

APPLICATION FOR SUBDIVISION PLAT APPROVAL

Johnson County, Texas

THIS PAGE MUST BE RETURNED TO JOHNSON COUNTY PUBLIC WORKS

Subdivision with Roads
 Subdivision without Roads
 Re-Plat

SUBDIVISION

Proposed Name: _____

Lots & Blocks: _____

APPLICANT (Developer)

Name: _____ Phone: _____

Address: _____ Fax: _____

Email: _____ Other: _____

RECORD OWNER OF PROPERTY (List all names)

Name: _____ Phone: _____

Address: _____ Fax: _____

Email: _____ Other: _____

ENGINEER / SURVEYOR

Name: _____ Phone: _____

Address: _____ Fax: _____

Email: _____ Other: _____

SUBDIVISION SPECIFICATIONS

General Location: _____ Precinct: _____

Survey Name: _____ Abstract: _____ Acres: _____

Single Family Residential _____ Multi-Family Residential _____ Apartment _____

Commercial _____ Type _____

Industrial _____ Type _____

Other _____

Subdivision or Re-plat

C S/E (Note: Check list for C - County S/E – Surveyor or Engineer)

- Label lots with LOT & BLOCK information.
- Boundary lines (heavy) showing their relationship to an acceptable deed or survey corner. (A portion must show total acreage from which it was divided).
- Indicate surrounding properties including volume and page of the deed records, property owner's name, & original recorded subdivision plats.
- Size of lots showing accurate dimensions and acreage.
- a) Single family residential lots will be one acre when on-site sewage facilities are proposed.
- b) Duplex, Triplex, & Apartment lots must be a minimum of 1½ acres when on-site sewage systems are proposed when the daily flow is less than 4999 G.P.D.

- Minimum Road frontage:

Single Family Residence. Duplex, Triplex, Apartments

150ø minimum frontage (Street/Road)
50ø minimum frontage (Cul-de-sac)

- Show all drainage easements, structures, natural drainage courses with dimensions. Identify all man made features (roads, alleys, existing streets, right-of-ways, bridges, buildings, railroads, etc.) (All changes to drains, drainage structure and appurtenances shall be designed by a professional engineer).

The following must be shown on the plat and listed in the notes *

- * Right of Way Dedication:

30ø ROW from center of road on County Roads
40ø ROW from center of road on 2- lane F.M or Hwy.

Location of any existing or proposed utility easements, building lines, with dimensions shown.
Show names, location & widths of existing streets, roads, alleys & right-of-ways.

- * Utility Easement:

10ø from lot line in front & back.
5ø from lot line on the sides

* Building Lines:

40ø from lot line (County Road & F.M.)
25ø from lot line (Sub-division Roads)
10ø from lot line on sides & rear

Location of 100 year floodplain and floodways.

When property sits in a flood zone, show accurate bearings and distances with lengths, radii, and angles of all curves along with two (2) permanent bench marks.

Subdivisions with Roads

(Complete Section on Subdivisions or Re-plat & the section below)

Name, location and widths of proposed streets, roads, alleys and right-of ways. (show widths, dimensions and center lines).

Linear footage of all roads to be built within the subdivision shall be shown on the plat.

The owner shall provide appropriate financial security that assures the county that the project is constructed in conformance with county regulations and payable to the County Judge. The financial security shall be for a period of one (1) year.

A) Construction Bond in the amount of the cost of construction. Bonds must be by a surety company licensed to operate in the State of Texas.

OR

B) Funds in Escrow, Certificate of Deposit, Irrevocable Letter of Credit or other financial instrument satisfactory to the County Judge in the amount of the cost of construction.

SWORN STATEMENT OF OWNERSHIP

I, _____ (Owner/Developer), do state on my oath under the penalty of perjury, that I have knowledge of the owners of the above described property. I further swear that on the reverse side of this document all the owners of the property affected by the "WAIVER OF 'TAKING IMPACT ASSMENT (TIA)', including equitable owners, have executed said waiver. I understand that Johnson County is relying upon me and my integrity to its detriment if I have misrepresented the ownership of said property.

EXECUTED on this _____ day of _____, 20_____

Printed Name of Owner / Developer

Signature of Owner / Developer

STATE OF TEXAS COUNTY OF JOHNSON

BEFORE ME, the undersigned authority appeared _____(Owner / Developer)
Who swore on his/her oath that the above and foregoing SWORN STATEMENT OF OWNERSHIP was true and correct.

EXECUTED on this _____ day of _____, 20_____

Notary Public in and for the State of Texas

~~~~~  
I, \_\_\_\_\_ (Owner/Developer), do state on my oath under the penalty of perjury, that I have knowledge of the owners of the above described property. I further swear that on the reverse side of this document all the owners of the property affected by the "WAIVER OF 'TAKING IMPACT ASSMENT (TIA)', including equitable owners, have executed said waiver. I understand that Johnson County is relying upon me and my integrity to its detriment if I have misrepresented the ownership of said property.

**EXECUTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Owner / Developer

\_\_\_\_\_  
Signature of Owner / Developer

**STATE OF TEXAS COUNTY OF JOHNSON**

**BEFORE ME**, the undersigned authority appeared \_\_\_\_\_(Owner / Developer)  
Who swore on his/her oath that the above and foregoing SWORN STATEMENT OF OWNERSHIP was true and correct.

**EXECUTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the State of Texas

~~~~~  
Project Information:

Signature of Employee/Official Preparing Waiver: _____

Printed Name of Employee/Official preparing Waiver: _____

Department of Individual Preparing Waiver: _____ JOHNSON COUNTY PUBLIC WORKS _____

Project Name: _____

Description of Proposed Action: _____

How was ownership determined? _____

Are there other owners? Yes No (circle one) If yes who are the other owners? _____

Are there equitable owners? Yes No (circle one) If yes who are the other owners? _____

Contact person for project: _____ Phone Number _____

WAIVER OF TAKING IMPACT ASSESMENT (TIA)

Under the Private Real Property Rights Preservation Act

Comes now _____, owner(s) of the property described as

Located in precinct # _____ of Johnson County, Texas.

I (we) have been informed that I (we) have certain rights under a law that went into effect September 1, 1997 for County governments in Texas called *The Private Real Property Rights Preservation Act* which is codified in Chapter 2007 of the Government Code of Texas.

I (we) understand that county governments are now required to expressly consider or assess whether their governmental actions may result in takings of private real property. I (we) further understand that the act also provides a remedy for an owner of a legal or equitable interest in private real property to seek a judicial determination of whether a governmental action constitutes a taking and, if so, to ask for invalidation of the governmental action if the county fails to pay the damages assessed.

I (we) further understand that a taking is any county action that affects an owner's private real property whether in whole or in part, temporarily or permanently. Any county action, ordinance, or regulation that affects my rights as owner of the property that would otherwise exist in the absence of any action by the county is actionable. If the action of the county would reduce the value of my private real property by 25 percent or more, I (we) am entitled to be compensated.

In order to study the effect of the county's rule, ordinance, regulation, or action I (we) understand that the county is required to do a study called a Taking Impact Assessment (TIA). If such TIA is done, the county is required to provide a least 30 days notice of its intent to engage in any such proposed action. The notice must be published in a newspaper of general circulation in Johnson County and it must include a reasonably specific summary of the TIA.

I (we) understand that any action is void if such an assessment is not prepared and that as the OWNER of the land affected by a county action for which a TIA should be prepared. I (we) have the right for 180 days after I (we) know or should have known about the taking to bring a suit against the county. If I (we) should choose to bring such a suit, I (we) would be awarded reasonable and necessary attorney's fees, costs of court, and even damages, especially if the action of the county has reduced the value of my land by 25 percent or more. I (we) could also have the county action declared void.

In consideration of expediting and shortening the approval process for the platting of the above described property so that my property may be placed on the market for sale as soon as possible, and understanding that I (we) have the aforementioned rights and possibly others, I (we) hereby freely and voluntarily waive these rights and any and all other rights that I (we) may have under the *Private Real Property Preservation Act*, and I (we) specifically request the Johnson County Commissioners Court to proceed to consider and approve the final plat on the above described property.

The Waiver is signed on the _____ day of _____, 20_____

Signature of Owner

Signature of Owner

Holder of Equitable Interest

By: _____

Standard Notes

The following needs to be shown on the plat:

- Vicinity Map with a least 2 other roads in the vicinity.
- Indicate north point, scale, and date.

The following notes need to be on the plat:

- This subdivision or any part thereof is not located within the ETJ of any city or town.
- The designation of the proposed usage of the area shown on plat; whether for single family residential, multi-family, commercial, light or heavy industrial, or public use.
- The developer shall complete all roads and drainage facilities in a subdivision within ten (10) months after the date of final plat approval.
- Utility Providers should be listed on the plat including company name and phone number. Water, Electricity, & Septic: Private Individual Septic Systems.

Private Sewage Facility

- On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private Sewage Facilities are complied with.
- Inspections and/or acceptance of a private sewage facility by the Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State and Federal regulations. Private Sewage Facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.
- A properly designed and constructed private sewage facility system, installed in suitable soil, can malfunction if the amount of water that is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operate the private sewage facility in a satisfactory manner.

Flood Statement:

According to the Flood Insurance Rate Map for Johnson County, Texas and Incorporated Areas, Community Panel No. _____ - _____ - _____, effective date _____, this property is located in zone % + (Areas determined to be -----flood plain).

- The above referenced FEMA flood insurance rate map is for use in administering the %NFIP+. It does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surfaces or subsurface conditions existing on or near the subject property which are not studied or addressed as part of the %NFIP+.
- Blocking the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the floodway is prohibited.
- The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across said lots.
- Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.
- Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.

Utility Easement:

Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way endanger or interfere with the construction or maintenance, or efficacy of its respective systems in any of the easements shown on the plat, and any public utility including Johnson County, shall have the right at all times of ingress and egress to and from said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Utility Easement:

10' from lot line in front & back
5' from lot line on the sides

Right of Way Dedication:

30qROW from center of road on County Roads
40qROW from center of road on 2-lane F.M. or Hwy.

Building Lines:

40qfrom lot line (County Road & F.M.).
25qfrom lot line (Sub-division Roads).
10qfrom lot line on sides & rear

Non-Standard Access Easements:

The access easement described on this plat is not a County road.
The access easement described on this plat does not meet current Johnson County right-of-way standards and will not be considered for operation or maintenance as a Johnson County Road
The access easement is not designed, intended, or expected to ever be a Johnson County maintained road.

Exhibit "A" / Field Notes . Must show all information on plat and in notes.

With the Field notes/Exhibit A description: **Place the following owner dedication of easements, right of ways & public lands**

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS

That _____, owner of the above described tract of land, do hereby adopt this plat designating the herein described property as _____ (name of Subdivision) an addition to Johnson County, Texas, and hereby dedicate to the public use, without reservation, the streets, easements, right-of-ways, and any other public area shown hereon.

_____ (name of owner) Date ____/____/_____.

SWORN AND SUBSCRIBED BEFORE ME BY _____

THIS THE _____ DAY OF _____, 20_____.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES:_____

There should be space provided on the plat for the following signatures / information:

- Owner(s) developer(s) Name, mailing addresses and telephone numbers. (There should be as many owners signature lines and Notary Public lines as the number of owners shown on the plat.)
- A space provided on the plat for the date and signature space for the approval of the County Judge acting on the behalf of and for the Commissioners Court of Johnson County.
- A space shall be provided on the Plat for the:
- Signature line for County Clerk; Date _____, Volume _____, Page, _____, & Slide _____.
- Name of subdivision in **LARGE BOLD** type with lot and block numbers in the contiguous division should be placed in the lower right corner of the plat. Subdivision names may not be duplicated.

Engineer / Surveyor:

- Engineering firm/surveyor: Name, address, telephone number, and Texas state license number.
- A certificate by the surveyor, sealed and signed, indicating that the provided plat correctly represents a survey made by him/her, and that all corners, angles point of curves, boundary markers, and bench marks are correctly place thereon and have been marked with steel rods or concrete markers and shall be included on the plat.

Filing a Plat (This statement needs to be placed on the plat):

- It is a Criminal Offense punishable by a fine of up to \$1000.00, confinement in the county jail for up to 90 days or by both fine & confinement for a person who subdivides real property to use the subdivision description in a deed of conveyance, a contract for a deed, or a contract of sale or other executory contract to convey that is delivered to a purchaser unless the plat or replat of the subdivision is approved and is filed for records with the Johnson County Clerk. However, said description may be used if the conveyance is expressly contingent on approval & recording of the final plat & the purchaser is not given use or occupancy of the real property conveyed before the recording of the plat.
- A purchaser may not use or occupy property described in a plat or replat of a subdivision until such time as the plat is filed for record with the county clerk's office of the Johnson County Clerk.