



**REGULATIONS GOVERNING DEVELOPMENT OF  
SUBDIVISIONS IN HARRISON COUNTY**

**EXHIBIT - F**  
2-9-04

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## **SECTION I: ADOPTION**

WHEREAS, the Harrison County Commissioner's Court is empowered by law, pursuant to Chapter 232, Local Government Code and the Harrison County Road and Bridge Law, to establish reasonable specifications to be followed in the construction of roads, streets, and drainage; and

WHEREAS, the following regulations were adopted by the Commissioner's Court by Order dated February 9, 2004, and were published in the Marshall News Messenger on the 10th day of March, 2004; and the 17th day of March. Effective date of Policy to be March 29, 2004.

NOW HERE BE IT RESOLVED, that every person, firm, or corporation shall comply with these regulations before any plat will be approved, whether platted by lots and blocks or by metes and bounds and such person shall be responsible for assuring compliance with these regulations; and no plat shall be filed for record in the Deed Records of Harrison County without first having obtained the approval of the Commissioner's Court.

## **SECTION II: PURPOSE**

These regulations have been prepared to aid in the orderly development of Harrison County, Texas, and to promote the general health, safety, and welfare of the public.

## **SECTION III: DEFINITION OF TERMS**

A. Subdivision: The division of any tract of land situated outside the corporate limits of any city into two (2) or more parts, for the purpose of (1) laying out any subdivision of any such tract of land or creating an addition, or laying out suburban lots or building lots, and (2) laying out streets, alleys, or parks, or other portions intended for public use or purchasers or owners of tracts fronting thereon or adjacent thereto.

B. Plat: A map, drawing or chart on which a Subdivider's plan or subdivision is shown graphically and which he submits for approval and intends to record in final form.

C. Right-of-Way (R.O.W.): Is that portion of the subdivision dedicated to public use, and/or the use of the purchasers or owners of lots adjacent thereto. Such right-of-way shall be a minimum width of sixty (60) feet and be cleared of all timber, debris, etc, that would impede proper county mowing or maintenance.

D. State Department of Highways & Public Transportation Specifications: This refers to the most current edition of the Texas Standard Specifications for Construction of Highways, Streets and Bridges, adopted by the State Highway Department of Texas. Copies of these specifications may be reviewed in the County Engineer's office, or may be purchased from the Texas Highway Department, Austin, Texas.

E. Base Flood Elevation (BFE): The elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it. The BFE is determined by statistical analysis for each local area and designated on the Flood Insurance Rate Maps. It is also known as the 100-year flood elevation.

#### **SECTION IV: PROCEDURE**

##### **A. Preliminary Approval:**

- (1) At least fifteen (15) days prior to a regular Commissioner's Court meeting, two (2) copies of the preliminary plat shall be transmitted to the County Engineer for review and submission to the Commissioner's Court. The drawings shall be accompanied by a remittance in the amount of \$100.00, payable to Harrison County as a non-refundable filing fee.
- (2) One copy of the preliminary plat as reviewed, or marked to show the changes necessary for approval, will be returned to the Subdivider or his authorized representative.
- (3) Approval of the preliminary plat by the Commissioner's Court will indicate their approval for construction, but will not constitute approval for recording or approval of sanitary facilities.
- (4) Any construction work begun prior to approval shall not prejudice the approval or disapproval of the preliminary plat by the Harrison County Commissioner's Court.
- (5) Approved preliminary plats shall be noted in the minutes of the meeting at which approval was given.
- (6) Approval of the preliminary plat by the Commissioner's Court shall expire and become null and void twelve (12) months after the date of approval. Upon good cause shown, an extension of time may be requested, however, if the request is denied, then a new preliminary plat must be submitted for consideration and approval and shall be accompanied by a remittance in the amount of \$100.00, payable to Harrison County, Texas as a non-refundable filing fee.
- (7) Plat and drawings shall be 24" x 36" (any exceptions shall be requested in writing and must be approved by the County Engineer) and shall show or be accompanied by the following information:
  - (a) Name of subdivision, name of owner/subdivider and certifications of Registered Public Surveyor and Registered Professional Engineer.

- (b) If the proposed subdivision is a portion of a tract which is later to be subdivided further, or if the land described therein may be subsequently subdivided by the developer or any affiliated person or entity into smaller lots, then a tentative master plat of the entire subdivision shall be submitted. All plats shall be to an adequate scale for clarity. The Harrison County engineer shall approve the scale to be used.
- (c) Description of subdivision by metes and bounds and locate same with respect to an original corner of the original tract of which it is a part.
- (d) Dimensions of the subdivision and dimensions and location of all lots, roads, streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of tracts or lots fronting thereon or adjacent thereto.
- (e) Typical roadway sections from R.O.W. to R.O.W. including ditches, subgrade, base dimensions and proposed materials, type and width of paving, crown width, water and sanitary sewer lines depth, location and cover. (see Exhibit A)
- (f) Data and information to determine compliance with Texas State Health Department and the Harrison County Environmental Health Department regulations for requirements of proper sewage disposal.
- (g) All drainage including direction of all flows and all drainage structure locations on a contour map with contour intervals of not more than five feet (5'). A drainage area map shall be included showing calculations, culvert sizes, etc... and shall be reviewed and approved by the engineer. All calculations shall be sealed by a Registered Professional Engineer.
- (h) An attached copy of any protective or restrictive covenants proposed to regulate land use or construction. In the event that any tracts described in a plat are to be subsequently subdivided by the developer, or any affiliated person or entity, then the Court may require restrictive covenants of the developer that requires the subdeveloper or his affiliate, to comply with subdivision regulations as may be applicable to such smaller tracts within the revised subdivision plat.

**B. Final Approval:**

- (1) After completion of drainage, roads, streets, alleys, parks and other portions intended for public use or the use of purchasers and owners of lots fronting thereon or adjacent thereto, a final plat shall be prepared, and the original and one copy submitted to the County Engineer at least fifteen (15) days prior to the regularly scheduled Commissioner's Court meeting.
- (2) The County Engineer, or other person designated by the Commissioner's Court, will review the location and layout on the ground, and if found to be satisfactory, present the final plat to the Commissioner's Court and will certify that the requirements of these regulations have been complied with.
- (3) A 2-year maintenance bond shall be provided to the County in the amount of the actual cost of roadway and drainage construction, but not less than \$7,000.00 per tenth of a mile. This "actual cost" shall be determined as the amount the subdivider paid (or would have paid) should he have awarded a firm bonded contract to a reputable contractor skilled in the performance of such work. A copy of the contract and a performance bond, in favor of the County Judge or his successor in office shall be submitted with the final plat. An example of the bond contract is available on pages 13 and 14.
- (4) After visual inspection of the land and improvements by a quorum of commissioners, and upon approval by the Commissioner's Court, the original of the final plat will be returned to the Subdivider or his authorized representative.
- (5) Subdivider shall then file plat for record with the County Clerk of Harrison County at the prevailing filing fee.
- (6) Final plat shall show or be accompanied by the following information:
  - (a) All items required for the preliminary plat including items IV (A.7) (a-d) and the class of roads constructed.
  - (b) The dimensions and the bearings of all lots and other survey information necessary to reproduce the plat on the ground.
  - (c) All restrictions, reservations, and/or utility or drainage easements, if any, to be imposed or reserved in connection with the Subdivision shall be shown on the plat.
  - (d) License for approved sewage disposal to meet all State and County regulations.



## SECTION V: MINIMUM REQUIREMENTS

- A. All roads and drainage shall be designed and plans sealed by a Registered Professional Engineer of the State of Texas.
- (1) **In all cases where a proposed road crosses an existing petroleum or gas pipeline, a concrete safety buffer as approved by the County Engineer, shall be installed a minimum of ten (10) feet on either side of said pipeline along the ditch line.**
- B. All lots or tracts shall be identified with iron corner stakes.
- C. Dead-end streets which will remain as dead-end streets, shall end on a cul-de-sac with a minimum right-of-way of 60' radius, minimum paved surface of 50' radius (see Exhibit B), or hammerhead configuration, 20' each side of roadway, 12' paved surface with 25' radii (see Exhibit C).

**All intersections shall also be constructed with a minimum radii of twenty-five (25) feet.**

### **D. Drainage:**

- (1) Drainage calculations shall be made using Manning's formula or other accepted method and submitted to the County Engineer for approval. Drainage for streets or roads shall be designed for a minimum of twenty-five (25) years frequency.
- (2) All roads shall, at the County Engineer's discretion, have ditches eighteen inches (18") below the subgrade of the crown. Greater depths shall be provided as required to accommodate the design flows.
- (3) Headwalls and wing walls shall be required on culverts twenty-four (24) inches or larger, **as well as multiple culverts of any size.** Headwalls and wing walls shall be constructed of reinforced concrete only.
- (a) A detailed, to scale, drawing of the proposed Headwalls and Wing walls shall be submitted, prior to their construction, for approval by the County Engineer.
- (4) All ditches shall have erosion protection in place at time of construction. Sodding of ditches will be required if erosion protection is not maintained. Mulching of ditches will be accepted if erosion protection is functioning properly.
- (5) **Approved culverts** shall be reinforced concrete pipe, corrugated Polyethylene pipe, or coated corrugated metal pipe only.

**E. Storm Water Drainage Improvements**

Plans and specifications shall be provided for all storm water drainage improvements proposed within the platted area. Storm Water Drainage Improvements are manmade facilities such as detention ponds, channels, storm sewer piping systems, culverts, catch basins, inlets, roadways, ditches, or other related facilities, which are constructed to control or modify natural storm water drainage.

Plans and Specifications for Storm Water Improvements shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed by the Harrison County Engineer for final approval.

**F. Drainage Easements and Rights-of-Way**

Storm Water Drainage Improvements shall be placed within private drainage easements or public rights-of-way adequately configured to allow proper operation, maintenance, and access of each improvement. Storm Water Drainage Improvements that are intended to be maintained by Harrison County shall be placed within rights-of-way and shall be dedicated to the public for their intended use.

**G. Subgrade:**

**All testing shall be made by and at the expense of the subdivider, at the locations along the proposed road, prescribed by the County Engineer or his designated representative.**

- (1) Sub grades shall be constructed and finished with a minimum density of 95% of standard proctor.
- (2) The sub grade shall be approved by the County Engineer or other person designated by the Commissioner's Court, prior to the placement of any base material.
- (3) All sub grades will be tested by a laboratory as approved by the County Engineer and all tests will be copied and submitted to the County Engineer.

**H. Base Material:**

**All testing shall be made by and at the expense of the subdivider, at the locations along the proposed road, prescribed by the County Engineer or his designated representative.**

- (1) All roads shall be constructed with a minimum compacted base material depth of six (6) inches. Base materials shall conform to Item 247, Texas State Department of Highways and Public Transportation specifications.

**Any other material used for base material, such as soil cement or lime, must be approved by the County Engineer prior to construction and must be designed and sealed by a Professional Engineer registered in the State of Texas.**

- (2) Standard methods of compaction shall be used, and base material shall be compacted to a minimum density of 95% standard Proctor.
- (3) Certified reports of the quantity and quality of base material shall be submitted to the County Engineer.
- (4) Completed base shall be approved by the County Engineer or other person designated by the Commissioner's Court, prior to placement of any pavement.

**I. Pavement:**

- (1) Class A Road – Concrete, Asphalt or Seal Coat

- (a) **Concrete Pavement:**

Concrete pavement shall have a minimum thickness of six (6) inches and a minimum compressive strength of 3,000 pounds. When concrete pavement is proposed, a complete design of the pavement shall be submitted to the County Engineer before construction commences.

- (b) **Hot Mix Asphaltic Concrete Pavement:**

Compacted depth of hot mix asphaltic pavement shall be a minimum of 2 compacted inches unless the County Commissioner's Court shall specifically approve a lesser depth. Asphaltic concrete shall conform to the requirements of the Texas Highway Department Item 340, Hot Mix Asphaltic Concrete Pavement or Type D asphalt. Hot mix asphalt concrete pavement shall not be placed when general weather conditions, in the opinion of the County Engineer, are not suitable.

(c) **Surface Treatment Pavement:**

Surface treatment pavement shall consist of a minimum of a prime coat and a two course surface treatment constructed only between March 1 and September 1 with ambient temperature over 40 degrees F. and rising and in accordance with the Texas State Department of Highways and Public Transportation specification Item 302 for Surface Treatments and Item 310 for Prime Coats.

**The type and grade of all asphaltic material & aggregate shall conform to current County Specifications. Copies of these specifications may be reviewed or copies received at the Harrison County Road and Bridge Department.**

(2) Class B Road – Oil Dirt

**This type of construction shall only be allowed with the prior expressed approval of the Harrison County Commissioners' Court.**

**J. Inspection, testing and compliance:**

- (1) It is intended that the burden of inspection, testing, and responsibility for compliance shall rest with the Subdivider and/or Owner. Inspection approval, and acceptance by the Commissioner's Court, or their authorized agent, does not relieve the Subdivider of his responsibility to inspect these, and construct the work in complete compliance with the Subdivision Regulations.
- (2) Subdividers request for inspection of any phase of the work, or final inspection of the completed work, shall constitute notice and certification by said Subdivider that he, or a qualified agent employed by him, has inspected and found the work to be in compliance with all requirements of the Subdivision Regulations.
- (3) Failure to test and receive approval before proceeding with the next phase of work shall be determined to be in noncompliance of these regulations. Such noncompliance may only be corrected by:
  - (a) Complete removal of the work and reconstruction, or
  - (b) Testing of representative samples taken by core drilling or by removal of specified section, or
  - (c) Any reasonable method approved by the Commissioner's Court to assure compliance.

- (4) All drainage shall be inspected and approved by the County Engineer, or other person designated by the Commissioner's Court, prior to acceptance of the subgrade and prior to the placement of any base material on the sub grade.
- (5) Test reports showing material and density compliance, as certified by a Registered Professional Engineer of the State of Texas, shall be submitted to the County Engineer. Minimum testing on the subgrade shall be one for each 6,000 square yards of roadway crown; on base material, one for each 1,000 cubic yards placed.
- (6) All testing shall be made by and at the expense of the subdivider. Additional tests, if required, will be ordered by the County Engineer at the expense of Harrison County, unless such tests show failure of compliance. In such cases the subdivider will pay for the additional testing.

**K. Mailboxes:**

All mailboxes shall be set back from the edge of the pavement a distance of not less than two (2) feet and not more than three (3) feet, with the necessary approach needed for safe delivery of mail.

**SECTION VI: COUNTY MAINTENANCE OF ROADS**

The County shall not repair or maintain any streets in any subdivision for which a final plat has not been approved and filed for record. If Harrison County is to accept subdivision streets or roads into the County Road System for maintenance, the following conditions must be met:

- A. Roads in a subdivision must directly connect to roads that are currently maintained by the County or the Texas Highway Department. Deficient connecting roads may be upgraded by the owner/developer of the subdivision to County Standards with the prior written consent of the Commissioner's Court.
- B. Where a subdivision adjoins or encompasses an existing road, the Commissioners Court shall determine the right-of-way width, which will be required, but not less than sixty (60) feet.

**SECTION VII: SEVERABILITY**

- A. If any section or part of any section, paragraph or clause of this Subdivision Regulation should be declared invalid or unconstitutional for any reason, such declaration shall not invalidate or impair the validity, force or effect of any other section, part of section, paragraph, or clause of these Subdivision Regulations.
- B. Upon good cause and/or with the recommendation of the County Engineer, such recommendation to be made only after a visual inspection by the Engineer, the requirements of these regulations may be waived by a majority vote of the Commissioner's Court.
- C. In the event that an incorporated City located wholly or in part in Harrison County shall affirmatively exercise it's extraterritorial jurisdiction over property which would otherwise be subject to these regulations, the regulations of said City shall apply, unless the requirements of all or a part of these regulations are more stringent than those of the City, in which case these regulations shall apply to said part or parts.

**SECTION VIII: SIGNATURE PAGE**

These Rules and Regulations shall become effective on March 29, 2004 and shall apply to all subdivisions. Done and Entered on this the 9th day of February 20 04.

**THE HARRISON COUNTY COMMISSIONER'S COURT**

  
WAYNE McWHORTER, COUNTY JUDGE

  
JERRY LOMAX, COMMISSIONER, PCT. #1

  
EMMA BENNETT, COMMISSIONER, PCT. #2

  
JAMES GREER, COMMISSIONER, PCT. #3

  
JEFFREY L. THOMPSON, COMMISSIONER #4

**ROAD CONSTRUCTION AND MAINTENANCE BOND  
STATE OF TEXAS  
COUNTY OF HARRISON**

WHEREAS, the undersigned has undertaken to develop and establish a new residential subdivision and addition within the limits of Harrison County, Texas, and has petitioned the Commissioners' Court of Harrison County, Texas, to approve such subdivision or an addition thereto, and as a part thereof certain roadways, ditches, culverts and other appurtenances necessary for safe and reasonable traffic and transportation have been approved as a part of such development and as reflected on the Plat thereof, and

WHEREAS, the approval of such subdivision or addition thereto has been conditioned upon such roadways and related appurtenances being constructed in a manner that complies with the existing subdivisions regulations of Harrison County, Texas, and such regulations and such approval by the Commissioner's Court of Harrison County, Texas, is predicated upon a commitment by the developer to guarantee for a period of two (2) years from the acceptance of the Final Plat by Harrison County that such roadways, drainage and related appurtenances shall be maintained in a manner satisfactory to Harrison County and such is a condition to the acceptance of the same for continued maintenance thereafter by the Harrison County Road and Bridge Department;

NOW, THEREFORE, the undersigned as Principal and \_\_\_\_\_ and \_\_\_\_\_ as Sureties do hereby hold themselves firmly bound and obligated to pay unto the County Judge of Harrison County, Texas, or his successors in office, the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), in the event that such roadways, related

drainage and other related appurtenances as constructed and developed within the \_\_\_\_\_ Subdivision, \_\_\_\_\_ Phase, situated in the \_\_\_\_\_ Survey or Surveys of Harrison County, Texas, be constructed and in all things maintained in a manner suitable and acceptable to the Harrison County Road and Bridge Department for a period of two (2) years from the date hereof.

And if such roadways, drainage and appurtenances shall be so maintained for the two (2) year period set forth herein, provided that prior written request for inspection is made by the Developer to the Commissioners' Court not less than ninety (90) days prior to such two (2) year period, if such inspection reveals no defects in the roadways, drainage and appurtenances then the Bond shall be released once the Commissioners' Court accepts the roadway into the County system at a meeting of the Commissioners' Court. However, should such roadways, drainage and related appurtenances not be maintained in such a manner as required herein, then such Bond shall become immediately due and payable upon demand of the County Judge of Harrison County, Texas, for which the undersigned Principal and Sureties shall be in all things jointly and severally liable.

SIGNED, DONE AND EFFECTIVE from this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Developer - Principal

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Surety  
Address:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Surety  
Address:  
\_\_\_\_\_  
\_\_\_\_\_

ACCEPTED AND APPROVED:

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

Calculation of Amount of Bond:

\_\_\_\_\_ miles of roadway developed  
@ \$15,000 per each 1/10 mile of roadway  
developed equals bond amount due of:  
\$ \_\_\_\_\_

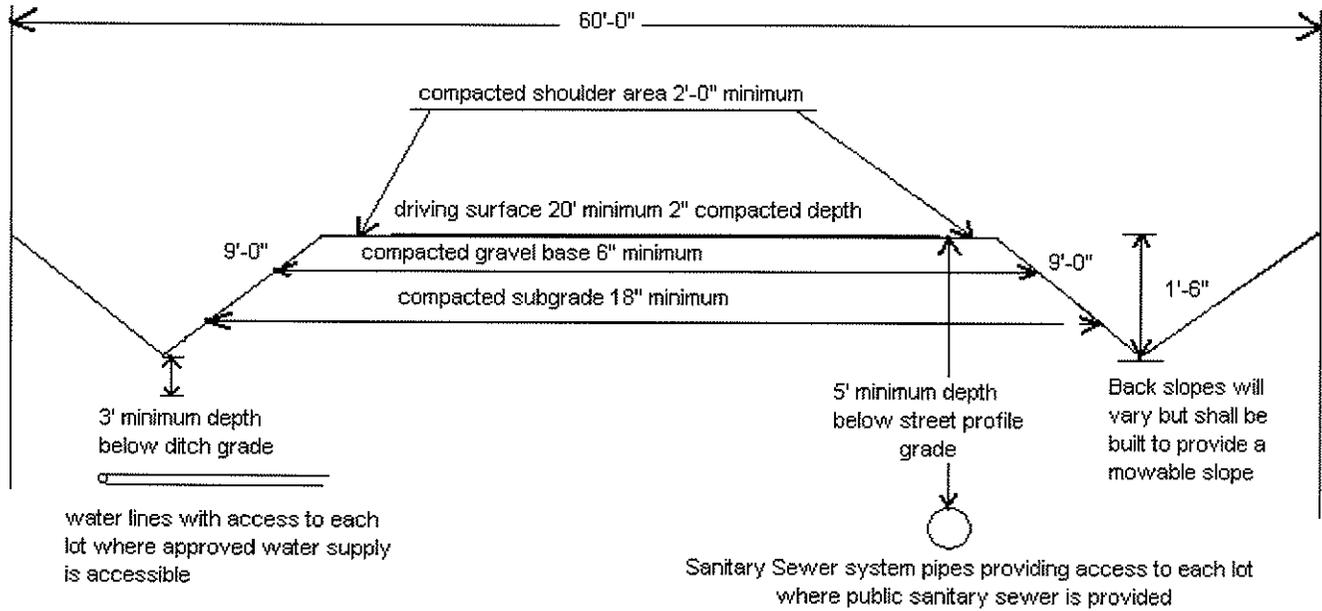
**SUBSCRIBED AND SWORN TO BEFORE ME** by the said \_\_\_\_\_ on this the  
\_\_\_\_\_ day of \_\_\_\_\_, 2008 to certify which witness by hand and seal of office.

\_\_\_\_\_  
Notary Public, State of Texas

# Harrison County Road & Bridge Department Typical Minimum Standard

EXHIBIT A

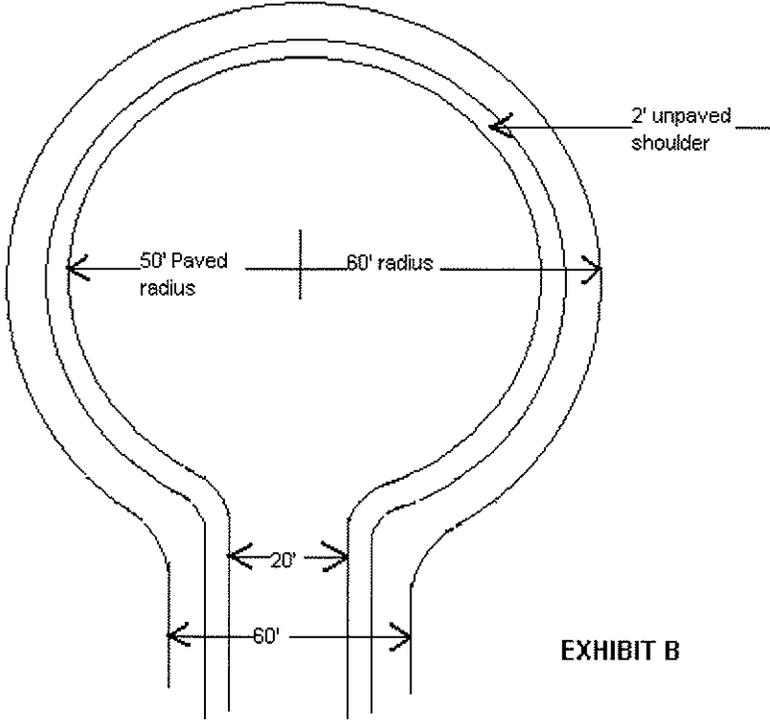
not drawn to scale



**Subject to County Engineer's Recommendation**

# Harrison County Road & Bridge Department Typical Cul-De-Sac Minimum Standard

not drawn to scale

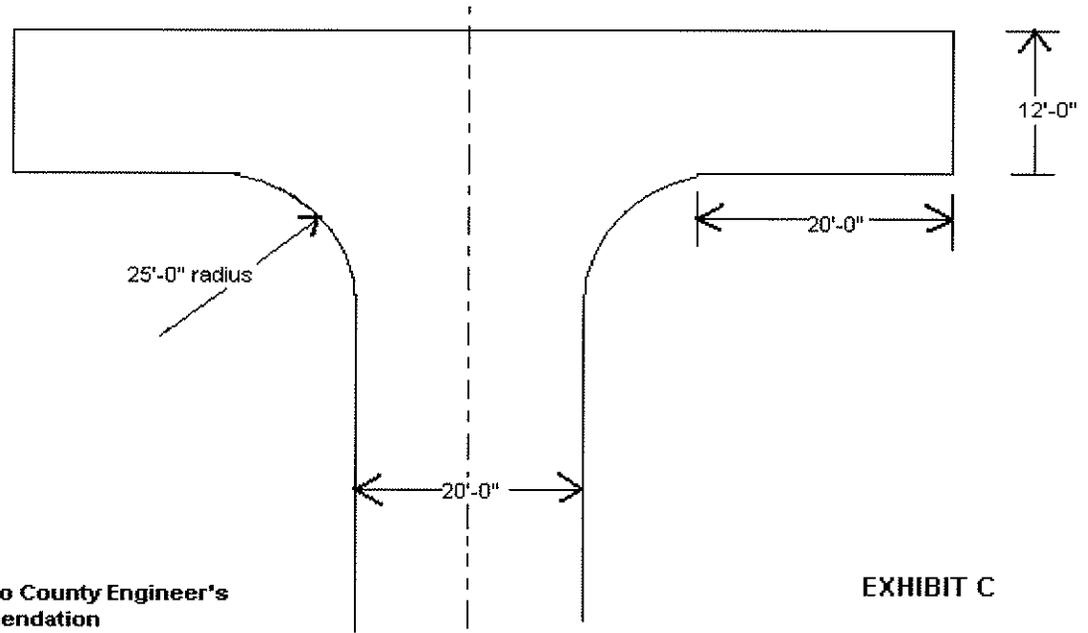


**Subject to County  
Engineer's  
Recommendation**

**EXHIBIT B**

# Typical Minimum Standard Hammerhead Configuration

not drawn to scale



**Subject to County Engineer's Recommendation**

**EXHIBIT C**

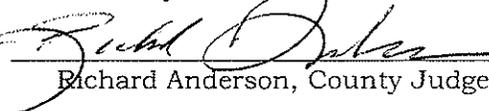
AMENDMENT TO HARRISON COUNTY SUBDIVISION REGULATION/POLICY

IT IS ORDERED by the Commissioner's Court of Harrison County, Texas that the existing Subdivision Regulations/Policy for Harrison County be and it is hereby amended as of October 27, 2009 as follows:

(1) To require that on the final plat for subdivisions to be recorded in the County Clerk's Office, each lot within the subdivision will be numbered on the plat by the developer, and upon the sale of said lots, the physical marking of individual lots with durable metallic signage will occur as prescribed by the Texas Eastern 9-1-1 regulations that instruct individual homeowners/contractors to mark each lot with letters and/or numbers that are the minimum of six (6) inches in height facing the street. Further, each developer will increase the number of required copies of plats to be submitted from two (2) to three (3) copies when being presented for the Court's approval.

The above amendment has been adopted and ordered by the Commissioner's Court of Harrison County acting in Open Meeting on October 27, 2009 and is effective as of that date. This amendment supercedes and controls over any portion of the County's existing Subdivision Regulations/Policy, which may be in conflict herewith.

Harrison County Commissioners' Court

By:   
Richard Anderson, County Judge

Attest:

  
Patsy Cox, County Clerk

  
REB

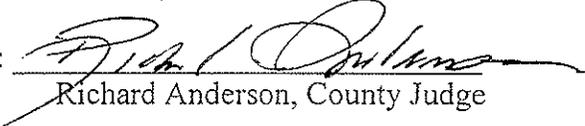
AMENDMENT TO HARRISON COUNTY SUBDIVISION REGULATION/POLICY

IT IS ORDERED by the Commissioner's Court of Harrison County, Texas that the existing Subdivision Regulations/Policy for Harrison County be and it is hereby amended as of November 30, 2010 as follows:

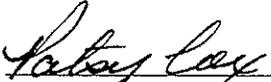
- (1) To require that for the cancellation of a subdivision, the property owner must comply with Local Government Code 232.008 that states "A person owning real property in this state that has been subdivided into lots and blocks or into small subdivisions may apply to the commissioner's court of the county in which property is located for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision." Also, any reasonable and necessary expenses incurred in connection therewith shall be paid by the property owner, not Harrison County.

The above amendment has been adopted and ordered by the Commissioner's Court of Harrison County acting in Open Meeting on November 30, 2010 and is effective as of that date. This amendment supersedes and controls over any portion of the County's existing Subdivision Regulations/Policy, which may be in conflict herewith.

Harrison County Commissioner's Court

By:   
Richard Anderson, County Judge

Attest:

  
Patsy Cox, County Clerk

  
RE B