denying such certification and acceptance shall be based on substantial evidence. The failure to pass such an order shall be deemed as certification of the streets and roads hereunder and acceptance of any dedication of such streets and roads for public use and maintenance. Midland County will not accept dedications of, nor maintain, alleys.

**Section 7.09** In the event said certification is denied, the performance bond or letter of credit posted by the owner or owners of the subdivision land shall immediately be forfeited in favor of Midland County. The County Treasurer is hereby directed to collect all sums owned on such forfeited bonds or letters of credit and to deposit said sums into the County Treasury.

**Section 7.10** Maintenance Bond – To insure roads, streets, street signs, underground utilities, required drainage structures, and all other construction is maintained to the satisfaction of Midland County, a maintenance bond executed by a surety company authorized to do business in the State of Texas, and made payable to the County Judge of Midland County, Texas or his successors in office, shall be substituted for the construction bond at the time of release of said construction bond.

The maintenance bond amount shall be equal to actual cost, or 10% of the estimated cost as defined by Section \_\_\_\_\_, of the roads, streets, street signs, required drainage structures, and all other construction.

The conditions of the maintenance bond shall stipulate that the developer shall guarantee to maintain, to the satisfaction of Midland County, all of the streets, roads, drainage structures, and

drainage ditches and channels which have been constructed to specifications with construction in a good state of repair for a period of one (1) year from the date of official release of the construction security. Construction security will be released by the County Judge on recommendation of the Commissioners Court.

The developer shall retain an engineer of the county's choosing, licensed by the State of Texas, to perform annual inspections of roads, streets, street signs, underground utilities, drainage structures, and all other construction for which maintenance security is held. These inspection shall contain the seal and signature of the engineer responsible for the inspection, and be filed with the County Clerk of Midland County, Texas.

In the event any or all of the roads, streets, street signs, underground utilities, drainage structures, and all other construction improvements are not being maintained in a good state of repair, the engineer performing the inspection shall advise both the developer and the Midland County Judge in writing and, if, after ninety (90) days, the developer fails or refuses to repair said items, the deficiencies shall be corrected at the cost and expense of the obligee or financial security.

## **ARTICLE VIII AUTHORIZATION PROCEDURES**

**Section 8.01** Preliminary Conference – at least ten (10) days prior to any subdivision of land and official submittal of a plat for review, it is required that the owner/developer or owner's agent schedule a meeting with the Midland County Commissioner with precinct jurisdiction over the proposed subdivision. The owner or agent shall present a preliminary plat to show the street alignment and lot layout. The Commissioner will advise the owner/agent of any necessary corrections for official submittal of the plat to the Commissioners Court for approval.

All subdivision plats and plans for drainage and street construction must be submitted to the Commissioners Court by submitting them to the County Judge at least fourteen (14) days before the Court adopts an order granting or denying preliminary authorization of said plats and plans.

**Section 8.02** The Court shall vote on whether to grant or deny preliminary authorization of the subdivision plat and plans within thirty (30) days after receipt of said plat and plans by the County Judge.

**Section 8.03** The Court shall deny preliminary authorization of said plat and plans unless they conform to the requirements of Chapter 232 Local Government Code, as then existing, and these regulations.

**Section 8.04** In its order granting or denying preliminary authorization of the plat and plans the Court may impose further requirements which must be met by the owner, owners, subdivider, or subdividers and reflected in the plat and plans before said plat and plans receive final authorization by the Court.

**Section 8.05** In its order granting or denying preliminary authorization of a subdivision plat and plans the Court may also establish regulations and details with reference to individual subdivisions. Such regulations and details are those specified in Sections 3.05, 3.07, 3.08, 3.09, 3.12, 3.13, 3.15, 5.05, 5.06, 5.07, 5.08, 5.09 and 5.10 herein.

**Section 8.06** If the subdivision plat and plans are not given preliminary approval, or receive preliminary approval and the Commissioners Court also acts to impose additional regulations or to specify certain details concerning the subdivision, as provided for in Sections 8.04 and 8.05 herein the subdivider shall prepare a new plat and new subdivision plans in conformity with said additional regulations and specifications as well as with the other requirements of these Regulations and Chapter 232 Local Government Code. The subdivider shall then present the new plat and plans to the Commissioners Court by submitting them to the County Judge at least ten (10) days before the Court adopts an order granting or denying final authorization of said plat and plans.

**Section 8.07** The Court shall vote on whether to grant or deny final authorization of said subdivision plat and plans within thirty (30) days of receipt of said plat and plans by the County Judge. Failure to vote on said authorization shall be deemed to constitute final authorization of the subdivision plat and plans, and in such event no plans shall be required of the landowner or landowners, notwithstanding any provision herein to the contrary.

**Section 8.08** The Court shall deny final authorization of the plat and plans unless they meet all of the requirements of Chapter 232 Local Government Code and these Regulations, including those additional regulations and specifications provided for in Sections 8.04 and 8.05 herein.

**Section 8.09** If the subdivision plat and plans receive preliminary authorization and the Commissioners Court does not at the same time impose additional requirements or specify additional details, the Court Order granting preliminary authorization to said plat and plans shall

act as final authorization, and the Court Order and minutes of the meeting of the Commissioners shall so reflect.

**Section 8.10** No construction of any kind in any subdivision affected by this Order is to begin until the subdivision plat and plans have received final authorization by the Commissioners Court and have been filed with the County Clerk.

**Section 8.11** Authorization by the Commissioners Court of plat and plans for subdivisions hereunder shall not constitute acceptance of any dedication of streets, roads, or other portions of subdivisions dedicated to Midland County or the use of the Public. Such acceptance shall be made only by separate action of the Commissioners Court, under the provisions of section 7.08 herein.

**Section 8.12** Authorization by the Commissioners Court of plat and plans for subdivisions located in areas governed by the provisions of Chapter 212 Local Government Code is not required hereunder. Such authorization or approval shall be considered, however, if required by the local government concerned prior to authorization by the body of subdivisions in such areas. Construction in such areas can begin without authorization hereunder, but all construction, drainage, and bonding requirements of these regulations apply to said subdivision.

## **ARTICLE IX LOTS**

**Section 9.1.** The minimum lot size for subdivision of single family dwellings utilizing individual on-site sewage facilities shall be one (1) acre.

**Section 9.2** Building setback lines be fifty (50) feet from the edge of the right of way along all state or federal roads and highways. The building setback lines from all other streets and roads shall be twenty-five (25) feet. Building setback lines shall be shown on the Preliminary and Final Plats.

**Section 9.3** Lots shall have minimum road frontage as indicated by the following:

<b>Lot Size</b>	<b>Minimum Frontage*</b>
Less than one (1) acre or in cul-de-sac:	80 feet
Greater than or equal to one (1) acre but less than two (2) acres:	120 feet
Greater than or equal to two (2) acres but less than five (5) acres	200 feet

Greater than or equal to five (5) acres: 275 feet

\*Minimum cord length along a curve, and minimum frontage in cul-de-sacs shall be measured at the building line.

**Section 9.4** All lots shall abut and have direct access to a County street or road, or abut and have direct access to a private or public road that has been constructed to the current construction standards of these Regulations, and which has the required dedicated right of way.

## **ARTICLE X WATER**

**Section 10.1** In any area of the County that potable water is supplied or eligible to be supplied by a Potable Water Supplier, each subdivision shall contain and each developer shall provide, construct and install all water lines, to insure access to water for each lot unless a variance is obtained by the Midland County Commissioners Court that the Potable Water Supplier has agreed to supply, and has the ability to supply, potable water to all lots located within the subdivision.

**Section 10.2** Developers shall comply with Chapter 341 of the Texas Health Code.

**Section 10.3** Where drinking water is to be supplied to a subdivision from a central system, the water quality and system design, construction, and operation shall meet the minimum criteria set forth in 25 TAC Section 337.201-337.212, and 25 TAC 337.1-337.18.

**Section 10.4** Developers who proposed to supply drinking water by connecting to an existing central system must provide a written agreement with the public Midland County Subdivision Regulations water supplier. The agreement must accommodate the total flow anticipated from the ultimate development and occupancy of the proposed subdivision.

**Section 10.5** Transportation or conveyance of potable water by transport truck or other mobile device to supply domestic needs of the subdivision is not acceptable except on in the case of emergency. NOTE: Absence of a water system meeting the standards of these Regulations due to the negligence of the developer does not constitute an emergency.

**Section 10.6** Where water supplies are to be provided by an existing political subdivision of the state, including a city, municipal utility district, water control and improvement district,



nonprofit water supply corporation, special utility district, or an existing investor-owned water supply corporation, the developer shall furnish a certificate of convenience and necessity.

**Section 10.7** Before final approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project.

**Section 10.8** If well water is proposed to be the source of water supply for the subdivision, the final engineering report shall include a well water availability study which shall include comments regarding the long term (30 years) quantity and quality of the available well water supplies relative to the ultimate needs of the subdivision.

**Section 10.9** In any area not controlled by an approved rural water supplier, developer shall provide written approval from the Texas Commission on Environmental Quality (TCEQ) for the quantity and quality of water to be provided to the proposed subdivision prior to submittal of the preliminary plat.

## **ARTICLE XI ENFORCEMENT AND PENALTIES**

**Section 11.1** The Commissioners Court of Midland County shall have the authority to refuse to approve or authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these Regulations.

**Section 11.2.** At the request of the Commissioners Court of Midland County, the County Attorney or other attorney representing the County, may file an action in a court of competent jurisdiction to:

- A. Enjoin the violation, or threatened violation, of a requirement established by or adopted under these Regulations;
- B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted under these Regulations;
- C. A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under this Act by the Commissioners Court.

**Section 11.3.** The owner, by submitting a plat, acknowledges the authority of the County and State agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules. Any such inspection or review will not subject the County or the State of Texas to any action for damage.

**Section 11.4.** A person who violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code is subject to a civil penalty of not less than \$50 nor more than \$100 for each violation, and for each day of a continuing violation not to exceed \$5000 per day.

**Section 11.5.** A person commits an offense if the person knowingly or intentionally violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code. An offense under this Section is a Class B misdemeanor. An offense under Section VIII is a Class A misdemeanor.

**Section 11.6.** In addition to other remedies, the Attorney General, the County or District Attorney of the County in which the violation occurred, or other local officials are authorized to

apply to the District Court for, and the Court at its discretion may grant the State or political subdivision without bond or other undertaking, any injunction that the facts may warrant including a temporary restraining order, temporary injunction after notice and hearing, and permanent injunctions enjoining a violation of these Regulations.

**Section 11.7.** The Attorney General may take any action necessary to enforce a requirement imposed by or under Section 232.0035 or 232.0036 of the Texas Local Government Code, or to ensure that the water and sewer service facilities are constructed or installed to service a subdivision in compliance with the model rules adopted under Section 16.343 of the Texas Water Code.

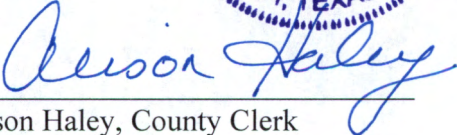
**Section 11.8.** A person who violates Section 232.0035 or 232.0036 of the Texas Local Government Code, or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on the plat or on the documents attached to the plat, as required by Section 232.0035, is subject to a civil penalty of not less than \$500 nor more than \$1000 plus court costs and attorney's fees for the attorney bringing this action.

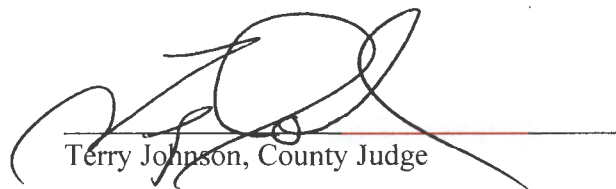
**Section 11.9.** An offense under this Section is a Class B Misdemeanor.

Introduced, read and passed by the affirmative vote of the Commissioners Court of Midland County, Texas.



ATTEST:

  
Alison Haley, County Clerk

  
Terry Johnson, County Judge