



COLLIN COUNTY

SUBDIVISION REGULATIONS

DRAFT September 17, 2020

Approved by the Collin County Commissioners Court on ____

Court Order Number ____

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COLLIN COUNTY SUBDIVISION REGULATIONS

1.01 INTRODUCTION

A. General Provisions

These Subdivision Regulations have been adopted to encourage the orderly and efficient development of rural and suburban areas within Collin County by establishing standards for the provision of adequate sanitation, stormwater drainage, floodplain management, transportation infrastructure, public utilities and facilities, and other features that are necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. These Regulations have been prepared to promote the health, safety and general welfare of the citizens of Collin County.

B. Findings

The Collin County Commissioners Court hereby makes the following findings:

1. The Commissioners Court has been delegated the authority to regulate the subdivision and development process pursuant to [Chapter 232. Local Government Code](#);
2. The Commissioners Court has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within Collin County, and these Regulations are a necessary component of such regulation;
3. The Commissioners Court has been granted authority and responsibility under the [Texas Health and Safety Code, Chapter 366](#), to regulate the use of on-site sewage facilities within Collin County. The Commissioners Court has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within Collin County, and has adopted Regulations and the Rules for On-Site Sewage Facilities (Court Order 2008-187-03-11) in part to abate or prevent the potential pollution, nuisances or injury to public health;
4. The Commissioners Court has been granted authority and responsibility under the [National Flood Insurance Program, 44 CFR](#), and [Chapter 16, Section 16.315, Water Code](#), to administer floodplain development regulations within Collin County, and has adopted the Collin County Floodplain Management Regulations (Court Order XX) to regulate associated development;
5. The Commissioners Court has the authority and obligation to exercise general control over the roadways, highways, bridges and related drainage structures and development within Collin County, has adopted the Collin County Drainage Design Standards (Court Order XX) and Collin County Roadway Standards (Court Order XX) and these Regulations are a necessary component of such obligations;
6. The Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the citizens of Collin County;
7. The Commissioners Court has considered the potential burden upon landowners and taxpayers of substandard development, sanitary facilities, drainage, floodplain management, and/or roadway construction; and,

8. These Regulations are adopted to preserve and protect the resources, public health and private property interests within Collin County.

C. Order

The Commissioners Court of Collin County, following public notice, investigation and hearing, has declared these Subdivision Regulations to be necessary and appropriate to accomplish the purposes and goals stated above. These Regulations have been adopted by order of the Collin County Commissioners Court (**Court Order XX**) to provide a model for the orderly and efficient development of the rural and suburban areas within Collin County.

D. Applicable Jurisdiction

These Regulations apply to areas within Collin County that are located outside of the corporate limits of a municipality. Additionally, these Regulations shall exclude areas within Collin County that are located within the extraterritorial jurisdiction (ETJ) of a municipality, provided that an ETJ has been established by the municipality and the municipality has entered into a written interlocal agreement with the County that identifies the municipality as the entity authorized to regulate subdivision plats within their respective ETJ, in accordance with [Section 242, Local Government Code](#).

E. Interpretation

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners Court that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within Collin County, and shall supersede any previous Subdivision Regulation in their entirety. Furthermore, it is the intent of the Commissioners Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to on-site sewage facilities, drainage design, floodplain development, and roadway standards.

F. Applicability

1. General. Upon adoption of these Regulations, any tract of land that is divided into two (2) or more parts, or any re-subdivision or combining of all or part of any previously platted and recorded subdivision, or any combining of all or part of any previously non-platted tract of land shall adhere to the requirements of these Regulations, unless exempt in accordance with Section 1.01H or the Applicant has a vested right to have the Applicant's submission governed by the prior version of these Regulations in accordance with Section 1.01I.
2. Subdivision in the ETJ of a Municipality
 - a. A Municipality's authority to regulate Subdivisions includes its Extraterritorial Jurisdiction ("ETJ"). Properties in the ETJ of a city may or may not be governed by these Regulations.
 - b. If the Applicant has land within the ETJ of a city, the Applicant shall contact the city that established the ETJ to determine if the city has entered into a written interlocal agreement (ILA) with the County that identifies the city as the entity authorized to regulate subdivision plats within their ETJ, in accordance with [Section 242.001, Local Government Code](#). If the city has an approved ILA with

the County, then the plat shall be processed through the City.

- c. Even if a plat is processed through a city, the Applicant shall submit the Application for Subdivision/Development Review for On-Site Sewage Facilities (OSSF) to the Collin County Development Services Department.
- d. An Applicant seeking to construct roadways in a city's ETJ, that are intended to be dedicated for public maintenance, shall comply with the requirements of the city and these Regulations, whichever is more stringent. At a minimum, roadways in a city's ETJ shall adhere to the design, civil construction plan, construction, testing, inspection, and bonding requirements described throughout these Regulations and the Collin County Roadway Standards. The Applicant shall contact the Collin County Engineering Department for more details on the County's involvement in the infrastructure construction and acceptance process.

G. Delegation of Authority to Director of Engineering as Designee of the Commissioners Court

In addition to other authority expressly delegated to the Director of Engineering elsewhere in these Regulations, the Director of Engineering or his/her designee is designated and authorized by the Collin County Commissioners Court to:

- 1. Receive all Plat Application Submissions;
- 2. Compile and issue a list of documentation and other information that must be submitted with the Plat Application in order for the Application to be considered complete;
- 3. Determine whether each Plat Application Submission is complete;
- 4. Transmit written notice to the Applicant that a submitted Application is incomplete within ten (10) business days of the receipt of that Plat Application Submission, which identifies the missing documents or other information, and determine whether subsequent submissions of documents and/or information make the Plat Application Submission complete within the period provided in these Regulations;
- 5. Notify the Applicant of the decision of the Commissioners Court within the time and with the specificity required by these Regulations;
- 6. Receive all responses of the Applicant to notifications sent to the Applicant by the Director of Engineering's Office;
- 7. Reply to any Applicant Response received, determine whether the Applicant Response resolves the reasons for disapproval or condition(s) on approval, and notify the Applicant of his/her determination which determination is delegated and assigned to the Director of Engineering by the Commissioners Court;
- 8. Approve an extension of time requested by the Applicant;
- 9. Approve revisions to a Final Plat previously approved by the Collin County Commissioners Court to accommodate unforeseen conditions arising during final design and construction;
- 10. After inspection and determination that the work is compliant or after the expiration of the warranty period, release Bonds or other Financial Guarantees of

performance. Performance bonds are not released until the expiration of the warranty period if the bond is also written to cover maintenance during the warranty period, but if not so written, the performance bond is released when a Maintenance Bond is substituted;

11. Give warranty and maintenance bond notices and oversee the process of getting warranty work performed;
12. Perform any other functions or determinations expressly delegated to the Director of Engineering in these Subdivision Regulations; and
13. Take all other actions necessary to administer these Subdivision Regulations and to comply with applicable law relating to the platting process.

H. Exemptions from Plat Requirements

The Applicant for a tract of land located subject to these Regulations who divides the tract into two (2) or more parts is exempt from the platting requirements of these Subdivision Regulations provided that no part of the land is intended or designed for the laying out of streets, roadways, alleys, squares, parks, or other parts, and it meets one of the following conditions:

1. The tract of land is to be used primarily for agricultural use, as defined by [Section 1-d, Article VIII, Texas Constitution](#), or for farm, ranch, wildlife management, or timber production use within the meaning of [Section 1-d-1, Article VIII, Texas Constitution](#);
2. The tract of land is divided into four (4) or fewer parcels and each of these parcels is to be sold, given, or otherwise transferred to an individual who is related to the Owner within the third degree by consanguinity or affinity, as determined under [Chapter 573, Government Code](#);
3. All the lots of the subdivision are more than ten (10) acres in area, each;
4. All the lots of the subdivision are sold to veterans through the Veterans' Land Board program;
5. The tract of land belongs to the State or any state agency, board or commission or owned by the permanent school fund or any other dedicated funds of the State;
6. The Owner of the tract of land is a political subdivision of the State;
7. The land is situated in a 100-yr floodplain; and the lots are sold to the adjoining landowners;
8. One new part of the tract is to be retained by the Owner who does not lay out any streets, alleys, parks, squares or other parts, and the other new part is to be transferred to another person who will further subdivide the tract, and will do so subject to the plat approval requirements of these Regulations [Note: This requires an actual intent to develop the transferred part and the County may require a concept plan to support this intent. It also requires that the transferred land is of a size that it may be further subdivided, with consideration given to OSSF lot size regulations];
9. All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract. This will generally involve a situation where several persons inherit or

otherwise receive an undivided interest in land and thereafter obtain a partition judgment to specifically divide the land among them. The partition does not trigger these platting requirement, however, any further division of the separate tracts created by the partition for development must comply with these platting regulations;

10. The acquisition or disposition of land by any federal or state agency, political subdivision of the State, municipality, or school district intended for or relating to right of way purposes;
11. The tract of land is to be used solely for the financing of the construction of a building or for the refinancing of an existing building with no change in property ownership.

Land divisions that are initially exempt, under this Section, or development on tracts which were a part of a division that was initially exempt, require approval under these Subdivision Regulations at the time that subdivision of the land, as defined herein, is proposed to occur or at the time that the intended development on the tract exceeds the nature of the particular exemption.

Exemption from these Regulations does not exempt the Applicant from requirements arising under Collin County Rules for On-Site Sewage Facilities and/or Floodplain Management Regulations.

Process for Exemptions. To avoid the misapplication of an exemption which could result in the violation of these regulations, an owner is required to apply for a formal determination by filing an Application for Formal Determination of Exemption Status with the Director of Engineering. No fee is required. The Director of Engineering shall review the application and the reasoning provided therein, and within ten (10) business days of receipt shall make his/her formal determination in writing, which shall be mailed to the owner. If the formal determination is that an exemption from these Subdivision Regulations does not apply, the owner may appeal that determination pursuant to the procedures in these Subdivision Regulations.

I. Version of Regulations Applicable

1. A plat that has received approval prior to the effective date of this 2020 amendment to the Regulations, and has not expired, shall be subject to the subdivision regulations in effect immediately prior to these Amended Regulations, and such regulations are kept in effect for such purposes.
2. A plat application that is pending at the time that this 2020 amendment to the Regulations is adopted by the Commissioners Court shall be subject to the subdivision regulations in effect immediately prior to these Regulations, and such regulations are kept in effect for such purposes.
3. A plat application filed after the effective date of this 2020 amendment to the Regulations is subject to these amended regulations.

J. OSSF Permit, Culvert Permit, or Other Required Permit

No OSSF Permit, Culvert Permit, nor other applicable required permit shall be issued for a lot in a subdivision for which a plat has not been approved.

K. Appendices Incorporated

The appendices to these Regulations are incorporated herein by reference and are hereby made a part of these Regulations.

1.02 DEFINITIONS

A. Definitions

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

ALLEY – a minor public right of way or private roadway easement that is used primarily for vehicular services access to the back or sides of property otherwise abutting on a roadway.

AMENDING PLAT-- has the meaning given in §212.016 of the Texas Local Government Code and is intended to correct errors or add clarification.

APPLICANT – a Subdivider or Developer who seeks approval of a proposed subdivision, including the plat.

AS-BUILT PLANS – revised set of drawings submitted by the Applicant upon completion of construction of the Road and Drainage Infrastructure Improvements. They reflect changes made in the specifications and civil construction plans during the construction process, as agreed to by the Director of Engineering, and show the actual, built dimensions of Road and Drainage Infrastructure Improvements.

BASE FLOOD – the flood having a 1 percent chance of being equaled or exceeded in any given year. Also, the flood resulting from the 100-yr storm event.

BASE FLOOD ELEVATION (BFE) – the WSEL resulting from any flood in Collin County, including outside of SFHAs, that has a 1 percent chance of equaling or exceeding that level in any given year, also called the 100-yr storm event. The BFE is used to delineate the Base Flood in plan review. The BFE may be calculated by the Applicant’s Engineer or as shown on the FIRM and found in the accompanying FIS for Zones A, AE, or AH for Collin County. The BFE shall be in relation to the datum specified in the FIS for Collin County.

BEST MANAGEMENT PRACTICES - physical, structural or managerial procedures that decrease the potential for facilities to pollute downstream channels, lakes, and waterways.

BUSINESS DAY – the days of the week when County offices are normally open (excludes official holidays and weekends). Collin County holidays may be found online at: <https://www.collincountytexas.gov/government/Pages/Holidays.aspx>

COLLECTOR ROADWAY - a roadway serving one hundred fifty (150) lots or more, including those outside the subdivision (ie future phases or connected subdivisions). Collector Roadways provide connectivity between Residential Roadways and existing County roadways or future Thoroughfares.

COMMISSIONERS COURT – The Commissioners Court of Collin County.

COUNTY – Collin County, Texas.

COUNTY CLERK – the County Clerk of Collin County.

COUNTY JUDGE – the County Judge of Collin County.

COUNTY ROADWAY – a public roadway under the control and maintenance of the County.

DEDICATION – the appropriation of land, or an easement therein, by an Owner, for the use of the public and accepted for such use by or on the behalf of the public.

DEVELOPER – any person, partnership, firm association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the development of a subdivision, within the intent, scope and purview of these Regulations.

DEVELOPMENT – all land modification activity, including grading or construction of buildings, roadways, drainage, parking lots and/or other impervious structures or surfaces.

DIRECTOR OF ENGINEERING - where used in these Regulations, “Director of Engineering” shall mean the Collin County Director of Engineering and his/her authorized and/or appointed representatives.

DRAINAGE PLAN OR STUDY – a plan for handling stormwater affecting existing and proposed property and/or roadways due to development, including water surface elevations, floodplains, velocities, and mitigation measures. Drainage plans or studies include all areas handling stormwater, including SFHAs. For purposes of Plat submission and approval the drainage plan or study does not require the submission of construction plans, but does require the identification, description, general dimensions, purpose, and capacity of proposed drainage improvements, providing a general summary of how the stormwater is expected to be handled. After Plat approval, a Drainage Plan which includes construction documents and greater detail will be required.

EASEMENT – an area for restricted use on private property upon which a public or private utility/entity/ HOA or Lot Owner responsible for maintenance shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

ENGINEER – a person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering in the State of Texas.

ENTITLEMENT - rights conveyed by approvals from government bodies to develop a property.

EXISTING ROADWAYS – roadways that have been constructed and are in place prior to the passage of these Regulations.

EXTRATERRITORIAL JURISDICTION (ETJ) – the unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in [Local Government Code, Chapter 42](#).

FEMA – Federal Emergency Management Agency.

FINAL ACCEPTANCE – formal acceptance by order of the Collin County Commissioners Court.

FINAL PLAT – the official drawing or map (including all necessary survey drawings,

notes, information, affidavits, dedications, certifications, and/or acceptances as required by these Regulations) of any given subdivision of land which is prepared from actual field measurements and staking of all identifiable points by a Surveyor or Engineer, with the subdivision location referenced to a survey corner and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional information.

FINANCIAL GUARANTEE IN LIEU OF BOND-in lieu of a performance bond the Applicant may deposit cash with the County or an eligible letter of credit on which the Collin County Judge or his/her successors in office is the named beneficiary. The amount of security or the amount of the letter of credit shall be the estimated cost of construction of the Road and Drainage Infrastructure Improvements. A letter of credit must comply in all respects with Section 232.0045 of the Texas Local Government Code. *Any Letter of Credit must be payable on the demand of the County, and the County shall not be required to make any showing of entitlement to payment except for presentation of the Letter of Credit or a copy thereof.*

FLOOD OR FLOODING – a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters.
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) – an official map of a Community, on which the Federal Emergency Management Agency has delineated both the SFHAs and the risk premium zones applicable to the Community.

FLOOD INSURANCE STUDY (FIS) – is the official report provided by FEMA. The report contains flood profiles, water surface elevation of the base flood, as well as the FIRM.

FLOOD STUDY – an examination, evaluation and determination of flood hazards and corresponding water surface elevations, floodplains, and velocities. Flood studies, when used herein, are associated with analysis of regulated SFHAs.

FLOODPLAIN OR FLOOD-PRONE AREA – any land area susceptible to being inundated by water from any source (see definition of flooding). For plats and civil construction plans, a floodplain is a plan view depiction of the extent of flooding based on calculated water surface elevations.

GRADE – the elevation of a surface of the ground or paving at a point where height is to be measured or the degree, of inclination of a surface.

HOMEOWNERS ASSOCIATION – an organized, non-profit corporation with mandatory membership when property is purchased.

INFRASTRUCTURE-roads, streets, bridges, stormwater and drainage improvements, water, sewer, gas, and electric lines, pipes and facilities, and other civil works.

LOT OF RECORD – a divided or undivided tract or parcel of land having frontage onto a roadway and which is, or which in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a lot number in a duly approved subdivision plat which has been properly filed of record.

MAINTENANCE BOND - a surety bond given that protects against defects in materials

or workmanship, and damage to or deterioration of the Subdivision Improvements, that occur before and during the Maintenance Period due to any cause and to ensure that the Subdivision Improvements remain serviceable and maintained during the Maintenance Period which is for a period of two (2) years after final acceptance of the improvements as complete by the County Engineering Department (which is not the same as acceptance for maintenance). Collin County through its County Judge must be the obligee on the bond. The Maintenance Bond must be payable to the County Judge or his/her successors in office.

MANUFACTURED HOME RENTAL COMMUNITY, MANUFACTURED HOME SUBDIVISION - A plot or tract of land that is separated into two (2) or more spaces or lots that are rented, leased or offered for rent or lease, for the installation of manufactured homes for use and occupancy as residences. The development of Manufactured Home Rental Communities and Subdivisions is regulated by the Collin County Regulations for Manufactured Home Rental Communities Infrastructure. Contact Collin County Engineering Department for additional information.

MINIMUM REQUIREMENTS – Minimum acceptable requirements; such requirements may be modified by the Director of Engineering as may be necessary to protect the public health, safety, and welfare.

MINOR PLAT – a plat that the Director of Engineering has the authority to approve without approval of the Commissioners Court; further described in these Regulations.

ORIGINAL TRACT – see Parent Tract.

OWNER – the Owner of the parent tract or lot of record subject to these subdivision requirements.

PARENT TRACT – the original tract of land owned prior to any proposed division.

PERFORMANCE BOND – a performance bond is a bond given to ensure the proper construction of the Road and Drainage Infrastructure Improvements in the amount of the estimated cost of construction. Collin County through its County Judge must be the obligee on the bond. The bond must be made payable to the Collin County Judge or his/her successors in office. The Bond must comply in all respects with Section 232.004 of the Texas Local Government Code.

PLAT – a survey of the land which identifies the boundaries of a tract and any easements, floodplains, roadways, rights of way, and a drawing or map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other parts.

PLAT PACKAGE-the application required by the County, drainage studies/plans, flood studies, traffic impact analysis, study/evaluation for On Site Sewage Facilities, the Final Plat containing all of the requirements of these Regulations, and any other item specifically required by these Regulations to be part of the Plat Package submittal.

PRIVATE ROADWAY – a Residential Roadway that is typically owned and/or maintained by an entity other than the County and that is generally intended to serve residents located thereon but not the public at large. The term “private roadway” shall be inclusive of alleys, if such are to be provided within the subdivision.

PUBLIC ROADWAY – a public right of way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties. The Public roadway

may or may not be maintained by Collin County.

RECORD PLAT – the final plat drawing which has been approved by the Commissioners Court, signed by the County Judge and filed at the County Clerk’s office.

REGULATIONS - Collin County Subdivision Regulations, as may be amended.

REPLATTING (or REPLAT) –Re-platting is the re-subdivision of any part of a block or lot of a previously platted subdivision, or addition.

RESIDENTIAL ROADWAY - a roadway serving less than one hundred fifty (150) lots, including those outside the subdivision (ie future phases or connected subdivisions). Residential Roadways provide connectivity between residential driveways and Collector Roadways, existing County Roads, or future Thoroughfares.

RESIDUE TRACT – any part of the original tract remaining after its division.

RE-SUBDIVISION. The division of an existing subdivision together with any change of lot size therein, or with relocation of street lines, or with the combination of lots or property adjacent to the existing Subdivision, or combination or division of lots within the existing Subdivision.

RIGHT OF WAY – a parcel of land that is occupied or intended to be occupied, by a roadway or alley. Where appropriate, “right of way” may include other facilities and/or utilities such as sidewalks; railroad crossings; and/or electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right of way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right of way” for land platting purposes shall mean that every public right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and shall not be included within the dimensions or areas of such lots or parcels. The right of way is the distance between property lines measured at right angles to the centerline of the roadway or alley.

RURAL - a subdivision having lots that are one (1) acre (no less than 43,560 square feet) or larger.

ROAD AND DRAINAGE INFRASTRUCTURE IMPROVEMENTS- roads, streets, alleys, bridges, ditches, stormwater control and drainage improvements and facilities, and items associated therewith.

ROADWAY – a paved right of way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land and/or connection to other roadways or highways.

SETBACK LINE (BUILDING LINE) - A line established, in general, parallel to the front roadway right of way or easement line. No building or structure may be permitted in the area between the setback line and the roadway right of way or easement.

SPECIAL FLOOD HAZARD AREA (SFHA) – the land in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Areas of special flood hazard are depicted on the Collin County FIRM as Zones A, AO, AH, or AE.

SUBDIVIDER – any person or agent thereof who is dividing or proposing to divide land so as to constitute a subdivision as that term is herein defined. The term “subdivider” shall be restricted to include only the Owner, equitable Owner or authorized agent of such Owner or equitable Owner (such as Developer) of land that is sought to be

subdivided through the Application process described herein.

SUBDIVISION – the division of a tract of land situated within Collin County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out roadways, alleys, squares, parks, public utility easements, public rights of way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities. The term “subdivision” includes the term “addition”.

- a. A Subdivision of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or sale or other executory contract to convey, or in a lease (other than agricultural or hunting leases), or by using any other method of conveyance of an interest of land.
- b. It is the intent of the Commissioners Court that the term “subdivision” be interpreted to include all divisions of land, including divisions intended to create gated (i.e., private roadways) communities, that are not exempt under Section 1.01.H of these Regulations, to the fullest extent permitted under the laws of the State of Texas.

SUBSTANDARD ROADWAY – a roadway which does not meet the minimum roadway standards described in the Collin County Roadway Standards.

SURVEYOR – a person licensed under the provisions of the Texas Professional Land Surveying Practices Act to practice the profession of surveying in the State of Texas.

TCEQ – Texas Commission on Environmental Quality.

THOROUGHFARE - a principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting roadway with state highways.

TRACT – see Parent Tract.

URBAN - a subdivision having lots that are less than one (1) acre (less than 43,560 square feet).

USABLE ACRE – a unit of area equal to at least 43,560 square feet. When calculating the usable acreage of any lot, the gross square footage within the lot shall be used, provided that any area that is dedicated for right of way purposes, within a private roadway easement, an easement for a shared access driveway, or any unusable easements or areas as defined by [TAC, Title 30, Chapter 285](#) regarding On-Site Sewage Facilities shall be excluded.

UTILITY – water, sewer, gas and/or electrical services owned and/or operated by either a municipality, county, special district, or any other public, non-profit or private entity.

VARIANCE – A form of relief granted to an Applicant by the Commissioners Court on the basis of the criteria set out in these Regulations.

WATER SURFACE ELEVATION (WSEL)- the height in relation to the datum shown in the FIS for Collin County, of floods of various magnitudes and frequencies.

1.03 PLAT PACKAGE SUBMISSION

A. Process Overview

1. Pre-submittal meeting (optional). Applicants will generally benefit from pre-submittal meetings, as once the Plat Package is filed staff will be concentrating on review and recommendation to the Commissioners Court. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the Commissioners Court. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Plat Application. One or more pre-submission meetings may be held.
2. Submittal of Plat Package as defined in these Regulations is made by the Applicant, along with the Application Fee.
3. Administrative completeness review by the Director of Engineering to determine the administrative completeness of the Plat Package submitted.
4. Within 30 days of receiving an administratively complete Plat Package, the Plat Package is brought before the Commissioners Court at a regular or special-called meeting for action.

B. Administrative Completeness

1. In order for a Plat Package submittal to be administratively complete, all information required for a Plat Package under these Regulations must be submitted to the Director of Engineering.
2. If the Director of Engineering determines that the plat submittal is incomplete with reference to the requirements of these Regulations, the Applicant shall be notified within ten (10) business days of the date the plat submittal was received with a written explanation of missing or required information or documents.
3. The Applicant shall be given a reasonable time to submit the missing information. However, if the missing information is not received within 60 days of the notification to the Applicant of the missing information, the application may be administratively denied by the Engineering Department as incomplete, with notice in writing to the Applicant that the Application has been administratively denied and return of the Plat Packet to the Applicant. The Applicant may within (6) months thereafter file a Plat Packet containing the missing information without having to pay a new application fee. Thereafter, a new application fee will be required.
4. The 30-day period for the Commissioners Court to act on the Plat Package does not begin until the Director of Engineering has received an administratively complete Plat Package.
5. A finding of administrative completeness is not an approval of the Plat Package.
6. A sign Package must be submitted at the same time as the Plat Package. A sign package is not a requirement of plat acceptance, however, both must be considered and acted upon by Commissioners Court. Concurrent submittal of these documents ensures both are placed on Commissioners Court agenda for action on the same day. The sign package must be signed and sealed by an

Engineer.

C. Application Fees

The Applicant shall pay a fee in the amount set by the Commissioners Court from time-to-time, with each submittal of a final plat/replat package. The fees are non-refundable save and except under the conditions set out in Section 232.0025 (i) of the Texas Local Government Code.

D. Final Plat Package Requirements

In order for a final plat submittal to be administratively complete, each Final Plat Package shall be submitted to the Director of Engineering and shall be accompanied by the following information and materials:

1. A completed County application form.
2. If Applicant is not the Owner, an Owner Authorization Form.
3. The application fee.
4. Three (3) 24" x 36" blackline copies of the final plat as well as a digital file (PDF) on USB drive or other media containing all the required information specified in these Regulations for the Final Plat.
5. Deed showing ownership of the property or properties being platted.
6. An original tax certificate showing that all taxes, currently due for the land being subdivided or re-subdivided, have been paid. The certificate must be less than 30 days old when filed.
7. Drainage studies and plans, flood studies, and traffic impact analysis [In this provision the term "plans" does not refer to construction plans but rather means the identification, description, general dimensions, purpose, and capacity of improvements intended for handling stormwater, or in the case of a traffic impact analysis, information that could show matters such as whether additional right of way for a turn lane is needed given the estimated traffic load and patterns.]. If the development is to be multi-phased, the drainage study must include the areas where the future phases will be developed.
8. Utility provider will-serve letters for water, wastewater and electric utilities. The utility provider letter shall state that the provider can adequately serve the development, has reviewed and approved the utility plan, easements, and plat, will inspect proposed utilities during construction and describe all bonding requirements. Will-serve letters from water providers must indicate allowable flow. An exception letter from the Collin County Fire Marshal is required for flows less than 1,500 gallons/minute. If groundwater under the land is to be the source of water for the subdivision, provide certification by an Engineer that there is adequate groundwater available to meet TCEQ requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.
9. Approval of the [Application for Subdivision/Development Review for On-Site Sewage Facilities \(OSSF\)](#) from the Collin County Development Services Department. For more information regarding this review, please contact Development Services at (972) 548-5585.

10. A copy of the subdivision restrictive covenants, required by the Applicant, shall accompany the final plat. The following are required to be contained in the restrictive covenants:

- a. If sewage disposal is by means of on-site sewage facilities, the restrictive covenants shall indicate that the owner of each lot shall obtain an on-site sewage facility license from the Collin County Development Services Department.
- b. That all driveway culverts shall be installed in accordance with the policies of the Collin County Drainage Design Manual.
- c. No residential or commercial building construction shall be allowed until the Road and Drainage Infrastructure Improvements for the subdivision has been approved as complete by the County and the required Warranty and Maintenance Bond have been provided, or without a required permit issued by Collin County Development Services.
- d. Collin County is not responsible for the maintenance and repair of any drainage improvements of the addition, including those located on private lots or adjacent thereto.
- e. Collin County is not responsible for the maintenance and repair of any cluster mailbox, including the landscaping and drainage of the lot or easement containing the cluster mailbox.
- f. Unless maintained by a homeowners association the owners of lots upon which drainage improvements are located or adjacent are responsible for the maintenance, repair, and/or reconstruction of the drainage improvements in drainage easements shown on the Plat, and all work must comply with the Collin County Drainage Design Standards.
- g. Homeowner's Associations with maintenance funds are required if private roadways are proposed.
- h. If roadways are dedicated to the public neither a lot owner nor a subsequent lot owner has any right to obstruct the roadway, including by gate, fence, or otherwise.
- i. No construction or planting of trees or shrubs is allowed in any public utility easement, and a public utility has the right to remove any such obstructions located on the easement.

11. All certifications, plat notes, and plat language required by these Regulations.

E. Requirements For Final Plat

A plat document shall include the following:

1. General Information
 - a. The plat shall carry the legend "Final Plat".
 - b. North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 200 feet, or as required by the Director of Engineering. Multiple sheets may be required on larger subdivisions.
 - c. Name of the proposed subdivision, which shall not be the same or similar to any other subdivision within the County unless the subdivision is an extension

- of a pre-existing, contiguous subdivision.
- d. A location map which shows the general location of the proposed subdivision in relation to the County, other subdivisions, major roads, towns, cities and/or topographical features.
 - e. Name, address and phone number of the Applicant for the property. This shall include the name of the designated representative for the development group.
 - f. Name, signature, seal, date, address and phone number of the Surveyor and/or Engineer.
 - g. Name, address and phone number of all utility companies.
 - h. A note stating the total acreage of the subdivision, total number of lots within the proposed subdivision, the smallest and largest lot size shown on the plat, and the average size of lots.
 - i. The boundary lines and their relation to an original corner of the original survey, with bearings and distances, total acreage and legal description of the proposed subdivision. The boundary line description of the tract being subdivided shall close to an accuracy of one in ten thousand (1:10,000).
 - j. Easements shall be dedicated by the owner of a parcel of land to another person, public agency, the public, or a private corporation for specific and limited use of that parcel of land.
 - k. Description of monumentation used to mark all boundary, lot and block corners, as established by a Surveyor, and all points of curvature and tangency on roadway rights of way.
 - l. Statement of approval by the Commissioners Court along with a line for the County Judge's signature.
 - m. On-Site Sewage Facility Review Certification.
 - n. Any other certifications or plat notes required by these Regulations.
 - o. Include the date of preparation and any revision dates.
2. Lot, Roadway and Right of Way Information
- a. Lot, block, and section numbers for each parcel.
 - b. Total acreage rounded to the nearest thousandth (0.001) and dimensions of each lot.
 - c. The location of any lots proposed for cluster mailboxes, detention facilities, parks, squares, greenbelts, schools and/or other public use facilities.
 - d. The outline of adjacent properties for a distance of at least one hundred (100) feet, including property owner names.
 - e. Names of adjoining subdivisions and owners of property contiguous to the proposed plat and for an area extending two hundred (200) feet from the property line of the proposed plat, along with appropriate recording information (i.e., volume and page deed reference or instrument number).
 - f. Distance from the proposed subdivision to the nearest roadway intersection.
 - g. A depiction of how the roadways, alleys or highways in the proposed subdivision connect with adjacent land, adjacent recorded subdivisions, or previously dedicated, platted, existing and/or planned roadways within the

- vicinity of the subdivision.
- h. Name, location, length, and right of way or easement widths of all proposed roadways, proposed alleys, and existing roadways. Roadway names shall not conflict with existing roadway names in an unincorporated area.
 - i. Total number of lots, including those outside the subdivision, contributing to each roadway within the subdivision. The total number of lots includes planned future phases of the subject subdivision or planned interconnectivity with adjacent subdivisions.
 - j. Location, size and proposed use of all proposed access easements, or shared access driveways, if any.
 - k. If applicable, dedication to the public of all Roadway easements.
 - l. Building and setback lines shall be fifty (50) feet from the edge of the right of way on all major highways and roads, and twenty-five (25) feet on all public roads other than major highways and roads. No building or structure may be permitted in the area between the setback line and the roadway right of way.
3. Drainage and Floodplain Information
- a. The plat shall be prepared in accordance with the requirements of the Collin County Drainage Design Standards and Floodplain Management Regulations.
 - b. Easements as outlined in the Collin County Drainage Design Standards.
 - c. All SFHAs identified by the most current FIRM provided by FEMA shall be shown on the plat with the community and panel number of the FIRM.
 - d. Design-yr and 100-yr floodplains (FEMA SFHAs and non-FEMA) for all stormwater conveyance systems.
 - e. Delineation of any SFHAs being modified as a result of the proposed development. Flood Study submittals shall follow the requirements in the Collin County Floodplain Management Regulations. An approved LOMR is required prior to filing final plat.
 - f. Base Flood Study for development with greater than 5 acres or 50 lots, whichever is less, with all or part located in or adjacent to Zone A.
 - g. 100-yr floodplain line shall be shown on the plat for subdivisions not located within a SFHA. The new floodplain line shall be noted as determined by a base flood study for the subject development.
 - h. For subdivisions not located within a SFHA, reference shall be made on the plat that the subdivision is not located within a SFHA and the community and panel number of the appropriate FIRM shall be included.
 - i. Dam breach inundation zones.
4. Water, Wastewater and Utilities Information
- a. The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements. If applicable, public and private wells shall include a sanitary easement meeting or exceeding the requirements of TCEQ.
 - b. Utility easements provided outside of design-yr floodplains. Utility easements are allowed within 100-yr floodplains provided they are outside of design-yr floodplains.

- c. Usable acreage per lot as it pertains to On-Site Sewage Facility Regulations.
 - d. Certification that all lots have been designed in compliance with the rules governing Collin County for on-site sewage facilities, together with all planning and evaluation materials required.
 - e. Recording information (volume and page deed reference or instrument number) of all existing utility easements.
5. Plat Notes and Certifications
- a. Certifications required as set forth in these Regulations (surveyor, owner, engineer, OSSF, final approval, etc.). *See Also* Appendix C.
 - b. Plat Notes as required in these Regulations. *See Also* Appendix D and Appendix E.
- F. Amending Plat, Re-Plat or Plat Revision, Minor Plat, Cancellation

1. Amending Plat

The Director of Engineering is delegated the authority by the Commissioners Court to approve or deny an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:

- a. to correct an error in a course or distance shown on the preceding plat;
- b. to add a course or distance that was omitted on the preceding plat;
- c. to correct an error in a real property description shown on the preceding plat;
- d. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- e. to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
- f. to correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. both lot owners join in the application for amending the plat;
 - ii. neither lot is abolished;
 - iii. the amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat. It is the Applicant's responsibility to file the approved amending plat for recordation in the Official Public Records of Collin County, Texas.

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

The fee for Amending Plats will be as set from time-to-time by the Commissioners Court. The Applicant must submit the fee with its Application. The Applicant is also responsible for the filing fee to record the Amending Plat with the County Clerk's Office once approved.

The Director of Engineering is designated by the Commissioners Court to sign Amending Plats on behalf of the Commissioners Court.

2. Re-Plat

The owner of real property in a tract that has been subdivided may apply to the Commissioners Court for permission to revise the recorded plat. The Application is subject to the same requirements as original plats except to the extent a requirement is deemed inapplicable to the Re-Plat by the Director of Engineering or his/her designee.

a. Process Where a Public Interest or Public Property is Affected

If a park, school, road or public property, or the public interest would be affected by the proposed revision:

- i. the Commissioners Court shall publish a notice of the application in a newspaper of general circulation in the County—which includes identification of the time and place at which the Commissioners Court will meet to consider the application and hear protests to the revision of the plat;
- ii. the notice must be published three (3) times during the period that begins on the 30th day and ends on the 7th day before the meeting;
- iii. except where the re-plat only combines existing tracts (lots), if all or part of the subdivided lots have been sold to non-developer owners, notice must also be given by certified or registered mail, return receipt requested, at each owner's address.

"Public Interest" as used above means an interest shared by residents of the County as a whole, and not just the residents of the subdivision, and will generally be the interests of the public under regulations relating to the public health, welfare, or safety.

b. Process Where Public Interest or Public Property not Affected

If the Commissioners Court determines that the revision to the Subdivision Plat does not affect a public interest or public property of any type, the foregoing notice requirements do not apply; rather, the following requirements apply:

- i. the Commissioners Court shall provide written notice to the owners of lots within 200 feet of the platted lot/lots to be revised, as indicated by most recent appraisal district records;
- ii. the notice of the application must be continuously posted on the County's website for at least 30 days preceding the date of the meeting at which the application is to be considered.

c. Ruling

The Commissioners Court shall grant the Re-Plat by order if:

- i. the revision will not interfere with the established rights of any owner of another lot in the Subdivision; or
- ii. each owner whose rights would be interfered with has agreed to the revision in writing.

d. Filing the Plat

It is the Applicant's obligation to file the approved Re-Plat in the Official Public Records of Collin County, Texas.

e. Fee and Costs

The Applicant will pay a base fee determined by the Commissioners Court from time-to-time. Added to the fee will be the cost of all publications and mailings required for the process. The Applicant is also responsible for the filing fee of the County Clerk's Office for the recordation of the Re-Plat.

f. Conflict with Deed Restrictions

A Re-Plat that would conflict with the deed restrictions, if any, applicable to the property may not be approved.

g. OSSF Review

Depending on the nature of the revision, the Re-plat may have to go through the OSSF review and approval process.

3. Minor Plat

Pursuant to its authority to designate decision-making on plats as set forth in Section 232.0025 of the Texas Local Government Code, and to provide for efficiency, provide for a less costly process for applicants, and avoid delay, the Commissioners Court designates the Director of Engineering as the authority to approve, without bringing them before the Commissioners Court, a plat:

- a. involving four or fewer lots fronting a public road, with access to utilities, and which do not require drainage improvements beyond ditch improvements and culverts [this type of Plat must go through the OSSF review and approval process before it can be approved unless the lots will be served by sanitary sewer service]; or
- b. necessary to show a change to an easement, an unopposed encroachment, unopposed changes in building lines, or similar such matters that do not justify the delay and expense of a Re-Plat. [If any change in Usable Acreage result, the Plat may be required to go through the OSSF review and approval process].

These types of plats will be referred to as "Minor Plats".

The fee for Minor Plats will be as set from time-to-time by the Commissioners Court. The Applicant must submit the fee with its Application. The Applicant is also responsible for the filing fee to record the Minor Plat with the County Clerk's Office once approved.

The Director of Engineering is designated by the Commissioners Court to sign Minor Plats on behalf of the Commissioners Court.

4. Cancellation of Plat

A Plat and subdivision may be cancelled only in the limited situations and in strict compliance with the procedures for cancellation contained in Chapter 232, Subchapter A of the Texas Local Government Code.

1.04 DECISIONS ON THE PLAT PACKAGE

A. Submission To The Commissioner's Court And Post-Submission Process

1. Commissioner's Court Action

Once a complete Plat Package and Application Fee is received, action must be

taken on the Plat Package within 30 days by the Commissioners Court. The Director of Engineering must assure that the matter is included as an agenda item on a Commissioners Court meeting held within the 30-day period. The Director of Engineering or his/her designee shall give a recommendation to the Commissioners Court. The Commissioners Court may either approve the Plat Package, approve it with conditions, or disapprove it with reasons. Failure of the Commissioners Court to act on a Plat Package within the 30-day deadline results in the Plat being approved by operation of law.

Notes on 30 day period:

- if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Plat Package is on file AND the groundwater availability certification is received by the Director of Engineering's Office;
- the Applicant (not the County) can request one 30 day extension in writing, and the extension will be deemed granted if the Director of Engineering agrees to it in writing not more than 20 days after the Plat Package is received;
- the time is extended for delays caused by required decisions that are not within the County's control;
- if the County is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

It is within the Director of Engineering's sole discretion as to whether to accept any corrections or updates to the Plat Package after the 30 day review period begins.

2. Notification to the Applicant of the Decision

No later than 10 days after the Commissioners Court's decision, the Director of Engineering or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

- a. state how it is directly related to the requirements of Subchapter A of Chapter 232 of the Texas Local Government Code; and
- b. cite the law, statute or order/ordinance provision that is the basis for the condition or reason.

The conditions or reasons must not be arbitrary.

3. Applicant's Response

Chapter 232 of the Texas Local Government Code gives a disappointed applicant the right to file a **response** to the conditions on approval or reasons for disapproval. The Applicant must file this response with the Director of Engineering's Office. The Director of Engineering must decide **within 15 days** of receipt of the response whether, in light of the response the Applicant has met the conditions for approval or resolved the reasons for disapproval. The County may not set a deadline for the response. The purpose of the response is for the Applicant to show the Director of Engineering that he/she has corrected or met

the conditions on approval or resolved the reasons for disapproval. The Director of Engineering is delegated the authority by the Commissioner's Court to make this determination on its behalf.

4. Notification/County's Reply

The Applicant must be given notice of the Director of Engineering's determination on his/her Response within 5 business days of said decision. If the Response does not meet the conditions on approval or resolve the reasons for disapproval the Engineering Director must send the Applicant a **Reply** as part of the notification. The Reply must state that the Application is approved with conditions or disapproved and identify the conditions or reasons with the same specificity as the initial notification of the Commissioner's Court decision, except that it cannot raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

The period during which a plat approved with conditions or disapproved can be responded to by the Applicant is not clearly stated by the law, but in no circumstance may such period exceed two (2) years.

If the Response meets the conditions on approval or resolves the reasons for disapproval, the Director of Engineering is hereby expressly delegated the authority by the Commissioners Court to approve the Plat Package., and to execute a certificate approving the Plat as the act and deed of the Commissioners Court.

If the Director of Engineering does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the application is deemed approved by law.

If a Plat is deemed approved by operation of law, the Director of Engineering shall obtain the Certificate(s) from County Officials showing the Plat is approved.

B. Effect Of Approval

1. Final Plat approval does not constitute approval or acceptance of infrastructure.
2. Regardless of whether the Plat is approved by the Commissioner's Court, by action of the Director of Engineering on an Applicant Response, or deemed approved by operation of law, the Applicant must comply with the hereinafter stated regulations governing Subdivisions.
3. Approval of a final plat does not authorize any site grading, construction or development activities, but merely authorizes the Applicant to proceed with civil construction plan approval. Such approval does not constitute any acceptance by the County of maintenance of any roadways. Acceptance for maintenance shall require a separate order of the Commissioners Court entered at a date after the warranty period, as described in these Regulations, has expired.
4. No construction of the Infrastructure may commence until the following have been completed:
 - a. civil construction plans for Road and Drainage Infrastructure Improvements

- have been approved by the Director of Engineering;
 - b. a preconstruction meeting is held between the Director of Engineering, the Applicant, and the Contractor; and
 - c. the Applicant's election as to how to secure the completion of the Road and Drainage Infrastructure Improvements has been implemented either: 1) by the approved final plat being held by the Director of Engineering only to be released to the Applicant for recording once the Road and Drainage Infrastructure Improvements are accepted as complete by the County (and the Warranty and Maintenance Bond requirements are met); or 2) the Applicant has provided an acceptable Performance Bond or other acceptable Financial Guarantee in Lieu of Bond to the County.
- C. Election Of The Applicant As To The Method Of Securing Completion Of Road And Drainage Infrastructure Improvements, And Requirements Of Financial Guarantees If Elected
- 1. Standard Election---Withholding Recordation
The standard election of Applicants is to have the approved final plat withheld from recordation with the Collin County Clerk's Office by placing the approved final plat in trust with the Director of Engineering only to be released to the Applicant for recordation with the Collin County Clerk's Office upon the Director of Engineering finding that the Road and Drainage Infrastructure Improvements are complete (and the Warranty and Maintenance Bond requirements have been met). No lots may be sold until the final plat is recorded.
 - 2. Financial Guarantee(s)
If the Applicant elects to secure the complete construction and installation with an acceptable financial guarantee (Performance Bond or Other Financial Guarantee in Lieu of Bond) certain requirements apply:
 - a. The duration of the Performance Bond or other performance guarantee shall be TWO (2) years starting from the date that the Final Plat is recorded in the Collin County Clerk's Office. If required improvements are not complete by the expiration date of the guarantee, the County may , but is not required to, require cash payment by the Applicant or surety company or under the letter of credit of the cost to complete the work (to be held as security for completion of the work) or may require an extension of the guarantee for a specific period of time. Alternatively, the County may declare a default under the Performance Bond or other performance guarantee and draw upon/ make a claim against the Performance Bond or other performance guarantee to have the work completed by others. [If a Performance Bond is involved, the surety often opts to complete the work itself through others].
The Applicant is responsible to provide the Performance Bond for the benefit of Collin County. Collin County through its County Judge must be the obligee on the bond. Generally, the Applicant is the Developer. In certain situations where the Applicant is not able to secure a Performance Bond in the amount or term required, the County may allow for the Applicant's prime contractor

to provide the Performance Bond, which must be payable to the Collin County Judge or his/her successors in office. If this is allowed only one bond will be accepted. The County will not accept a series of separate bonds from contractors or subcontractors on the project. Rather, the Performance Bond must be made by a prime contractor responsible for the complete Road and Drainage Infrastructure Improvements. The Director of Engineering or his/her designee makes all decisions regarding approval of Performance Bonds.

- b. The amount of the Performance Bond or other performance guarantee shall be based on an estimate of construction costs provided by a Professional Engineer registered in the State of Texas. The amount shall be sufficient to ensure satisfactory construction and installation of the Road and Drainage Infrastructure Improvements and must be approved by the Director of Engineering. Guarantees of performance must comply with Sections 232.004 and 232.045 of the Local Government Code where applicable. A Performance Bond must be issued by a surety authorized to write bonds in the State of Texas. Both the form of the Performance Bond and the surety must be acceptable to the Director of Engineering.

It is important to note that even if a Performance Bond or Other Financial Guarantee in Lieu of Bond is provided no residential or commercial construction is allowed until the Road and Drainage Infrastructure Improvements are accepted as complete by the County (and the Warranty and Maintenance Bond requirements are met). Any person who undertakes any residential construction on a lot before the Road and Drainage Infrastructure Improvements are accepted as complete by the County violates these regulations and commits an offense hereunder. This restriction shall be included in the Restrictive Covenants for the subdivision development, and the Applicant, or its successors or assigns, shall ensure that this restriction is contained in any sale agreement for each lot.

D. Compliance With Subdivision Rules

Plat Package submissions and the development shown on the plat shall comply with the Subdivision Rules set forth in these Regulations except where otherwise provided in these Regulations or applicable provisions of Chapter 232 of the Texas Local Government Code.

E. Recording Of Plat

The approved Final Plat must contain all required information, certifications and Plat notes in order to be filed in the Official Public Records of Collin County, Texas. Likewise, it must comply with the County Clerk's requirements for filing.

F. No New Road Or Drainage Infrastructure Improvements

If no new Road and Drainage Infrastructure Improvements are proposed, the recording of the Final Plat ends the subdivision process.

1.05 SUBDIVISION RULES

A. Lots

1. Size
The size of lots is not set or addressed by these Regulations. [Note: OSSF Rules effectively establish a minimum size for lots dependent on OSSF Systems].
 2. Easements
Sufficient room must be provided for public and private easements such as drainage and utility easements.
 3. Relation to Road
To the extent possible, lots should be laid-out so that side-lot lines are at a right angle to the fronted Roadway or radial to curved Roadway lines.
 4. Lot Frontage on Existing County Roads
Pursuant to Section 232.103 of the Texas Local Government Code, and after publication as set forth therein, the minimum required lot frontage along existing County Roads is set at one-hundred (100') feet.
 5. Set-backs
Pursuant to Section 232.104 of the Texas Local Government Code the County is authorized, after published notice, to adopt minimum set-back requirements. The Commissioners Court has published notice of its intent to establish set-back lines, and establishes such set-backs as follows: Front- fifty (50') feet from the edge of right of way on all major highways and thoroughfares; twenty-five (25') feet from all other public roadway rights of way. No building or structure may be permitted in the area between the setback and the roadway right of way.
 6. Monuments
In all subdivisions and additions, monuments shall be established at the corners of each block and lot in the subdivision, consisting of an iron rod or pipe that is easily distinguishable from any other markers, set flush with the top of the ground.
- B. Roadways
Roadways shall adhere to the Collin County Roadway Standards.
- C. Drainage
All drainage improvements shall adhere to the Collin County Drainage Design Standards.
- D. Floodplain
All development (public or private) in a floodplain is subject to the Collin County Floodplain Management Regulations. Nothing in these Regulations shall be interpreted to relieve an Applicant from compliance with the Collin County Floodplain Management Regulations, and to the extent of conflict the Collin County Floodplain Management Regulations control.
- E. Design Requirements For Utilities
1. Utilities and their appurtenances shall be placed in dedicated utility easements.
 2. Utility easements shall be outside the design-yr (i.e. 10-yr) floodplain of the drainage conveyance systems.
 3. Utilities placed within the 100-yr floodplain shall meet all local, state, and federal requirements.
 4. Refer to the Collin County Roadway Policy and Collin County Floodplain

Regulations for additional utility placement requirements.

5. No structures, walls or other obstructions shall be built over utility easements.

F. Shared Access Driveways

1. Where adequate driveway spacing cannot be achieved to meet the regulations of The Texas Department of Transportation or Collin County, shared access driveways may be considered. Proposed shared access driveways shall be submitted to the Director of Engineering for consideration.
2. Any plat submittal proposing shared access driveways shall also satisfy the following requirements:
 - a. Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument (plat or separate instrument) shall clearly state each lot's pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.
 - b. The postal address of each of the lots shall be based upon the public roadway from which the shared access driveway gains access, and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right of way.

G. Mailboxes

1. Placement of mailboxes shall be in accordance with United States Postal Service (USPS) requirements.
2. Cluster mailbox systems shall be located within an easement or dedicated lot. Maintenance of the cluster mailbox area shall be specified in the restrictive covenants.
3. All mailboxes within County rights of way shall meet current TxDOT standards if the speed limit on the County roadway is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet USPS requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, intersecting roadways or other access points.

H. Signs

1. All signs required by the Director of Engineering, including roadway (street) name signs, regulatory signs (e.g., stop and yield), warning signs, and informational signs, must meet Collin County Standards and may be installed by the Applicant or County.
2. All signs shall be installed in accordance with the most current version of the "Texas Manual of Uniform Traffic Control Devices" (TxMUTCD).
3. For signs installed by the County, the County will prepare a quote for installation of signs prior to installation. The Applicant shall pay the amount shown on the quote prior to installation.
4. Monument signs at the entrances to subdivisions shall be placed outside the right

of way.

1.06 CONSTRUCTION PLAN SUBMISSION AND REVIEW

A. General

1. If the proposed Subdivision involves new Road and Drainage Infrastructure Improvements, an Applicant whose Final Plat has been approved proceeds to the construction plan submission and review step of the Subdivision process. This requires the Applicant to submit civil construction plans and other information regarding Infrastructure. For the protection of the public, this information may be required to include general plans or general dimensions and specifications for Infrastructure in addition to Road and Drainage Infrastructure Improvements.
2. All Construction Plan submissions must contain the information required in this Section 1.06.
3. All Construction Plan submissions must comply with the Subdivision Rules. In addition, drainage construction plans must comply with the County's Drainage Design Standards and road construction plans must comply with the County Roadway Standards.
4. All construction plans must comply with the County's OSSF regulations and its Floodplain Management Regulations.
5. Approval of the Applicant's [Application for Subdivision/Development Review for On-Site Sewage Facilities \(OSSF\)](#) from the Collin County Development Services Department must have already occurred by this point.

B. General Civil Construction Plan Requirements

1. Submission

Civil construction plans shall be submitted to the Director of Engineering for review and approval prior to commencement of construction.

2. General Requirements

- a. All improvements shall be designed in accordance with the Collin County Drainage Design Standards, Floodplain Management Regulations, Roadway Standards, other agency regulations that are applicable, North Central Texas Council of Governments (NCTCOG) specifications, and standard details.
- b. All submitted items shall be 100% complete at the time of the submittal. Any incomplete components of a submittal shall result in the entire submittal being considered incomplete and shall be returned to the Applicant not reviewed.
- c. Four (4) hard copies as well as a digital file (PDF) on USB drive or other media of the complete civil construction plans, technical specifications, construction details, requested calculations, and a geotechnical report are required to be submitted to the Director of Engineering for review and approval.
- d. Mixture designs for hot-mix asphalt or concrete pavement, or type and application rates for prime coat, surface coat, and fog seals, must be reviewed and approved by the Applicant's Engineer for conformance to the construction plans and specifications, shall be submitted.

- e. The civil construction plans shall be submitted on 24" x 36" sheets. Each sheet of the civil construction plans shall contain a title block, including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date that the revision was made.
- f. Each civil construction plan sheet shall bear the seal and signature of the Engineer who prepared the plans. If standard details are included in the civil construction plan submittal, the Engineer shall provide the following certification on the title sheet of the plans:

"The standard [County, City, NCTCOG, TxDOT, etc.] details specifically identified in this set of construction plans [or specifically included in these bidding/contract documents] have been selected by me or under my direct responsible supervision as being applicable to this project.

_____, P.E., Firm Registration # or P.E. # _____

"

- g. Once plans have been approved by the County, the Applicant's Engineer shall provide the following certification on the title sheet of the plans:

"RELEASED FOR CONSTRUCTION DATE: BY:

The County has determined that these plans are in general compliance with Engineering Standards. The County's review and release of these plans does not represent that the County has re-engineered or verified the engineering of the proposed improvements. The Design Engineer is responsible for all engineering and recognizes that specific site circumstances or conditions may require improvements constructed to exceed minimum standards contained in the County's Engineering Standards. The Design Engineer is responsible for the applicability and accuracy of the plans and specifications contained herein.

_____, P.E., Firm Registration # or P.E. # _____"

C. Civil Construction Plan Checklist

The following information is intended to assist the Applicant's Engineer in preparation of civil construction plans for review by the Director of Engineering. It is not intended to be an all-inclusive list of all information or a list of design requirements. Plans not meeting these requirements may be returned without a review and marked "Incomplete". An accompanying letter will identify what is missing.

- 1. Requirements for all Civil Construction Plan Sheets
 - a. Title block with engineering firm information, registration number, Engineer's seal, sheet title, and page numbers clearly shown.
 - b. A minimum of two (2) benchmarks are required on all pertinent sheets.
 - c. North Arrow and scale clearly shown on each plan sheet.
 - d. Legend (relevant to each sheet) showing all special symbols, line types and hatch used.

- e. Roadway names labeled on all existing, proposed, and future roadways.
 - f. Lot & block numbers and ownership information (if lots not owned by one entity) shown for all lots.
 - g. Caution notes shown when working next to any existing utilities (public and franchise).
2. Order of sheets
 - a. Cover Sheet.
 - b. Plat.
 - c. General Notes.
 - d. Erosion Control and Sediment Pollution Protection Plan.
 - e. Post Construction Stormwater Quality Plan.
 - f. Roadway Typical Section.
 - g. Roadway Plan and Profile.
 - h. Drainage Area Map.
 - i. Grading Plan.
 - j. Hydraulic Calculations.
 - k. Detention Design and Hydraulic Calculations.
 - l. Closed Storm Sewer Systems (as applicable).
 - m. Water and Sewer Plans.
 - n. Utility Plans.
 - o. Illumination and Signage Plan.
 - p. Traffic Control Plan (site specific).
 - q. Roadway Cross Sections.
 - r. Construction Standards and Details.
 3. Erosion Control and Sediment Pollution Protection Plan
Refer to the Collin County Drainage Design Standards for Stormwater Pollution Prevention Plan requirements.
 4. Post Construction Stormwater Quality Plan
Refer to the Collin County Drainage Design Standards for Post Construction Stormwater Quality Plan requirements.
 5. Roadway Typical Section
 - a. Roadway type as defined in the Collin County Roadway Standards.
 - b. Section dimensions tied to the roadway centerline.
 - c. Right of way width.
 - d. Pavement width.
 - e. Sidewalk locations (if any).
 - f. Pavement section including subgrade, materials with application rates, and depths.
 6. Roadway Plan and Profile
 - a. Plan View
 - i. For all new Collector Roadways, a site-specific geotechnical evaluation and pavement design, in accordance with the Collin County Roadway Standards, submitted with plans.
 - ii. For roadways, centerline stationing at 100-foot intervals, PC's, PT's, and

- curve data labeled.
 - iii. Intersection, driveway and island curb radii labeled.
 - iv. Existing, proposed, future roadways and drives shown and labeled.
 - v. Right of way corner clips and sight visibility easements provided, in accordance with the Final Plat.
 - vi. Storm inlets identified with paving stations and top of curb elevations at center of inlet.
 - vii. Drainage clarified by flow arrows at crests, sags, ridges, intersections, and valley gutters.
- b. Profile View
- i. Existing ground line for center of roadway shown.
 - ii. Proposed profile grade line shown for all roadways, labeled at 100-foot station intervals.
 - iii. For Urban Roadways, show right and left top of curbs at intersections where split grade occurs.
 - iv. For Rural Roadways, show right and left ditch flowlines.
 - v. Vertical curve stationing and elevations including PVC, PVI, PVT, crest/sag location, curve length, algebraic grade difference, and “K” values shown.
 - vi. Roadway grades shown to the nearest 0.01%. Max and min grades per Collin County Roadway Standards.
 - vii. Show “compacted fill” callout/note for all areas of fill.
7. Drainage Area Map, Grading Plan, Hydraulic Calculations, Detention Design and Hydraulic Calculations, Closed Storm Sewer Systems
- Refer to the Collin County Drainage Design Standards for Drainage Plan requirements. These are more detailed renderings than are required as part of the Plat Package and must include construction plans. The Drainage Plans are subject to the approval of the Director of Engineering.
8. Water Plan
- a. Plan View
- i. Show and label all existing and proposed utilities.
 - ii. Show and label water line leading to fire sprinkler systems as “fire line” where applicable.
 - iii. Label size, type and pressure class for all proposed water mains.
 - iv. Show location for all water services and meters.
 - v. Show and label all easements.
 - vi. Dimension location of all mains, services, meters, and spacing from other utilities.
 - vii. Curve data and stationing provided.
 - viii. Show and label all fire hydrants, valves, fittings, fire department, connection locations, and back-flow prevention.
- b. Profile View
- i. Profile all water mains.
 - ii. Existing and proposed ground line at centerline of pipe shown and

- labeled correctly.
 - iii. Label station and flowline elevations at 100-foot intervals, and for all fittings, laterals, and crossings.
 - iv. Indicate length, type/class, slope and size of all lines.
 - v. All utility crossings and parallel sewer/storm lines shown in profile.
 - vi. Indicate length, type and size of encasement needed.
- 9. Sanitary Sewer Plan (if applicable)
 - a. Plan View
 - i. Show and label all existing and proposed utilities.
 - ii. Dimension location of all mains from other utilities.
 - iii. Label line name, size, thickness, and type of all proposed sanitary sewer lines.
 - iv. Stub-outs labeled with size, slope, length, and flowline elevations (if not profiled).
 - v. Show and label all easements.
 - vi. Show centerline stationing for sanitary sewer.
 - vii. Show and label all manholes with rim elevations, as well as cleanouts.
 - viii. Indicate type and size of encasement where needed.
 - ix. Show flow direction arrows for sewer main.
 - x. Topographic contours shown to delineate sewer basins.
 - b. Profile View
 - i. Profile shown for all mains.
 - ii. Existing and proposed ground line at centerline of pipe shown and labeled.
 - iii. Label station and flowline elevation information for all manholes, cleanouts, crossings, laterals.
 - iv. Manhole inflow and outflow elevations to be designed with a minimum of 0.1' drop.
 - v. Indicate the type and diameter for all manholes.
 - vi. Indicate length, type/class, slope and size of all sanitary sewer pipe between manholes.
 - vii. All utility crossings and parallel storm lines shown in profile.
 - viii. Indicate length, type and size of encasement as needed.
- 10. Illumination and Signage Plan

Illumination is not required. Where provided:

 - a. Show all illumination locations, consideration should be given to electrical layout from utility company.
 - b. Show all stop signs and traffic related signage locations.
 - c. Illumination located on opposite side of roadway from stop sign.
 - d. Verification of fire hydrant placement relative to illumination and stop signs (3' clear zone).
 - e. If symbols used in plan, include appropriate legend for clarification.
 - f. Details of sign faces including sizes, colors, graphics, and text.
- 11. Traffic Control Plan (Site specific if needed)

- a. Design site specific traffic control plan, TxDOT standard alone will not be accepted.
 - b. Indicate posted speed limit or design speed.
 - c. Show all sign designation, sign graphic, and sign size.
 - d. Show channelization device type, locations, and spacing.
 - e. Show all traffic barricades and indicate type.
 - f. Show all detour routes and detour signage.
 - g. Show flagger locations where applicable.
 - h. Show message boards with text for two (2) phases.
 - i. Show flashing arrow boards where applicable.
 - j. If symbols used in plan, include appropriate legend for clarification.
- D. Compliance With Subdivision Rules
- Construction plans shall comply with the Subdivision Rules set forth in these Regulations except where otherwise provided in these Regulations or applicable provisions of Chapter 232 of the Texas Local Government Code.

1.07 GENERAL CONSTRUCTION REQUIREMENTS

The requirements of this section are for the purpose of addressing the actual construction of the Infrastructure.

A. General

1. Unless otherwise noted in these Regulations or the Collin County Roadway Standards, all construction and materials shall conform to the North Central Texas Council of Governments (NCTCOG) Public Works Construction Standards, most recently adopted version, or to any other construction specifications adopted by the Collin County Commissioners Court. In the event an item is not covered, the Contractor shall bring the item to the attention of the Director of Engineering for approval or modification.
2. A preconstruction meeting with the Director of Engineering is required prior to the commencement of any work. The Contractor's Project Manager is required to attend.
3. The Contractor shall provide the name, phone number, and email address of the Contractor's Project Manager to the Director of Engineering. The Contractor's Project Manager shall be on site or in daily communication with the project. The Director of Engineering shall be contacted if there is a change in any of the contact information for the Contractor's Project Manager.
4. The Applicant shall contact the Director of Engineering forty-eight (48) hours prior to the commencement of any construction. Saturdays and Sundays and [holidays observed by Collin County](#) shall not be considered as part of notification.
5. The Director of Engineering shall inspect the construction of all infrastructure in the development during construction for compliance with the County's regulations and specifications. The Applicant shall provide free access to the development to the Director of Engineering. Inspection by Collin County, or a failure to inspect construction as required herein, shall not in any way impair or

diminish the obligation of the Applicant to install improvements in the development in accordance with plans and specifications therefore as approved by Collin County and in accordance with the County's Regulations. Such inspections are not a representation that the work is compliant or free from defects. Neither the Applicant, the Applicant's Engineer, nor the Applicant's contractor shall be entitled to rely on such inspections and no liability to the inspector or the County may arise from such inspections. The Applicant, the Applicant's Engineer, and the Applicant's contractor shall rely solely on their own inspection and review although they are obligated to correct matters pointed out by the inspector.

6. The Contractor is responsible for damages to existing County Roads. Collin County and the Contractor shall document the existing county roadway prior to and following construction. The Contractor must agree to reimburse the County for the cost of repairs.
 7. Existing paving, utilities, fences, etc., damaged by the construction of the proposed improvements shall be replaced to a condition equal to or better than its original condition. The Applicant shall make these repairs at the Applicant's own expense or reimburse for the actual cost thereof.
 8. The Contractor shall take appropriate measures to prevent tracking of mud and/or soils onto existing and/or new pavement. Any tracking that occurs shall be removed immediately by the Contractor.
 9. Drainage structures, swales, ditches, and detention facilities shall be clean and fully functional.
- B. Construction Sequencing
1. All erosion control Best Management Practices (BMPs) shown in the Erosion Control Plan shall be in place prior to commencement of any work.
 2. The Contractor is responsible for complying with the requirements of the Texas Commission on Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activities (TXR150000) (Construction General Permit).
 3. Individual lots in a subdivision are considered part of a larger common plan of development, regardless of when construction activity takes place on that lot in relation to the other lots, and are required to have BMPs and comply with the Construction General Permit.
 4. The Director of Engineering must be notified so that the initial installation of BMPs can be inspected prior to any earth disturbing activities.
 5. Temporary stabilization measures must be installed within 14 calendar days of a temporary or permanent cessation of construction activity.
 6. Detention ponds and vegetated drainage swales shall be sodded. Roadside ditches and slopes steeper than 4H:1V shall be seeded and protected with erosion control mats. All other areas within the subdivision shall be seeded with evidence of germination and 100% coverage in order to be accepted.
 7. Construction sequencing shall adhere to the following:

- a. Install required site notices.
- b. Install and inspect perimeter BMPs, including construction entrances. The Director of Engineering shall perform an inspection of perimeter BMPs prior to continuation of work.
- c. Begin clearing and grubbing.
- d. Construct required detention ponds and ensure they are fully functional as detention ponds or as temporary sediment basins.
- e. Construct ditches and other drainage features and associated BMPs to protect downstream properties before the remainder of construction is started.
- f. Install utilities and storm sewer systems, as applicable.
- g. Construct roadways and ditches, as applicable.
- h. Place fog seal for 2-course surface treatment on roadways.
- i. Seal joints for concrete roadways.
- j. Install all signage.
- k. Final BMPs and vegetation installation.

C. Temporary Traffic Control

- 1. Temporary traffic control is required for work on all County Roads.
- 2. Roadway closure requests must be submitted to the Collin County Public Works Department at least 48 hours prior to the desired closure time, exclusive of weekends and Collin County holidays.
- 3. Roadway closure requests must be submitted on the [Collin County Road Closure Form](#).
- 4. All barricades, warning signs, lights, devices, etc., for the guidance and protection of traffic and pedestrians must conform to the installation shown in the current edition of TxDOT's Texas Manual of Uniform Traffic Control Devices. Deviation from this standard must be approved by the Director of Engineering.
- 5. The Contractor shall be responsible for traffic control, warning and safety devices until all work has been accepted by as complete by Collin County.
- 6. When the normal function of the roadway is suspended through closure of any portion of the right of way, temporary construction work zone traffic control devices shall be installed to effectively guide the motoring public through the area. Consideration for roadway user safety, worker safety, and the efficiency of roadway user flow is an integral element of every traffic control zone.
- 7. Traffic control plans shall be site specific and included either with all civil construction plans or as a submittal by the Contractor as determined by the County. All traffic control plans shall be prepared and submitted in accordance with the standards identified in Part VI of the current edition of the Texas Manual on Uniform Traffic Control Devices.
- 8. All traffic control plans must be prepared by an Engineer or an individual that is certified in their preparation. Certification may be achieved through approved organizations such as International Municipal Signal Association (IMSA), American Traffic Safety Services Association (ATSSA) or another recognized organization.

D. "Accepted" As Used Herein

The term accepted or acceptance as used in this Section relates to acceptance of the construction as complete in accordance with the plans and specifications and being free of obvious material defects. Such does not mean acceptance by the County for maintenance.

E. Compliance With Subdivision Rules

Construction shall comply with the Subdivision Rules set forth in these Regulations except where otherwise provided in these Regulations or applicable provisions of Chapter 232 of the Texas Local Government Code.

1.08 ACCEPTANCE OF CONSTRUCTION AS COMPLETE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS

A. Applicant Or Contractor Request For Inspection

When the construction is believed to be complete in accordance with the County-approved plans and specifications, the Applicant, or the Applicant's contractor, may submit to the County Engineering Department in writing a request for inspection. The inspection should generally take place within 10 days after receipt of the request.

B. Post-Inspection

After completion of the inspection, the Director of Engineering or his/her designee shall make a determination as to whether the construction is complete in accordance with the County-approved plans and specifications and free of obvious defects. The Director of Engineering or his/her designee shall issue to the Applicant in writing one of the following:

1. Notice that the construction is approved as complete;
2. Notice that the construction is approved as complete to become effective on the performance of identified punch-list items (reinspection not required-the Applicant or contractor shall submit a report and photographs showing the completion of the correction work);
3. Notice of non-acceptance of the construction with an explanation of the deficiencies (a re-inspection is required for any corrective work).

Acceptance of construction as being complete is NOT acceptance for County maintenance purposes.

If the noted deficiencies are not corrected within a timeline set by the Director of Engineering, which shall not be less than 30 days, the Director of Engineering will send a demand in writing to the Applicant for the deficiencies to be corrected. If the Applicant fails to correct the deficiencies, the County will either: 1) refuse to release the approved final plat to the Applicant for recordation or, if applicable, 2) draw upon or make demand upon the Applicant's performance guarantee (Performance Bond, Letter of Credit, cash deposit, etc.) to have the corrective work completed.

No applicable permits shall be issued until the Road and Drainage Infrastructure Improvements are accepted by the County as complete.

As a separate condition for acceptance of the Road and Drainage Infrastructure Improvements as complete, the Applicant must provide the Warranty and Maintenance Bond required by these Regulations.

IMPORTANT NOTE: On acceptance of the work as complete the Applicant or the Applicant's contractor must provide one (1) hard copy as well as digital files (PDF and CAD) on USB drive or other media of the As-Built Plans for all projects. The CAD file shall include linework for property boundaries, right of way, easements, roadway, signals, lighting, drainage, water, and sewer facilities. CAD files shall be compatible with Collin County GIS Services. The submission of the As-Built to the County Engineering Department as set out above is a condition of plat recording.

1.09 WARRANTY AND SECURING MAINTENANCE OBLIGATION

A. Required For Acceptance As Complete

The Warranty and the Maintenance Bond described herein must be provided to the County Director of Engineering or his/her designee as a condition of the issuance of a notice of acceptance of the Road and Drainage Infrastructure Improvements as complete. No determination of completion will be provided to the Applicant until the Warranty and Maintenance Bond are in place.

B. Nature Of Warranty

The Applicant shall provide or cause to be provided a warranty in favor of the County securing the completed work against defects in materials, workmanship, and including damage to or deterioration of the Subdivision Improvements, that occur before and during the Warranty Period due to any cause and to ensure that the Subdivision Improvements remain serviceable and maintained during such period.

C. Warranty Period

The warranty must begin when the civil construction is accepted as complete by the County and shall run for two (2) years thereafter ("Warranty Period"). If a road is intended to be submitted to the County for acceptance of maintenance, no such acceptance shall take place until after the Warranty Period has expired.

D. Bond For Maintenance During Warranty Period

The Applicant must provide a bond to secure the Applicant's obligation to provide or cause to be provided repairs and maintenance on the Road and Drainage Infrastructure Improvements during the Warranty Period for the benefit of the County. The Maintenance Bond must protect the County against defects in materials or workmanship, and including damage to or deterioration of the Subdivision Improvements, that occur before and during the Warranty Period due to any cause and to ensure that the Road and Drainage Infrastructure Improvements remain serviceable and maintained during such period. If the Performance Bond in effect extends to cover such matters during the Warranty Period or is extended by the surety to provide such coverage, a new bond is not required. If not, the Applicant must provide or cause to be provided a Maintenance Bond with the County Judge or his/her successors in office being the named payee. The Maintenance Bond amount shall be equal to one hundred percent (100%) of the cost of roadways, signs, stormwater control improvements, drainage structures and all other construction of Road and Drainage Infrastructure Improvements. If full vegetative cover (100% cover) is not established prior to acceptance as complete, the addition of the cost for 100%

vegetative coverage shall be added into the Maintenance Bond.

The surety must be authorized to make surety bonds in Texas and must be acceptable to the Director of Engineering.

In some cases, as determined by the Director of Engineering, it may be necessary to allow the maintenance obligation to be secured by a Letter of Credit or other acceptable Financial Guarantee.

The Applicant is responsible to provide the Maintenance Bond for the benefit of Collin County. Generally, the Applicant is the Developer. In certain situations where the Applicant is not able to secure a Maintenance Bond in the amount or for the term required, the County may allow for the Applicant's prime contractor to provide the Maintenance Bond, which must be payable to the Collin County Judge or his/her successors in office. If this is allowed only one bond will be accepted. The County will not accept a series of separate bonds from contractors or subcontractors on the project. Rather, the Maintenance Bond must be made by a prime contractor responsible for the complete Road and Drainage Infrastructure Improvements. The Director of Engineering or his/her designee makes all decisions regarding approval of Maintenance Bonds.

E. Maintenance During The Warranty Period

1. Preventative Maintenance

The best way for the Applicant and/or contractor to avoid liability under the warranty and to avoid bond claims is for the Road and Drainage Infrastructure Improvements to be kept maintained during the Warranty Period. FURTHERMORE, if acceptance for County maintenance is desired, the County will not accept a defective or unmaintained Roadway.

2. Roadway Repairs

All pavement repairs shall be in accordance with the County's Roadway Standards. If repairs have been extensive, the Director of Engineering may require that before the Warranty Period expires the Applicant provide or cause to be provided a one-course surface treatment for the full length and width of the Roadway to seal joints created by pavement repair and restore uniform appearance of the Roadway depending on the extensiveness of the repairs and the appearance of the Roadway.

3. Geotechnical Review of Problem Areas

Cracking can be a sign of defective surfacing or a defective road base. If significant cracking is occurring beyond that which would be expected under the facts and circumstances the Director of Engineering, at the Applicant's cost, shall have core samples taken and a geotechnical report prepared to determine whether the Roadway was built to specifications and/or whether there are other factors at work, such as underground water. The Director of Engineering shall provide a copy of the report to the Applicant and contractor. A reasonable timeline shall be set for the Applicant to provide a plan for addressing the Roadway's deficiencies with the plan to be provided to the Director of Engineering. An additional warranty and warranty period shall be required for the remedial work upon completion of such

work to resolve the Road's defects. The Applicant will reimburse the County for the cost of the geotechnical services within 30 days after receiving an invoice from the County for such costs. The geotechnical consultant's suggestions for repairing the Roadway shall be given due consideration.

4. Inspections

The Director of Engineering or his/her designee will conduct periodic inspections of the Road and Drainage Improvements and will notify the Applicant and contractor regarding any defects identified. If the defects are not cured within 30 days of the notice (or such longer period that has been granted in writing by the Director of Engineering), the County will resort to a claim on the Performance or Maintenance Bond, payment under the letter of credit, or application of monies on deposit to perform the corrective work or have it performed.

F. Provision For Maintenance Of Drainage Improvements

Except for ditches that are adjacent to Roadways and/or culverts and other improvements that are a part of a Roadway accepted for maintenance by the County, the County generally **will not** accept drainage improvements for maintenance, including retention and detention ponds. Therefore, the Applicant must provide for this work to be done either by way of an HOA with a maintenance fund or by providing in the Deed Restrictions that each lot owner is responsible for maintaining the portions of the drainage improvements on or adjacent to their lot.

If the growth of weeds and/or brush is allowed to materially diminish the ability of drainage improvements to handle stormwater, such is a public nuisance under Section 343.011(c)(11) of the Texas Health & Safety Code, and the County reserves the right to seek injunctive relief that the condition be abated or to undertake abatement of the public nuisance itself as provided for in the Health & Safety Code and assess the cost against the owner(s) of the property, and, if necessary, place a lien upon the property for the cost of the abatement.

1.10 ACCEPTANCE OF ROADWAYS FOR COUNTY MAINTENANCE

A. Identified Defects And Deficiencies Must Be Remedied

1. Inspection

Inspections will take place to determine whether the Roadways are to be accepted for County Maintenance.

2. All Defects and/or Deficiencies Must be Remedied

All defects and/or deficiencies must be remedied/corrected to the satisfaction of the Director of Engineering or his/her designee before the Roadway(s) will be accepted for County Maintenance. This includes remedying items noted regarding drainage Infrastructure.

3. Procedure

After correction of all issues identified by the Director of Engineering or his/her designee. The Applicant files a written request for acceptance of the Roadways for County Maintenance with the Director of Engineering. The request must identify all Roadways made the subject of the request and include a location map showing

the locations of the Roadways. The request must also identify the total linear feet of the road(s) for which the request is made by the Applicant. The Director of Engineering shall schedule the request for a Commissioners Court meeting for action by the Commissioners Court on the request. The Director of Engineering or his/her designee shall notify the Applicant of the date and time that the request will be considered. The Applicant is entitled to attend the meeting and be heard on the request.

The Commissioners Court, in an open Commissioners Court meeting, votes whether to accept the Roadways for maintenance. A majority vote of those present and voting is required for acceptance. The request and the vote thereon shall be recorded in the Official Minutes of the Commissioners Court.

If the vote is not to accept the Roadways for maintenance, the reasons for such determination shall be included in the motion preceding the vote. If the reasons are matters that can be corrected, the Applicant may, upon remedying those matters, submit a future request.

B. Roadways Not Eligible For County Maintenance

The County may only maintain public roads, so private roads are not eligible for County maintenance.

A public road for which no request for County maintenance has been submitted and approved is not eligible for County maintenance. If a request for maintenance is made at a later date, the road must be brought up to Collin County's Roadway Standards before it will be considered by the Commissioners Court.

1.11 PRIVATE ROADS

A. Private Roads In A Subdivision Are Subject To These Subdivision Regulations

The purposes of these Regulations apply equally to Private Roads in a Subdivision. Therefore, Private Roads are subject to the same platting, construction plan review, election of how to secure performance, construction, inspection, acceptance (as complete) processes and requirements, Warranty and Maintenance Bond requirements as a public road, and must be constructed to Collin County's Roadway Standards.

B. Bonds Or Other Financial Assurances

To secure complete construction of the infrastructure, the Applicant may elect to have the County withhold the recordation of the Final Plat until the County's acceptance of the roadway and drainage improvements as complete, or have the contractor provide a performance bond or other financial guarantee. Although the Applicant is the beneficiary of any financial guarantee, such financial guarantee must be submitted to the Director of Engineering for review and approval. This is to verify that the Applicant has adequately made provision for securing completion of the Private Road.

C. Plat Notes Regarding Private Roads

Where the Subdivision involves private roads, the following Plat Notes shall appear on or be appended to the Final Plat in addition to any other Plat Notes required by these Regulations:

1. Except as otherwise provided by Collin County's Subdivision Regulations, private roads must meet the Collin County Roadway Standards.
 2. The roads in this Subdivision are private and will not be maintained by Collin County.
 3. A homeowner's association will be created upon recordation of this plat. Membership is mandatory for each lot owner. The homeowner's association shall be responsible for maintenance of the roads in this Subdivision in perpetuity with such maintenance to be funded by dues collected from members.
 4. All deeds conveying lots in this Subdivision must contain notice to the grantee that all roads in the Subdivision are private and will not be maintained by Collin County.
 5. Roads must be maintained to such a standard that will allow access by police, fire, and emergency service agencies. This, at a minimum, requires a travelable causeway with an all-weather surface capable of supporting 75,000 pounds.
 6. Collin County is not responsible for traffic enforcement within the Subdivision.
- D. Development Along Existing Private Roads
- There are existing Private Roads in the County that were not originally built to Collin County Road Standards, and that may not have been maintained to a standard that will allow access by police, fire and emergency service agencies.
- After adoption of these Regulations no new subdivision development may take place along an existing Private Road unless the Private Road meets or exceeds the standard necessary to provide access to police, fire and emergency service agencies. This requires, at a minimum, a travelable causeway with an all-weather surface that is capable of supporting 75,000 pounds.
- Any new roads proposed to connect to the Private Road must be built to the Collin County Road Standards.

1.12 VARIANCE

- A. Criteria for Variances
1. The Commissioners Court shall have the authority to grant variances from these Regulations when a special public interest and/or the requirements of justice demands relaxation of the strict requirements of these rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these Regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.
 2. Factors to be considered by the Commissioners Court in evaluating a request for variance shall include:
 - a. Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development;
 - b. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similar situated properties may be granted;

- c. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly subdivision of the land in the area in accordance with these Regulations; and,
 - d. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of these Regulations would deprive the Applicant of the responsible use of their land, or would result in undue hardship to the Applicant, through no fault of the Applicant.
- B. Application Materials and Fees
Any person who wishes to apply for a variance should apply in writing to the Director of Engineering with a list of, and detailed justification for, any variance(s) requested at the time of plat submittal. The filing fee for a variance application shall be as set from time-to-time by the Commissioners Court.
- C. Grant or Denial of Variance
The decision of the Commissioners Court to grant or deny a variance will be final. VARIANCES DO NOT APPLY TO OSSF REGULATIONS OR REQUIREMENTS OF STATE OR FEDERAL LAW.

1.13 ENFORCEMENT; PENALTIES; APPEALS; CONFLICT OF INTEREST; SEVERABILITY

- A. Category of Offense
A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the roadway and drainage design and construction specifications incorporated into these Regulations, the rules of Collin County for on-site sewage facilities, and/or any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor ([Section 232.005, Local Government Code](#)).
- B. Enforcement Actions
- 1. At the request of the Commissioners Court, the County Attorney, District Attorney or other attorney designated by the County may file an action in court of competent jurisdiction to:
 - a. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
 - b. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.
- C. Enforcement of Plat Notes
The enforcement of plat notes or restrictions is generally the responsibility of the Applicant and other persons holding property interests, whether in fee simple or by easement, in the subdivision.
- D. Conflict of Interest

No member of the Commissioners Court shall participate in the decisions regarding a subdivision plat for property in which the person holds a “substantial interest” as that term is defined in [Section 232.0048\(b\) and \(c\), Local Government Code](#). If a member of the Commissioners Court has a substantial interest in a subdivided tract, the Commissioner shall file, before a vote or decision regarding the approval of a plat for a tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. Such affidavit must be filed with the County Clerk in accordance with [Section 232.0048\(d\), Local Government Code](#).

E. Severability

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction for any reason, such declaration shall not affect any remaining part of these Regulations. It is the express intent of the Collin County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

F. Amendment to Regulations

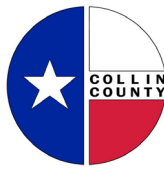
The Commissioners Court may amend these Regulations from time to time and may adopt new orders by vote of simple majority after a public hearing thereon is noticed and is held.

G. Appeal

In any instance under these Regulations where a decision is made by the Director of Engineering on the interpretation, application, or applicability of a regulation that is not the decision on the approval or disapproval of the Plat itself, that decision may be appealed to the Commissioners Court when the Applicant believes the decision to be improper, outside of the scope of these Regulations, or contrary to these Regulations or existing law. The appeal shall be requested in writing to the County Judge. The Commissioners Court will make a decision on the appeal within thirty (30) days from the date of delivery of such written appeal request. [Note: This appeal process is not applicable to ultimate determinations on plats, which have their own review process].

APPENDIX A APPLICATION

DRAFT



PLAT / IDP APPLICATION AND FEE SCHEDULE

DATE SUBMITTED: _____ FEE PAID: \$ _____

FINAL PLAT or RE-PLAT: \$50.00/LOT+\$500.00

MINOR PLAT: \$10/LOT+\$75 AMENDING PLAT: \$75

MANUFACTURED HOUSING RENTAL COMMUNITY

INFRASTRUCTURE DEVELOPMENT PLAN (IDP): \$50/SPACE + \$500.00

FINAL PLAT REPLAT MINOR PLAT AMENDING PLAT IDP

DESCRIPTION OF PROPERTY:

NAME OF SUBDIVISION: _____

TOTAL ACRES _____ TOTAL NO. OF LOTS _____ LOT SIZE _____

TYPE OF ROAD: ASPHALT CONCRETE HOT MIX ASPHALT CONCRETE N/A

TOTAL LENGTH OF NEW ROADWAY (in miles) _____

PROPERTY LOCATION _____

APPLICANTS: (List persons you wish to be contacted about this request.)

1. OWNER: _____

2. APPLICANT/REPRESENTATIVE NAME: _____

ADDRESS _____

TITLE: _____

CITY, STATE, ZIP _____

PHONE NUMBER: _____

PHONE NUMBER: _____

EMAIL: _____

EMAIL: _____

SUBMITTED BY _____
 (PRINT NAME)

 (SIGNATURE)

PLAT PACKAGE SUBMISSION REQUIREMENTS:

Please submit the following items to the Engineering Department	ITEMS SUBMITTED		
	Yes	No	N/A
Property location verified to be outside of any city/town Extraterritorial Jurisdiction (ETJ)			
Three (3) copies of plat (24"x36") - FOR AN IDP (18"x24") and PDF of submittal documents.			
Drainage Plan, Flood Study, Traffic Impact Analysis (as needed)			
Completed On Site Sewage Facility Review by Development Services			
Verification of compliance with all applicable state and/or Federal Permit requirements (examples: TxDOT driveway permits, TCEQ Storm Water permits, COE 404 permit)			
Plat/IDP Review Fee			
Tax Certification			

This application meets Collin County Department of Engineering requirements for processing.

By: _____

Date: _____

APPENDIX B OWNER AUTHORIZATION FORM

Owner's Authorization Form

Description of Property to be Subdivided:

Authorization.

I/we hereby certify that I/we am/are the owner(s) of the above described property. I/we am/are respectfully requesting processing and approval of a Plat Application for the subdivision of the Property. I/we hereby authorize _____ to sign the Plat Application and other necessary instruments on my/our behalf, and to act on my/our behalf during the processing and presentation of the Plat Application. _____ shall be the principal contact with the City in processing the Plat Application.

OWNER(S)

Signature

Printed Name: _____

Date: _____

Address: _____

Signature

Printed Name: _____

Date: _____

Address: _____

Signature

Printed Name: _____

Date: _____

[Continue with additional pages if necessary]

APPENDIX C CERTIFICATIONS

Unless the context clearly shows otherwise, the following Certifications must be on or appended to each Plat.

1. Owners Certificate [where there is a public dedication]

STATE OF TEXAS

COUNTY OF COLLIN

Whereas, _____(owners name) are the owners of a tract of land situated in the (name) Survey, Abstract No. (#), Collin County, Texas, and being out of a (#) acre tract conveyed to them by (name), and being more particularly described as follows:

(property description to be provided here)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____(owner name) acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as (Subdivision Name), an addition to Collin County, Texas and does hereby dedicate to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The (owner name) does herin certify the following:

1. The streets and alleys, if any, are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications are free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown, and created by this plat, are dedicated, for the public use forever, for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements.
5. Utility easements may be used for the mutual use and accommodation of the all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's use thereof.
6. The public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements.
7. The Public Utilities shall at all times have the full right of ingress and egress to or from their respective easement for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, reading meters and adding to or removing all or parts of their

respective systems without the necessity at any time of procuring permission from anyone.

8. The owners of the lots adjacent to or upon which drainage easements are created by this plat or the homeowner's association will be responsible for the maintenance and or the reconstruction of the drainage improvements constructed in said easements for the purpose of assuring the flow of storm water to the degree required by the design and original construction
9. Collin County will not be responsible for maintenance or repair of drainage improvements on private lots or adjacent thereto.
10. Collin County shall have the full right of ingress and egress to or from a drainage easement if necessary to maintain or repair the effect the drainage system in that easement is having on the use and maintenance of a roadway and the drainage sysetms of the roadway.
11. Roadways of the Subdividion are public roads and neither applicant or any future owner has the right to obstruct the Roadways by a fence, gate, or otherwise.
12. All modifications to this document shall be by means of plat and approved by Collin County.
13. This plat is subject to the Subdivision Regulations of Collin County, Texas.

WITNESS, my hand, this the _____ day of _____, 20__.

BY:

Authorized signature.

Printed name and title.

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

2. OWNER CERTIFICATION--PRIVATE

STATE OF TEXAS
COUNTY OF COLLIN

Whereas, _____(owners name) are the owners of a tract of land situated in the (name) Survey, Abstract No. (#), Collin County, Texas, and being out of a (#) acre tract conveyed to them by (name), and being more particularly described as follows:

(property description to be provided here)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____(owner name) acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as (Subdivision Name), an addition to Collin County, Texas

The owner(s) of the property described above and wish to subdivide same into lot(s) and block(s), do hereby adopt this plat attached hereto and titled “_____to Collin County, Texas” as our legal subdivision of same and do hereby dedicate to the owners of the lots in said subdivision, public utilities serving said subdivision, emergency services providers with jurisdiction and public service agencies, the use of all the private streets and other easements shown hereon and do hereby grant an express easement across said private streets shown hereon for the use, benefit and accommodation of the County for any purpose related to the exercise of a governmental service or function, including, but not limited to emergency vehicle access, inspection services and code enforcement and for the mutual benefit, use and accommodation of all public utility entities. All streets shown hereon are private streets and are not dedicated for use as public streets or rights-of-way, and the public shall have no right to use any portion of such private streets. The sale of the lot(s) shown on this plat shall be made subject to the restrictions and conditions recorded in the Official Public Records of Collin County

By filing this plat of record, owner(s) and all future owners by purchasing lots with reference to this plat **acknowledge and covenant that Collin County is not accepting the Subdivision Roadways for maintenance and shall have no obligation to maintain or repair the Roadways in this Subdivision.**

That Utility easements may be used for the mutual use and accommodation of the all public utilities desiring to use or using the same unless the easement limits the use to particular utilities.

That the public utilities shall have the right to remove and keep removed all or parts of

any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements.

That the Public Utilities shall at all times have the full right of ingress and egress to or from their respective easement for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, reading meters and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the owners of the lots adjacent to or upon which drainage easements are created by this plat or the homeowner's association will be responsible for the maintenance and or the reconstruction of the drainage improvements constructed in said easements for the purpose of assuring the flow of storm water to the degree required by the design and original construction.

That Collin County will not be responsible for maintenance or repair of drainage improvements on private lots or adjacent thereto.

Collin County shall have the full right of ingress and egress to or from a drainage easement if necessary for emergency repair if the drainage system in that easement is causing flooding or damage downstream.

A homeowner's association will be created upon recordation of this plat. Membership is mandatory for each lot owner. The homeowner's association shall be responsible for maintenance of the roads in this Subdivision in perpetuity with such maintenance to be funded by dues collected from members.

Roads will be maintained to such a standard that will allow access by police, fire, and emergency service agencies. This, at a minimum, requires a travelable causeway with an all-weather surface capable of supporting 75,000 pounds.

WITNESS, my hand, this the _____ day of _____, 20__.

BY:

Authorized signature.

Printed name and title.

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

DRAFT

3. LIENHOLDER CERTIFICATE (IF APPLICABLE)

_____ (hereinafter "Lienholder") holds a lien on the property made the subject of the foregoing Subdivision Plat which is shown by an instrument filed at _____ in the Official Public Records of Collin County, Texas (hereinafter "Lien"). Lienholder agrees to subordinate its Lien to the interests of the public in the roads and public easements dedicated by the foregoing Plat. Lienholder joins in the dedication of the roads and public easements as shown on the Plat to the extent of its lien interest in the property. The undersigned covenants that he/she is authorized to sign this certification on behalf of the Lienholder and to bind the Lienholder by his/her signature.

_____ ("Lienholder")

By: _____

Its: _____

Date: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

4. SURVEYOR'S CERTIFICATION

I am a Registered Professional Land Surveyor licensed by the State of Texas. This Plat is a true and accurate representation of the property described and platted hereon as determined by an actual survey made on the ground under my direction and supervision.

The property ____ is ____ is not ____ is partially within the 100 year floodplain

By: _____

Printed Name: _____

R.P.L.S. Number: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

DRAFT

5. HEALTH DEPARTMENT CERTIFICATION

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

By: _____

Printed Name: _____

Designated Representative for Collin County Development Services

DRAFT

6. CERTIFICATE OF APPLICANT'S ENGINEER

I, _____, am a licensed professional engineer authorized to practice in the State of Texas. I have been involved in the preparation of the plat application submittal on behalf of the Applicant. The design of the proposed Roadways complies with the Collin County Roadway Standards and the design of the proposed drainage improvements and facilities complies with the Collin County Drainage Design Standards. Based on my review, the Subdivision is suitable for the use of On-Site Sewage Facilities. I have confirmed with the water supplier for the Subdivision, _____, that it has an adequate supply and can deliver the water at an adequate pressure to serve the Subdivision in accordance with TCEQ regulations.

By: _____

Printed Name: _____

P.E. Number: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

7. CERTIFICATE OF DIRECTOR OF ENGINEERING OR DESIGNEE

This Plat meets the requirements of the Collin County Subdivision Regulations.

Collin County Director of Engineering
Date: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

DRAFT

8. CERTIFICATION OF COLLIN COUNTY COMMISSIONERS COURT

I hereby certify that the attached and foregoing Final Plat of the “ _____ ” to Collin County, Texas was approved by the vote of the Collin County Commissioners Court on the ____ day of _____, 20____ at a meeting held in accordance with the Texas Open Meetings Act. This approval does not create an obligation upon Collin County for the construction and/or maintenance of any roads or other improvements shown of the Final Plat.

COLLIN COUNTY JUDGE

DRAFT

9. CERTIFICATE OF DIRECTOR OF ENGINEERING OR DESIGNEE WHERE APPROVAL OF PLAT INSTRUMENT DELEGATED

CERTIFICATION OF COLLIN COUNTY, TEXAS

I, _____, as Director of Engineering (designee) have been delegated the authority to approve the foregoing _____ Plat on behalf of the Commissioners Court of Collin County, Texas. I hereby certify I exercised this authority on _____ to APPROVE the foregoing _____ Plat as the act and deed of the Collin County Commissioners Court. This approval does not create an obligation upon Collin County for the construction and/or maintenance of any roads or other improvements shown on the foregoing instrument.

Collin County Director of Engineering (or Designee)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, _____.

Notary Public, State of Texas

My commission expires: _____

10. TAX CERTIFICATE

A Tax Certificate must be filed along with the Plat showing that no property taxes are owed and past due for the property covered by the Subdivision Plat. The Tax Certificate must be dated less than 30 days before it is filed.

11. COUNTY CLERK'S RECORDING INFORMATION

Applicant must comply with the rules of the Collin County Clerk's Office so that sufficient space is left for the Clerk to place the recording information.

APPENDIX D STANDARD PLAT NOTES

STANDARD PLAT NOTES:

1. Mail boxes shall meet USPS specifications.
2. Driveway connections must meet Collin County specifications.
3. All roadway signs shall meet Collin County specifications.
4. Collin County will only maintain street signs and poles with materials currently approved and in use by Collin County Public Works.
5. Collin County does not, and will not accept street lights for maintenance or operation.
6. A road dedicated to the public may not be obstructed, including by means of a gate.
7. Blocking the flow of water, constructing improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
8. The existing creeks or drainage channels traversing along or across the subdivision will remain as open channels and will be maintained by individual owners of the lot or lots that are traversed by or adjacent to the drainage course along or across said lots.
9. Collin County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion in said drainage ways.
10. Collin County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
11. All surface drainage easements shall be kept clear of buildings, foundations, structures, plantings, and other obstructions to the operation, access and maintenance of the drainage facility.
12. Fences and utility appurtenances may be placed within the 100-yr drainage easement provided they are placed outside the design-yr floodplains, as shown on the plat.
13. All necessary Collin County authorizations (i.e. OSSF, flood plain permits, etc.) are required for building construction, on-site sewage facilities, and driveway culverts.
14. All private driveway tie-ins to a County maintained roadway, or roadway with expectations of being accepted into the County roadway network, must be even with the existing driving surface.
15. The finish floor elevations of all house pads shall be at least 18" above the highest elevation of the surrounding ground around the house after final grading and two feet (2') above the 100-yr base flood elevation.
16. Except for ditches that are adjacent to Roadways and/or culverts and other improvements that are a part of a Roadway, the County generally **will not** accept drainage improvements for maintenance, including retention and detention ponds. Therefore, the Applicant must provide for this work to be done either by way of an HOA; by providing in the Deed Restrictions that each lot owner is responsible for maintaining the portions of the drainage improvements on or adjacent to their lot; or other method.
17. Individual lots in a Subdivision are considered part of a larger common plan of development, regardless of when construction activity takes place on that lot in relation to the other lots, and are required to have BMP's and comply with the Construction General Permit.

18. The Developer, Contractor, or Builder of any structure on a single lot in a developing subdivision shall prepare an SW3P and submit to the Director of Engineering prior to receiving any permits.

DRAFT

APPENDIX E SPECIAL PLAT NOTES FOR PRIVATE ROADS AND SHARED ACCESS DRIVEWAYS

SPECIAL PLAT NOTES FOR PRIVATE ROADS:

1. Except as otherwise provided by Collin County's Subdivision Regulations, private roads in a proposed for this Subdivision must meet the Collin County Roadway Standards.
2. The roads in this Subdivision are private and will not be maintained by Collin County.
3. A homeowner's association will be created upon recordation of this plat. Membership is mandatory for each lot owner. The homeowner's association shall be responsible for maintenance of the roads in this Subdivision in perpetuity with such maintenance to be funded by dues collected from members.
4. All deeds conveying lots in this Subdivision must contain notice to the grantee that all roads in the Subdivision are private and will not be maintained by Collin County, and that Collin County will not accept the roads for maintenance in the future.
5. Roads must be maintained to such a standard that will allow access by police, fire, and emergency service agencies. This, at a minimum, requires a travelable causeway with an all-weather surface capable of supporting 75,000 pounds.
6. Collin County is not responsible for traffic enforcement within the Subdivision.

SPECIAL PLAT NOTES FOR SHARED ACCESS DRIVEWAYS:

If shared access driveways are allowed:

1. Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument (plat or separate instrument) shall clearly state each lot's pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.
2. The postal address of each of the lots shall be based upon the public roadway from which the shared access driveway gains access, and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right of way.

APPENDIX F CONSTRUCTION PLAN NOTES

CONSTRUCTION PLAN NOTES:

A. PAVING AND GENERAL NOTES:

1. Contractor shall take appropriate measures to prevent tracking of mud and /or soils onto existing and /or new pavement. Any tracking that occurs shall be removed immediately by the Contractor.
2. A construction entrance shall be located at an approved location on the plans and in a location which will not interfere with all phases of roadway construction. The construction entrance shall remain in place until which time the roadway is open for construction traffic.
3. Mud or debris from the construction entrance shall be removed from the roadway daily.
4. A concrete wash out area shall be in an approved location and clearly noted on the plans. The wash out area shall be maintained until all required concrete construction is complete.
5. Contractor is responsible for damages to existing County Roads. Collin County and the Contractor shall document the existing County roadway prior to and following construction.
6. Contractor shall maintain the integrity of existing County roadside ditches. The drainage plan shall include any existing County roadside ditch which borders the subdivision.
7. Existing paving, utilities, fences, etc., damaged by the construction of the proposed improvements shall be replaced to a condition equal to or better than its original condition. The Contractor shall make these repairs at his own expense.
8. Applicant's SW3P or erosion control plan must include County ditches affected by subdivision.
9. All construction shall conform to the North Central Texas Council of Governments Public Works Construction Standards, most recently adopted version, unless otherwise noted. In the event an item is not covered, the contractor shall bring the problem to the attention of the Engineer for approval or modification.
10. Earthwork and stockpiles shall not interfere with or obstruct pre-construction drainage patterns until such time as on-site drainage improvements are constructed.
11. Contractor shall be responsible for traffic control, warning and safety devices until all work has been accepted by Collin County.
12. All barricades, warning signs, lights, devices, etc., for the guidance and protection of traffic and pedestrians must conform to the installation shown in the most current copy of Texas Manual of Uniform Traffic Control Devices as currently amended, Texas Department of Transportation, and the approved traffic control plan for the work being performed.
13. The subgrade shall be lime stabilized with hydrated lime in the amount determined by a lime series to a finished depth of six (6) inches minimum for the stipulated width, plus two (2) feet each side of the next pavement layer. PI shall not exceed 15. The soil shall be tested for sulfates. Weight tickets for the lime shall be provided to the Director of Engineering for Lime Percentage Verification.

14. Flexible base shall meet the requirements of NCTCOG Item 301.5 - Flexible Base (Crushed Stone), Grade 1. Crushed stone shall be produced and graded from oversize quarried aggregate that originates from a single, naturally occurring source. Crushed concrete is not allowed when the final surface is two-course surface treatment. The flexible base supplier shall be approved by the Director of Engineering.
15. Compaction reports are only valid for 72 hours. Compaction reports received on a Friday are valid until noon on the following Monday unless otherwise approved by the Director of Engineering. Testing performed before inclement weather may be required to be repeated at the County's discretion.
16. Utilities placed under any existing roadway and/or paved driveway shall require a permit and shall be installed by boring or tunneling unless otherwise approved. Open cutting or trenching of a Collin County roadway surface will require a fee in addition to the repair cost per Local Government Code 240.907. Only pipe diameters of 30" or greater will be allowed to open cut a county roadway. Permits are required for any work within County right of way. Roadway patching and repair shall be in accordance with the Collin County Roadway Standards.
17. The surface course shall be as shown in the construction plans.
18. Two-course surface treatment asphalt, rock type and application rates shall be submitted and approved.
19. Hot-mix asphalt concrete mix design shall be submitted and approved.
20. Concrete mix design shall be submitted and approved.
21. Concrete reinforcing steel shall be #3 re-bar placed on 18" centers each way or as shown in the pavement sections.
22. Prime coat is required on flexible base prior to placement of asphaltic surface materials.
23. Aggregate for two course surface treatment shall meet the following criteria:
 - a. 1st course shall be grade 3, no coating required.
 - b. 2nd course shall be grade 4, no coating required. If non-coated aggregates are used, a fog seal is required.
 - c. Aggregate and pre-coating shall be in accordance with the current TxDOT Standard Specifications for Construction of Highway, Streets and Bridges.

B. PRE-CONSTRUCTION SUBMITTALS REQUIRED:

The items in this section shall be submitted to the Director of Engineering prior to commencement of construction.

1. Embankment (Fill)
 - a. Gradation, Atterberg Limits, and Standard Proctor curves as determined by ASTM D-698 performed on bulk samples of all embankment materials to be used.
 - b. Embankment material must be tested and these test results must be submitted to the Director of Engineering before they are allowed.
2. Lime Stabilization
 - a. Results of lime series, sulfates testing, and Standard Proctor curves as determined by ASTM D-698 for all subgrade soils to be stabilized.

3. Flexible Base
 - a. Gradation, Atterberg Limits, and Modified Proctor curves as determined by ASTM D-1557 performed on bulk samples.
 - b. Certification that the flexible base is crushed stone.
4. Surface Treatments
 - a. Certifications and application rates for asphalt binders and aggregates to be used.
5. Hot-Mix Asphalt Concrete (HMAC)
 - a. Mixture design from the HMAC Supplier, certified by the Developer's Engineer.
6. Portland Cement Concrete
 - a. Mixture design from the Portland Cement Concrete Supplier. The Developer's Engineer shall certify that the mixture design is in accordance with the requirements of the Civil Construction Plans and Specifications.
 - b. Supplier mixture design verification shall have been performed within the prior 6 months of the submittal date of the mixture design.
 - c. Shop drawings of rebar layouts and material certifications.

C. PHASES OF CONSTRUCTION; TESTING; INSPECTION:

The County will perform periodic inspections and Owner Verification Testing in accordance with the Collin County Roadway Standards. Applicant is responsible for coordinating and paying for all inspection and Owner Verification Testing. In the event an inspection or test fails 2 consecutive times, a re-inspection/re-test fee of \$200 will be charged and payment shall be received prior to a follow-up inspection or test.

Testing and submittal requirements shall follow those outlined in the Collin County Roadway Standards.

1. Director of Engineering shall be notified 48 hours prior to start of construction.
2. Director of Engineering shall be notified prior to starting each phase of construction.
3. SW3P- Perimeter BMP's shall be installed prior to removal of vegetation.
4. Detention Pond - Detention ponds shall be installed and fully functioning as detention ponds or temporary sedimentation basins prior to any other drainage infrastructure construction or development that diverts runoff off site. When not used as sedimentation basin, detention pond shall be sodded.
5. Roadway & Drainage- Roadway and ditch flow line shall be to grade w/ all culverts and utility crossings in place prior to lime application. All areas of fill shall be tested according to and must meet Collin County Roadway Standards.
6. Fill Areas- All areas to be filled for roadway construction and any ponds to be filled shall be compacted in loose lifts less than 8" to a minimum 95% standard proctor density, minus 2 to plus 4 percent of optimum moisture.
7. Subgrade- Subgrade shall be lime stabilized and tested according to Collin County Roadway Standards and these Regulations. Test results are valid for 72 hours. Surface shall not be disturbed after testing. Unnecessary heavy vehicle traffic shall be avoided. Submit statement in writing from the-Applicant's Engineer that finished subgrade and ditch flow line meet plan specifications.

- a. Tests for Plasticity Index of treated soils shall be done for every 2,500 CY of treated subgrade. A minimum of three (3) tests shall be performed for each roadway.
 - b. Tests for compacted lime stabilized subgrade density and moisture content shall be taken in accordance with Tex-115-E. Tests shall be performed at a frequency determined by the County on a case by case basis. Generally, density tests will be taken in a series of three, one at each edge of roadway and one closer to the centerline, every three hundred longitudinal feet, with a minimum of one test per lift. A minimum of three (3) test series shall be performed for each roadway.
8. Base- Base shall be placed and tested according to Collin County Roadway Standards and these Regulations. Test results are valid for 72 hours. Submit statement in writing from the Applicant's Engineer that finished base and ditch flowlines meet plan specifications.
- a. Sampling and testing for gradation should be done for every 5,000 CY of flexible base.
 - b. Tests for compacted flexible base density and moisture content shall be taken in accordance with Tex-115-E. Tests shall be performed at a frequency determined by the County on a case by case basis. Generally, density tests will be taken in a series of three, one at each edge of roadway and one closer to the centerline, every three hundred longitudinal feet, with a minimum of one test per lift. A minimum of three (3) test series shall be performed for each roadway.
9. Surface
- a. Two-course surface treatment - Flexible base shall receive prime coat within 72 hours of base approval. First course of surface treatment shall be applied within 48 hours of prime coat application. Integrity of base shall be maintained during paving process. Type of asphalt material and the application rates for each course shall be submitted to Director of Engineering for approval. The total gallons of asphalt applied to each roadway shall be submitted to the Director of Engineering for application verification.
 - b. 2" HMAC - Flexible base shall receive prime coat within 24 hours of base approval. HMAC paving shall begin within 48 hours of prime coat application. Integrity of base shall be maintained during paving process.
 - i. Testing for in-place air voids shall be conducted by taking two (2) cores per 500 tons of asphalt placed, at least once per day of placement. A minimum of 25% of cores taken per day must be taken within 1-ft of the edge of compacted asphalt.
 - ii. Companion loose samples taken for in-place air voids shall be taken per 2,000 tons of asphalt placed, at least once per day of production.
 - c. Concrete- Steel must be installed according to Collin County Roadway Standards and these Regulations and shall be inspected by the Director of Engineering prior to paving. Submit grade verifications after paving and final ditch work. Paving shall be complete within 72 hours of approved test.
 - i. At the point of concrete placement, four cylinders (2 at 7 days, 2 at 28 days) for each 50 CY per class, per day, for hand poured and 150 CY per class, per day for machine poured, shall be tested for compressive

- strength.
- ii. For slump, entrained air and temperature of concrete, one test for each 50 CY per class, per day, for hand poured and 150 CY per class, per day for machine poured.
 - iii. Slump, entrained air, and temperature tests should be performed on the same load from which strength test specimens are made. Entrained air tests should only be performed when entrained air concrete is specified in civil plans.
- d. Areas with questionable drainage may be required to have additional ditch verification before final roadway acceptance.
10. Roadway and ditch flow line elevations shall be verified by the Applicant's Engineer at completion of subgrade, base, and final pavement 6-inches from both edges of pavement and at center line of roadway and ditch/culvert flow line every one hundred (100') foot station intervals to verify elevations. (Final pavement verification is not required after two-course surface treatment). These shall be submitted to the Director of Engineering for verification prior to beginning construction on the next roadway construction phase. Verifications shall be submitted to the Director of Engineering as a written statement from the-Applicant's Engineer.

D. EROSION CONTROL NOTES:

1. TCEQ site notice shall be on site and remain on site in a visible location until the requirements of the TCEQ Construction General Permit are established.
2. The contractor shall be responsible for Temporary Erosion, Sediment, and Water Pollution Control, per North Central Texas Council of Governments Public Works Construction Standards, most recently adopted version.
3. All erosion control measures shall conform to the Stormwater Pollution Prevention Plan and the Notice of Intent.
4. Contractor shall establish vegetation on all disturbed areas immediately after final grading.
5. Contractor shall maintain positive drainage throughout all phases of construction.
6. Inspections shall be performed according to the TCEQ Construction General Permit. Copies of the inspections shall be made available to Collin County within 24 hours upon request.
7. BMP's shall be maintained and replaced or removed as recommended by the required inspections.
8. All designed drainage easements outside of the roadway right of way shall be sodded or hydro-mulched as soon as constructed. A watering plan shall be submitted for approval. All designed drainage easements shall be fully vegetated, according to the Collin County Drainage Design Standards, prior to final acceptance into the 2- year warranty period and filing of the plat.
9. All roadside ditches shall have erosion matting installed and seeded, sodded or hydro-mulched as soon as the roadway and ditch elevation verifications have been submitted

and approved.

10. All other disturbed areas shall be seeded, hydro-mulched or sodded with permanent vegetation prior to acceptance. All vegetation must be in accordance with NCTCOG Item 204 - Landscaping.

E. GRADING PLAN NOTES:

1. Ditches shall be verified to ensure positive drainage prior to surface application and a copy submitted to the Director of Engineering.
2. The finish floor elevations of all house pads shall be at least 18" above the highest elevation of the surrounding ground around the house after final grading or two feet (2') above the 100-year base flood elevation.
3. Fill Areas- All areas to be filled for roadway construction and any ponds to be filled shall be compacted in loose lifts less than 8" to a minimum 95% standard proctor density at moisture contents of minus 2 to plus 4 percent of optimum moisture.
4. Existing Pond Preparation
 - a. Prior to any construction in the pond area, the pond should be dewatered, preferably by means of pumping and diverting the water downstream of the pond area. Care should be taken so as not to create flooding or overtopping of any downstream structures or culverts.
 - b. Following dewatering, the bottom and sides should be excavated by the removal of the muck (soft soils) zone to the underlying stronger clays.
 - c. The excavated clay areas should then be compacted and proof rolled with a loaded dump truck, scraper, filled water truck, or similar pneumatic tire equipment to densify loose surficial soils and detect any further soft or loose zones or areas of weakness. The proof rolling should be performed in accordance with NCTCOG Item 203 - Site Preparation and Item 301.1 - Subgrade Preparation and observed by the Director of Engineering. Any soils failing proof roll testing should be undercut to firm soils.
 - d. Following the proof rolling operations, the surface soils should then be scarified to a depth of approximately four (4) inches prior to placement of the first lift of compacted fill.
 - e. Fill material shall meet the requirements of the Collin County Roadway Standards and be compacted to 95% Standard Proctor Density at moisture contents of minus 2 to plus 4 percent of optimum moisture.

APPENDIX G SAMPLE PERFORMANCE BOND
Performance Bond for Subdivision Improvements

Date: _____

Bond No. _____

Penal Sum: \$ _____ (_____ and _____/100 U.S. Dollars)

Obligee:

Collin County, Texas
County Judge

Principal/Subdivider:

Surety:

Effective Date: On submission of the Performance Bond to the Collin County Engineering Department, being _____.

Start Date: On the date the Final Plat is Approved.

Expiration Date: On the date that is TWO (2) years after the date the Final Plat is recorded with the Collin County Clerk's Office. Said two years being described herein as the "Performance Period."

KNOWN BY ALL MEN THESE PRESENTS: That we, _____ ("Principal") as Principal, and _____ ("Surety") as Surety, are held and firmly bound unto Collin County, Texas ("Obligee") as Obligee, in the penal sum of

(_____ DOLLARS AND _____/CENTS) ("Penal Sum") for payment whereof the said Principal and Surety bind themselves and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, Principal will construct, or cause to be constructed the Road and Drainage Infrastructure Improvements (as defined below) shown on the Final Plat and in the accompanying filings pursuant to the plans and specifications approved by the County for the _____ SUBDIVISION (the "Subdivision"), a final plat being on file with the Collin County Clerk, with such

construction to be completed within the Performance Period set forth above and free of defects that prevent acceptance by the County of the Subdivision Improvements as complete.

WHEREAS, this bond is issued pursuant to the County's Subdivision Regulations (as the same may be amended from time to time), and must be in the amount of One Hundred Percent (100%) of the estimated construction costs of the Road and Drainage Infrastructure Improvements which are defined as: roads, streets, alleys, bridges, ditches, stormwater control and drainage improvements and facilities, and items associated therewith. The Road and Drainage Infrastructure Improvements are hereinafter referred to as "Subdivision Improvements".

WHEREAS, Principal and Surety firmly bind themselves to the obligation to construct the Subdivision Improvements in accordance with the County-approved plans and specifications within the Performance Period, free of defects that prevent acceptance by the County of the Subdivision Improvements as complete.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that

If within the Performance Period the Principal shall faithfully complete the Subdivision Improvements in accordance with the County-approved plans and specifications, then this obligation shall be void; otherwise to remain in full force and effect. If the Principal fails in its obligation, on demand by the Obligees the Surety must: 1) within 30 calendar days after notice is issued by Obligees pay over to the Obligees the cost to complete the Subdivision Improvements in accordance with the County approved plans and specifications as determined by the Obligees' engineering estimate, and/or to repair or reconstruct any defective work preventing acceptance by the County of the Subdivision Improvements as complete as determined by the Obligees' engineering estimate; OR 2) Within fifteen (15) calendar days after notice is issued by Obligees, notify the Obligees in writing of its election to promptly commence and complete construction, re-construction, replacement, repair, or maintenance of the Subdivision Improvements pursuant to the County-approved construction plans and specifications for the Subdivision Improvements. The surety may not engage the Principal to complete the Subdivision Improvements without prior written consent of the Obligees, which consent may be withheld in the Obligees' sole discretion.

Unless a separate Maintenance Bond is Provided, this Bond shall extend to cover the Two (2) year warranty period required by the County's Subdivision Regulations and shall protect the Obligees against defects in materials or workmanship, including but not limited to damage to or deterioration of the Subdivision Improvements, that occur before and during the Two (2) year period following the County's acceptance of the Subdivision Improvements as complete, due to any cause and to ensure that the Subdivision Improvements remain serviceable and maintained during such period.

Surety for value received stipulates and agrees that no change, extension of time, alteration or addition of time for completion or the work to be performed, or the plans, specifications or drawings shall in any way affect its obligation on this Bond, and Surety does hereby waive notice of any such change, extension of time, or change to plans and specifications or to the work to be performed thereunder.

Any action under this Bond or arising out of the project covered by this Bond shall have as its sole, mandatory venue a court of competent jurisdiction in Collin County, Texas. Texas law shall govern.

Signed, sealed and dated this _____ day of _____, 20____.

Principal: _____

By: _____

Name: _____

Title: _____

Surety: _____

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MYHAND AND SEAL of the office this the ____ day of _____, 20____ A.D.

Notary Public in and for the State of Texas

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MYHAND AND SEAL of the office this the ____ day of _____, 20____ A.D.

Notary Public in and for the State of Texas

APPENDIX H SAMPLE MAINTENANCE BOND

Maintenance Bond

Date: _____

Bond No. _____

Penal Sum: \$ _____ (_____ and _____/100 U.S. Dollars)

Obligee:

Collin County, Texas

County Judge

Principal/Subdivider:

Surety:

Start Date: Date of Final Acceptance as complete of the Road and Drainage Infrastructure Improvement(s) by the County Engineering Department Road. Acceptance Date: _____.

Expiration Date: On the date that is TWO (2) years after the Acceptance Date of the completed Road and Drainage Infrastructure Improvement(s) (hereinafter "Subdivision Improvements"). Said two years being described herein as the "Maintenance Period."

KNOWN BY ALL MEN THESE PRESENTS: That we, _____ ("Principal") as Principal, and _____ ("Surety") as Surety, are held and firmly bound unto Collin County, Texas ("Obligee") as Obligee, in the penal sum of

_____ (_____ DOLLARS AND _____/CENTS) ("Penal Sum") for payment whereof the said Principal and Surety bind themselves and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, Principal has constructed, or caused to be constructed, and the County has approved the Subdivision Improvements (defined below) for the _____ SUBDIVISION (the "Subdivision").

WHEREAS, this bond is issued pursuant to the County's Subdivision Regulations (as the same may

be amended from time to time), and covers One Hundred Percent (100%) of the construction costs for the Subdivision Improvements which consist of Road and Drainage Infrastructure Improvements for the Subdivision defined as roads, streets, alleys, bridges, ditches, stormwater control and drainage improvements and facilities, vegetative cover, and items associated therewith.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that

1. The foregoing recitals and statements are each all true and correct.

If Principal shall maintain and keep in good repair the Subdivision Improvements, including maintenance and repair due to defects in materials, workmanship, and including damage to or deterioration of the Subdivision Improvements that occur before and during the Maintenance Period due to any cause, and further ensure that the Subdivision Improvements remain serviceable and maintained during for the Two (2) year Maintenance Period, this bond shall be null and void; otherwise this bond shall remain a valid and enforceable obligation of the Principal and the Surety. Generally, the Principal will be given notice and a 30 day cure period unless the time remaining on Maintenance Period does not allow for a 30 day cure period.

2. If the Principal defaults on its obligation hereunder, a notice of default will be sent to the Principal and the Surety. The Surety shall have the following options:

- (a) Within 15 days of the date that notice of default is issued by the Obligee, agree to the Obligee doing or causing the work to be done, and pay the Obligee for such work in the amount of the engineer's cost estimate determined by the Obligee's engineer. The cost estimate is not required to exist at the time of the agreement. Once agreed, the engineered cost estimate will be determined.
- (b) Pay the Obligee within fifteen (15) calendar days after notice of default is issued by the Obligee, the amount the Obligee deems necessary based on a general cost estimate including contingency as set forth in the default letter, to ensure that any or all of the Subdivision Improvements are performing and do not have defects in materials or workmanship, correct damage to or deterioration of the Subdivision Improvements, and take action to make the Subdivision Improvements serviceable and maintained. Such payment shall be paid to Obligee in Collin County, Texas, before 2:00 p.m. Central Standard Time on or before the twentieth (20th) day after the date of such notice. Funds may be received by wire transfer, or
- (c) Within fifteen (15) calendar days after notice of default is issued by Obligee, notify the Obligee in writing of its election to promptly commence and complete construction, reconstruction, replacement, repair, or maintenance of the Subdivision Improvements pursuant to the County-approved construction plans for the Subdivision Improvements. The surety may not engage the Principal to complete the Subdivision Improvements without prior written consent of the Obligee, which consent may be withheld in the Obligee's sole discretion.

If the surety does not notify the Obligee of the option to be utilized within fifteen (15) calendar days after notice of default is issued by Obligee, Surety agrees that such shall constitute an election by Surety to pay the Obligee as provided in Section 2 (b) above.

Surety for value received stipulates and agrees that no change, extension of time, alteration or addition of time for completion or the work to be performed, or the plans, specifications or drawings shall in any way affect its obligation on this Bond, and Surety does hereby waive notice of any such change, extension of time, or change to plans and specifications or to the work to be performed thereunder.

Any action under this Bond or arising out of the project covered by this Bond shall have as its sole, mandatory venue a court of competent jurisdiction in Collin County, Texas. Texas law shall govern.

Signed, sealed and dated this _____ day of _____, 20____.

Principal: _____

By: _____

Name: _____

Title: _____

Surety: _____

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MYHAND AND SEAL of the office this the _____ day of _____, 20____ A.D.

Notary Public in and for the State of Texas

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MYHAND AND SEAL of the office this the ____ day of _____, 20 ____ A.D.

Notary Public in and for the State of Texas

DRAFT

APPENDIX I SAMPLE WARRANTY LETTER

Warranty for Maintenance of Subdivision Infrastructure Improvements

Applicant:

Beneficiary of Warranty: Collin County, Texas

Name of Development/Subdivision:

Subdivision Infrastructure Improvements:

Date of County Acceptance as Complete:

Warranty Period: a Two (2) year period starting on the date that the Subdivision Infrastructure Improvements are accepted as complete by Collin County.

Warranty:

In consideration of the County’s acceptance of the Subdivision Infrastructure Improvements as complete and as required by the Collin County Subdivision Regulations, the Applicant warrants and guarantees the Subdivision Infrastructure Improvements against defects in materials, workmanship, and including damage to or deterioration of the Subdivision Infrastructure Improvements that occur before and during the Warranty Period due to any cause, and covenants and guarantees that Applicant shall ensure that the Subdivision Infrastructure Improvements remain serviceable and maintained during such period.

Enforcement: This warranty is a legal obligation of the Applicant and may be sued upon if the Applicant defaults in its obligations hereunder. The County may recover the engineering estimates of the amount of money necessary to do the needed work plus its attorney’s fees and costs incurred therein. Texas law shall apply to any litigation arising under this warranty, and venue of any lawsuit shall be in a court of competent jurisdiction in Collin County, Texas.

APPLICANT: _____

By: _____ (signature)
_____ (printed name)

Title: _____

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose

name is subscribed on the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of the office this the ____ day of _____,
20____A.D.

Notary Public in and for the State of Texas

DRAFT