



RESOLUTION OF THE ELLIS COUNTY COMMISSIONERS' COURT  
IN SUPPORT OF TEXAS HOUSE BILL 885,  
NAVARRO COLLEGE BACHELOR OF SCIENCE IN NURSING

WHEREAS, Navarro College has a longstanding history of unrivaled support of post-secondary education needs in Ellis County; and

WHEREAS, the Honorable Cody Harris, Texas State Representative for District 8 (Anderson, Freestone, Hill, and Navarro Counties), sponsored House Bill 885 which will allow Navarro College to create a Bachelor of Science in Nursing degree program; and

WHEREAS, the County has a critical need for qualified health care professionals; and

WHEREAS, this local education option will enable employment options in our community; and

WHEREAS, established precedent with Tyler Junior College's Bachelor of Science in Dental Hygiene;

THEREFORE, we, the Ellis County Commissioners' Court, resolve to support the prompt passage of House Bill 885.

Signed this 23<sup>th</sup> day of February, 2021:

\_\_\_\_\_  
Todd Little, County Judge

\_\_\_\_\_  
Randy Stinson, Commissioner Pct. 1.

\_\_\_\_\_  
Lane Grayson, Commissioner Pct. 2

\_\_\_\_\_  
Paul Perry, Commissioner Pct. 3

\_\_\_\_\_  
Kyle Butler, Commissioner Pct. 4

Attest:

\_\_\_\_\_  
Krystal Valdez, County Clerk

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – FEBRUARY 9, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, FEBRUARY 9, 2021 AT 9:30 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> FLOOR) 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

**MEMBERS PRESENT:**

**COUNTY JUDGE:** TODD LITTLE

**COUNTY CLERK:** KRYSTAL VALDEZ

**COMMISSIONERS:**

RANDY STINSON, COMMISSIONER, PCT. 1

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

**OPENING COURT**

COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO OPEN MEETINGS ACT.

MOTION TO OPEN COURT AND RECESS TO EXECUTIVE SESSION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**RECESS TO CONVENE TO EXECUTIVE SESSION**

**EXECUTIVE SESSION**

THE COMMISSIONERS COURT OF ELLIS COUNTY RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED IN THIS AGENDA, IN THE ORDER DEEMED APPROPRIATE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551, OR TO SEEK THE ADVICE OF ITS ATTORNEY AND/OR OTHER ATTORNEYS REPRESENTING ELLIS COUNTY ON ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE COMMISSIONERS COURT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEXAS GOVERNMENT CODE CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551.

- 1.1 PURSUANT TO CHAPTER 551.074 OF THE GOVERNMENT CODE, DELIBERATION OF THE APPOINTMENT, EMPLOYMENT, EVALUATION, AND DUTIES OF A PUBLIC OFFICER, SPECIFICALLY CONDUCT INTERVIEWS FOR THE APPOINTMENT OF ELLIS COUNTY CONSTABLE PRECINCT 2.

**ADJOURNMENT OF EXECUTIVE SESSION AND MEETING    11:06 A.M.**

MOTION TO ADJOURN BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT SPECIAL MEETING ON FEBRUARY 9, 2021 ARE HEREBY APPROVED.

PRESIDING OFFICER:

\_\_\_\_\_  
TODD LITTLE, COUNTY JUDGE

\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

\_\_\_\_\_  
LANE GRAYSON, COMMISSIONER, PCT 2

\_\_\_\_\_  
PAUL PERRY, COMMISSIONER, PCT. 3

\_\_\_\_\_  
KYLE BUTLER, COMMISSIONER, PCT. 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 23RD DAY OF FEBRUARY 2021.

\_\_\_\_\_  
KRYSTAL VALDEZ, COUNTY CLERK

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – FEBRUARY 9, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, FEBRUARY 9, 2021 AT 2:09 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> FLOOR) 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

**MEMBERS PRESENT:**

**COUNTY JUDGE:** TODD LITTLE

**COUNTY CLERK:** KRYSTAL VALDEZ

**COMMISSIONERS:**

RANDY STINSON, COMMISSIONER, PCT. 1

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

**OPENING COURT**

COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO OPEN MEETINGS ACT.

MOTION TO OPEN COURT BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

**CONSENT AGENDA:**

**MINUTE ORDER 137.21** APPROVING CONSENT AGENDA WITHOUT A6

**ADMINISTRATIVE:**

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *CHERYL CHAMBERS, COUNTY TREASURER*
- A2 APPROVING COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM JANUARY 21, 2021; SPECIAL MEETING MINUTES FROM JANUARY 26, 2021; AND REGULAR MEETING MINUTES FROM JANUARY 26, 2021. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 ACCEPTING THE ELLIS COUNTY FIRE MARSHAL ANNUAL RACIAL PROFILE REPORT FOR THE YEAR 2020. – *TIM BIRDWELL, FIRE MARSHAL*
- A4 ACCEPTING THE ELLIS COUNTY CONSTABLE, PRECINCT #2 ANNUAL RACIAL PROFILE REPORT FOR THE YEAR 2020. – *OFFICE OF THE CONSTABLE, PRECINCT 2*
- A5 ACCEPTING CONTINUING EDUCATION HOURS, PURSUANT TO LOCAL GOVERNMENT CODE §262.011. – *E.J. HARBIN, PURCHASING AGENT*

- A6 (DUPLICATE) CONSIDERATION, DISCUSSION AND APPROVAL TO PAY BENEFITS CONTRIBUTION IN THE AMOUNT OF \$13,800.89 TO TCDRS FOR A PREVIOUS EMPLOYEE. – *THERESA TAYLOR, HUMAN RESOURCES*

**FINANCIAL:**

- F1 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM JANUARY 20, 2021 – JANUARY 29, 2021 PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*
- F2 ACCEPTING A MONTHLY REPORT FROM JUSTICE OF THE PEACE, PRECINCT #1, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *CHRIS MACON, JUSTICE OF THE PEACE, PRECINCT 1*
- F3 ACCEPTING PROPERTY TAX REFUNDS AS SUBMITTED BY THE ELLIS COUNTY TAX ASSESSOR/COLLECTOR IN THE AMOUNT OF \$186,379.27 – *JANET MARTIN, COUNTY AUDITOR*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

## **REGULAR AGENDA**

### **DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 138.21** (1.1) APPROVING WITH CONDITIONS, A PLAT OF MITCHELL ADDITION. THE PROPERTY CONTAINS ± 7.887 ACRES OF LAND IN THE F.E. KING SURVEY, ABSTRACT NO. 660 LOCATED ON THE WEST SIDE OF WESTMORELAND ROAD, ± 1,460 FEET NORTH OF THE INTERSECTION OF WESTMORELAND AND OXFORD RANCH ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OAK LEAF, ROAD AND BRIDGE PRECINCT NO. 4.

PUBLIC PARTICIPATION: JOHN & CAROLYN ROSS

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 139.21** (1.2) APPROVING A REPLAT OF ROCK CREEK ESTATES LOTS 40R & 41R, SECOND INSTALLMENT. THE PROPERTY CONTAINS ± 2.395 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SHADY BROOK LANE, ± 1,170 FEET WEST OF BATCHLER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ELLIS COUNTY, ROAD AND BRIDGE PRECINCT NO 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 140.21** (1.3) APPROVING WITH EXCEPTIONS, TO RELEASE A PERFORMANCE BOND AND ACCEPT A TWO-YEAR MAINTENANCE BOND FOR THE PROPOSED COUNTRY MEADOWS ESTATES PHASE III (PARCEL ID No. 192620). THIS PROPERTY CONTAINS ± 45.068 ACRES OF LAND IN THE GEORGE W. YOUNGER SURVEY, ABSTRACT No. 1195, LOCATED ± 1,300 FEET NORTHWEST OF THE INTERSECTION OF GIBSON ROAD AND CACTUS ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT No. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

## **PURCHASING**

**MINUTE ORDER 141.21** (2.1) APPROVING AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE LEASE AGREEMENTS WITH BANCORP SOUTH FOR ONE (1) 2021 FORD F250 PICKUP TRUCK FOR THE AGRILIFE EXTENSION DEPARTMENT AND ONE (1) 2020 GMC SIERRA 1500 4-WHEEL DRIVE PICKUP TRUCK FOR THE PURCHASING DEPARTMENT. THE LEASES WILL BE FOR FOUR YEARS WITH A \$16,000.00 DOWN PAYMENT PER VEHICLE.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 142.21** (2.2) APPROVING TO PURCHASE FOUR (4) CISCO WEBEX BOARDS FOR JUSTICE OF THE PEACE PRECINCT 1, PRECINCT 2, PRECINCT 3 AND PRECINCT 4 FOR A TOTAL OF \$70,200.94 USING DIR-TSO-2542 WITH FLAIR DATA SYSTEMS, INC. – DAN COX, JUSTICE OF THE PEACE, PCT. 3

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 143.21** (2.3) APPROVING TO PURCHASE TWO (2) MACK MD 7 DUMP TRUCKS FOR ROAD AND BRIDGE PRECINCT 3 IN AN MOUNT OF \$177,244.42 USING HGAC BUY CONTRACT #HT06-20 WITH GRANDE TRUCK CENTER.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 144.21** (2.4) APPROVING THE AWARD OF BID NUMBER RFB 2020-022, A CONTRACT FOR WHOLESALE GAS & DIESEL TO AVENUE FUEL DISTRIBUTORS.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**MINUTE ORDER 145.21** (2.5) APPROVING TO RENEW THE FOLLOWING BID RFP-2019-008 DISASTER DEBRIS REMOVAL, REDUCTION, DISPOSAL AND OTHER EMERGENCY DEBRIS RELATED SERVICES WITH D&J ENTERPRISES, INC. AND CROWDER GULF, FOR A ONE-YEAR PERIOD JANUARY 26, 2021 TO JANUARY 25, 2022.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 146.21** (2.6) APPROVING THE AWARD OF BID NUMBER RFB 2020-002 – CONTRACT FOR SPECIALTY EMULSIONS TO WRIGHT ASPHALT PRODUCTS COMPANY LLC.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

To 3.9

## **ADMINISTRATIVE**

**MINUTE ORDER 147.21** (3.9) APPROVING TO AUTHORIZE THE ELLIS COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) TO APPLY AND ACCEPT GRANT FUNDS AS REIMBURSEMENTS FROM THE FY 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) BY FEBRUARY 26, 2021. ONCE APPROVED, GRANT FUNDS WILL BE ACCEPTED INTO A REVENUE LINE ITEM. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

To 3.1

**MINUTE ORDER 148.21** (3.1) APPROVING THE APPOINTMENT OF MICHAEL V. GREENLEE TO THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT BOARD FOR A 2-YEAR TERM. – *RANDY STINSON, ELLIS COUNTY COMMISSIONER, PRECINCT 1*

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 149.21** (3.2) APPROVING THE NECESSARY FUNDS FROM THE GENERAL FUND FOR THE REPLACEMENT OF ONE TILT SKILLET IN THE JAIL KITCHEN. THE SKILLET WAS PURCHASED IN 1990 AND IS INOPERABLE. THE SKILLET IS NECESSARY FOR THE PREPARATION OF INMATE FOOD ON A DAILY BASIS. THE COST OF THE SKILLET IS \$21,692.00. – *BRAD NORMAN, COUNTY SHERIFF*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

**MINUTE ORDER 150.21** (3.3) APPROVING TO SIGN THE TEEEX MEMORANDUM OF AGREEMENT. THIS RENEWABLE AGREEMENT ALLOWS THE ELLIS COUNTY SHERIFF'S OFFICE TO HOLD ITS DETENTION OFFICER'S PHYSICAL SKILLS COURSE THAT IS REQUIRED TO ATTAIN THEIR JAILER LICENSE THROUGH TCOLE. THE ORIGINAL MOA WAS SIGNED IN JANUARY OF 2011. – *BRAD NORMAN, COUNTY SHERIFF*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

TABLED (3.4) CONSIDERATION, DISCUSSION AND APPROVAL TO FILL THE VACANCY OF CONSTABLE PRECINCT 2 VIA APPOINTMENT, PURSUANT TO TEX. LOC. GOV'T CODE §87.041 (A)(10). – *TODD LITTLE, COUNTY JUDGE*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

**MINUTE ORDER 151.21** (3.5) APPROVING THE PURCHASE OF AUDITBOARD AUDITING SOFTWARE AND ALLOWING JUDGE LITTLE TO EXECUTE THE SALES AGREEMENT. FIRST YEAR COST: SOFTWARE \$18,700.00 IMPLEMENTATION AND TRAINING COST: \$8,075.00. TOTAL FIRST YEAR COST: \$26,775.00 YEAR TWO COST: \$18,700.00 YEAR THREE COST: \$18,700.00 – *JANET MARTIN, COUNTY AUDITOR*

LINE-ITEM ADJUSTMENT:

**INCREASE:** 001-0030-505880 COMPUTER SOFTWARE \$26,775.00

**DECREASE:** 001-0140-505580 CONTINGENCY RESERVE \$26,775.00

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

**MINUTE ORDER 152.21** (3.6) APPROVING THE RECOMMENDED RECIPIENTS AND RELATED GRANT AMOUNTS FROM THE ECONOMIC RELIEF GRANT COMMITTEE. GRANT AWARD CHECKS TO BE MAILED AROUND FEBRUARY 24, 2021, PENDING THE REDISTRIBUTION OF FUNDS IF THE BUSINESS OWES TAXES TO THE COUNTY OR THE STATE. – *JANET MARTIN, COUNTY AUDITOR*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 153.21** (3.7) APPROVING TO DECLARE 300 POLL STAR "PIZZA BOX" VOTING BOOTHS AS SURPLUS FOR THE ELECTIONS DEPARTMENT AND TO BE DISPOSED IN ACCORDANCE WITH LOCAL GOVERNMENT CODE CHAPTER 263. – *E.J. HARBIN, PURCHASING AGENT*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 154.21** (3.8) APPROVING TO DONATE (LGC 263.152 (A)(1) ) SURPLUS POLL STAR “PIZZA BOX” VOTING BOOTHS AS FOLLOWS: 150 TO RED RIVER COUNTY; 100 TO JOHNSON COUNTY; 50 TO STARR COUNTY. – *E.J. HARBIN, PURCHASING AGENT*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

To 3.12

**MINUTE ORDER 155.21** (3.12) APPROVING TO SIGN A RESOLUTION IN SUPPORT OF BRIEF OF AMICI CURIAE IN JAMES FREDRICK MILES V. TEXAS CENTRAL RAILROAD & INTEGRATED TEXAS LOGISTICS, INC. – *TODD LITTLE, COUNTY JUDGE*

PUBLIC PARTICIPANTS: RONNIE CALDWELL - PALMER

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**ADJOURN TO EXECUTIVE SESSION 3:05 P.M.**

MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**EXECUTIVE SESSION**

THE COMMISSIONERS COURT OF ELLIS COUNTY RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED IN THIS AGENDA, IN THE ORDER DEEMED APPROPRIATE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551, OR TO SEEK THE ADVICE OF ITS ATTORNEY AND/OR OTHER ATTORNEYS REPRESENTING ELLIS COUNTY ON ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE COMMISSIONERS COURT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEXAS GOVERNMENT CODE CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551.

- 4.1 PURSUANT TO §551.076 OF THE GOVERNMENT CODE, DELIBERATION REGARDING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.
- 4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, DELIBERATION OF THE APPOINTMENT AND EMPLOYMENT OF A PUBLIC OFFICER, SPECIFICALLY CONSTABLE PRECINCT 2.
- 4.3 PURSUANT TO §551.072 OF THE GOVERNMENT CODE, TO DISCUSS THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

- 4.4 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING A PENDING LITIGATION MATTER CONCERNING A TCDRS CONTRIBUTION.

**RECONVENE TO REGULAR SESSION 4:00 P.M.**

MOTION TO RECONVENE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**To 3.10**

**MINUTE ORDER 156.21** (3.10) APPROVING TO ENTER INTO AN ENGAGEMENT AGREEMENT WITH WRAY, WILLETT & STOFFER TO PROVIDE LEGAL SERVICES TO FINALIZE ACQUISITION OF PROPERTY LOCATED AT 301 N. ROGERS STREET, WAXAHACHIE, TEXAS 75165.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**ADJOURN TO EXECUTIVE SESSION 4:03 P.M.**

MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

**RECONVENE TO REGULAR SESSION 4:10 P.M.**

MOTION TO RECONVENE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**MINUTE ORDER 157.21** (3.11) APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE PROPERTY LOCATED AT 301 N. ROGERS STREET, WAXAHACHIE, TEXAS 75165 IN THE AMOUNT OF \$1,250,000.00.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

**To 3.13**

**MINUTE ORDER 158.21** (3.13) APPROVING TO PAY A BENEFITS CONTRIBUTION IN THE AMOUNT OF \$13,800.89 TO TCDRS FOR A PREVIOUS EMPLOYEE. – *THERESA TAYLOR, HUMAN RESOURCES*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**ADJOURNMENT      4:11 P.M.**

MOTION TO ADJOURN BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF FEBRUARY 9, 2021  
ARE HEREBY APPROVED.

PRESIDING OFFICER:

\_\_\_\_\_  
TODD LITTLE, COUNTY JUDGE

\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

\_\_\_\_\_  
LANE GRAYSON, COMMISSIONER, PCT 2

\_\_\_\_\_  
PAUL PERRY, COMMISSIONER, PCT 3

\_\_\_\_\_  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 23<sup>RD</sup> DAY OF FEBRUARY 2021.

\_\_\_\_\_  
KRYSTAL VALDEZ, COUNTY CLERK



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Roy Callender  
Ellis County Constable Pct #1

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Constable Pct #1 Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for the deposit made on December 4<sup>th</sup> and 28<sup>th</sup>:

- Treasurer's receipt amounts balanced with the total of listed receipts.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Deposits were made to the Treasurer's Office in a timely manner.

We conclude that receipts collected by the Ellis County Constable Pct #1 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Mike Jones  
Ellis County Constable Pct #4

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Constable Pct #4 Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for the deposit made on December 4<sup>th</sup>:

- Treasurer's receipt amount balanced with the total of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Constable Pct #4's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Krystal Valdez  
Ellis County Clerk

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of County Clerk Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the daily receipt reports to review the receipts for these dates. The following items were noted for deposits made on December 4<sup>th</sup>, 17<sup>th</sup> and 21<sup>st</sup>:

- Treasurer's receipt amounts balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- One voided receipt was noted for a deposit made on the 17<sup>th</sup> that was reissued the same day.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Clerk's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Melanie Reed  
Ellis County District Clerk

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of District Clerk's Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office and daily Auditor reports to review the receipts for these dates. The following items were noted for deposits made on December 21<sup>st</sup> and 28<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- Two voided receipts were noted for the deposit made on the 21<sup>st</sup>, both were reissued the same day.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County District Clerk's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>Vonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Alberto Mares  
Department of Development

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Department of Development Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for deposits made on December 17<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for this deposit.
- Two voided receipts were noted for this deposit that were reissued the same day.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Department of Development are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Tim Birdwell  
Ellis County Fire Marshal

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Fire Marshal's Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for the deposits made on December 17<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Fire Marshal's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Jackie Miller Jr.  
Justice of the Peace Pct #2

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Justice of the Peace Pct #2 Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the Auditor's report to review the receipts for these dates. The following items were noted for deposit made on December 4<sup>th</sup>, 17<sup>th</sup> and 21<sup>st</sup>:

- Treasurer's receipt amounts balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Deposits are made in a timely manner to the Treasurer's office.

We conclude that receipts collected by the Justice of the Pct #2 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Steve Egan  
Justice of the Peace Pct #4

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Justice of the Peace Pct #4 Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the Auditor's reports to review the Receipts for these dates. The following items were noted for deposits made on December 17<sup>th</sup> and 28<sup>th</sup>:

- Treasurer's receipt amounts balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Deposits are made in a timely manner to the Treasurer's office.

We conclude that receipts collected by the Justice of the Pct #4 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Safaa Cloud  
Law Library

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Law Library Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for deposit made on December 17<sup>th</sup>:

- Treasurer's receipt amount balanced with the total of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Law Library are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Brad Norman  
Ellis County Sheriff

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Bail Bond Receipts

During the month of December, our office has done a random audit of the bail bond cash receipt deposits that under the previous administration have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the report sent to the Auditor's office to review the receipts for these dates. The following items were noted for deposits made on December 4<sup>th</sup>:

- Treasurer's receipt amount balanced with the total of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Sheriff's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Cheryl Chambers  
Ellis County Treasurer

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Treasurer's Office Audit

During the month of December, our office has done a random audit of your office's cash receipt deposits that have been made with your office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from your office to review the deposits for these dates. The following items were noted for deposits made for cash receipts on the dates listed previous:

- Bank deposits match the receipt totals on Treasurer's cash receipt report.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Cash deposit for the 4<sup>th</sup> posted 6 days from date of receipt. This was due to an issue with Brinks changing the provider location from Grapevine to Irving. All other cash deposits were posted up to 2 days from receipt.
- Check deposits were posted same day.
- EFT receipts were made 1 to 10 days after received in bank.

We conclude that deposits for monies received by the Treasurer's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Mike Jones  
Ellis County Constable Pct #4

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Constable Pct #4 Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for the deposit made on January 5<sup>th</sup>:

- Treasurer's receipt amount balanced with the total of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Constable Pct #4's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Krystal Valdez  
Ellis County Clerk

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of County Clerk Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the daily receipt reports to review the receipts for these dates. The following items were noted for deposits made on the dates previously listed:

- On the 19<sup>th</sup> deposit, the Treasurer's receipt amount was more than the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- Thirteen voided receipts were noted for the deposits listed with all of them being reissued on the same day or the next day.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County Clerk's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Meorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: January 26, 2021

To: Ann Montgomery  
Ellis County District Attorney

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of District Attorney's Office Discovery Receipts

During the month of December, our office has done a random audit of your office's cash receipt deposits that under the previous administration have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are December 4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for the deposit made on December 17<sup>th</sup>:

- Treasurer's receipt amount balanced with the total of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County District Attorney's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Melanie Reed  
Ellis County District Clerk

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of District Clerk's Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and daily Auditor reports to review the receipts for these dates. The following items were noted for deposits made on January 19<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- One voided receipt was noted and was reissued the same day.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Ellis County District Clerk's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Alberto Mares  
Department of Development

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Department of Development Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for deposits made on January 15<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Department of Development are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Jana Onyon  
Ellis County Election Administrator

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Election Department Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for deposit made on January 15<sup>th</sup>:

- Treasurer's receipt amount balanced with the total amount of listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Election Department are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Chris Macon  
Justice of the Peace Pct #1

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Justice of the Peace Pct #1 Audit

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and Auditor's reports to review the receipts for these dates. The following items were noted for deposits made on January 5<sup>th</sup> and 19<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- One voided receipt was noted for the 5<sup>th</sup> deposit. Receipt was reissued the same day.
- Deposits were made in a timely manner with the Treasurer's office.

We conclude that receipts collected by the Justice of the Peace Pct #1 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Jackie Miller Jr.  
Justice of the Peace Pct #2

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Justice of the Peace Pct #2 Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the Auditor's report to review the receipts for these dates. The following items were noted for deposits made on January 5<sup>th</sup> and 19<sup>th</sup>:

- Treasurer's receipt amounts balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Deposits are made in a timely manner to the Treasurer's office.

We conclude that receipts collected by the Justice of the Pct #2 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Dan Cox  
Justice of the Peace Pct #3

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Justice of the Peace Pct #3 Receipts

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the Auditor's reports to review the receipts for these dates. The following items were noted for deposit made on January 5<sup>th</sup>:

- Treasurer's receipt amount balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for this deposit.
- No voided receipts were noted for this deposit.
- Deposit was made to the Treasurer's office 6 days from the earliest receipt.

We recommend deposits be made no later than the 5<sup>th</sup> business day after the money is received as required by Local Government Code 113.022.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Brad Norman  
Ellis County Sheriff

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Bail Bond Receipts

During the month of January, our office has done a random audit of the bail bond cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup>, 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the report sent to the Auditor's office to review the receipts for these dates. The following items were noted for deposits made on January 5<sup>th</sup>, 15<sup>th</sup> and 29<sup>th</sup>:

- Treasurer's receipt amounts balanced with the total of listed receipts.
- No missing receipts were noted for these deposits.
- Four voided receipts were noted for these deposits, two were reissued the same day and were not reissued due to one being a duplicate receipt and the other no charge to be made.
- Deposit for the 5<sup>th</sup> was made to the Treasurer's office 6 days from the earliest receipt.

We recommend deposits be made no later than the 5<sup>th</sup> business day after the money is received as required by Local Government Code 113.022.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Brad Norman  
Ellis County Sheriff

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Sheriff's Office Revenue Receipts

During the month of January, our office has done a random audit of the cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office to review the receipts for these dates. The following items were noted for deposits made on January 5<sup>th</sup> and 29<sup>th</sup>:

- Treasurer's receipt amounts balanced with the total of listed receipts.
- No missing receipts were noted for these deposits.
- One voided receipt was noted for the deposit on the 5<sup>th</sup>, that was not reissued.
- Deposit for the 29<sup>th</sup> was made 7 days from the earliest receipt date.

We recommend deposits be made no later than the 5<sup>th</sup> business day after the money is received as required by Local Government Code 113.022.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Cheryl Chambers  
Ellis County Treasurer

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Treasurer's Office Audit

During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with your office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from your office to review the deposits for these dates. The following items were noted for deposits made for cash receipts on the dates listed previous:

- Bank deposits match the receipt totals on Treasurer's cash receipt report.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Cash deposits were posted up to 2 days from receipt.
- Check deposits were posted same day.
- EFT receipts were made 1 to 5 days after received in bank.

We conclude that deposits for monies receipted by the Treasurer's Office are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



# Ellis County Auditor's Office

<b><u>Janet S Martin, CPA, CFE</u></b> County Auditor	<b><u>K.W. Winkles</u></b> First Assistant Auditor	<b><u>Staci Parr</u></b> Assistant Auditor - Financial
<b><u>DeVonda Spurlock, CFE</u></b> Assistant Auditor– Internal Audit	<b><u>Beth Allen</u></b> Assistant Auditor– Internal Audit	<b><u>Amber West</u></b> Assistant Auditor – Internal Audit
<b><u>Kim Brown</u></b> Assistant Auditor– Transactional Audit	<b><u>Michelle Mejorado</u></b> Assistant Auditor– Transactional Audit	<b><u>Renee Mitchell</u></b> Assistant Auditor– Transactional Audit

Date: February 8, 2021

To: Steve Egan  
Justice of the Peace Pct #4

From: DeVonda Spurlock  
Assistant Auditor – Cash Audits

Re: Audit of Justice of the Peace Pct #4 Receipts

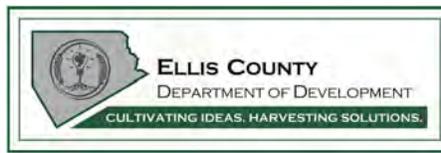
During the month of January, our office has done a random audit of your office's cash receipt deposits that have been made with the Treasurer's office in accordance with Local Government Code 115.002. The dates that have been audited are January 5<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup>. We have used the scanned documents from the Treasurer's office and the Auditor's reports to review the Receipts for these dates. The following items were noted for deposits made on dates previously listed:

- Treasurer's receipt amounts balanced with the amount of cash and check payments from listed receipts.
- No missing receipts were noted for these deposits.
- No voided receipts were noted for these deposits.
- Deposits are made in a timely manner to the Treasurer's office.

We conclude that receipts collected by the Justice of the Pct #4 are being handled properly according to the Texas Local Government Code.

If you have any questions regarding this audit, please contact our office.

DeVonda Spurlock  
Assistant Auditor – Cash Audits



**Department of Development Agenda Items  
Ellis County Commissioners' Court -  
Tuesday, February 23, 2021 @ 2:00 PM**

*(Due to the adverse weather conditions affecting the region and the County office closings related to it, the staff reports for the items below were not available at time of the agenda deadline. However, all DoD staff reports for this Commissioners' Court will be posted via the link below by no later than the end of business on Friday).*

<https://co.ellis.tx.us/DocumentCenter/View/13801/02-23-21>

**AGENDA**

**CONSENT ITEM**

**Approve the Department of Development's (DoD) monthly financial report for January 2021, as required by Chapter 114.044 of the Texas Local Government Code.**

**Agenda Item No. 1.1**

**Consideration and action for a plat of Anglen Acres.** The property contains  $\pm$  10.048 acres of land in the M. Myers Survey, Abstract No. 714, J.C. Armstrong Survey, Abstract No. 6, and the J. Fifier Survey, Abstract No. 351 located on the southside of FM 1446  $\pm$  4,200 feet west of IH-35E, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 3.

**Agenda Item No. 1.2**

**Consideration and action for a plat of Country Meadows Estates, Phase 3.** This property contains  $\pm$  45.068 acres of land in the George W. Younger Survey, Abstract No. 1195, located  $\pm$  1,300 feet northside of Youngblood Road of the intersection of Gibson Road and Cactus Road, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road & Bridge Precinct No. 1.

**Agenda Item No. 1.3**

**Consideration and action for a plat of Garcia Addition.** The property contains  $\pm$  6.221 acres of land in the BBB & CRR Survey, Abstract No. 175 located on the west side of Westmoreland Road,  $\pm$  2,700 feet west of FM 878, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.

**Agenda Item No. 1.4**

**Consideration and action for a plat of Garcia Estates.** The property contains  $\pm$  5.00 acres of land in the G.W. Younger Survey, Abstract No. 1195 and the B. Barton Survey, Abstract No. 137 located on the southside of Gibson Road  $\pm$  200 feet east of Country Meadows Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.

**Agenda Item No. 1.5**

**Consideration and action for a plat of Loya Estates.** The property contains  $\pm$  2.724 acres of land in the E.C. School Land Survey, Abstract No. 328 located on the west side Pecan Tree Road  $\pm$  2,200 feet north of FM 55, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 3.



**Agenda Item No. 1.6**

**Consideration and action for a plat of Macias Estates.** The property contains ± 7.00 acres of land in the G.W. Younger Survey, Abstract No. 1195 and the B. Barton Survey, Abstract No. 137 located at the southern intersection of Gibson Road and Country Meadows Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.

**Agenda Item No. 1.7**

**Consideration and action for a plat of Martinkus Addition.** The property contains ± 1.00 acres of land in the T.R. Follett Survey, Abstract No. 373 located on the northside of FM 813 ± 100 feet west of Scenic Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.

**PUBLIC HEARING**

**Conduct a public hearing to amend the County’s development regulations,** the Ellis County Quality Growth Initiatives – Volume I (Subdivision & Development Standards), Volume II (Drainage Design Manual), and Volume III (Standard Construction Details), which were last revised by Minute Order No. 378.19. These proposed amendments will primarily address the following: (1) updates to process efficiency, clarification, cross-referencing, and comply with updates to state law and Attorney General opinions, (2) create and amend drainage requirements for storm sewer and roadside water conveyance systems, (3) create a new section for developments within special purpose districts, including lot frontage, set-back, and thoroughfare-plan requirements, (4) amend and update pavement standards, and (5) other changes in related articles, sections, and paragraphs; providing a conflicts clause; providing a severability clause, and an effective date.

**Agenda Item No. 1.8**

**Consideration and action to amend the County’s development regulations,** the Ellis County Quality Growth Initiatives – Volume I (Subdivision & Development Standards), Volume II (Drainage Design Manual), and Volume III (Standard Construction Details), which were last revised by Minute Order No. 378.19. These proposed amendments will primarily address the following: (1) updates to process efficiency, clarification, cross-referencing, and comply with updates to state law and Attorney General opinions, (2) create and amend drainage requirements for storm sewer and roadside water conveyance systems, (3) create a new section for developments within special purpose districts, including lot frontage, set-back, and thoroughfare-plan requirements, (4) amend and update pavement standards, and (5) other changes in related articles, sections, and paragraphs; providing a conflicts clause; providing a severability clause, and an effective date.



**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**CONSENT AGENDA ITEM**

**PREPARED BY:** Alberto Mares, AICP, DR, CPM – Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Replat
- Bond Acceptance/Release  Variance Request
- Final Plat  **Other: MONTHLY FINANCIAL REPORT**

**CAPTION:**

**Approve the Department of Development's (DoD) monthly financial report for January 2021, as required by Chapter 114.044 of the Texas Local Government Code.**

**BACKGROUND INFORMATION:**

The County Auditor requested all departments that receive monies to submit a monthly financial report for approval to the Commissioners' Court as a requirement per Texas Local Government Code, Chapter 114.044. This report satisfies this requirement. Below is an estimated summary of revenues & expenditures for January 2021.

**REVENUES**

001-0000-202500	TCEQ Line Item	\$ 740.00
001-0060-400580	PWA (Permits)	\$ 25,050.00
001-0060-400720	Plat (Subdivisions)	\$ 1,770.00
001-0060-400940	Septic Tank Fees	\$ 35,460.00
001-0375-406080	Engineering Plan Review	\$ 0.00
001-0060-406080	Misc. Fees	\$ 25.00
001-0921-406260	Recording Fees	\$ 1,407.00
<b>TOTAL REVENUES</b>		<b>\$ 64,452.00</b>

**EXPENDITURES**

001-0060-506010	Travel Reimbursement	\$ 0.00
001-0060-507030	Telephone	\$ 286.80
001-0060-508010	Supplies	\$ 411.01
001-0060-508020	Equipment	\$ 186.21
001-0060-508050	Conference	\$ 298.00
001-0060-508060	Dues	\$ 1,099.20
001-0060-508080	Auto Gas	\$ 470.44
001-0060-508090	Auto Repairs	\$ 0.00
001-0060-508100	Auto Tires	\$ 130.23
001-0060-508190	Computer	\$ 59.95
001-0060-508210	Uniform	\$ 0.00
001-0060-508730	Office Equip/Maint/Repair	\$ 201.99
<b>TOTAL EXPENDITURES</b>		<b>\$ 3,143.83</b>



**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.1**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Anglen Acres.** The property contains ± 10.048 acres of land in the M. Myers Survey, Abstract No. 714, J.C Armstrong Survey, Abstract No. 6, and the J. Fifier Survey, Abstract No. 351 located on the southside of FM 1446 ± 4,200 feet west of IH-35E, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 3.  
(Parcel ID: 179026)

**EXECUTIVE SUMMARY:**

The applicant requests to create a two-lot subdivision along FM 1446 Road, to officially dividing the property into a residential and non-residential uses into their own respective lots.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Aaron & Barbara Anglen

**WATER PROVIDER:** Buena Vista Bethel **WATER LINE SIZE:** 6 inches

**THOROUGHFARE PLAN:** FM 1446 (Major Arterial – 120 feet)

**DEDICATION REQUIRED:** 60 feet from the centerline of FM 1446; 20 feet right of way dedication for FM 1446 by this plat.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** February 9, 2021

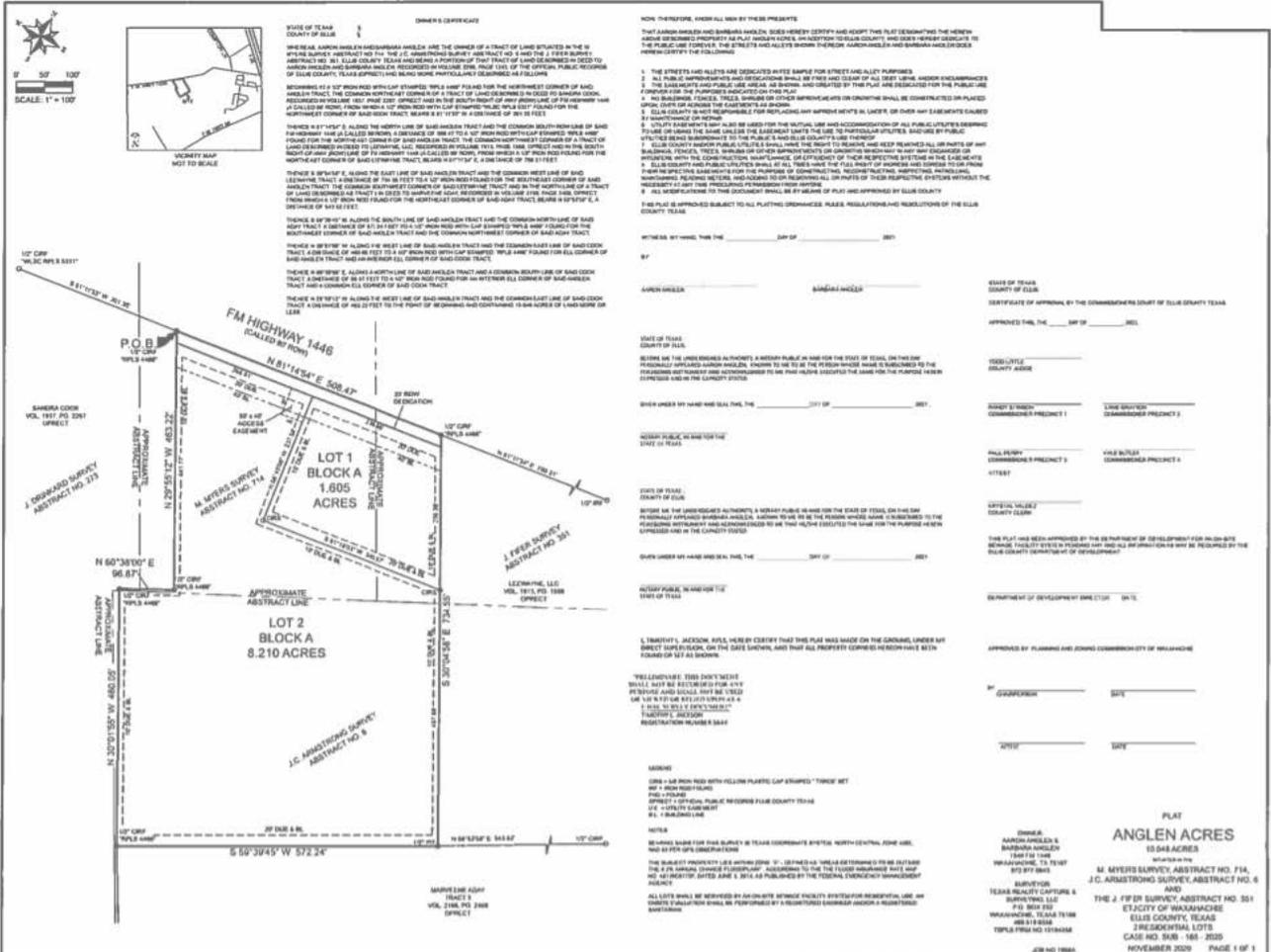
The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

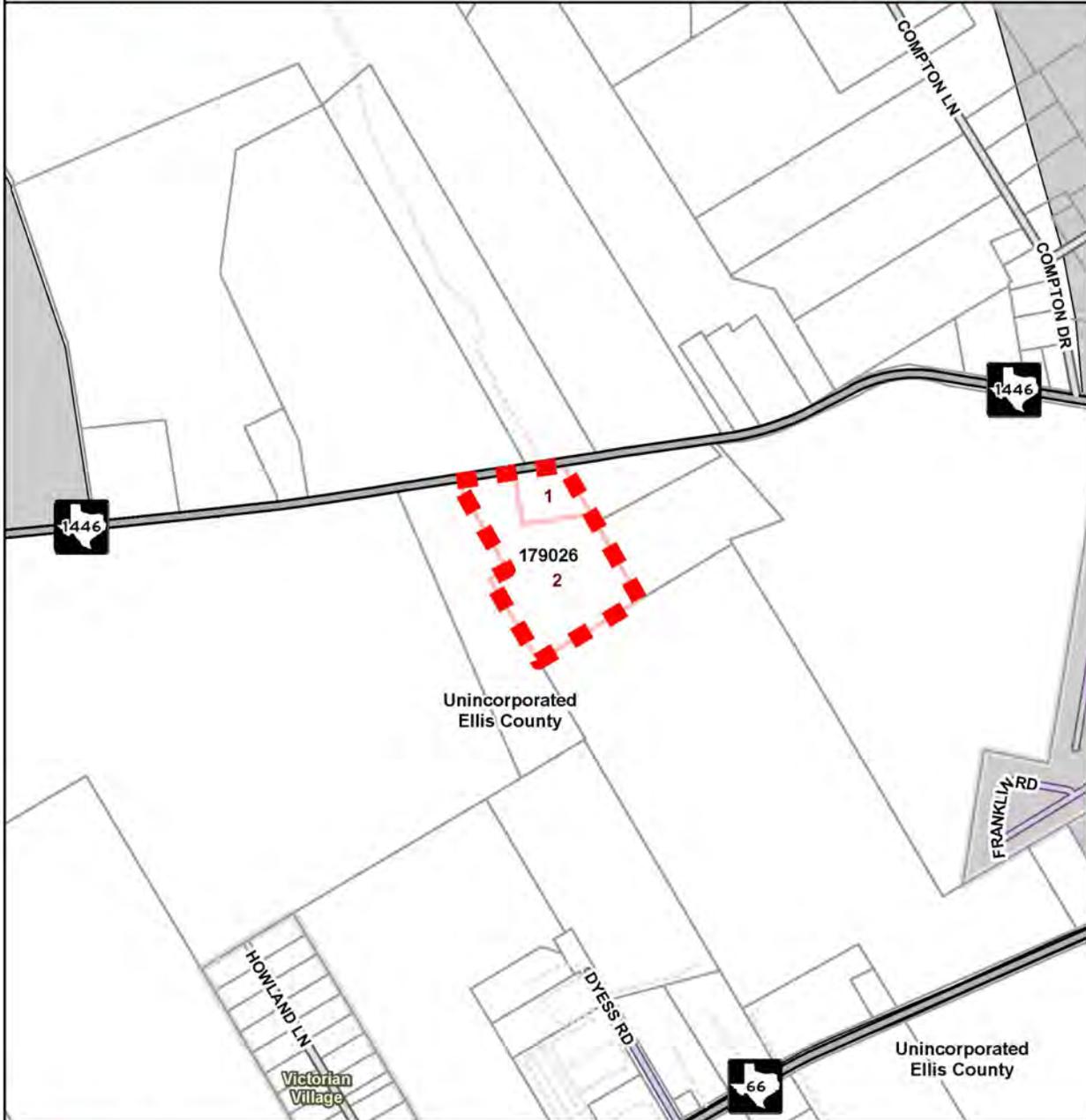
- 1) Plat
- 2) Location Map



**ATTACHMENT NO. 2**

Name: **Anglen Acres (2 lots)**  
Case Number:  
Parcel ID: **179026**

Department of Development  
Case Location Map  
Date Printed: **2/3/2021**



0 250 500  
Feet

Parcels



Neighborhoods



County Line



City Limits



Road Centerlines

- Major Arterial
- Minor Arterial
- Private Road
- Driveway

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Ellis County has produced this product for reference purposes only and offers no warranties for the product's accuracy or completeness.  
Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet, Projection: Lambert Conformal Conic, Datum: North American 1983, Units: Foot US





**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.2**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Country Meadows Estates, Phase 3.** This property contains ± 45.068 acres of land in the George W. Younger Survey, Abstract No. 1195, located ± 1,300 feet northside of Youngblood Road of the intersection of Gibson Road and Cactus Road, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road & Bridge Precinct No. 1.  
(Parcel ID: 192620)

**EXECUTIVE SUMMARY:**

The applicant requests to create a 36-lot subdivision for the third phase of this residential subdivision along Gibson Road.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Robert Hill, P&R Builders, LLC

**WATER PROVIDER:** Rockett SUD **WATER LINE SIZE:** 6 AND 12 inches

**THOROUGHFARE PLAN:** Gibson (Major Collector – 80 feet)

**DEDICATION REQUIRED:** 40 feet from the centerline of Gibson Road; not shown.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** 02/09/2021

**PROPERTY HISTORY:** The Court approved a maintenance bond for \$418,918.60 on 02/09/2021.

Upon meeting the below condition, the plat will meet all requirements outlined in the Ellis County Subdivision and Development Standards.

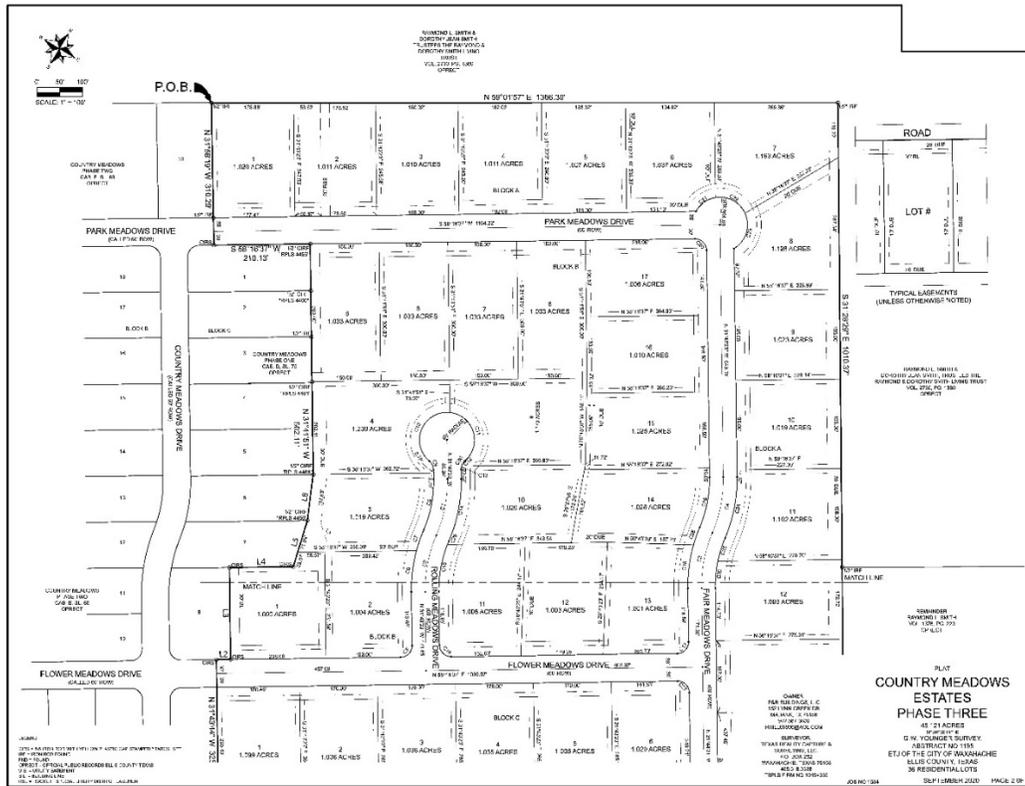
**RECOMMENDATION:**

- Approve, as presented  Continue/Table this request
- APPROVE WITH CONDITIONS**  Deny this request

1. Show necessary right-of-way dedication for Gibson Road along this plat phase.

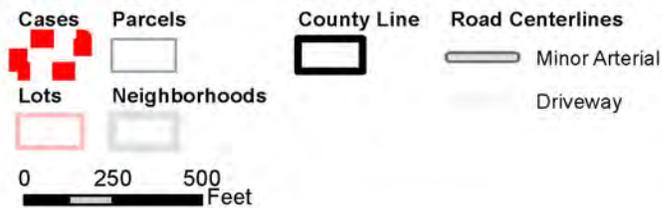
**ATTACHMENTS:**

- 1) Plat
- 2) Location Map



Name: **Country Meadows Estates Phase 3 (32 lots)**  
Case Number:  
Parcel ID: **192620**

Department of Development  
Case Location Map  
Date Printed: **2/3/2021**



**Disclaimer:** This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Ellis County has produced this product for reference purposes only and offers no warranties for the product's accuracy or completeness.  
**Coordinate System:** NAD 1983 StatePlane Texas North Central FIPS 4202 Feet, Projection: Lambert Conformal Conic, Datum: North American 1983, Units: Foot US





**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.3**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Garcia Addition.** The property contains ± 6.221 acres of land in the BBB & CRR Survey, Abstract No. 175 located on the west side of Westmoreland Road, ± 2,700 feet west of FM 878, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.  
(Parcel ID: 275526)

**EXECUTIVE SUMMARY:**

The applicant requests to create a one-lot subdivision along Youngblood Road, for a proposed single-family use.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Eduardo Garcia

**WATER PROVIDER:** Rockett SUD **WATER LINE SIZE:** 6 inches

**THOROUGHFARE PLAN:** Youngblood Road (Major Collector – 80 feet)

**DEDICATION REQUIRED:** 40 feet from the centerline of Youngblood Road; 45 feet shown on plat.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** January 26, 2021

The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

- 1) Plat
- 2) Location Map







**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.4**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Garcia Estates.** The property contains ± 5.00 acres of land in the G.W. Younger Survey, Abstract No. 1195 and the B. Barton Survey, Abstract No. 137 located on the southside of Gibson Road ± 200 feet east of Country Meadows Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.  
(Parcel ID: 192608)

**EXECUTIVE SUMMARY:**

The applicant requests to create a one-lot subdivision along Gibson Road, adjacent to Country Meadows, Phase 3 and Macias Estates, for a proposed single-family use.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Julio Garcia Menchaca

**WATER PROVIDER:** Rockett SUD **WATER LINE SIZE:** 6 inches

**THOROUGHFARE PLAN:** Gibson Road (Major Collector – 80 feet)

**DEDICATION REQUIRED:** 40 feet from the centerline of Gibson Road; 40 feet shown on plat.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** January 26, 2021

The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

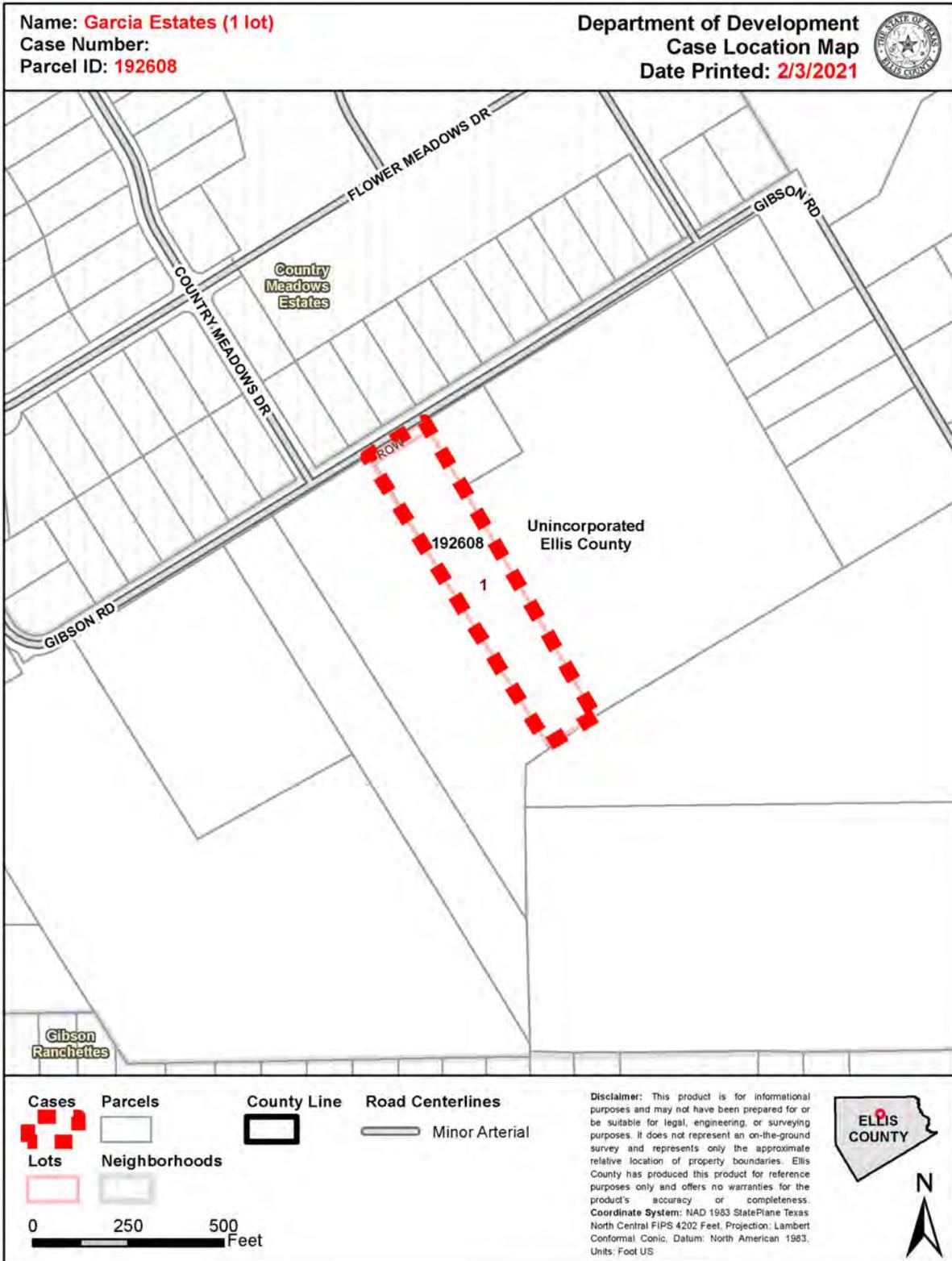
- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

- 1) Plat
- 2) Location Map



**ATTACHMENT NO. 2**





**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.5**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Loya Estates.** The property contains ± 2.724 acres of land in the E.C. School Land Survey, Abstract No. 328 located on the west side Pecan Tree Road ± 2,200 feet north of FM 55, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 3.  
(Parcel ID: 283244)

**EXECUTIVE SUMMARY:**

The applicant requests create a two-lot subdivision along Pecan Tree Road for a proposed single-family use.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Heidy & Jorge Loya

**WATER PROVIDER:** Nash Forreton **WATER LINE SIZE:** 4 Inches

**THOROUGHFARE PLAN:** N/A

**DEDICATION REQUIRED:** N/A

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** January 12, 2021, pending receipt of water letter from Nash Forreton.

The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

- 1) Plat
- 2) Location Map







**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.6**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Macias Estates.** The property contains ± 7.00 acres of land in the G.W. Younger Survey, Abstract No. 1195 and the B. Barton Survey, Abstract No. 137 located at the southern intersection of Gibson Road and Country Meadows Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1.  
(Parcel ID: 192608)

**EXECUTIVE SUMMARY:**

The applicant requests to create a two-lot subdivision along Gibson Road for a proposed single-family use.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Richard Macias

**WATER PROVIDER:** Rockett SUD **WATER LINE SIZE:** 6 inches

**THOROUGHFARE PLAN:** Gibson Road (Major Collector – 80 feet)

**DEDICATION REQUIRED:** 40 feet required along centerline of Gibson Road; 40 feet shown on plat.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** February 9, 2021

The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

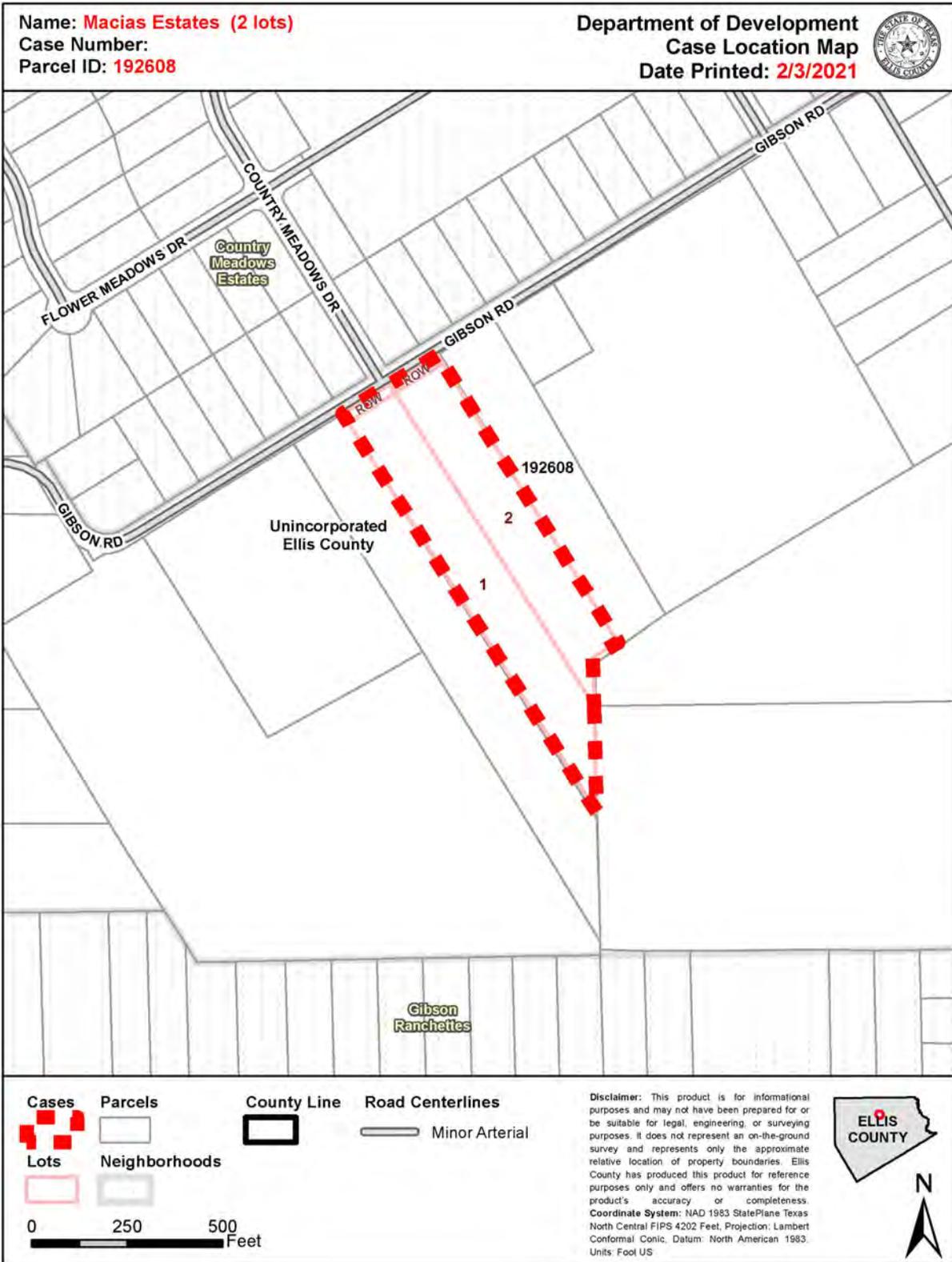
- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

- 1) Plat
- 2) Location Map



**ATTACHMENT NO. 2**





**ELLIS COUNTY**

Department of Development

Commissioners' Court Meeting: February 23, 2021

**AGENDA ITEM NO. 1.7**

**Prepared by:** Sara Garcia, Development Review Manager

**Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

**TYPE OF CASE:**

- Amendments: \_\_\_\_\_  Bond Acceptance/Release  **FINAL PLAT**
- Other: \_\_\_\_\_  Replat  Variance Request

**CAPTION:**

**Consideration and action for a plat of Martinkus Addition.** The property contains ± 1.00 acres of land in the T.R. Follett Survey, Abstract No. 373 located on the northside of FM 813 ± 100 feet west of Scenic Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 1. (Parcel ID: 183567)

**EXECUTIVE SUMMARY:**

The applicants request to create a one-lot subdivision along FM 813 for a proposed single-family use.

**BACKGROUND INFORMATION & STAFF COMMENTS:**

**APPLICANT:** Anthony & Lisa Martinkus

**WATER PROVIDER:** Rockett SUD **WATER LINE SIZE:** 6 inches

**THOROUGHFARE PLAN:** FM 813 (Major Arterial – 120 feet)

**DEDICATION REQUIRED:** 15 feet along FM 813. Existing 80' ROW.

**DEDICATION SHOWN:**  YES  NO  N/A

**CITY APPROVAL DATE:** January 26, 2021

The plat meets all requirements outlined in the Ellis County Subdivision and Development Standards.

**RECOMMENDATION:**

- APPROVE, AS PRESENTED**  Continue/Table this request
- Approve with conditions  Deny this request

**ATTACHMENTS:**

- 1) Plat
- 2) Location Map



**FLOOD STATEMENT:**

THE SUBJECT TRACT IS WITHIN ZONE X (1-4 FLOOD) DEFINED AS "AREAS DETERMINED TO BE OUTSIDE PROTECTED FLOOD PLAINS AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 481802000, DATED JUNE 3, 2015 FOR ELLIS COUNTY, TEXAS AND UNINCORPORATED AREAS.

**NOTES:**

1. BASES OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM AND IS NORTH CENTRAL ZONE AND AS DERIVED FROM GPS OBSERVATIONS. ALL COORDINATES ARE USED COORDINATES. ALL DISTANCES AND AREAS ARE SURFACE MEASUREMENTS.
2. ALL LOT CORNERS ARE MAINTAINED WITH A SANCH IRON ROD WITH A YELLOW CAP STAMPED "MARS INC." UNLESS OTHERWISE NOTED.
3. ALL LOTS SHALL BE SERVED BY AN ONSITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ONSITE SOIL EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AVOCR REGISTERED SURVEYOR.

**STATE OF TEXAS**  
**COUNTY OF ELLIS**

WE, LISA MARTINKUS AND ANTHONY C. MARTINKUS ARE THE OWNERS OF A TRACT OF LAND LOCATED IN THE T-4 POLLEY SURVEY, ABSTRACT NO. 870, ELLIS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED AS BEING TO LISA MARTINKUS, RECORDED IN INSTRUMENT '80 28215, OFFICIAL PUBLIC RECORDER, ELLIS COUNTY, TEXAS (O.P.R.C.T.) AND BEING MORE PARTICULARLY SPECIFIED BY AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE NORTHWEST CORNER OF SAID ADJACENT LINE OF FARM-TO-MARKET ROAD 815 WEST AN 8-FOOT RIGHT-OF-WAY; AT THE SOUTH CORNER OF SAID MARTINKUS TRACT AND THE SOUTHWEST CORNER OF DONNA PLACE, AN ADDITION TO ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET C 318E 407, PLAT RECORDS, ELLIS COUNTY, TEXAS;

THENCE NORTH 47°25'42" WEST, LEAVING SAID NORTHWEST RIGHT-OF-WAY LINE AND ALONG THE EASTERN LINE OF SAID MARTINKUS TRACT AND SAID ADJACENT A DISTANCE OF 27.23 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID ADJACENT;

THENCE SOUTH 81°20'00" WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 78.80 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "MARS INC." HEREAFTER REFERRED TO AS THE MOST NORTHERLY SOUTHWEST CORNER OF SAID MARTINKUS TRACT AND THE MOST SOUTHERN SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO JEFF PRONELL, RECORDED IN INSTRUMENT NO. 11 0195, O.P.R.C.T.;

THENCE NORTH 81°20'00" WEST, ALONG THE COMMON LINE OF SAID MARTINKUS TRACT AND SAID TRACT 1, THE FOLLOWING THREE (3) DISTANCES AND DISTANCES:

NORTH 23°22' WEST, A DISTANCE OF 63.84 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "MARS INC." FOUND AT THE NORTHWEST CORNER OF SAID MARTINKUS TRACT;

THENCE NORTH 81°20'00" EAST, A DISTANCE OF 14.16 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "MARS INC." FOUND AT THE NORTH CORNER OF SAID MARTINKUS TRACT;

THENCE NORTH 81°20'00" EAST, A DISTANCE OF 3.86 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "MARS INC." FOUND AT THE NORTH CORNER OF SAID MARTINKUS TRACT;

THENCE SOUTH 72°30'11" EAST, LEAVING SAID COMMON LINE OF THE MARTINKUS TRACT AND SAID TRACT 1, A DISTANCE OF 308.16 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "MARS INC." FOUND AT THE NORTHWEST CORNER OF SAID MARTINKUS TRACT AND THE MOST SOUTHERN SOUTHWEST CORNER OF SAID MARTINKUS TRACT;

THENCE SOUTH 81°20'00" WEST, A DISTANCE OF 102.54 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "MARS INC." FOUND AT THE NORTHWEST CORNER OF SAID MARTINKUS TRACT AND THE MOST SOUTHERN SOUTHWEST CORNER OF SAID MARTINKUS TRACT.

**OWNER'S CERTIFICATE AND DEDICATION**

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT LISA MARTINKUS AND ANTHONY C. MARTINKUS, DO HEREBY ADOPT THE PLAT OBLIGATING THE HEREIN ABOVE DESCRIBED PROPERTY AS MARTINKUS ADDITION, AND DO HEREBY DEDICATE AN ADDITION TO ELLIS COUNTY AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON AND FURTHER CERTIFY THE FOLLOWING:

1. THE STREETS AND ALLEYS ARE DEDICATED IN THE SIMPLE FOR STREET AND ALLEY PURPOSES.
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE PAID AND CLEARED BY ALL DEED, 1/8 INCH AND OVER 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 BUILDING, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN.
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN UNDER, OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR FENCES.
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR SERVE THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND ELLIS COUNTY USE HEREOF.
7. IF ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND REPAIR PERMITS ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY MANNER ENHANCE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS, FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATCHING, MAINTAINING, REPAIRING, METERS, AND ACCESS TO OR FROM ANY ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY.

THIS PLAT IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF ELLIS COUNTY.

WITNESSED MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT, FOR ONSITE SEWAGE FACILITIES, FENCING AND ALL INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OF DEVELOPMENT.

DEPARTMENT OF DEVELOPMENT DATE \_\_\_\_\_

STATE OF TEXAS COUNTY OF ELLIS CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY, TEXAS APPROVED THIS DATE, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ROAD LITTLE COUNTY JUDGE \_\_\_\_\_

COMMISSIONER TRACY STRONG PRECINCT NO. 1 COMMISSIONER CARE STRATTON PRECINCT NO. 2

COMMISSIONER PAUL PERRY PRECINCT NO. 3 COMMISSIONER RYLE BUTLER PRECINCT NO. 4

ATTEST: REYVAL VALDEZ, COUNTY CLERK

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

CHAIR PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

LISA MARTINKUS, OWNER ANTHONY C. MARTINKUS, OWNER

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED LISA MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

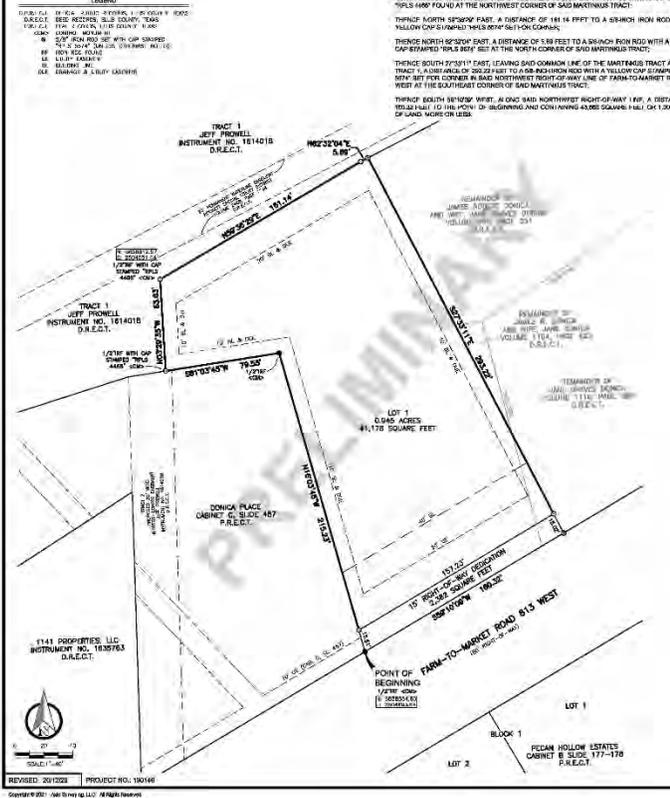
STATE OF TEXAS COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ANTHONY C. MARTINKUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS COUNTY OF ELLIS

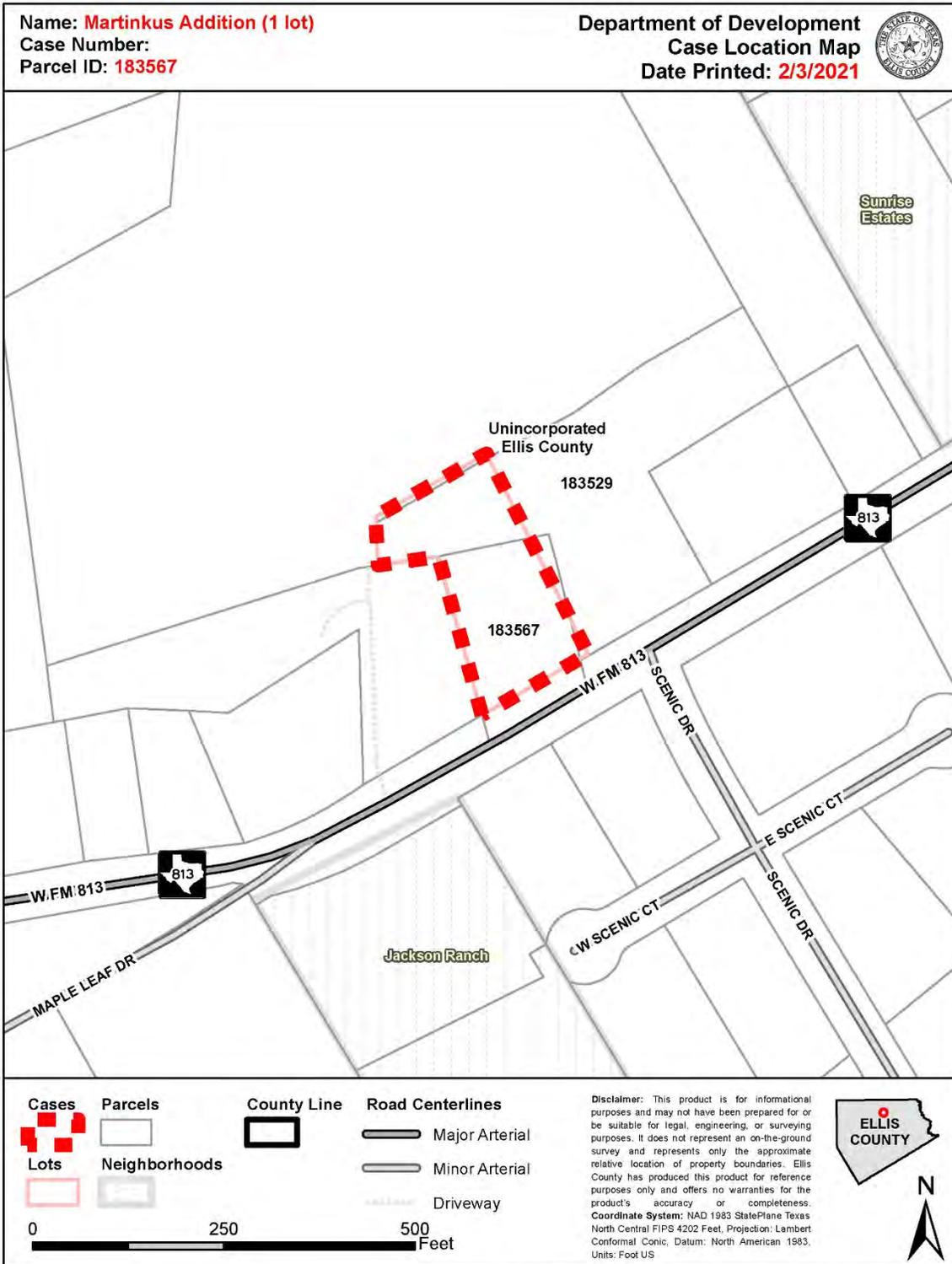


**PRELIMINARY**  
 This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

CASE NO.: BUB-162-2020  
 1.000 ACRES  
**MARTINKUS ADDITION**  
 1 RESIDENTIAL LOT  
 T-4 POLLEY SURVEY, ABSTRACT NO. 870  
 AN ADDITION TO WAXAHACHIE ET AL, ELLIS COUNTY, TEXAS  
 MAY 2020 1-401  
 OWNER:  
 LISA MARTINKUS & ANTHONY C. MARTINKUS  
 FRESHER COUNTRY, LLC  
 WAXAHACHIE, TX 75145 (941) 712-844  
 SURVEYOR

**AXIS** SURVEYING & CONSULTING  
 10000 W. 11TH STREET, SUITE 100  
 FORT WORTH, TX 76134 (817) 336-1111

REVISION: 201202 PROJECT NO.: 160146  
 SHEET 01 OF 01





## **ELLIS COUNTY**

Department of Development

**Commissioners' Court Meeting:** February 23, 2021

### **AGENDA ITEM NO. 1.8**

**Prepared & Presented by:** Alberto Mares, AICP, DR, CPM  
Director of Planning & Development

#### **TYPE OF CASE:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Amendments: <u>Ellis County Quality Growth Initiatives, Vol I, II, &amp; III</u></b> | <input type="checkbox"/> Replat           |
| <input type="checkbox"/> Bond Acceptance/Release  | <input type="checkbox"/> Variance Request |
| <input type="checkbox"/> Final Plat   | <input type="checkbox"/> Other: _____     |

#### **CAPTION:**

**Conduct a public hearing to consider and act upon a request to amend its development regulations,** the Ellis County Quality Growth Initiatives – Volume I (Subdivision & Development Standards), Volume II (Drainage Design Manual), and Volume III (Standard Construction Details), which were last revised by Minute Order No. 378.19. These proposed amendments will primarily address the following: (1) updates to process efficiency, clarification, cross-referencing, and comply with updates to state law and Attorney General opinions, (2) create and amend drainage requirements for storm sewer and roadside water conveyance systems, (3) create a new section for developments within special purpose districts, including lot frontage, setback, and thoroughfare-plan requirements, (4) amend and update pavement standards, and (5) other changes in related articles, sections, and paragraphs; providing a conflicts clause; providing a severability clause, and an effective date.

#### **EXECUTIVE SUMMARY:**

Staff is bringing forth these set of amendments in an ongoing effort to update the existing development regulations on a consistent basis and tweak them as we find issues with either enforcement, process efficiency, common sense, clarification, cross-referencing, and compliance with state law and possibly Attorney General opinions. Also, amendments to drainage & pavement standards are included to align with other cities and the region. In addition, as most of our development regulations are geared towards one-acre septic developments, this set of amendments creates a set of regulations for developments located in special districts with densities greater than one (1) unit per acre and using a centralized sewer system.

These proposed amendments were reviewed by DoD & Engineering staff and vetted thoroughly by the Assistant County Attorney to be consistent with State Law.

A draft red-line version with the proposed changes is included at the end of this report. As some of these changes involve the Engineering Department, they will be present and available to answer any questions related to those sections. Below is a list of summary changes to each volume and section.

#### **BACKGROUND INFORMATION & STAFF COMMENTS:**

These proposed amendments were advertised in the February 7, 2021 edition of the Waxahachie Daily Light to comply with the State's and the County's minimum 15-day notification requirement.

## **VOLUME I – SUBDIVISION AND DEVELOPMENT STANDARDS**

### **Section I**

- Updated Enforcement Section to cite correct TLGC section and fines.

### **Section III**

- Clarified wording on when platting authority can be ceded to expedite plat application (i.e., most of the property is located in another jurisdiction, etc.)
- Updated when a plat is required and tightened up the platting exemption outlined by TLGC Sec. 232.0015 and defining when a plat is required.
- Formalize our current plat approval process with engineering plans approved first, constructing infrastructure, and platting the final step. The development community has loved this process in a trial run, which will help memorialize and formalize that process.

### **Section IV**

- Allowing accessory habitable structures (i.e., mother-in-law suites, garage apartment, etc.) without additional acreage, if enough capacity exists on an approved septic system; capacity to be certified by a Registered Sanitarian. These structures cannot be sold or platted separately from the main structure and contain other conditions.
- Removed the multiple multifamily units and acreage requirement as it appeared to regulate density.
- Reduced the acreage requirement for lots with a water well from three (3) acres to two (2) acres or as approved by Prairielands Groundwater Conservation District.
- Removed side and rear yard setback requirements to comply with state law.
- Mailboxes also adhere to AASHTO standards in addition to the USPS guidelines.
- Connection to community sewage disposal facility if the site is located less than 300 feet, if possible.

### **Section V**

- Adding a new section, Section V, designed to regulate developments located in an approved Special District.
- Defines what is considered a special-purpose district.
- Establishes a pre-application process with recommendations for meetings, proof of creation, recommended developer agreements, phasing plan, etc.
- Outlines the process for approval.
- Provides regulations that only apply to special districts.

### **Section VII**

- Adding a requirement for an affidavit of a business relationship if a contractor submits a bond on their behalf.
- Removed underground utilities from the bond amount as it's already bonded through the water provider and not something the County will ever maintain.
- Increased maintenance bond requirement from 40% to 50%.

### **Section VIII**

- Clarifying language to make family variances only applicable along county-maintained roads.

**Section IX**

- Added language about mobile home rental communities exempts from platting if they meet the requirements listed under Section 232.007 of the TLGC.
- Including a \$500 review fee for Infrastructure Development Plan (IDP) for mobile/manufactured homes and RV parks is similar to an engineering plan review.
- Transfer approval authority of infrastructure development plan from DoD to County Engineer.

**Section IX**

- Added a definition of accessory habitable structure, engineering/civil plans, fire code, pre-construction meeting, and amended the definition of a manufactured home to better align with the federally defined one.

**VOLUME II – DRAINAGE DESIGN MANUAL**

**Section I**

- Amended Section I of this volume to match Section I of Volume I for consistency, including updating the Enforcement section to comply with state law.

**Section II**

- Cited section requiring drainage plans for property of any size using the state's Administrative Code.
- Revised the TxDOT Hydraulic Manual reference to the latest one adopted in September 2019.

**Section III**

- Removed reference to DoD and replaced with Engineering in all matters regarding drainage.
- Merged sections referring to detention ponds into one section to avoid confusion.

**Section IV**

- Added language stating developer is responsible for maintaining drainage easements until maintenance obligations are transferred to HOA, property owner, or district.
- Removed language of floodway/floodplains dedicated to the public.

**VOLUME III – STANDARD CONSTRUCTION DETAILS**

**Section I**

- Amended Section I of this volume to match Section I of Volume I for consistency, including updating the Enforcement section to comply with state law.

**Section II**

- Update Street Classification to match AASHTO standards.
- Changed pavement width section from 22 feet to 27 feet to match major surrounding cities.
- Added language providing lime stabilization and/or flex base to new road pavements.

02/23/2021

Amendments to the County's Development Regulations

- Amended cul-de-sac pavement radius to match the Fire Code (currently 96 feet diameter).
- A seasonal waiver for groundcover during the summer months but with a requirement to install additional erosion control measures.

**Section III**

- Cleaned up language to match distance requirement for organized disposal systems; the previous language referenced 200 and 300 feet in various

**Section IV**

- Amended illustrations to match the proposed regulations.

These proposed amendments were advertised in the February 7, 2021 edition of the Waxahachie Daily Light to comply with the State's and the County's minimum 15-day notification requirement.

**RECOMMENDATION:**

**APPROVE, AS PRESENTED**

Approve with conditions

Continue/Table this request

Deny this request

**ATTACHMENTS:**

- 1) Proposed regulations

**SEE NEXT PAGES**

# ELLIS COUNTY QUALITY GROWTH INITIATIVES



## VOLUME I SUBDIVISION & DEVELOPMENT STANDARDS

## TABLE OF CONTENTS

### SECTION I – GENERAL INFORMATION & ADMINISTRATION

A.	Official Name	05
B.	Authority	05
C.	Purpose	05
D.	Effective Date	06
E.	Consistency With Regulations	06
F.	Amendments	06
G.	Interpretations	06
H.	Deed Restrictions	07
I.	Applicability	07
J.	Fines and Penalties	07
K.	Severability	07

### SECTION II – DEVELOPMENT REVIEW PROCESS & PROCEDURES

A.	Pre-Application Meeting	09
B.	Formal Application Submittal	09
C.	Court Action	10
D.	Addressing	10

### SECTION III - PLATS

A.	Jurisdiction	13
B.	Plat Required	13
C.	Application	13
D.	Preliminary Plat	14
E.	Final Plat	14
F.	RESERVED	15
G.	Replat	15
H.	Amending Plat	15
I.	Cancellation of Subdivision	15
J.	Dormant Projects	16
K.	Miscellaneous	16

### SECTION IV - GENERAL REQUIREMENTS

A.	Lots	20
B.	Building Line and Easements	20
C.	Right-of-Way	21
D.	Mailboxes	24
E.	Sewage and Waste Disposal	24

### SECTION V & VI – RESERVED **27**

### SECTION VII – PERFORMANCE GUARANTEES

A.	General	29
B.	Construction Bond	29
C.	Maintenance Bond	29
D.	Other Financial Securities	31



**SECTION VIII – RELIEF BY COUNTY COMMISSIONERS’ COURT**

A.	Authority	33
B.	Special Conditions	33
C.	Relief Due to Gift, Devise, or Descent	34

**SECTION IX – MANUFACTURED/MOBILE HOMES & RV PARKS**

A.	Manufactured/Mobile Home Communities and Recreational Vehicle (RV) Parks	36
B.	Infrastructure Development Plan	37
C.	Inspection of Improvements	37
D.	Utilities	37
E.	Timely Approval of Infrastructure Development Plans	38

**SECTION X - XX – RESERVED**

41

**SECTION XXI – DEFINITIONS**

A.	Application	43
B.	Definitions	43

**APPENDIX A**

History of Amendments	55
-----------------------	----

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION I**

### **GENERAL INFORMATION & ADMINISTRATION**

#### **A. OFFICIAL NAME**

The official name of these regulations shall be the “**Ellis County Quality Growth Initiatives, Volume I—Subdivision and Development Standards.**”

#### **B. AUTHORITY**

These regulations are adopted under the authority of the Constitution and Laws of the State of Texas, including but not limited to, the Texas Local Government Code, as amended, ~~Texas Revised Civil Statutes Annotated (Vernon), as amended,~~ and any other applicable laws, regulations, and approved orders.

#### **C. PURPOSE**

- (1) The purpose of these regulations includes but not limited to promoting quality growth and development within Ellis County and provide regulations leading to a desirable environment for all citizens, both residential and nonresidential.
- (2) These regulations ensure to:
  - (i) Furnish the owner/applicant with guidance and assistance in the expedient preparation and approval of their development, project, etc. with a set of uniform regulations for all to follow, and;
  - (ii) Protect the health, safety, and general welfare of the citizens of Ellis County by providing regulations and standards for all types of developments by planning infrastructure and assuring that adequate streets and drainage facilities and structures are provided subdivisions, and maintained without imposing a burden on the taxpayers in the future, and;
  - (iii) Provide for the proper arrangement and construction of roads, and ensure the appropriate relationship of roads to existing and future roads, and;
  - (iv) Ensure adequate ingress and egress for all emergency response vehicles, and;
  - (v) Provide standards for the approval and recording of all subdivision plats, and;
  - (vi) Provide procedures in meeting the requirements of the Commissioners’ Court for acceptance and approval of said plats and the improvements therein.
- (3) These regulations are not intended to prohibit testamentary land divisions, a division of land as a result of the dissolution of a corporation or partnership, or subdividing land for agricultural purposes.



#### D. EFFECTIVE DATE.

- (1) These regulations shall become effective ~~September 1, 2019.~~ **February 23, 2021.** Subsequent amendments and changes are found in the History Section of the regulations.
- (2) Subdivision plats approved before the effective date shall be subject to the regulations in effect at the time of plat approval.

#### E. CONSISTENCY WITH OTHER REGULATIONS

- (1) These regulations shall be consistent with the Drainage Design Manual (**Ellis County Quality Growth Initiatives, Volume II**) and the Standard Construction Details (**Ellis County Quality Growth Initiatives, Volume III**) and any other supplemental land use and community development policies that may be adopted by the Commissioners' Court.
- (2) These regulations shall be cumulative of all other orders of Ellis County, Texas and shall repeal any of the provisions of said previous orders.
- (3) If a conflict should arise with other applicable orders, the strictest shall apply, until an updated order is approved by the County Commissioners' Court or as interpreted by the Department of Development Director as outlined in ~~Section I (F).~~ **(G).**
- (4) If a permit, plat, or other item requiring ~~approved approval~~ is issued or approved in error and it violates the current adopted regulations, that permit does not invalidate the established regulations and that permit, plat or other item requiring approval shall be voided immediately upon notification.

#### F. AMENDMENTS

- ~~(21)~~ As needed, the Commissioners' Court may amend these regulations to reflect desired changes and updates in policy or to stay consistent with State Law.
  - ~~(i)~~ Public hearings on all proposed written amendments shall be held by the Commissioners' Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.
- ~~(42)~~ As needed, **As an exception,** the Department of Development Director or designee may **only** amend the illustrations, ~~graphics, and non text~~ within these regulations ~~without the consent of Commissioners' Court~~ to better assist in graphically depicting ~~and providing clarity to~~ **portions of** these regulations.
- ~~(2)~~ As needed, the Commissioners' Court may amend these regulations to reflect desired changes and updates in policy or to stay consistent with State Law.
  - ~~(i)~~ Public hearings on all proposed written amendments shall be held by the Commissioners' Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.



## G. INTERPRETATIONS

- (1) As needed, the Department of Development Director shall provide interpretations of these regulations.
- (2) Rulings made by the Department of Development Director are issued on a case-by-case basis and shall not set a precedent for other similar situations.
- (3) If an applicant disagrees with the interpretation provided, that decision may be appealed to the Commissioners' Court at the next available meeting, as listed in the [latest submittal calendar](#) and pay any associated fees as outlined in the latest adopted [Master Fee Schedule](#).

## H. DEED RESTRICTIONS

- (1) Developer-initiated and development deed restrictions are considered private and Ellis County shall not enforce any deed restrictions. Any enforcement of the developer's deed restrictions shall rest solely with the developer, builder, property owners, purchaser, homeowners/property owners' association, or similar.
- (2) Any plat approval, permit or variance issued or given by the County is based solely on meeting the established rules, regulations, criteria and following all procedures and requirements in effect at that time.

## I. APPLICABILITY

- (1) A division of a tract referenced in this section is defined as using a metes and bounds description in a deed of conveyance or a contract for a deed, using of a contract of sale or other executory contract, purchase option rental agreement, or using any other method to convey property.

## J. FINES & PENALTIES ENFORCEMENT

- (1) Any person, firm or corporation who violates any of the provisions of these regulations or who fails to comply with any provision hereof within the Ellis County shall be subject to civil or criminal penalties including a fine of one thousand (\$1,000.00) dollars for each day that such violation continues shall constitute a separate offense and shall be punishable accordingly, pursuant to Section 232.0035 of the Texas Local Government Code, including enjoining the violation and recover damages to complete construction and/or bring about compliance.
  - (i) The primary objective of the department is not to impose fines but to have everyone comply with these regulations.
  - (ii) The Department of Development shall have the right to institute an action in the court to enjoin the violation or threatened violation of any provision in the County. A violation of this section is a Class B misdemeanor ~~misdemeanor~~ with a fine not to exceed two thousand (\$2,000) for each day that the violation continues, and each day shall constitute a separate offense.

## K. SEVERABILITY CLAUSE



If any section, article, paragraph, sentence, clause, phrase or word of these regulations, or application, thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of these regulations; and the Commissioners' Court hereby declares it would have passed such remaining portions of these regulations despite such invalidity, which remaining portions shall remain in full force and effect.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION II** **DEVELOPMENT REVIEW PROCESS & PROCEDURES**

### **A. PRE-APPLICATION MEETING**

- (1) Before the acceptance or submittal of any development-related application, the applicant of the proposed development ~~shall is strongly encouraged to~~ meet with the Ellis County Growth Assessment Team (GAT) to review the project and make recommendations designed to assist in processing and expediting the application promptly, while minimizing any issues.
  - (i) The Department of Development Director or designee may waive this ~~requirement meeting~~ if, in their determination, the requested development or project is minor or have minimal impact on current infrastructure.
  - (ii) The pre-application meeting does not vest any proposed plat, development, project, or application or development with the existing regulations as defined in Chapter 245 of the Texas Local Government Code. It is only meant to serve as an informal venue to address any unforeseen issues, provide advice and direction, and assists the developer in understanding the regulations and development process.
- (2) The Ellis County Growth Assessment Team is chaired by the Department of Development Director or their designated representative, and may include representatives from other departments which include but not limited to the Department of Development, Engineering, Fire Marshal's Office, the precinct commissioner, and other persons deemed necessary to ensure an appropriate and complete review. No advisory opinions will be given at this meeting.

### **B. FORMAL APPLICATION SUBMITTAL**

- (1) To ensure there is no delay in processing any application, the applicant shall submit their proposed development for review by no later than the date and time as indicated on the latest [Submittal Calendar and Meeting Schedule](#), if the project requires approval from the Ellis County Commissioners' Court.
  - (i) All residential projects not requiring approval from the Commissioners' Court may proceed to submitting the applicable documentation to proceed.
  - (ii) All non-single family, commercial, industrial, and nonresidential uses shall require an ~~pre-clearance~~ [approval](#) from the Fire Marshal's Office prior to submitting the applicable documentation to proceed with a development/building permit.
    - (iii) [Prior to any plat application submittals, the applicant shall submit an application to the County Engineer to determine if any engineering plans are required.](#)
- (2) All items required for a formal application submittal shall be as shown on the [most-recently updated application](#).



- (3) The fees for each application type shall be as listed on the most recently-adopted [Master Fee Schedule](#), as adopted by the Commissioners' Court.
- (4) Upon submittal of required items in [Section II \(B\) \(2\)](#), the Department of Development shall review the submittal contents to determine if it is a complete submittal prior to its initial review.
  - (i) It is the obligation of the applicant to submit all information necessary for proper review by the County.
  - (ii) If the application does not contain all required accompanying information based on the latest application checklist at time of filing, it is deemed an incomplete submittal and will not be accepted and shall wait to be filed for a future submittal date until all necessary items accompany the application.
- (5) Upon successful application submittal, the Ellis County Growth Assessment Team will formally review the proposed project to ensure it meets all associated County's requirements and regulations.
  - (i) In the formal review process, the Growth Assessment Team may require additional items that are not listed on the application to ensure an overall and complete review and will give the applicant a reasonable time frame by which such items shall be submitted to continue the review process.
  - (ii) If the additional requested information is not submitted within the period stated, the application is subject to [Section II \(B\) \(4\)](#) may be deemed incomplete or be disapproved.
  - (iii) A one-time 30-day extension period may be granted if it meets the provisions established under Chapter 232.0025 (f) of the Texas Local Government Code.
- (6) Upon satisfying all the requirements and other items as required by the different departments, the proposed project may proceed to either Commissioners' Court for approval or for permitting.

### **C. COURT ACTION**

- (1) If applicable, upon successful submittal of a plat application, complete review, and after it is determined to be complete and meets all County requirements, the application shall be placed on the agenda of the next available Commissioners' Court for their consideration.
- (2) Any action before the Commissioners' Court shall require an affirmative majority vote to officially approve the application.
- (3) If the Commissioners' Court disapproves a plat application, it shall provide an explanation for the disapproval. Upon disapproval, the applicant shall resubmit a new application to restart the review process.



**D. ADDRESSING**

- (1) Tentative property addressing is designated and assigned with the first approved plat or permit application submitted, however, property addresses are subject to change depending on the number of lots, buildings, lot and building configuration and layout, and other current renumbering and readdressing projects within the vicinity.
- (2) For ease in the emergency location of an address, all residences shall prominently display the numerical street address for easy recognition. [Please see adopted Fire Code for applicable standards.](#)
- (3) Road and street names shall be checked to avoid duplicate names or similar spellings for other roads in the county and surrounding area.

DRAFT



**DRAFT**

**THIS PAGE IS INTENTIONALLY LEFT BLANK**



### SECTION III PLATS

#### A. JURISDICTION

- (1) If the property to be platted or subdivided lies entirely within the limits of a city, the applicant shall consult directly with that city about all platting procedures and requirements.
- (2) This section shall apply to property located outside the limits of any municipality within the boundaries of Ellis County who divides the tract into one (1) or more lots to lay out a subdivision in accordance with [Chapter 232.001 \(a\) of the Texas Local Government Code](#).
  - (i) If the property to be platted or subdivided lies wholly or partially within the extraterritorial jurisdiction (ETJ) of any municipality, the platting approval procedure shall be established by the approved Interlocal Agreement between the County and that municipality.
    - (a) [If you are unsure regarding the applicable jurisdiction, contact the Department of Development prior to submission of application materials.](#)
    - (b) [A city or the eCounty may cede authority in their respective area to the other to expedite the plat application on a case-by-case basis as long as an accompanying letter from an official authorized representative of that entity is received.](#)
  - (ii) If the property is located in multiple ETJs, [Section 212.007 of the Texas Local Government Code](#) shall apply, unless one of the cities cedes their authority to another in a written form.

#### B. PLAT REQUIRED

- (1) ~~A plat is required when subdividing property that results in any tract of land having ten (10) acres or less.~~ [A plat is required when subdividing property that results in "the division of any tract or parcel of land into two or more parts to lay out any division of the tract, including an addition, lots, or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alleys, squares, parks, or other parts."](#)
- (2) A subdivision plat is not required if it meets [one of the requirements-exemptions](#) outlined in [Chapter 232.0015 of the Texas Local Government Code](#).
  - (i) ~~If at any time if any of the areas cited in the section above~~ [the applicable exemption ceases to meet the exemption-statutory criteria](#), then the platting requirements shall immediately apply.
  - (ii) [A Platting Exemption Affidavit shall be notarized, filed and submitted to the Department of Development to prove a property owner's applicable exemption to platting.](#)

#### C. APPLICATION



All plats within this section are required to follow the procedures and requirements as outlined in [Section II](#). A sample plat with all required wording and format is available ~~at the end of this section~~, [on the Ellis County website](#).

#### **D. PRELIMINARY PLAT**

- (1) Preliminary plats may not be reviewed by the County as stated under Chapter 232.00285 of the Texas Local Government Code.
- (2) Should the County receive a preliminary plat to review from a City for a proposed development in the extraterritorial jurisdiction (ETJ) or at the request of a developer/property owner, it shall not be subject to the 30-day approval process outlined in the Chapter 232 of the Texas Local Government Code, nor does it vest a project under Chapter 245 of the Texas Local Government Code.
  - (i) Staff may provide formal or informal comments in preparation for the civil plan review stage and/or final plat and may be subject to the application fee.
  - (ii) Such preliminary plat may not be subject to Commissioners' Court approval.

#### **E. ~~FINAL PLAT~~ ENGINEERING PLANS & CONSTRUCTION**

- ~~(1) The primary purpose of a final plat is to complete the last stage of approval of a subdivision or addition as a condition of recording a division of land or property, dedicating right of way, and easements before recording it in the Ellis County Clerk's Office.~~
- ~~(2)~~ (1) Engineering, construction, drainage plans, and other documents required by the County Engineer shall be submitted for review, and shall meet all the requirements, and approved prior to the acceptance of a final plat application.
  - (i) During the engineering, construction, drainage plan review, the County Engineer reserves the right to designate lots in a subdivision with unique topography to receive prior authorization concerning structure placement and location before issuance of floodplain permit and/or on-site sewage facility permit.
  - ~~(11)~~ (ii) ~~The director, in consultation with the County Engineer, may waive certain above requirements if the proposed development does not create new infrastructure or deemed necessary.~~
  - ~~(12) If there is a plat submitted for which the County has no formal process or a situation where a previously approved plat does not fall into the normal procedures, the Director may allow those plats to be handled as a final plat.~~
- ~~(3) Upon approval of the related documents and meeting the County's requirements, the final plat may be placed on the agenda for the next available Commissioners' Court.~~



- ~~(4) Conditions may not be placed by staff or the Commissioners' Court or other applicable governing entity on a final plat.~~
- ~~(5) Approval of a final plat does not constitute acceptance of public infrastructure until it meets the County's requirements and the Commissioners' Court accepts it as a county road.~~
- (62) Upon approval of the engineering plans and final plat, a pre-construction meeting with County staff is required.
- (73) A construction bond along with the established County Road Fee are ~~are required prior to the commencement of any construction.~~ required at the time of the pre-construction meeting (see Section VII for more information).
- (84) Once a construction bond is approved by the Commissioners' Court, the developer can begin construction of the roads and necessary infrastructure, as shown on the approved engineering, construction and drainage plans.
- (95) Upon completion and approval of the infrastructure by staff, the developer shall sign a form indicating that it meets County requirements and a 2-year maintenance bond shall be submitted for Commissioners' Court approval. The applicant shall also proceed to file a plat application as outlined in Section II (C).
- ~~(10) Additional steps may be required by staff to finalize the final plat approval process and will provide those as necessary.~~
- ~~(11) The director, in consultation with the County Engineer, may waive certain above requirements if the proposed development does not create new infrastructure or deemed necessary.~~
- ~~(12) If there is a plat submitted for which the County has no formal process or a situation where a previously approved plat does not fall into the normal procedures, the Director may allow these plats to be handled as a final plat.~~

#### F. **RESERVED FINAL PLAT**

- ~~(1) The primary purpose of a final plat is to complete the last stage of approval of a subdivision or addition as a condition of recording a division of land or property, dedicating right-of-way, and easements before recording it in the Ellis County Clerk's Office.~~
- ~~(2) Upon approval of the related documents and meeting the County's requirements found in Volumes I, II, and III of the Quality Growth Initiatives, the final plat may be placed on the agenda for the next available Commissioners' Court.~~
- ~~(3) Additional steps may be required by staff to finalize the final plat approval process and will be provided as expeditiously as possible when those as necessary.~~



(54) Approval of a final plat does not constitute acceptance of public infrastructure until it meets the County's requirements and the Commissioners' Court accepts it as a county road.

#### **G. REPLAT**

- (1) The primary purpose of a replat is to revise or amend a previously-approved and recorded plat with the Ellis County Clerk's Office and does not meet the requirements set forth for an amending plat in [Chapter 232.011 of the Texas Local Government Code](#).
- (2) This subsection shall adhere to Chapter [232.009](#) and [232.0095](#) of the Texas Local Government Code, unless otherwise indicated.
- (3) At the discretion of the County Engineer, engineering and civil plans may be required prior to a plat application submittal.
- (4) Upon successful submittal of an application and after it is determined to be complete, the following public notices shall be provided, as prescribed by law:
  - (i) An ad placed in the public notice section of a newspaper of general circulation shall be placed for at least three (3) times at least thirty (30) days before the proposed hearing date and ending on the seventh (7th) day before the hearing date; and,
  - (ii) Notice on the County's Department of Development website; and,
  - (iii) Notice to all property owners as outlined in [Section 232.009 \(c\)](#) of the Texas Local Government Code.

#### **H. AMENDING PLAT**

- (1) The primary purpose of an amending plat is to correct minor issues as indicated in [Chapter 232.011](#) of the Texas Local Government Code.
- (2) At the discretion of the County Engineer, engineering plans may be required prior to a plat application submittal.

#### **I. CANCELLATION OF SUBDIVISION**

- (1) The primary purpose of this type of plat is to cancel all or part of the subdivision, which may include dedicated easements or roadways/rights-of-way, and reestablish the property as areas tracts as it existed before the subdivision.
- (2) Any plat may be vacated, revised, or superseded in total or in part by compliance with the procedures and requirements of these regulations.



- (3) This subsection shall adhere to Chapter [232.008](#), [232.0083](#), and [232.0085](#) of the Texas Local Government Code unless otherwise indicated.

(4) At the discretion of the County Engineer, engineering plans may be required prior to a plat application submittal.

- (45) Upon successful submittal of an application and after it is determined to be complete, the following public notices shall be provided:

- (i) An ad placed in the public notice/hearing section of a newspaper of general circulation shall be placed at least three (3) weeks before the proposed hearing date, as prescribed by law; and,
- (ii) Notice to all property owners located within two hundred (200) feet of the subject boundaries via United States Postal Service (USPS) regular mail.

- (56) The Commissioners' Court may exclude out previously dedicated rights-of-way, easements, or roads in their approval of a cancellation of a subdivision.

#### J. DORMANT PROJECTS

- (1) A project is considered dormant if it does not have an expiration date and no progress has been made towards completion of the project.
- (i) Progress towards completion of the project shall be as stated in Chapter 245.005 of the Texas Local Government Code.
- (2) Following adoption of this ordinance amendment, projects for which final plats have been filed of record with the County Clerk that are not developed, and for which no other progress has been made towards the completion of the project within five (5) years from the date said final plat is approved by the Commissioners' Court, will be considered dormant and expired.

#### K. MISCELLANEOUS

- (1) Upon successful completion of any additional requirements required by the Court, the instrument shall be filed and recorded in the deed records of the County within ninety (90) days of approval date to become effective. If a plat is not filed within this time frame, due to developer's failure to comply with the additional requirements of the court, then the conditional approval of the plat shall expire, and a new application shall be submitted immediately.
- (2) Property shall not be authorized to be divided, sold, conveyed, developed, constructed, or move any structures onto the site until
- (i) the approval of a final plat, replat, or other type of plat of the tract from the Commissioners' Court; and,



- (ii) Engineering plans and related documents and all necessary permits, and culvert sizing has been issued to the property owner (if applicable); and,
  - (iii) The approved plat has been officially filed with the County Clerk.
- (3) Plat approval and acceptance by the County does not relieve the developer from obligations, including fees, required by other sections of this or other order of the county about the improvement of the property or extension of services as needed to make the property suitable for development.
- (4) Approval of any plat by the Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications.
- (i) Dedication of right-of-way shall not relieve the property owner from obligations for street construction or assessments associated with public street improvement programs.
  - (ii) The Commissioners' Court shall determine which dedications are accepted for County maintenance after the owner maintenance period has expired ([see Section VII \(C\)](#) for more information).
  - (iii) The acceptance of roads for County maintenance and release of maintenance bond shall be placed on the next available Commissioners' Court meeting in an open court session upon satisfaction of all requirements outlined in [Section VII](#) and an approved final inspection.
  - (iv) Until any road within a dedicated right-of-way is built to County standards by developer, and accepted by the County, a homeowner's association, developer, or adjacent property owners shall maintain this area.
- (5) A pre-construction meeting shall be scheduled between the developer, contractor, and the County before any construction of infrastructure. It is the responsibility of the developer to schedule that meeting. [The County shall be included on all meetings for all projects in the extraterritorial jurisdiction \(ETJ\).](#)
- (6) If groundwater is the source of water supply for the project, the application shall include all other requirements as listed in [Chapter 232.0032 of the Texas Local Government Code](#).
- (7) The following notes shall be placed on the plat, when appropriate:
- (i) Blocking the flow of water or constructing improvements in the drainage easements is prohibited.
  - (ii) The existing creeks, drainage channels, or drainage easements traversing along or across this addition will remain as open channels and will be maintained by the homeowners



association (HOA) or individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.

- (iii) Ellis County shall not be responsible for the maintenance and operations of drainage easements, structures, or for the control of erosion.
  - (iv) Ellis County shall not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.
- (8) A developer and/or a developer's engineer shall not place a statement on the final plat limiting or denying any liability they may have for flooding or drainage problems.
- (9) No construction on any lot, or movement of manufactured homes onto any site may begin until a final plat is filed and the subdivision is accepted by the County Commissioners' Court, and floodplain permit, on-site sewage facility Authorization to Construct (ATC) permit with an accompanying preliminary site plan, and culvert sizing has been issued to the property owner.

DRAFT

**THIS PAGE IS INTENTIONALLY LEFT BLANK**



## SECTION IV GENERAL REQUIREMENTS

### A. LOTS

- (1) All lots or tracts of land shall face directly onto a public ~~ly constructed and maintained road/street that appears on the most recent official County road list.~~ Lots along privately-maintained roads may also be permissible if they meet the other requirements listed below.
  
- (2) Lots or tracts of land served by a public water supply and an on-site sewage facilities (OSSF) shall have a minimum lot size of one (1) acre outside the floodplain and a minimum paved public street frontage of at least one hundred and fifty (150) feet. ~~Lots facing other public street thoroughfare must comply with corresponding entity requirements.~~ For lots or developments not utilizing OSSF have an approved alternative, and part of a special purpose district, please see Section V.
  - (i) The minimum street frontage for single family lots on the turnaround of a cul-de-sac or for lots located on a cul-de-sac, the paved street frontage requirement shall be a minimum fifty (50) feet wide measured by the chord length.
  
  - (ii) This requirement shall be for one (1) principal habitable structure per lot. ~~The OSSF application shall be submitted at the same time as the development/building permit.~~
    - (a) Accessory habitable structures may be allowed on the same lot provided they meet the above requirements and if enough capacity exists within an approved septic system.
  
    - (b) The OSSF application shall be submitted at the same time as the development/building permit for the additional accessory habitable structures. A registered sanitarian, professional engineer or similar, shall provide official certification that enough capacity and disposal area exists for the additional habitable structure.
  
    - (c) Accessory habitable structures must be allowed under any existing subdivision land restrictions.
  
    - (d) At no time shall any accessory habitable structure be independently sold with or be platted separately from the principal habitable structure.
  
  - (iii) ~~Multiple habitable structures not tied together through a common roof and common wall to the main structure and are considered separate and shall require an additional acre per structure, and adhere to the latest adopted Septic Order.~~
  
  - (iii) Elevation certificates showing base flood elevations (BFE) are required for all lots within the 100-year floodplain.
  
- (3) ~~Lots not meeting the requirement of subsection (B) (2) above shall adhere to the following requirements:~~



- (i) ~~Duplex lots (one structure with two (2) residential units per lot) one hundred and fifty (150) feet of paved public street frontage and two (2) acres located outside the floodplain; and;~~
- (ii) ~~Multi family lots (one structure with at least three (3) residential units per lot) three hundred (300) feet of paved street frontage and the greater of either three (3) acres or one half the number of dwelling units in acres located outside the floodplain (i.e. 50 units = 25 acres, 100 units = 50 acres, etc.); and,~~
- a) ~~An design for on-site sewage facilities (OSSF) shall be submitted with any proposed multifamily uses to ensure capacity exists.~~
- (iii) ~~Nonresidential lots shall meet the requirements outlined in [subsection \(D\) \(2\)](#); and;~~
- (iv) ~~Any lot configuration not mentioned above will require a review by the Ellis County Growth Assessment Team to determine the appropriate acreage and street frontage requirements. [RESERVED](#)~~
- (4) Flag lots [and reserve strips](#) shall not be allowed, unless they meet the minimum lot frontage requirements stated in within this section.
- (5) At a minimum, lots shall be one hundred fifty (150) feet in length by one hundred fifty (150) feet in depth before a lot may narrow down. When a lot narrows down, it shall be a minimum width of thirty (30) feet at its narrowest point.
- (6) Lots or tracts of land having an individual water supply well and an individual on-site sewage system (OSSF) shall have a minimum lot size of ~~three (3)~~ [two \(2\) acres](#) [or as approved by Prairielands Groundwater Conservation District and comply with all County OSSF requirements.](#) ~~Such lots must have a minimum paved street frontage of three hundred (300) feet.~~
- ~~(7) Subdivisions, including multi-family residential lots, served by a public water supply and by a public sewage disposal system shall have an average density of not more than four (4) lots per acre, not including the area of the roads, floodplain, and public spaces.~~
- ~~(8) For multi-family subdivisions, adequate provision shall be made by the developer for common ownership and maintenance of community facilities such as recreation and open space, parking, access, and similar common use areas.~~
- ~~(i) The developer shall provide disposition and maintenance covenants for all open space or other common ownership areas. Such restrictions shall be recorded at the time of plat recordation and shall not be maintained by the County.~~

## **B. [BUILDING LINES AND EASEMENTS](#)**

Building setback lines shall be shown on all lots, and shall be as follows:



- (1) Lots abutting any internal road located within a subdivision shall require a minimum front setback distance of twenty-five (25) feet from the property line.
- (2) Lots abutting any other road not classified as an internal subdivision road shall be considered major roads and highways and require a minimum front setback distance of forty (40) feet from the property line.
- (3) For determining the setback lines of the lot, the location of the front door or entrance to the principal structure shall be considered the front portion of the lot.
- (4) ~~Side and rear yard setbacks shall be a minimum distance of ten (10) feet and twenty (20) feet respectively from the property line. If the side of the lot faces another street, that setback shall be a minimum distance of 25 feet from the property line.~~
  - ~~(i) The setback lines for an accessory structure that is less than 300 square feet in area and an underground swimming pool may be reduced to a minimum distance of five (5) feet from the side or rear property line.~~
  - ~~(ii) If, at the time of permitting, an easement exists within the setback lines, a release of easement letter shall be obtained from the applicable utility providers and any other easement holder and turned in with the permit application.~~
  - ~~(iii) This reduction in setback shall only apply to one (1) accessory structure on the property.~~

RESERVED
- (5) If there is a discrepancy in determining these setbacks or its application, the Department of Development Director shall make a determination. Any appeal to the Director's decision may be forwarded to the Ellis County Commissioners' Court.
- (6) Utility easements shall be provided as needed to accommodate the current or future infrastructure of utility companies. When utility easements are required, they shall be as follows:
  - (i) Easements parallel to the streets – A minimum width of twenty (20) feet from the current county dedicated or prescriptive right-of-way, and;
  - (ii) Side and rear yard – A minimum width of ten (10) feet along each lot for a minimum total of twenty (20) feet.
  - (iii) The developer is required to speak to all utility providers in the area to locate their easements, current or future, before the submittal of a plat or project.
- (7) The drainage easements may occupy the same space and area as the utility easement and be combined to be a drainage/utility easement, unless otherwise indicated by the County Engineer or utility provider.



- (i) All easements shall be left unobstructed so that equipment can be used to clean and maintain them when necessary.
  - (a) The property owner shall be responsible for any damage to structures left within any easement.
  - (b) In no case shall utility lines or utility boxes be placed adjacent to or within the County right-of-way, prescriptive or dedicated, without obtaining a utility permit or approval from Commissioners' Court, where applicable
- (ii) Ellis County shall not be responsible for maintenance of drainage facilities or lot drainage located on private property.

### C. RIGHT-OF-WAY

#### (1) Dedication

- (i) When lots of a proposed subdivision front on a County or public road, other than a Federal or State road (less than sixty (60) feet right-of-way), the developer shall dedicate for future public use, at least thirty (30) feet on their portion from the center line of such road to allow for improvements to the public road.
- (ii) Any plat submitted for review ~~to the Department of Development~~ shall require dedication of at minimum one-half of the total right-of-way necessary for any public County or State road or any road indicated on the most-recently approved Master Thoroughfare Plan at the time the application is made, ~~up to sixty five (65) feet or half of the largest road classification in the Master Thoroughfare Plan not classified as a freeway.~~ Any additional dedication beyond this maximum may be considered a taking and subject to purchase by the requesting entity.

#### (2) Abandonment & Closing

- (i) The Commissioners' Court may abandon or close any portion of a publicly dedicated ~~right-of-way~~ roadway in accordance to [Chapter 251 of the Texas Transportation Code](#).
- (ii) The applicant shall submit all the proper forms and documents as indicated on the application or as directed by the Department of Development Director for consideration by the Commissioners' Court.
- (iii) If approved by the Commissioners' Court, that right-of-way shall be no longer be maintained by the County.

#### (3) Reinstatement

- (i) If an applicant is seeking to make a private street or alley improvement public, the submittal of an application is required [along with any financial guarantees described in Section VII.](#)



- (ii) Before consideration and official acceptance, the road on the private street or alley improvement shall be brought up to the current County street standards or other equivalent based on testing and authorization from the County Engineer.
  - (a) The person making the request shall incur all cost of testing and labs required.
- (iii) The applicant shall submit all the proper forms and documents as indicated on the application or as directed by the Department of Development Director for consideration by the Commissioners' Court.
- (iv) If approved by the Commissioners' Court, that private street or alley improvement may be considered public and maintained by the County. This new improvement may also be added to the latest official maintained County road list.
- ~~(v) If a private street or alley improvement is already maintained by the County but has never been officially dedicated through a plat or other instrument (i.e. prescriptive), a final plat of the right of way shall be prepared for consideration by the Commissioners' Court. Testing and labs are required prior to acceptance.~~
- (4) Any new or replacement fence shall be placed outside the county right-of-way ~~and in no case closer than thirty (30) feet from the center of the road.~~ No fence permit is required.
  - (i) For property adjacent to roads identified on the Master Thoroughfare Plan, it is suggested that any fence be placed one-half the distance in feet of the road classification, measured from the center of the road, plus the front building setback distance.
- (5) For residential development directly adjacent to County or State right-of-way, the Developer ~~shall may~~ be responsible for adequate setback and/or sound abatement measures to mitigate traffic noise.

#### **D. MAILBOXES**

- (1) All new mailboxes shall meet the policy guidelines set forth by the United States Postal Service (USPS) ~~and the American Association of State Highway and Transportation Officials (AASHTO).~~
- (2) In the event Ellis County commences construction or maintenance within its right-of-way, all mailboxes located within the right-of-way shall be removed from the right-of-way at the expense of the property owner for individual mailboxes or a homeowners' association for cluster mailboxes.
  - (i) In the absence of a homeowners' association, the collective group of people who have mail slots in a clustered mailbox shall bear the expense.
- (3) Ellis County assumes no liability for any mailbox located in the County right-of-way or on private property.



## **E. SEWAGE AND WASTE DISPOSAL**

- (1) Every parcel of land to have a ~~home site or commercial activity~~ residence or business on the site shall have an adequate system for sewage and wastewater disposal upon occupancy by either:
  - (i) Connection to an approved community sewage disposal system; or,
  - (ii) Construction of a properly designed and operational individual on-site sewage facility meeting the latest-approved Ellis County Septic Order.
- (2) ~~As On-site sewage facilities can be sources of pollution to ground water, soil surface, and the environment if not properly sized, constructed, and maintained.~~
  - ~~(i) A permit for the construction and location on a lot is required in the interest of public health and welfare and meets the latest-approved Ellis County Septic Order.~~
  - (ii) Connection to a community sewage disposal facility and system is preferred, where possible, if the site location is less than 300 feet from that connection.
- (3) Public sewage systems shall conform to the rules and regulation of TCEQ and Ellis County as to design, material, and construction.
  - (i) The developer shall present proof of TCEQ acceptance, and that of any other State or County agency controlling sewage disposal systems.
- (4) If a public sewage system is to be installed, the plans for the location of such systems must be approved by the County and thereafter by the appropriate State regulatory agency prior to approval of the final plat by the County.
- (5) If the connection is to be made to an existing public sanitary sewage system, evidence shall be presented that such system has previously received such approval and has sufficient capacity to handle the additional demand.
- (6) If an individual on-site sewage facility is to be utilized, the developer shall prominently annotate the approved final plat or other filing instrument as directed by the Department of Development Director that homeowners are to be responsible for the construction of an approved on-site sewage facility.
- (7) Details for the design and construction of an onsite sewage facility are found in the most current edition of the Ellis County Septic Order.



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION V** **SPECIAL DISTRICT REGULATIONS**

### **A. PURPOSE & INTENT**

- (1) These regulations shall exclusively apply for any development described within the boundaries of an approved or proposed special purpose district created for land development. These shall include, but are not limited to, the following:
  - (i) Fresh Water Supply Districts, as defined in Chapter 53 of the Texas Water Code,
  - (ii) Municipal Utility Districts, as defined in Chapter 54 of the Texas Water Code,
  - (iii) Regional Districts, as defined in Chapter 59 of the Texas Water Code,
  - (iv) or other special purpose district not mentioned above, created by a local government body, the State Legislature, or the Texas Commission on Environmental Quality.

### **B. PRE-APPLICATION PROCESS**

- (1) Meeting.
  - (i) Pre-application meeting recommended with Department of Development, Engineering, Fire Marshall's Office, precinct commissioner, assistant county attorney, etc. to address any preliminary issues and process.
- (2) Community Forum.
  - (i) A possible Commissioners' Court workshop to address community impact may be recommended.
- (3) Proof of creation.
  - (i) Approval and certification of the special district's creation shall be submitted prior to any civil engineering or plat application and review process.
- (4) Adequate water and wastewater collection and treatment.
  - (i) The developer shall submit a plan and documentation from the TCEQ approved water provider for providing adequate water and sewer service within the proposed subdivision.
- (5) Voluntary Developer Agreements.
  - (i) County recommends a signed and executed development agreement with the city, if located in the extraterritorial jurisdiction (ETJ), or a signed agreement between the developer and the County that is filed in the Clerk's Office prior to any civil engineering or plat application and review process.
  - (ii) This agreement may include but not limited to items such as development standards, landscaping requirements, utilities, fence/screening requirements, building material, amenities provided, roof pitch, setbacks, house sizes, paving standards, terms of annexation, permits and inspections, etc.



**(6) Voluntary Service Agreements.**

- (i) County recommends a signed and executed agreement for government-related services with the County or adjacent municipal government prior to any civil engineering or plat application and review process. These services may include but not limited to the following:
  - (a) police-related services;
  - (b) fire-related services;
  - (c) EMS-related services;
  - (d) trash and recycling related services;
  - (e) education-related services (i.e. school site dedications, etc.);
  - (f) healthcare-related services

**(7) Floodplain.**

- (i) If property is located in the floodplain and the applicant wishes to reclaim that for development purposes, then a Conditional Letter of Map Revision (“CLOMR”) from FEMA may be required prior to any civil engineering or plat application and review process.

**(8) Development financial plan.**

- (i) Estimated costs of infrastructure and proposed tax rate or assessment for the district.

**(9) Maintenance dedication.**

- (i) Plat shall include a dedication statement that maintenance of paved roads, drainage, and infrastructure necessary (i.e. sewer, water, etc.) shall be exclusively be the responsibility of the District, subject to the terms of any development agreement.

**(10) Phasing requirement.**

- (i) The Department of Development, County Engineering Department, or TCEQ may require the phasing of development and/or improvements in order to maintain adequate water or sewer capacity.

**C. APPLICATION PROCESS**

- (1) Upon having met all requirements listed above, the applicant may proceed to file review for civil plan and shall meet all engineering standards found in the County’s Quality Growth Initiatives, Volumes I, II, and III, all items mentioned on the Engineering Review application and a copy of all items mention in (b) of this section.
  - (i) Follow process outlined in Volume I, Section III (E)
- (2) After engineering approval and construction of the necessary infrastructure, the applicant may proceed to a plat in accordance with Volume I, Section (F) and follow the submittal requirements and deadlines.



**D. DEVELOPMENT STANDARDS**

- (1) Every development located within a special district shall continue to comply with all the regulations found in Volumes I, II, and III of the Ellis County Quality Growth Initiatives and applicable regulations found in the adopted Fire Code, if there is no development agreement with a city.
- (2) The following development standards shall apply to Special Districts.

Regulation		Ellis County Regulations	Special District Regulations
(i)	Minimum lot size	One (1) acre	N/A, unless using OSSF.
(ii)	Minimum lot width	150 feet	N/A, unless frontage along county-maintained roadway.
(iii)	Right-of-way width	60 feet	N/A, unless subject to Thoroughfare Plan requirement.
(iv)	Side yard setbacks	10 feet	N/A
(v)	Rear yard setback	20 feet	N/A
(vi)	Front utility easements	20 feet	N/A
(vii)	Rear utility easements	10 feet	N/A
(viii)	Cul-de-sac radius	60 feet	International Fire Code requirements apply.
(ix)	Lots measured around a cul-de-sac	50 feet	International Fire Code requirements apply.

- (3) Building and set-back lines.
  - (i) Building and set back lines shall be 40 feet from the edge of the right-of-way on all major highways and roads, and 25 feet on all public roads other than major highways and roads.
- (4) Right-of-way.
  - (i) Street rights-of-way within and bordering the subdivision shall conform to the most current Ellis County Transportation Thoroughfare Plan.
- (5) Utility plans.
  - (i) The developer shall submit plans for providing water, sewer and electric utility service within the proposed subdivision and shall show the same on the plat. Water Construction plans shall show:
    - (a) The location and size of all proposed water lines in relation to the right-of-way, and/or easements in which the lines are to be located.
    - (b) The location of all appurtenances proposed to be installed.
    - (c) The depth to which the water lines are to be installed.



- (d) Location of proposed hydrants – in accordance with the current Ellis County adopted Fire and Safety Code.
- (e) An estimated timetable for completion of all facilities.
- (f) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all water facilities throughout all phases of development shall be identified and included in the application.

(6) Water availability.

- (i) The developer shall furnish a certified letter from an approved Texas Commission on Environmental Quality (TCEQ) utility service provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by Section 16.343, Water Code, and consistent with the certification in the letter, and that water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision.
- (ii) The utility provider should indicate that the utility plans have been reviewed and approved. If a separate utility easement is required by the water provider, it shall be indicated on the plat. Approximate fire flow available to the subdivision should be provided in this letter.

(7) Land use.

- (i) Designation of the proposed uses of land within the subdivision shall be shown whether for residential, commercial, industrial, recreational or public use, such as parks, churches, or other specific uses.



**SECTION VI  
RESERVED**

**DRAFT**



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## SECTION VII PERFORMANCE GUARANTEES

### A. GENERAL

- (1) All construction shall be in accordance with approved civil plans and construction standards set forth herein or as may be adopted by Commissioners' Court.
- (2) A construction bond and maintenance bond are required to ensure all infrastructure is built according to the established regulations and any other required conditions set forth in the plat.

### B. CONSTRUCTION BOND

- (1) Prior to construction and to ensure roads, streets, signs, ~~underground utilities~~ and required drainage and drainage structures are constructed in a timely manner, and in accordance with the terms and specifications contained in these regulations, ~~the owner/developer or their project contractors~~ ~~the developer or their project contractors~~ shall file a Construction Bond, executed by a surety company authorized to do business in the State of Texas, or irrevocable letter of credit and made payable to the County Judge of Ellis County, Texas or their successor in office. An affidavit of business relationship or similar shall be presented at time the construction bond is submitted.
- (2) The bond amount shall be equal to one hundred percent (100%) of any and all contracts, agreements, and bids for the construction of roads, streets, street signs, ~~underground utilities~~, required drainage structures, erosion control, and all other ~~construction areas to be maintained~~ by the County.
  - (i) The bond(s), contracts, agreements, ~~and bids~~, and road fees shall be presented to the Ellis County Department of Development before the final plat submittal at the time of the pre-construction meeting.
  - (ii) Developments located in an approved special district are not required to submit a construction bond.
- (3) The construction bond shall be in full force and effect until one (1) set of record as-built construction plans of all underground utilities, roads, streets, and required drainage and drainage structures in the subdivision has been filed with the ~~Ellis County Department of Development~~ County Engineer and approval of release by the Commissioners' Court.
  - (i) The construction bond will be released by a Court Order from the Commissioners' Court after inspection by the Department of Development and/or County Engineer and corrections of deficiencies noted.
- (4) In the event that part of the infrastructure, as constructed by the developer, fail to meet the requirements of these regulations, and the said developer fails or refuses to correct the defects called to their attention in writing by the ~~Ellis County~~ Engineer or the Department of Development, any defects or the unfinished improvements may be completed at the cost and



expense the developer by exercising the construction bond or by seeking remedy through initiation of a civil action in the courts of Ellis County, Texas.

- (i) In no event is the County obligated to complete the work proposed by a developer and approved by the County or to assume the obligation of the developer otherwise.

### **C. MAINTENANCE BOND**

- (1) After completion and approved by the County, all required infrastructure (i.e. streets, roads, signs, ~~underground utilities~~, drainage ditches, erosion control measures, and drainage structures/channels, and all other areas to be maintained by the County, etc.) shall be secured by the developer for two (2) years by an approved maintenance bond or irrevocable letter of credit.
- (2) The conditions of the maintenance bond or irrevocable letter of credit shall be that the owner/developer shall guarantee to maintain, to the satisfaction of the Ellis County Department of Development, all required infrastructure which has been constructed to specifications with construction security released by Court Order from Commissioners' Court, in a good state of repair as indicated by the most-recently adopted County's stand road construction requirements, for a period of two (2) years from the date of official release of construction security.
- (3) The ~~two (2) year~~ maintenance bond or irrevocable letter of credit shall be executed by a surety company authorized to do business in the state of Texas, made payable to the County Judge of Ellis County, Texas or their successor in office, and shall be substituted for the construction bond at the time of the release of said construction bond.
- (4) The amount of the maintenance bond for the two (2) years shall be equal to ~~forty percent (40%)~~ fifty percent (50%) of the construction bond as outlined in [Section VII \(B\) \(2\)](#).
- (5) Periodic inspection of all required infrastructure for which maintenance security is held, shall be made by Ellis County ~~Department of Development~~ during the two (2) year period of liability covered by the maintenance bond or letter of credit.
  - (i) In the event any or all of the aforementioned facilities are not being maintained in a good state of repair, the County shall give written notice to the owner/developer of maintenance deficiencies during the two (2) year maintenance period (*i.e. missing signs, drainage problems, street failure, etc.*). The developer shall have fourteen (14) business days after notification to complete the appropriate remedial action.
    - (a) The only exception is missing traffic signs, which shall be replaced within twenty-four (24) hours.
  - (ii) The County shall begin a final inspecting the roads and infrastructure approximately ninety (90) days before the expiration of the security.
- (6) If maintenance or repairs are required to be made to a road before acceptance of any construction by the Commissioners' Court before acceptance into the County's public road



system, the County may elect to accomplish the work and draw the cost against the developer's maintenance bond security and has the option to extend it beyond the required two (2) additional years.

(i) If the security is not extended or no amount is drawn on the security, it shall become a privately-maintained road and can only become a County maintained road if it meets all the County standards and Section IV (D) (3).

(7) At the end of the two (2) year period, the owner/developer may request to the County Commissioners' Court for acceptance and maintenance of such infrastructure into the County's public road system.

(i) The release of any bond security shall only be by Order of the Commissioners' Court.

(ii) To request a release, the owner shall present a written request to release said bond security, including a notarized certificate of completion stating that all bills relating to work covered by the construction bond security have been paid.

(iii) The request shall contain a statement by the developer of compliance with these regulations.

(iv) The Department of Development shall receive the written application notice for bond security release at least twenty-one (21) days prior to the next regularly scheduled meeting of the Commissioners' Court.

#### **D. OTHER FINANCIAL SECURITIES**

(1) An acceptable irrevocable Letter of Credit may be submitted in lieu of bonds to ensure a developer's promise to construct and maintain the roads and drainage of facilities in a subdivision.

(i) Irrevocable Letters of Credit in lieu of bonds are required under the same conditions, as Construction and Maintenance Bonds.

(2) Any security for construction and maintenance other than a bond or an irrevocable letter of credit shall be by written request to the Ellis County Department of Development for approval by the Ellis County District Attorney's Office, and authorization by the Commissioners' Court.

~~(3) No graduated bonds shall be accepted.~~



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**SECTION VIII**  
**RELIEF BY COUNTY COMMISSIONERS' COURT**

**A. AUTHORITY:**

- (1) The Commissioners' Court may authorize relief (i.e. variance) from these regulations in an open session when it is clearly shown that the granting of relief in the form of a lesser standard will not impact adversely on public health, safety, general welfare, traffic conditions, and not alter the nature, character, and quality of the subdivision.
  - (i) A notice shall be sent to adjacent property owners (found on the latest appraisal tax rolls) via United States Postal Service (USPS) regular mail within two hundred (200) feet of the subject site/property seeking the relief at least ten (10) days in advance of the proposed meeting advertising the proposed relief sought.
  - (4ii) A variance shall not be granted to relieve a personal hardship, nor shall it be based on economic gain or loss, financial, or economic hardship, nor shall it permit any person a privilege in developing a parcel of land by this Order to other parcels of land.

**B. SPECIAL CONDITIONS:**

- (1) No relief from these regulations shall be authorized unless the Commissioners' Court finds:
  - (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Order would deprive the applicant of the reasonable use of his land; and,
  - (ii) That the relief is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - (iii) That the granting of the relief will not be detrimental to the public finances, health, safety, or welfare, or injurious to other property in the area; and
  - (iv) That the granting of the relief will not have the effect of preventing the orderly development of another land in the area by the provisions of the Order; and,
  - (v) That the situation causing the hardship or difficulty is neither self-imposed or self-created.
- (2) Such findings of the Commissioners' Court together with the specific facts, upon which such findings are based, shall be incorporated into the official minutes of the Commissioners' Court meeting at which such relief is granted.
- (3) Relief may be granted only when in harmony with the general purposes and intent of this Order, and does not alter the nature, character, and quality of the subdivision so that the public health, safety, and welfare are secured.



~~(4) A variance shall not be granted to relieve a personal hardship, nor shall it be based on economic gain or loss, financial, or economic hardship, nor shall it permit any person a privilege in developing a parcel of land by this Order to other parcels of land.~~

**C. RELIEF DUE TO SUBDIVISION BY GIFT, DEVISE, OR DESCENT**

- (1) Notwithstanding anything to the contrary in this section, the Commissioners' Court specifically authorizes relief from the frontage requirements herein those cases where the subdivision of land is by gift, devise or descent to family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood) once a final determination is made by the Department of Development Director that the subdivision of land is by gift, devise or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood) and it is in fact true.
  - (i) This relief only applies to property located along a County-maintained road and does not apply to Tx-DOT or private roads.
- (2) The relief granted in the subsection shall be automatically granted without the review of the Commissioners' Court upon the final determination by the Department of Development Director that subdivision of land is by gift, devise, or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood).
- (3) If relief is granted due to a subdivision of land concerning a gift, devise or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood), such relief is conditioned on each of the family related land owners not further subdividing each parcel of land through relief under this section for so long as the parcels of property remains in continuous ownership by all of the related land owners as determined by state law for this relief.



**DRAFT**

**THIS PAGE IS INTENTIONALLY LEFT BLANK**



**SECTION IX**  
**MANUFACTURED / MOBILE HOMES AND RV PARKS**

**A. MANUFACTURED/MOBILE HOME COMMUNITIES AND RECREATIONAL VEHICLE (RV) PARKS.**

- (1) The purpose of this subsection is to achieve orderly development of manufactured/mobile home and RV parks, to promote and develop the use of land to assure the best possible community environment and to protect and promote the health, safety, and general welfare of the residents of Ellis County.
- (2) A property developed as a manufactured/mobile home community or recreational vehicle park with an application submitted after January 1, 2018 shall have an Infrastructure Development Plan (IDP) prepared that complies with minimum infrastructure standards established within this Section.
  - (i) A mobile home rental community that meets the requirements of Section 232.007 of the Texas Local Government Code is not a subdivision and exempt from platting if it meets those requirements. Staff shall make that an official determination at the time an Infrastructure Development Plan (IDP) is submitted and reviewed.
- (3) Lots/spaces in a manufactured/mobile home park shall front on a street with not less than a sixty (60) foot width right-of-way. Access roads to the individual spaces shall be constructed and paved to a minimum width of 24 feet (or the minimum width of a fire lane as stated in the most-recently adopted Fire Code, whichever is stricter) meeting the County's current street requirements (see Ellis County QGI, Volume III, Section IV (A) for more information).
  - (i) An alternative paving surface may be considered ~~for recreational vehicle (RV) parks only~~ if the following items are met:
    - (a) The internal streets within the boundaries of the park site are considered private through a plat or business governing document or similar, maintained by a property owners' association or similar in perpetuity, and the document (s) are filed with the Ellis County Clerk.
    - (b) Paving surface shall be limited to either asphalt, crushed concrete, or other material or combination of material approved by the County Engineer.
    - (c) Engineered drawings sealed by a registered professional engineer licensed in the state of Texas showing the alternative paved surface and underlying subgrade material can withstand a minimum weight load of at least 75,000 pounds, or as stated in the adopted Fire Code.
    - (d) Engineered drawings shall be reviewed and approved by both the County Engineer and the Fire Marshal prior to the release of any permits.
    - (e) Any other requirements as required by the adopted Fire Code.



- (4) No space may contain more than one (1) residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
- (5) A survey of the property shall be submitted to the Department of Development prior to the request by the owner or occupier of the lot for any permit and/or utility services.
- (6) The owner shall submit a letter of application, signed by the owner that stipulates the following information:
  - (i) The intention of the owner, and;
  - (ii) Name, address, phone number of the owner, and;
  - (iii) Names of water and electricity providers, and;
  - (iv) Name of wastewater provider or type and usage of onsite sewage facilities.
- (7) All structures under this section placed in areas of special flood hazard, as indicated on Ellis County's Flood Insurance Rate Map (FIRM), i.e., land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, shall be installed using methods and practices which minimize flood damage in accordance with Ellis County's Certification and Flood Damage Prevention Order, authorized by [44 CFR Section 60.3\(d\)](#). Such manufactured/mobile homes shall be elevated and anchored to resist flotation, collapse, or lateral movement.
  - (i) Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  - (ii) This requirement is in addition to applicable State anchoring requirements for resisting wind forces (Article 5221f, Texas Manufactured Housing Standards Act, as amended).

#### **B. INFRASTRUCTURE DEVELOPMENT PLAN (IDP).**

- (1) At minimum, the Infrastructure Development Plan (IDP) shall show all items as indicated in the most recent application and checklist for manufactured/mobile homes and RV parks.
- (2) An application fee of \$500 shall apply for the review of an Infrastructure Development Plan.

#### **C. INSPECTION OF IMPROVEMENTS.**

- (1) Construction of a proposed manufactured/mobile home community or recreational vehicle park may not begin before the date the ~~Department of Development~~ County Engineer approves the IDP.
- (2) Periodic inspection of improvements may be required, as directed by the Department of Development or County Engineer, it shall be completed not later than the ~~second~~ third business day after the date the County Engineer received a written confirmation from the owner that the construction of the infrastructure is complete.



- (3) If the inspector determines that the infrastructure improvements comply with the IDP, then the ~~Department of Development~~ or County Engineer shall issue a Certificate of Compliance not later than the fifth business day after the date the ~~Department of Development~~ County Engineer receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

#### D. UTILITIES.

- (1) A utility company may not provide services, including water, sewer, gas, and electric services, to a manufactured/mobile home community or recreational vehicle park subject to an IDP or to a residential unit in the community unless the owner provides the utility company with a copy of the Certified of Compliance issued by the ~~Department of Development~~ County Engineer. This requirement applies to:
  - (i) A municipality, municipally-owned or municipally-operated utility that provides utility services;
  - (ii) A public utility that provides utility services;
  - (iii) A nonprofit water supply or sewer service corporation organized and operating under [Chapter 67, Water Code](#), that provides utility services;
  - (iv) A County that provides utility services; and
  - (v) A special district or authority created by state law that provides utility services.

~~(2) Manufactured/Mobile Home Parks served with a public water system, and public sewage disposal system shall have an average density of not more than four (4) lots per acre in size with a minimum frontage of seventy-five (75) feet.~~

#### E. TIMELY APPROVAL OF INFRASTRUCTURE DEVELOPMENT PLANS.

- (1) The County will withhold all permits for manufactured/mobile home and RV parks until the Infrastructure Development pPlan has been approved in the manner prescribed by these regulations.
- (2) Not later than the 60th day after the date the owner of a proposed manufactured/mobile home community or recreational vehicle park submits an infrastructure development plan for approval the ~~Department of Development~~ County Engineer shall approve or reject the plan in writing.
  - ~~(i) When plans for the manufactured/mobile home park are completed in accordance with these rules, the Department of Development shall submit the plan with his recommendation and comments received from the County Commissioners to the County Commissioners' Court for consideration. The Commissioners' Court may approve the plan as submitted, amend, and approve the plan as amended, or disapprove the plan.~~



~~(ii) The plan to be submitted for a manufactured/mobile park shall include the same requirements as outlined by these regulations for plats and development standards and shall include proposed 0-1-1 addresses as provided by the County.~~

(iii) An owner's certificate in the following form shall be shown on the plan:  
STATE OF TEXAS  
COUNTY OF ELLIS

I hereby certify that this plan is true and correct and if approved by the County ~~Commissioners' Court~~ Engineer, all development will be in accordance with this plan, and no alterations will be made in the plan after approval.

\_\_\_\_\_  
Owner or Authorized Agent

(3) If the plan is rejected, the written rejection must specify the reasons for the rejection and actions required for approval for the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**SECTION X-XX  
RESERVED**

**DRAFT**



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION XXI** **DEFINITIONS**

### **A. APPLICATION**

- (1) For these regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section.
- (2) If the terms, phrases, words, and their derivations are not located within these set of regulations, it may be located in the County's other associated development regulations. Illustrations and graphics may be used and added as needed to better explain a definition.
  - (i) Definitions not expressly prescribed herein are to be construed in one of the following methods as determined by the Department of Development Director to apply a definition that closely applies:
    - (a) Customary usage in subdivision, planning, and engineering practices; or,
    - (b) As allowed by [Chapter 311.011 of the Code Construction Act of Texas](#).
  - (ii) The department director shall interpret the definitions when questions arise. Should there be discrepancies or disagreement of the application of a definition, the Commissioners' Court shall make the final determination.
- (3) The definitions in this section shall also apply to Volume II (Drainage Design Manual) and Volume III (Standard Construction Details) of the Ellis County Quality Growth Initiatives, unless otherwise indicated.

### **B. DEFINITIONS**

#### **ACREAGE, GROSS**

The total acreage of a subdivision, including areas dedicated to the public use such as streets and alley right of ways, floodplains, etc.

#### **ACREAGE, NET**

The total acreage of a subdivision less those areas dedicated to public use such as street and rights of way, floodplains, etc. Easements, however, shall be included in net acreage calculations.

#### **ACREAGE, USEABLE**

The amount of land suitable for the installation of OSSF facilities as authorized by TCEQ and/or Ellis County regulations.

#### **ALLEY**

A minor street used primarily for vehicular access to the back or the side of properties otherwise abutting on a street. Alleys are not maintained by the County.



### **ALL-WEATHER SURFACE**

An alternative paving material that is designed and sealed by a professional engineer that is approved by the County Engineer and the Fire Marshal and is equivalent to the County standards for road/street construction. At a minimum, it shall carry the weight of the fire engine or at least 7580,000 pounds, whichever is greater.

### **BLOCK**

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Department of Development may determine the outline of the block. A block is used to designate a series of lots within a subdivision for platting purposes.

### **BUILDING LINE OR SETBACK LINES**

A line defining an area on the lot between the street right-of-way or property line and the building line within which no building shall be constructed, encroach or project, except as specifically authorized by the Commissioners' Court.

### **COMMISSIONERS' COURT**

The governing body of Ellis County, Texas. The Court has five (5) elected members: the County Judge and four (4) elected precinct commissioners.

### **COMPLETED APPLICATION**

A submittal that is ready for review by the department staff upon successful determination by the department director or designee that all required and applicable items on the latest department checklist for that project are included with the application packet and deemed complete to proceed with review. If the submittal does not contain all the required items as listed on the latest department checklist, the application will not be accepted until all items are presented ~~for the next submittal cycle.~~

### **COUNTY**

Ellis County, Texas.

### **COUNTY JUDGE**

County Judge of Ellis County, Texas.

### **COUNTY ENGINEER**

A registered professional civil engineer either employed or on a consulting basis with Ellis County or their designated representative in charge of the engineering functions for the County.

### **COUNTY ROAD**

A public paved road or street, which has been accepted by the County, through prescription or dedication of right-of-way for maintenance purposes or street that was constructed or maintained by the County.

### **CUL-DE-SAC**

A short, minor street having but one outlet to another street and terminated on terminating at the opposite end by vehicular turn-around.



### **CUL-DE-SAC CORNER**

Enlargement of a 90-degree intersection by a forty (40) foot radius from the intersection of the centerline of the two streets.

### **DEAD-END STREET**

A street, other than a cul-de-sac, with only one outlet.

### **DEED RESTRICTIONS**

A restrictive covenant expressed in a contract between the buyer and the seller of real property that imposes duties on the buyer or restricts the buyer's use of the land. These restrictions are usually expressed in the form of language in the deed to the property. Deed restrictions are private and cannot be enforced by the County.

### **DEPARTMENT OF DEVELOPMENT**

The Ellis County Department of Development (DoD).

### **DEPARTMENT OF DEVELOPMENT DIRECTOR**

The Ellis County Department of Development Director or designated representative.

### **DETENTION**

The temporary storage of storm water runoff, with controlled peak discharge rates.

### **DETENTION TIME**

The amount of time a body of water is actually present in a storm water detention facility.

### **DEVELOPER OR OWNER**

An individual partnership, corporation or governmental entity, officer, agent employee, servant or trustee thereof (or any combination thereof) undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein or participates in, who performs or participated in the performing of any act toward the subdivision of land within the intent, scope and purview of these regulations. The term "developer" is intended to include the term "subdivider," "owner," or "applicant" even though personnel in successive stages of a project may vary.

### **DORMANT PROJECT**

A project is considered dormant if it does not have an expiration date and no progress has been made towards completion of the project as defined in Local Government Code Section 245.005.

### **DRAINAGE, BUYERS RESPONSIBILITY**

It is the responsibility of the buyer of a lot to take the steps necessary to allow water from the lot to flow to the drainage ditch in the front, rear or side whichever is the case. It is not the responsibility of the County Commissioner or other County official to solve drainage problems on private land.



## **DRIVEWAY**

A portion of a lot used for access to the lot from a public highway, road, or street and not used for public circulation.

## **DWELLING UNIT/ HABITABLE STRUCTURE, ACCESSORY**

~~A permitted structure, often detached, contained on the same lot or tract of land as the principal habitable structure used as an independent living facility for a family member related to the owners of the family of the principal structure owner and not used for rental purposes (i.e. “mother-in-law” suite, garage apartment, pool house, shop, barnamimum, etc.) and is an accessory or incidental use to the main dwelling, not larger than the principal habitable structure and may be connected to the same septic system. This accessory structure is not intended as the primary use at any time or have separate dishwashing or laundry facilities.~~

## **DWELLING UNIT/ HABITABLE AREA STRUCTURE, PRINCIPAL**

Any building, or portion thereof, which is designed or used as living quarters for one or more families and contains at least three (3) plumbing fixtures, or any combination thereof from the following list as outlined below and no 220V connections for home appliances outside the principal structure; a residence.

- A water closet (i.e. toilet, commode, urinal, or similar.)
- A shower or bathing facility
- A bathroom or kitchen sink
- Laundry facilities

Any separate/detached structure on the same property, tract of land or lot used as living space meeting the same criteria as above shall be considered a secondary or accessory dwelling ~~unit structure, and requires an additional useable net acre prior to the issuance of a building permit.~~

## **EASEMENT**

A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity and/or to a private utility corporation for a particular and expressed purpose.

### **Access Easement**

An easement allowing access onto a property or adjoining property.

### **Drainage Easement**

The right for the passage of natural drainage across private land, together with the right to enter thereon to maintain drainage structures and the free flow of drainage. May also double as a utility easement if it is properly labeled on the plat.

### **Non-access Easement:**

An easement prohibiting access onto a property or adjoining property.



**Utility Easement**

An easement granted for access, over or under land, together with the right to enter thereon with machinery and other vehicles necessary for the construction and maintenance of utilities. May also double as a drainage easement if it is properly labeled on the plat. See utility definition.

**ELEVATION CERTIFICATE**

An official record that shows new buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) are properly elevated. This elevation information is needed to show compliance with the floodplain management ordinance.

**ENGINEER**

A person duly authorized and properly registered under the provisions of the Texas Registration Act to practice the profession of engineering.

**ENGINEERING/CIVIL PLANS**

A set of engineering documents required by the County Engineer that relates to a specific site or project. These plans usually require a seal and include but not limited to drainage plans, paving plans, erosion control, grading, cross sections, profiles, and other detailed drawings.

**EXTRATERRITORIAL JURISDICTION (ETJ)**

The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The size of the ETJ shall be as defined in [Chapter 42.021 of the Texas Local Government Code](#).

**FAMILY**

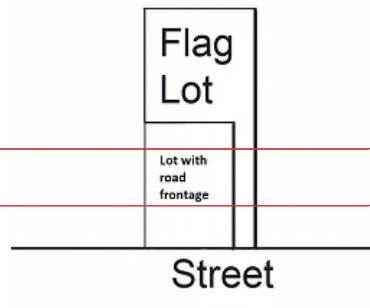
Any number of related persons or not more than six (6) unrelated persons living in a single housekeeping unit.

**FIRE CODE**

The most recent fire code adopted by Ellis County and enforced by the Ellis County Fire Marshal.

**FLAG LOT**

A lot not meeting the minimum road frontage requirements shaped and designed where the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the ~~frontage~~ street. It consists of two parts: The flag, which is the building site and may be located behind another lot and the pole, which connects the flag to the street, ~~providing minimal road frontage for the lot and at any point is less than the minimum lot width.~~



**FLOODPLAIN**

Any and all land area adjoining the channel of a river, stream, lake, water course, marshy area, or another drainage element, which has been or



may be inundated by storm water runoff. The extent of the flood plain shall be determined by the crest of a flood having an average frequency of occurrence of once in one hundred (100) years, as established by F.E.M.A.

### **FLOODWAY**

The channel of a river or other water course and the adjacent land areas that shall be reserved to discharge the base flood, as defined by the Corps of Engineers or F.E.M.A., without cumulatively increasing the water surface elevation more than one (1) foot.

### **HIERARCHY OF STREETS AND ROADS:**

More detailed information concerning streets can be found in the Master Thoroughfare Plan for Ellis County.

#### **STREET**

A right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

#### **1) STREET, MAJOR OR REGIONAL ARTERIAL**

A street whose primary function is to provide traffic movement between major traffic generators such as principal neighborhoods, commercial centers, and industrial areas, and to connect with surrounding municipalities. There shall be minimal residential traffic directly accessing it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

#### **(2) STREET, MINOR ARTERIAL OR PRIMARY THOROUGHFARE**

A high-volume street or county road that provides access to the subdivision and connects to major state and interstate highways. Backbone of the street system. They also serve to collect and distribute traffic from streets of lower classification to major arterials.

#### **(3) STREET, COLLECTOR OR SECONDARY THOROUGHFARE**

The function of a collector street is to collect and distribute traffic from local access streets and to convey it to the arterial system. Major collectors provide limited access to abutting property, and parking is limited or restricted. It provides the most direct access to other collectors and arterials. Usually, serves as the principal street in a subdivision.

#### **(4) STREET, LOCAL**

A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting residential areas by including short street blocks, cul-de-sacs, and courts.

#### **(5) STREET, PRIVATE OR SERVICE DRIVE**

A vehicular access way under private ownership and maintenance that has not been dedicated to the County ~~and nor~~ accepted by the County.

### **INTERIOR STREET/ROAD**



A street or road contained within a subdivision, which serves only the subdivision and does not connect with other streets/roads outside the subdivision.

### **LANE**

A narrow way or passage as between hedges; any narrow or well-defined route or course.

### **LOT**

An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or 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 tract, or lot number, or symbol in a duly approved subdivision plat which has been duly filed and recorded.

### **LOT, CORNER**

Lot located at the intersection of two roadways that has frontage on each roadway.

### **LOT, INTERIOR**

A [lot](#) bounded by a street either at its front or [back](#), but not on either of its sides; also called an inside lot.

### **LOT LINES**

The property lines of any given tract or parcel of land which circumscribe the area divided by any plat of record in the plat records of Ellis County, Texas, or in the absence of such a plat, the lot lines shall mean those property lines circumscribing the lot.

### **LOT OF RECORD:**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Ellis County before the adoption of this ordinance.

### **MAY**

The word “may” is permissive and not mandatory.

### **MANUFACTURED HOME**

~~A movable or portable dwelling or office connected to utilities and constructed to be towed on its own chassis by a motor vehicle over Texas roads or highways. It may consist of two or more units, which are separately towable but designed to be joined into one integral unit.~~

A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanetn site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unitless it has been converted to real property and taxed as a site-built dwelling. For the purposes of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

### **MANUFACTURED HOME PARK**



Any facility or area developed as a site for the lease or rental location of two or more manufactured homes.

### **MANUFACTURED HOME COMMUNITY**

A plot or tract of land separated into two (2) or more spaces ~~or lots~~ that are rented, leased, or offered for rent or lease for a term not to exceed 60 consecutive months on the same tract of land without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

### **MOBILE HOME**

A transportable structure built on a permanent chassis designed to be used as a year-round single-family occupancy with or without a permanent foundation and having the required utility services (electrical, water, sewage, etc.) similar to those of a conventional dwelling.

### **MOBILE HOME PARK**

Any area or tract of land under one ownership with required improvements and utilities designed for the long-term parking of other type of installation of at least two (2) or more mobile homes on site/spaces or lots that are rented, leased, or offered for rent or lease, including all improvement, buildings, and structures which may include recreational areas or other facilities for the use of residents of such developments.

### **MOTEL**

A building or group of buildings (attached, detached, or semi-detached) containing guest rooms or units per rent which are designed and used primarily for the transient accommodation of guests and not intended to be used as long-term housing.

### **MULTI-FAMILY RESIDENCE**

Any building or portion thereof that is designed, built, and rented, leased to be occupied as two (2) or more dwelling units and used as by one (1) family per dwelling with cooking facilities and other facilities found in a traditional single-family dwelling. It may be a duplex, triplex, quadruplex, apartments, condominium, garden home, or townhouse as those structures are commonly defined.

### **ON-SITE SEWAGE FACILITY**

All systems and methods used for the treatment and disposal of sewage, other than organized disposal systems, operated under a valid permit issued by the Department of Development and regulated by TCEQ; [Ellis County Septic Order 182.11](#); and [Title 30, Part 1, Chapter 285 of the Texas Administrative Code](#).

### **PLAT**

A map, drawing, chart, or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, easements, and/or any other elements as required by these Regulations, and which a subdivider shall submit for approval in accordance with these Regulations.

### **PLAT, PRELIMINARY**

A plat of the concept and performance of the subdivision as related to the provisions of these Regulations. The County cannot require a preliminary plat.



### **PLAT, FINAL (RECORDATION)**

A plat of a subdivision prepared in a form suitable for filing or recording with the necessary affidavits, dedications and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas and other dimensions of land and subdivision requirements of the County. For recordation, a final plat may also include a replat and any amending plat.

### **PRE-CONSTRUCTION MEETING**

A meeting that takes place prior to the construction of a project, usually with the developer, County staff, and contractors to go over requirements, expectations, and other items that need to occur during the duration period of the construction/installation of required infrastructure. Bids will be submitted to staff for review before the meeting to allow staff to review it. Based on this, the construction bond and road fee shall be set and due at the time of this meeting.

### **PRIVATE STREETS, ROADS, EMERGENCY ACCESS EASEMENTS, ETC.**

A vehicular access way under private ownership and maintenance that has not been dedicated to or accepted by the County for maintenance.

### **PUBLIC STREET**

Any area, parcel, or strip of land (road) which provides vehicular access to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, avenue, land boulevard, road, place, drive, or however otherwise designated and which is either dedicated or granted for public purposes or acquired for public use by prescription.

### **RECREATIONAL VEHICLE**

A vehicle such as a camper or a motor home, used for traveling and/or recreational purposes, with running gear.

### **RECREATIONAL VEHICLE PARK**

A lot or parcel of land used primarily as a rental community in which two (2) or more recreational vehicle sites/spaces are located, established or maintained for occupancy, usually for a fee, by recreational vehicles of the general public as living quarters or vacation purposes ~~on a short term basis not to exceed ninety (90) days. At the end of the ninety day period, the vehicle shall be removed from the park and said vehicle cannot be located in the same park for a minimum of two (2) weeks.~~

### **REPLAT**

A map of a subdivision incorporating changes, amendments, improvements, and/or corrections to a plat such as changes in lot size, further subdivision of existing lots, and relocation of street line/lot lines that is on record in the County Clerk's office.

### **RIGHT-OF-WAY**

That portion of the subdivision dedicated for public roads with the adjacent lot lines being the boundaries of the right-of-way.



### **ROAD**

A long stretch with a smoothed or paved surface made for traveling by motor vehicles; a highway; a strip of land appropriated and used for purposes of travel and communication between different places.

### **ROAD FRONTAGE**

Contiguous frontage on a public road or street.

### **ROADWAY**

That portion of any street or road designated for vehicular traffic not including shoulders or curbs.

### **SHALL**

The word “shall” is mandatory and not permissive.

### **SPACE (relating to manufactured/mobile homes or recreational vehicle (RV) parks)**

A plot of ground designated or used within a manufactured home community, mobile home park, or recreational vehicle (RV) park for the accommodation, occupancy, and exclusive use of one (1) mobile home, manufactured home, or recreational vehicle (RV).

### **STREET**

A public road, usually paved, with or without sidewalks, curbs, and guttering with houses on each or at least one side of the same.

### **STREET INTERSECTION**

Any street that joins another street at an angle, whether or not it crosses the other.

### **SUBDIVISION**

A division of a lot, tract, or parcel of land into two (2) or more parts, lots or sites or a combination of the same for the purpose, whether immediate or future, of sale, a division of ownership or development. Subdivision includes the division or development of land, whether by deed, metes and bounds description, device, map, plat or other recorded instrument, but shall exclude any division resulting from inheritance (by intestacy, will, or trust distribution), dissolution of marriage, condemnation or agreement in lieu thereof, or the granting of any rights other than ownership of land (such as licenses, easements, and rights-of-way). Subdivision includes re-subdivision of land or lots, which are part of a previously recorded subdivision. These regulations shall govern all transfers of ownership, division, or development of land. This term may also mean any development for which a permit is required.

### **SURVEYOR**

A Licensed State Land Surveyor or Registered Professional Land Surveyor (RPLS), as authorized by the State Statutes to practice the profession of surveying.

### **TCEQ**

Texas Commission on Environmental Quality or their successor agency.



**THROUGH ROAD/STREET**

A road or street on which traffic can move with minimal interruptions.

**THOROUGHFARE PLAN**

Any road or street that is identified in the most recently-approved edition of the Ellis County Master Thoroughfare Plan, both map, and text, that describes street classifications and general location of the placement of the designated thoroughfares. Also called Master Thoroughfare Plan.

**TRACT**

Any parcel of land or property.

**TRAIL**

A multi-use path usually separated from motor vehicle traffic by an open space or barrier and used by bicyclists, pedestrians, joggers, etc.

**TX-DOT**

Texas Department of Transportation.

**TX-DOT SPECIFICATIONS**

Refers to the current edition of Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges.

**USEABLE ACREAGE**

The land remaining after excluding the floodplain, as authorized by TCEQ Rules and Regulations, or other applicable law, restricting the amount of land available for construction of an On-site Sewage Facility. With the submittal of an engineer sealed alternative plan the Department of Development will consider the alternative plan, but reserves the right to accept or reject the plan.

**UTILITIES**

Electric, gas, television/cable, and telephone lines, water, and sewer systems, or other buried or aerial utilities that provide a service for the general public, often for a service fee and the construction of which may be regulated by the County.

**VARIANCE**

An adjustment in the application of these specific regulations to a parcel due to special conditions or circumstances of hardship peculiar to the particular parcel. Relief from a particular set of regulations is necessary to prevent the property from being deprived of right and privileges enjoyed by other parcels in the same vicinity; also called relief from the regulations.



**WRECKING YARD (JUNKYARD OR AUTO SALVAGE)**

Any lot upon which three or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of current registration and/or current state inspection, have been placed for the purpose of storage, obtaining parts, recycling, repair or resale.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**APPENDIX A  
HISTORY OF AMENDMENTS**

<b>DATE</b>	<b>MINUTE ORDER</b>	<b>BRIEF SUMMARY</b>
03/27/1986	<b>6668</b>	Creation and adoption of Subdivision Rules & Regulations.
03/27/1986	<b>6669</b>	Established effective date of Subdivision Rules & Regulations.
03/11/1991	<b>9120</b>	Enacted certain land use controls to remain in effect until a comprehensive land use and infrastructure plan is adopted; amended definition of "Subdivision," established percolation reate/minimum lot size for OSSFs, included a simplified plat process and providing for an agricultural and ownership conveyance exemption.
03/11/1991	<b>9121</b>	Required new structures to be located on an approved building site plan.
03/11/1991	<b>9122</b>	Required OSSF regulations be consistent with subdivision regulations and state guidelines.
01/12/1998	<b>98-021</b>	Overhaul of existing subdivision rules and regulations (same format existed until 2002) – changes unknown ( <i>further research needed</i> ).
07/27/1998	<b>98-220</b>	Created a Relief from Commissioners' Court section – other changes unknown ( <i>further research needed</i> ).
11/23/1998	<b>98-346</b>	Added family variance by blood or marriage to Special Conditions to seek relief from Commissioners' Court.
03/08/1999	<b>99-49</b>	Amended the variance section of the regulations allowing "gift deeds" are not subject to Court action and can be made by the director.
05/13/2002	<b>192.02</b>	Renamed subdivision regulations to the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes ( <i>other changes unknown; needs further research; this format lasted until 2017</i> ).
9/13/2004	<b>353.04</b>	Required pre-submittal meeting for plats, preconstruction meetings, fire hydrants connecting to 6-inch waterlines & required 4x4 locators, culvert permit for each lot, letter from Tx-DOT if connecting to their roads, no drainage onto problems onto existing roads, required financial security (bonds), digital copy of plat required, corrected some clerical errors, required erosion control, a few changes to gated subdivisions, and a few deletions of sentences.
08/28/2006	<b>396.06</b>	Regulations related to post-development drainage must not be greater then pre-development drainage.
08/28/2006	<b>397.06</b>	Changed a 2-year maintenance bond to a 3-year maintenance bond.
08/28/2006	<b>398.06</b>	Regulations related to solid structured mailboxes as required by the USPS shall be clustered mailboxes or a breakaway mailbox where not practical.
08/28/2006	<b>399.06</b>	Regulations created the criteria for submittal of simplified plats.
08/28/2006	<b>400.06</b>	Simplified plats shall also adhere to the fire hydrants requirements meeting ISO & IFSTA standards.



# ELLIS COUNTY QUALITY GROWTH INITIATIVES



DRAFT

## VOLUME II DRAINAGE DESIGN MANUAL

## TABLE OF CONTENTS

### SECTION I – GENERAL INFORMATION & ADMINISTRATION

A.	Official Name	04
B.	Authority	04
C.	Application and Purpose	04
D.	Consistency With Regulations	04
E.	Amendments	04
F.	Interpretations	04
G.	Fines and Penalties	05
H.	Severability	05

### SECTION II – GENERAL DRAINAGE REQUIREMENTS

A.	Drainage Plan	07
B.	Drainage Improvements Required	08
C.	Off-Site Drainage	08
D.	Detention Facilities	08
E.	FEMA Floodplain	09
F.	Channel Requirements	09
G.	Channel Access Roads and Ramps	09
H.	Lot Drainage	09
I.	Standard Details	10

### SECTION III – STORM DRAINAGE DESIGN CRITERIA

A.	Application	12
B.	General	12
C.	Culverts	14
D.	Roadway Culverts	15
E.	Driveway Culverts	15
F.	Pipe System Requirements	15
G.	Channels	16
H.	Natural Channels	16
I.	Improved Channels	16
J.	Detention Ponds	17

### SECTION IV – EASEMENTS

A.	Application	20
B.	Ellis-Prairie Soil and Water Conservation District and Dalworth Soil and Water Conservation District	21

### SECTION V-IXX – RESERVED 28

### SECTION XX – DEFINITIONS

A.	Application	30
B.	Definitions	30

### APPENDIX A

	History of Amendments	34
--	-----------------------	----

**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION I**

### **GENERAL INFORMATION AND ADMINISTRATION**

#### **A. OFFICIAL NAME**

The official name of these regulations shall be the “Ellis County Drainage Design Manual.”

#### **B. AUTHORITY**

These regulations are adopted under the authority of the Constitution and Laws of the State of Texas, including but not limited to, the Texas Local Government Code, as amended, and any other applicable laws, regulations, and approved orders.

#### **C. APPLICATION & PURPOSE**

- (1) All development in Ellis County shall provide drainage facilities and improvements in accordance with the following requirements and design standards.
- (2) The purpose of these standards is to provide for the health, safety, and general well-being of the public by assuring that adequate drainage facilities and structures are provided in all subdivisions, and to provide infrastructure which can be maintained without imposing a burden to taxpayers.

#### **D. CONSISTENCY WITH OTHER REGULATIONS**

- (1) These regulations shall be consistent with the adopted Ellis County Subdivision and Development Standards (Volume I), the Standard Construction Details (Volume III), and any other supplemental land use and community development policies that may be adopted by the Commissioners’ Court.
- (2) Should a conflict arise with other applicable orders, the strictest shall apply, until an updated order is approved by the County Commissioners’ Court.

#### **E. AMENDMENTS**

- (1) As needed, the County Engineer may amend the illustrations within these regulations to better assist in graphically depicting portions of these regulations.
- (2) As needed, the Commissioners’ Court may amend these regulations to reflect desired changes and updates in policy. Public hearings on all proposed written amendments shall be held by the Commissioners’ Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.

#### **F. INTERPRETATIONS**

- (1) As needed, the County Engineer shall provide interpretations of these regulations.
- (2) Rulings made by the County Engineer are issued on a case-by-case basis and shall not set a precedent for other similar situations.



- (3) Should an applicant disagree with the interpretation provided, that decision may be appealed to the Commissioners' Court at the next available meeting, as listed in the latest submittal calendar.

#### **G. ENFORCEMENT**

- (1) Any person, firm or corporation who violates any of the provisions of these regulations or who fails to comply with any provision hereof within the Ellis County shall be subject to civil or criminal penalties including a fine of one thousand (\$1,000.00) dollars for each day that such violation continues shall constitute a separate offense and shall be punishable accordingly, pursuant to Section 232.005 of the Texas Local Government Code, including enjoining the violation and recover damages to complete construction and/or bring about compliance.
- (i) The primary objective of the department is not to impose fines but to have everyone comply with these regulations.
- (ii) The Department of Development shall have the right to institute an action in the court to enjoin the violation or threatened a violation of any provision in the County. A violation of this section is a Class B misdemeanor with a fine not to exceed two thousand (\$2,000) for each day that the violation continues, and each day shall constitute a separate offense.

#### **H. SEVERABILITY CLAUSE**

If any section, article, paragraph, sentence, clause, phrase or word of these regulations, or application, thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of these regulations; and the Commissioners' Court hereby declares it would have passed such remaining portions of these regulations despite such invalidity, which remaining portions shall remain in full force and effect.



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## SECTION II GENERAL DRAINAGE REQUIREMENTS

### A. DRAINAGE PLAN

A drainage plan may be required upon request by the County Engineer on a case-by-case basis to determine potential adverse impacts attributed to the proposed subdivision or development.

- (1) If required, a drainage plan shall be submitted prior to platting so that the [County Engineering Department](#) may review the design with regard to potential drainage problems.
- (2) The drainage plan shall include an existing drainage map and a proposed drainage map.
- (3) The entire contributing drainage area for the proposed subdivision shall be shown at an appropriate scale for review. This map may also serve as the location (vicinity) map for the project. Drainage areas within the proposed subdivision shall be shown on a map prepared from field or aerial survey.
- (4) Areas that are off-site and contribute to the storm water discharge passing through the subdivision shall be clearly identified.
- (5) Direction of flow within streets, alleys, natural and improved channels and at system intersections shall be clearly shown on the drainage area maps. This includes sags, crests, and corners.
- (6) Existing and proposed drainage channels shall be clearly shown and differentiated on the drainage area maps.
- (7) The drainage plan shall show drainage areas contributing to each storm drain inlet or point of collection, volume of storm water being collected, size of storm drainage structure (including driveway culverts), drainage easements, finished floor elevations (if appropriate), and any other information which will clarify the proposed design.
- (8) The most recent FEMA Floodplain Boundaries (and source of information) shall be shown on the drainage plan.
- (9) The highest flood control easement recorded by the Ellis-Prairie Soil and Water Conservation District (EPSWCD), if applicable, shall be shown on the drainage plan.
- (10) Any other requirements set forth by the County Engineer shall be shown on the drainage plan.
- (11) The drainage plan shall be prepared by a licensed professional engineer.



**B. DRAINAGE IMPROVEMENT REQUIRED**

- (1) Drainage improvements, including but not limited to detention ponds, channel improvements, grading, culverts and existing facility improvements shall be provided in accordance with these design standards listed below.
  - (i) To provide for the conveyance of all stormwater from the development, when fully developed, to an adequate discharge point.
  - (ii) To fulfill any purpose for which these requirements are imposed.
  - (iii) To adequately protect the development from flooding, including the effects of the 100-year design storm.
  - (iv) To properly control any drainage resulting from the development so as to not increase the upstream or downstream water surface elevation, post-development storm water runoff shall not exceed pre-developed storm water runoff.
  - (v) Upstream or downstream storm drainage improvements and/or easements beyond the limits of the development may be necessary to meet this requirement.
  - (vi) To provide for the conveyance of existing storm drainage flowing through the development.
  - (vii) Where development may create a problem within the subdivision, provisions shall be made for drainage easements to allow for proper control of drainage and for future maintenance within the easement.

**C. OFF-SITE DRAINAGE**

- (1) Off-site drainage facilities and improvements shall be provided by the development whenever additional storm water runoff from the development would adversely affect any off-site property or would overload an existing drainage facility, whether natural or man-made.
- (2) Where stormwater runoff has been collected or concentrated to one point, it shall not be discharged onto adjacent properties, except into existing creeks, channels, or storm drains, unless drainage or flowage easements are obtained for those properties.

**D. ~~RETENTION FACILITIES~~ RESERVED**

- ~~(1) Detention may be used to reduce peak discharge where conditions prevent conveying storm water to an adequate discharge point, or studies show that off-site structural facilities will not mitigate hydraulic effects more efficiently.~~
- ~~(2) Detention facilities may be constructed only in areas to be dedicated to the public.~~



#### **E. FEMA FLOODPLAIN**

- (1) Any proposed development within the FEMA floodplain ~~must~~ shall comply with the current Ellis County Flood Damage Prevention Order.
- (2) Open space is highly encouraged within a subdivision plat and specifically within the FEMA floodplain boundaries.
- (3) Lots located in depressions and in or adjacent to the FEMA Floodplain boundaries, or other critical elevations established by a flood control easement, shall show on each lot the minimum recommended finished floor elevations, based on engineer's design, which shall not be less than two (2) feet above the 100-Year water surface elevation, or the more critical elevation. Ellis County shall not be responsible for any flooding or flood conditions that occur in these areas.

#### **F. CHANNEL REQUIREMENTS**

- (1) Channel regulations and improvement requirements shall be based on the amount and concentration of the stormwater runoff produced from the proposed development and any additional upstream contributing drainage areas.
- (2) All developments shall provide for the permanent improvement and modification of existing drainage channels as necessary to serve the development, subject to and in accordance with the following.
  - (i) Channels which serve drainage basins larger than one (1) square mile shall be maintained in a natural state.
  - (ii) Channels of local drainage systems serving areas less than one (1) square mile may be lined with concrete or an improved grass-lined channel.

#### **G. CHANNEL ACCESS ROADS AND RAMPS**

Any development which makes use of any channel within or on the perimeter of the development to provide for stormwater runoff may be required to provide adequate access roads and ramps for channel maintenance purposes as directed by the County Engineering Department or Department of Development.

#### **H. LOT DRAINAGE**

- (1) Each lot shall be designed or graded with positive drainage to direct storm water into an abutting street, alley, channel, or inlet.
- (2) If drainage is provided in the rear of any lot by an alley or closed storm drainage system consisting of inlets and pipes, the alley or drainage system shall be designed for the 50-year storm event.
- (3) Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities shall generally be required wherever the storm water runoff from no more than two (2) lots is directed



across a third residential lot, or whenever the facilities are necessary to avoid an adverse effect on any other lot.

- (4) Lots that are lower than the road or roads on which they abut shall have a finished floor elevation of no less than one (1) foot above the finished grade of the uphill side of the proposed structure to prevent damage from stormwater runoff. This can be accomplished via the addition of fill and/or a swale.
- (5) Lots located in depressions shall have a minimum finished floor elevation shown on the final plat. This elevation shall not be less than one (1) foot above the 100-year water surface elevation.
- (6) The developer is responsible to notify a prospective buyer of the above requirements. Ellis County will not be responsible for any flooding or flood conditions that occur in these areas.
- (7) Structures built on lots which are lower than the road or roads on which it fronts and/or abuts shall be built at a finished floor elevation above the proposed grade of the yard adjacent to the slab on the uphill side of the property, and/or a shallow dip section (swale) shall be built in the yard to prevent storm drainage water from ponding and damaging houses on properties that are lower than the road.
  - (i) Careful attention shall be paid to the drainage design for the subdivision in order to alleviate potential localized flooding on individual lots.
  - (ii) The developer or builder is responsible for notifying prospective buyers of the above requirements. Ellis County shall not be responsible for any flooding or flood conditions that occur in these areas.

## **I. STANDARD DETAILS**

Standard details adopted by the Texas Department of Transportation Hydraulic Design Manual as Revised in July 2016, as amended, shall be used for applicable drainage facility improvements. The Commissioners' Court hereby adopts this Manual as its applicable standards for Hydraulic facilities including open channels, bridges, culverts, storm drains, pump stations, and stormwater quantity and quality control systems. Should conflicts arise between the Ellis County Drainage Design Manual and the Texas Department of Transportation Hydraulic Design Manual, the Ellis County Drainage Design Manual shall control.



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



### **SECTION III** **STORM DRAINAGE DESIGN CRITERIA**

#### **A. APPLICATION**

- (1) Stormwater Runoff: All stormwater drainage improvements shall be designed based upon the entire contributing drainage area being fully developed.
- (2) A downstream assessment may be required at the direction of the ~~Ellis County Engineering Department~~. Depending upon project and site-specific conditions, as well as downstream facilities, the developer may be required to provide a narrative and detailed calculations demonstrating the degree of downstream impacts.
- (3) The intent of the downstream assessment is to analyze the pre-project and post-project hydrologic and hydraulic conditions to ensure that post-developed runoff is conveyed downstream in an acceptable manner.

#### **B. GENERAL**

- (1) The design of storm drainage improvements in Ellis County shall be based on flood discharges determined by using an appropriate method.
  - (i) The Rational Method may be used to estimate peak flow for basin areas of 200 acres or less.
  - (ii) The SCS Unit Hydrograph Method may be used for basin areas of any size and all design applications.
  - (iii) The Texas Department of Transportation (TxDOT) Regression Equations may be used for basin areas from 10 to 100 square miles for rural design applications (see current TxDOT Hydraulic Manual – Regression Equations Section).
- (2) The Rational Method is based on the direct relationship between rainfall and runoff, and the method is expressed by the following equation:

$$Q=CIA,$$

where,

**Q** = the maximum rate of discharge (cfs).

**C** = a coefficient of runoff

**I** = intensity of rainfall (in/hr)

**A** = the drainage area (acres)

Values for the runoff coefficient are given in Table 1.



**TABLE 1. RUNOFF COEFFICIENTS FOR TYPES OF LAND USE**

<u>TYPE OF AREA OR LAND USE</u>	<u>ADOPTED RUNOFF COEFFICIENT "C"</u>
<b>Parks or Open Areas</b>	0.30
<b>Residential Areas ( Lots of 1 acre or more)</b>	0.45
<b>Residential Areas (Lots of less than 1 acre)</b>	0.65
<b>Commercial / Industrial Areas</b>	0.75
<b>Agricultural Areas</b>	0.30
<b>Business Areas</b>	0.95
<b>Apartment Areas</b>	0.80
<b>Streets (Asphalt and Concrete)</b>	0.95
<b>Drives, Walks, and Roofs</b>	0.95

(3) Rainfall Intensity is the average rainfall rate in in/hr for a duration equal to the time of concentration for a selected return period. Once a particular return period has been selected for design and a time of concentration calculated for the drainage area, the rainfall intensity can be determined from Rainfall-Intensity-Duration data given in the ISWM Technical Manual in the Ellis County Rainfall Data section or other methods accepted as standard engineering practice.

(i) Rainfall intensity can be determined from the formula:

$$i = \frac{b}{(t + d)^e}$$

where,

i = rainfall intensity (in/hr)

t = rainfall duration (min) (equal to the time of concentration)

b, d, and e = parameters found in the ISWM Technical Manual

(ii) The time of concentration (tc) is the time in minutes required for overland flow from the most hydraulically remote point in the watershed to a point where the runoff is concentrated plus the time of flow in a closed conduit or open channel to the design point.

(iii) The time of concentration may be determined by using methods accepted as standard engineering practice. The minimum inlet time of concentration for various types of areas to be used for design purposes can be seen in Table 2.

**TABLE 2. INLET TIME OF CONCENTRATION**

<u>Type of Area</u>	<u>Minimum Time</u>	<u>Maximum Time</u>
<b>Parks or Open Areas</b>	20 Minutes	30 minutes
<b>Single Family Residential</b>	15 Minutes	20 Minutes
<b>Industrial</b>	10 Minutes	20 Minutes
<b>Business</b>	10 Minutes	20 Minutes



- (4) Stormwater Design Frequencies:
  - (i) Recommended design storm frequencies for the storm drainage improvements in Ellis County are listed in Table 3.

**TABLE 3. DESIGN STORM FREQUENCIES**

Drainage Facility	Minimum Design Storm
Roadway Ditches & Driveway Culverts	5-year
Enclosed Storm Drainage	25-year
Roadway Culverts and All Bridges	100-year plus one-foot of freeboard above the 100-year water surface elevation
Earthen & Concrete Lined Channels (channel solely for conveying storm water runoff)	100-year plus one-foot of freeboard above the 100-year water surface elevation

*\*The discharge for 100-year return frequency storm and the resulting possible damages there from shall be evaluated to determine if said damages are sufficient to warrant enlargement of the planned facility.*

- (5) Street Drainage Requirements:
  - (i) The permissible water spreads for streets are based on the 5-year design storm.
  - (ii) All streets shall be capable of conveying a 100-year design storm without water exceeding the right-of-way limits and/or drainage easement on adjacent lots.
  - (iii) The spread limits listed in Table 4 shall apply to the following streets and facilities:

**TABLE 4. PERMISSIBLE WATER SPREAD (5-YEAR DESIGN STORM)**

Type of Road	Design
Regional Arterial	One lane open in each direction
Minor Arterial	One lane open
Collector	Top of curb

*Note: Inverted crown sections are permitted only in alleys.*

**C. CULVERTS:**

- (1) All culvert designs including safety end treatments, headwall, and wingwall designs, must be signed and sealed by a licensed professional engineer in the State of Texas.
- (2) The developer shall install all drainage culverts as designated by the Engineer who designed the drainage system and with approval of the County Engineering Department and the Department of Development.
- (3) The plat shall notify lot owners that the size of required drainage culverts for driveways is designated in the drainage study on file in the Department of Development.



- (4) Design of culverts shall include the determination of upstream backwater conditions as well as downstream velocities and flooding conditions. The maximum discharge velocity from the culvert shall not exceed the permitted velocity of the receiving channel or conduit at the outfall to prevent erosive conditions.

**D. ROADWAY CULVERTS:**

- (1) Culverts shall be constructed of reinforced concrete pipe (RCP) and designed to the 100-year frequency with one-foot of freeboard.
- (2) Safety End Treatments (SETs) or headwalls must be designed for all roadway culverts. The slope for the SET shall not exceed 4:1.
- (3) Roadway Culverts shall be designed in accordance with the adopted TxDOT Hydraulic Manual.

**E. DRIVEWAY CULVERTS:**

- (1) Culverts shall be constructed of reinforced concrete pipe (RCP) or corrugated metal pipe (CMP) and designed to the 5-year design storm at minimum. Any culverts designed less than the 5-year design storm must obtain written approval of the ~~Ellis County Engineering Department~~ before installation.
- (2) The use of multi-barrel CMP shall be limited and reviewed on a case-by-case basis by the ~~County Engineering Department~~ and the Department of Development.

**F. PIPE SYSTEM REQUIREMENTS:**

- (1) Storm drain systems capable of conveying the 25-year design storm are required when water spread limits are exceeded. Storm drain conduit shall be sized to full flow using Manning’s Equation.

$$Q = \frac{1.486AR^{\frac{2}{3}}S^{\frac{1}{2}}}{n}$$

where;

- Q** = is the discharge (cubic feet per second)
- A** = the cross-sectional area of flow (square feet)
- R** = the hydraulic radius (feet)
- S** = the slope of the hydraulic (ft/ft)
- n** = the coefficient of roughness

- (i) The minimum velocity with the pipe flowing full shall be three (3) feet per second.
- (ii) The minimum storm drainpipe diameter shall be eighteen (18) inches.
- (iii) Pipe soffits at changes in pipe sizes shall be set the same elevation.



- (iv) Vertical curves in the conduit will not be permitted and horizontal curves will be permitted only with the approval of the County Engineering Department and the Department of Development.
- (2) Manholes shall be placed at the connection of two (2) or more laterals, at pipe junctions having pipe sizes greater than twenty-four (24") inches, at alignment changes, and at the beginning of the storm drain system.
  - (i) Maximum manhole size and specification shall be in accordance to Table 5:

**TABLE 5. MANHOLE SIZE AND MAXIMUM SPACING**

Pipe Size (Inches)	Maximum Spacing (feet)
18-36	600
42-60	1,000
>60	No Limit

**G. CHANNELS:**

The calculations for capacity of channels shall consider the effects of backwater from downstream conditions.

**H. NATURAL CHANNELS:**

- (1) Channels may be left in a natural state if both of the following conditions are met and certified by a licensed engineer in the State of Texas:
  - (i) Channel velocities are less than eight (8) feet per second based on the 100-year design storm.
  - (ii) The flow from the 100-year design storm is contained within the natural channel while allowing one-foot of freeboard.

**I. IMPROVED CHANNELS:**

- (1) If a natural channel is to be replaced by an improved channel, the flow from the 100-year design storm must be contained in the improved channel while allowing for one-foot of freeboard.
- (2) Improved channels shall contain a lined section if the design velocity is greater than six (6) feet per second.
- (3) Lined sections shall be designed in accordance with the adopted TxDOT Hydraulic Manual.
- (4) Lining types such as concrete, rock walls and gabions, may be used upon approval of the County Engineering Department.
  - (i) For lined channels, all of the channel bottom and at least the first three (3) feet (vertical height) of the side slopes up from the channel bottom shall be lined, unless otherwise approved by the Engineering Department.



- (ii) Earthen sides above the lined section (or totally earthen channels) shall be on at least three (3) horizontal to one (1) vertical slope and shall have approved ground cover to prevent erosion.
- (5) Unless shown to be feasible in a soils report sealed by a registered professional engineer in the State of Texas, and approved by the County Engineering Department, improved channels shall have minimum side slopes of:
  - (i) Three (3) feet horizontal to one (1) foot vertical for earthen, grass-lined side slopes (3:1)
  - (ii) Two (2) feet horizontal to one (1) foot vertical for concrete-lined side slopes (2:1)
- (6) Channels discharging into watercourses shall have the same invert level as the watercourse.

#### **J. DETENTION PONDS/FACILITIES**

- (1) Detention may be used to reduce peak discharge where conditions prevent conveying storm water to an adequate discharge point, or studies show that off-site structural facilities will not mitigate hydraulic effects more efficiently.
- (2) Detention facilities shall be constructed only in areas to be dedicated to a private entity or special district for purposes of long-term maintenance (i.e., homeowners' association, homeowner, Municipal Utility District, Fresh Water Supply District, or similar, etc.)
- (3) The following requirements and design standards shall apply to detention ponds to the extent they do not conflict with any applicable Federal or State laws or regulations, as amended:
  - (i) The 100-year design storm shall be used to determine the volume of storage required.
  - (ii) Detention facilities shall be designed so that any additional runoff generated by the proposed development will not increase the amount of original discharge for storm frequencies from the 5-year to the 100-year design storm.
  - (iii) Detention ponds shall be designed with a minimum of one (1) foot of freeboard above the 100-year design storm water surface elevation.
- (4) The Unit Hydrograph Method is recommended to determine the volume of runoff storage for drainage areas of any size. For drainage areas less than 200 acres, other methods accepted as standard engineering practice are allowable.
- (5) Any outflow structure which conveys water through the embankment in a conduit shall be designed with reinforced concrete. This includes utilizing existing ponds for detention/retention.
- (6) The conduit shall withstand the internal hydraulic pressure without leakage under full external load or settlement and must convey water at the design velocity without damage to the interior surface of the conduit.



- (7) The outflow structure of a detention basin discharging water into any natural stream or unlined channel shall discharge at a non-erosive rate, unless approved erosion protection is provided.
- (8) Detention basins resulting from excavation shall provide positive drainage with a minimum bottom slope of one (1) percent. A pilot channel is required when the minimum bottom slope is less than one (1) percent.
- (9) The side grade for any excavated detention basin, which is not a rock, shall not exceed 3:1. Side slopes and bottom shall be protected from erosion with grass or other approved materials.
- (10) Earthen embankments used for water impoundments must be constructed with suitable fill material and be designed based upon geotechnical investigations of the site. Embankments shall be protected from erosion with grass or other approved materials.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**SECTION IV  
EASEMENTS**

**A. APPLICATION**

The following requirements for public drainage improvements, channels, and facilities required for any development shall apply:

- (1) All public drainage systems and facilities which are not to be included within an existing or proposed public street right-of-way shall be located within easements to be dedicated to the County or a special district with adequate access to a public street.
- (2) Prior to acceptance of any public drainage facilities, all easements within which the facilities are located shall be cleared of all buildings, structures, fences, trees, or other obstacles that would interfere with drainage flow and access to the easement.
- (3) The developer shall be responsible for maintenance of drainage easements until maintenance obligations are transferred to HOA, property owner, district or similar the land is sold. Notwithstanding, responsibility under a maintenance bond shall remain until released after inspection.
- (4) The landowners shall be responsible for maintenance of drainage easements located on their after the purchase of the property.
- (5) Floodways or floodplains which are necessary to provide for the drainage needs of the development shall be dedicated to the public as a drainage easement to the limits defining the floodway or floodplain.
- (6) Easements for closed drainage systems shall be in accordance with the following minimum standards, unless special circumstances warrant additional or reduced, as determined by the Ellis County Engineering.

<u>Pipe Size</u>	<u>Minimum Easement Width</u>
<b>36" and under</b>	15 feet
<b>42" through 54"</b>	20 feet
<b>60" through 66"</b>	25 feet
<b>72" and above</b>	30 feet

- (7) Easements for improved channels shall be provided with sufficient width for maintenance access.
  - (i) Channels having a top width greater than 30-feet and a side slope steeper than 4:1 shall have access roads of 15-feet in width along both sides of the channel unless otherwise approved by the Ellis County Engineering.
- (8) Utilities shall not be located within any existing drainage easement, unless it is also designated for utility use.



- (i) No utilities shall be located in any lined channel in such a way as to interfere with maintenance of or access to the channel.
- (9) A drainage easement shall be provided for a required outfall channel or ditch to the point where the flowline matches natural grade.
- (10) To provide for maintenance, a drainage easement shall be provided at least twenty-five (25') feet beyond any outfall headwall.

**B. ELLIS-PRAIRIE SOIL AND WATER CONSERVATION DISTRICT (EPSWCD) AND DALWORTH SOIL AND WATER CONSERVATION DISTRICT (DSWCD)**

The following requirements for any development shall apply when located in close proximity to a Natural Resource Conservation Service (NRCS) Floodwater Retarding Structure in Ellis County.

- (1) If a proposed development is within close proximity, as determined by the ~~Ellis County Engineering Department~~, to a NRCS floodwater retarding structure, the Department of Development ~~and or County Engineering Department~~ will defer to the EPSWCD or DSWCD for an impact analysis and letter of approval before issuing a development permit.
- (2) For structures where a potential dam breach inundation area has been established, construction is not recommended.

**EPSWCD POLICY ON ACTIVITIES ADJACENT TO THE FLOODWATER RETARDING STRUCTURES**

**Purpose**

This policy is for the purpose of addressing requests to modify the size of easement areas adjacent to floodwater retarding structures; and to provide guidance on the handling and consideration of requests for development activities within the easement area, and deviations from District policy.

**Background**

There are 84 floodwater retarding structures in the Ellis-Prairie Soil and Water Conservation District (the "District"). See attached map.

Funding for these structures was authorized by the National Flood Control Act of 1944 (Public Law 534) for the purpose of watershed protection and flood prevention. The U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, oversaw the design and construction.

These structures or "soil conservation lakes" were constructed on private lands through easements obtained by the District. The easements were filed with the Ellis County Clerk's office. These lakes are not federal property and therefore not open to the general public.

As easement holder, the District is responsible for the operation, maintenance and inspection of these floodwater retarding structures. Under an agreement with Ellis County Commissioners Court, the County provides financial support in performing maintenance activities.



As Ellis County continues to grow, the land adjacent to floodwater retarding structures becomes a primary target for residential development, ranchettes, and other special uses that pose a potential hazard to life and property, and may adversely affect the operation of the structure. Developers and potential developers are requesting the District to modify, restrict and reduce easements to the minimum amount feasible while preserving the structure and its function.

Therefore, to protect public safety, ensure the proper function of the structure, maintain the integrity of the easements and to accommodate requests by current and future developers, the District is adopting the following policy relating to all activities within such easements.

### **General Policy**

- (1) Easement Area – The easement includes the dam, emergency spillway (to the outlet channel), pipe outlet works, sediment pool, flood detention pool (flood easement elevation), ingress/egress and any adjoining land deemed necessary for carrying out operation and maintenance responsibilities. The flood easement elevation is the contour line determined by the emergency spillway crest elevation plus two (2) feet. (Note: This is not the 100-Year floodplain, which is determined by the Federal Emergency Management Agency (FEMA)).
- (2) Ingress/Egress – As specified in the easement, the District is provided and will reserve access for the purpose of inspecting, operating, repairing and maintaining the structure. The minimum width of the access road will be thirty (30) feet. The District will install locks on access gates as needed to protect the landowner’s privacy.
- (3) Floodwater Retarding Structure – The dam, emergency spillway, primary spillway/pipe outlet and related appurtenances shall not be modified in any form for any reason without prior written approval of the District and concurrence from the NRCS.
- (4) Fencing – The fence and gates around the dam and emergency spillway are the property of the District. These fences were constructed for grazing management. Any changes or modifications to the existing fences require prior written approval of the District. Property line fences located within the easement are not the responsibility of the District. (Note: The fenced-in area around the dam and emergency spillway is not an indicator of the “easement area”.)
- (5) Grazing – Controlled grazing on the dam and emergency spillway is permitted under the following conditions:
  - (a) Grazing is regulated so as to maintain a 4-inch stubble height on Bermuda grass, and a 6-inch stubble height on other grasses.
  - (b) Livestock are removed when the soil is extremely wet or dry.
  - (c) Livestock will not be confined and/or fed on dam or emergency spillway.
  - (d) Corrals or pens will not be constructed on the dam or emergency spillway.



- (6) Other Agricultural Uses - Where practical, the dam and emergency spillway may be hayed. Cutting heights will be the same as grazing heights. Haying will be completed by October 1 to allow time for adequate regrowth before the winter. Plowing and planting annual crops such as small grains on the dam and spillway area is prohibited. Over seeding using a no-till drill or similar equipment is permitted.
- (7) Trafficking – Vehicular travel across the top of dam and spillway areas will be limited to prevent rutting and damage to vegetation. All vehicles, including ATV's, are prohibited on the slopes of the dam and in the emergency spillway area.
- (8) Water Level – The water level in the structure is controlled by the District. Landowner(s) within the sediment pool (permanent water) wishing to lower the water level must have prior written approval of the District. Other landowners within the sediment pool must be in agreement and submit written concurrence showing unanimous agreement before the District will consider the request.
- (9) Water Use – All surface water in Texas is owned by the State. The landowner(s) involved in the floodwater retarding structure have the right to use water in the sediment pool for domestic or livestock use. The use of water for commercial agricultural production and other commercial uses is regulated by the Texas Commission on Environmental Quality (TCEQ). Before applying for a state permit, the landowner must first receive written approval from the District to ensure that such activities will have no adverse effect on the structure. Secondly, the landowner(s) having sediment pool must be in unanimous agreement and submit written concurrence to the District.
- (10) Development – Development is defined as any manmade change to improved or unimproved real estate, including but not limited to, adding buildings or other structures, dredging, filling, grading, paving, excavation, or drilling operations.

The following activities relating to development are prohibited within the easement area:

- (a) Residential construction, and other structures (garages, barns, utility buildings, etc)
- (b) Placement of fill for any reason;
- (c) Installation of dikes, levees or other structures which may reduce the storage capacity of the flood detention pool, decrease the capacity of the flood channel, deflect the flow from the channel or divert natural runoff;
- (d) Construction of buried or above ground utilities on dam or emergency spillway;
- (e) Temporary or permanent placement of objects in the emergency spillway that will reduce or disturb flow (i.e., fences, hay bales, equipment storage, etc.).



In developing watersheds, the District recommends that the minimum finished floor elevation for proposed development areas be one (1) foot above top of dam elevation. All development will comply with the National Flood Insurance Program and be approved by the governmental authority having jurisdiction. To provide a technical basis for development, future development that impacts on, or is impacted by the structure and/or the easement, shall require a detailed engineering study and a final copy provided to the District at the sole expense of the developer. The engineering firm completing the study shall be approved by the District and concurred by the NRCS. All plans for developing land within the easement area must be approved in writing by the District. Refer to the sections “Upstream Development” and “Identification of Easement Area” for guidance on submission and approval of plans.

- (11) Request involving deviations from District Policy – Deviations from District policy will not be permitted unless the following criteria are met:
- (a) It can clearly be shown by approved procedures that the deviation will not adversely affect conditions either upstream or downstream from the point of deviation; and
  - (b) All owners directly affected by the deviation are in agreement; and
  - (c) The deviation is not in conflict with any other plan or ordinance adopted by any local governing authority having jurisdiction.

Request for deviation must be submitted, in written form, at least twenty –one (21) days prior to the date of the District meeting at which consideration is requested.

### **Upstream Development**

When residential or commercial development is contemplated on land on which the District holds an easement, the owner shall contact the District to review the plans and the impact on the District’s easement. This review should take place as soon as reasonably possible and prior to the tender of any plats, preliminary or otherwise, to any governmental authority, and prior to the sale of any land or an interest in any land. See “General Policy-Development”. If development is feasible, as evidenced by written approval of the District, then the following information will be required and provided at the owner’s expense for District approval.

- (a) A survey of the easement area by metes and bounds. See “Identification of Easement Area for guidance of amending easement.
- (b) Two (2) prints of a preliminary plat of the proposed development which must be provided at least twenty-one (21) days prior to the date of the District meeting at which approval of the preliminary plat is requested. The preliminary plat shall include the following information, as applicable:
  - (i) Depiction of the recorded easement showing boundary lines of the easement, and location of the dam, emergency spillway and flood detention pool;
  - (ii) Flood easement elevation contour with flood detention pool shown by shading;
  - (iii) Sediment pool elevation contour (permanent water level);



- (iv) The 100-year floodplain boundaries and source of information;
- (v) Top of dam elevation contour (in developing watershed);
- (vi) Location of utilities, easements and rights-of-way (existing and planned);
- (vii) Layout of subdivision including streets and lots and any other features relating to the proposed subdivision.

Approval of the preliminary plat does not constitute acceptance of the development, but merely an authorization to proceed with preparation of the final plat. When development activities require County and/or city approval, District approval in writing, shall be obtained prior to submission to the appropriate governing authority. All development will comply with the National Flood Insurance Program.

- (c) The owner will submit two (2) prints of the final plat of the proposed development at least twenty-one (21) days prior to the date of the District meeting at which approval of the final plat is requested.

The final plat shall have all the information required for the preliminary plat plus the following additional information shall be provided:

- (i) A written list of all changes made in the final plat that are different from the preliminary plat;
- (ii) Subdivision restriction, including those imposed by the developer.

**District review and written approval of the final plat must be obtained prior to submission to the County or City.**

**After approval, the final plat will be filed with the Ellis County Clerk's Office, and two (2) certified copies of the final plat and accompanying restrictions along with recording information furnished to the District at the owner's expense.**

#### Identification of Easement Area

When land on which the District holds an easement is to be developed (residential subdivision, commercial development, etc.), the original easement shall be amended to identify the easement by a metes and bounds description. All expenses incurred will be the sole responsibility of the owner.

The owner shall provide to the District a certificate of title from a title company showing that the title to said property is vested in the owner and a listing of any and all lien holders(s).

A registered public surveyor shall conduct the survey. The District will provide details and limits, specific to the easement to be redefines. The area retained and therein describer will, as a minimum, include the dam,



emergency spillway, pipe outlet, sediment pool, flood detention pool (flood easement elevation), ingress/egress and any adjoining lands deemed necessary for carrying out District responsibilities.

Survey field notes and plat will be submitted to the District for examination. The plat will, as a minimum, contain the following information:

- (1) Boundaries of the easement area including call notes (lines, bearings and distances); and the area clearly identified by shading;
- (2) Show location of the dam, emergency spillway, flood easement elevation, as applicable;
- (3) A seal, signature and certification by a surveyor to the effect that the plat correctly represents a survey made by him.

Following written approval of the survey by the District, the owner will have his attorney prepare, for the consideration and possible execution by the District, a partial release that modifies the original easement and that includes:

- (1) The title history of the subject property from the inception of ownership by the Grantor in the original easement;
- (2) A detailed explanation of the changes that not only show the portion of the easement released by also defines and clarifies, by metes and bounds, that portion of the easement to be retained;
- (3) The following statement: "Except as above amended, all other provisions of the original easement shall remain in full force and effect."; and
- (4) A plat of the subject property as outlined above, and identified as "Exhibit A".

**Note:** A copy of all deeds and/or easements referenced in the conveying document shall accompany said document.

The owner will then submit two (2) original copies of this amendment to the District for final review and approval at least twenty-one days (21) prior to the date of the District meeting at which approval of the amendment is requested.

Following District approval, the District will, at the owner's expense, file the amended easement with the Ellis County Clerk's office. In addition, the owner shall pay the cost of providing the District with a certified copy of said document with recording information.



**DRAFT**

**THIS PAGE IS INTENTIONALLY LEFT BLANK**



**SECTION V - IXX**  
**RESERVED**

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



## **SECTION XX** **DEFINITIONS**

### **A. APPLICATION**

- (1) For these regulations, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section.
  
- (2) If the terms, phrases, words and their derivations are not located within these set of regulations, it may be located in the County's other associated development regulations.
  - (i) Definitions not expressly prescribed herein are to be construed in one of the following methods as determined by the Department of Development Director to apply a definition that closely applies:
    - (a) In accordance with customary usage in subdivision, planning and engineering practices;  
or,
    - (b) The most recent edition of Black's Law Dictionary.
  - (ii) Any interpretation shall be addressed by the County Engineer as outlined in Section I (F).
- (3) The definitions in this section shall also apply to Volume I (Subdivision and Building Standards) and Volume III (Standard Construction Details) of the Ellis County Quality Growth Initiatives, unless otherwise indicated.

### **B. DEFINITIONS**

#### **Access Ramp**

A route used to provide entry for vehicles and machinery into a channel.

#### **Access Road**

A route parallel to and at the top of the bank of a channel used for maintenance of channels.

#### **Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year.

#### **Channel**

Any open or closed device for conveying flowing water.

#### **Drainage Area or Basin**

The land area or catchment area, upon which rainfall contributes runoff to a specific location.

#### **Drainage Facilities or System**

One or more conduits, channels, ditches, swales, pipes, detention devices, or any other device, work, or improvement, natural or manmade, which is used, designed, or intended to be used to carry, direct, detain, or otherwise control storm water.



### **Detention**

The storage of storm water runoff for a controlled release during or immediately following the design storm.

### **Flood Hazard Boundary Map (FHBM)**

An official map issued by the Federal Emergency Management Agency (FEMA), where the areas of special flood hazards have been designated.

### **Flood Insurance Rate Map (FIRM)**

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

### **Flood Insurance Study**

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

### **Floodplain**

For purposes of these rules, the floodplain is the area designated as subject to flooding from the base flood (100-year flood) on the Flood Insurance Rate Map. The floodplain includes the floodway when established.

### **Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

### **Floodway Fringe**

The area located within the floodplain and outside the floodway.

### **Freeboard**

The vertical distance between the design water surface level and the top of an open conduit left to allow for wave action, flotation debris, or any other condition or emergency without over topping the structure.

### **Hydrograph**

A graph showing stage, flow, velocity or other properties of water versus time at a given point in a stream or conduit.

### **Inlet**

An opening into a storm drain system for the entrance of surface water runoff.

### **Inverted Crown Section**

A street cross-section usually reserved for alleys, in which the center of the street is lower than the edges so that drainage is carried down the center of the street.



**Local Drainage System**

Any drainage facility or system which serves an area having a contributory drainage basin of less than a one (1) square mile area.

**Off-Site**

Located outside the boundary of a development.

**On-Site**

Located within the boundary of a development.

**Pipe**

A closed conduit through which water flows.

**Positive Drainage**

The practice or system of proper grading to direct runoff away from structures and to prevent ponding.

**Positive Overflow**

Refers to when inlets do not function properly or the design capacity of a conduit is exceeded, the excess flow can be conveyed overland along a road, alley, or special drainage easement.

**Soffit**

Inside top of a pipe.

**Time of Concentration**

The estimated time, in minutes, required for storm water runoff to flow from the most hydraulically remote section of the drainage area to a specific design point.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**APPENDIX A**  
**HISTORY OF AMENDMENTS**

<b>DATE</b>	<b>MINUTE ORDER</b>	<b>BRIEF SUMMARY</b>
03/27/1986	<b>6668</b>	Creation and adoption of Subdivision Rules & Regulations.
03/27/1986	<b>6669</b>	Established effective date of Subdivision Rules & Regulations.
03/11/1991	<b>9120</b>	Enacted certain land use controls to remain in effect until a comprehensive land use and infrastructure plan is adopted; amended definition of "Subdivision," established percolation reate/minimum lot size for OSSFs, included a simplified plat process and providing for an agricultural and ownership conveyance exemption.
03/11/1991	<b>9121</b>	Required new structures to be located on an approved building site plan.
03/11/1991	<b>9122</b>	Required OSSF regulations be consistent with subdivision regulations and state guidelines.
01/12/1998	<b>98-021</b>	Overhaul of existing subdivision rules and regulations (same format existed until 2002) – changes unknown ( <i>further research needed</i> ).
07/27/1998	<b>98-220</b>	Created a Relief from Commissioners' Court section – other changes unknown ( <i>further research needed</i> ).
11/23/1998	<b>98-346</b>	Added family variance by blood or marriage to Special Conditions to seek relief from Commissioners' Court.
03/08/1999	<b>99-49</b>	Amended the variance section of the regulations allowing "gift deeds" are not subject to Court action and can be made by the director.
05/13/2002	<b>192.02</b>	Renamed subdivision regulations to the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes ( <i>other changes unknown; needs further research; this format lasted until 2017</i> ).
9/13/2004	<b>353.04</b>	Required pre-submittal meeting for plats, preconstruction meetings, fire hydrants connecting to 6-inch waterlines & required 4x4 locators, culvert permit for each lot, letter from Tx-DOT if connecting to their roads, no drainage onto problems onto existing roads, required financial security (bonds), digital copy of plat required, corrected some clerical errors, required erosion control, a few changes to gated subdivisions, and a few deletions of sentences.
08/28/2006	<b>396.06</b>	Regulations related to post-development drainage must not be greater then pre-development drainage.
08/28/2006	<b>397.06</b>	Changed a 2-year maintenance bond to a 3-year maintenance bond.
08/28/2006	<b>398.06</b>	Regulations related to solid structured mailboxes as required by the USPS shall be clustered mailboxes or a breakaway mailbox where not practical.
08/28/2006	<b>399.06</b>	Regulations created the criteria for submittal of simplified plats.
08/28/2006	<b>400.06</b>	Simplified plats shall also adhere to the fire hydrants requirements meeting ISO & IFSTA standards.
10/10/2017	<b>428.17</b>	Modified minimum setback requirements (Section 3-E, Paragraph 3).



# ELLIS COUNTY QUALITY GROWTH INITIATIVES



DRAFT

## VOLUME III STANDARD CONSTRUCTION DETAILS

## TABLE OF CONTENTS

### SECTION I – GENERAL INFORMATION & ADMINISTRATION

A.	Official Name	04
B.	Authority	04
C.	Application and Purpose	04
D.	Consistency With Regulations	04
E.	Amendments	04
F.	Interpretations	04
G.	Fines and Penalties	05
H.	Severability	05

### SECTION II – ENGINEERING & CONSTRUCTION STANDARDS

A.	Street Classification	07
B.	Access	08
C.	Streets & Connectivity	08
D.	Engineering Plans	11
E.	Culverts	12
F.	Utilities	13
G.	Fire Hydrants	14
H.	Construction	14
I.	Testing	15
J.	Inspections	16
K.	Erosion Control	16
L.	Street Signs & Traffic Control Devices	17
M.	Completion of Required Infrastructure	18
N.	Traffic Impact Study	18
O.	Private or Gated Subdivision	18

### SECTION III – WATER & WASTEWATER STANDARDS

A.	Lots Serviced by Water Wells	21
B.	Public Water Systems	21
C.	Groundwater Certification	22
D.	Wastewater Disposal	22

### SECTION IV – CONSTRUCTION PROCEDURES AND SPECIFICATIONS

A.	Applicability	25
B.	Preparing & Clearing ROW	25
C.	Roadway Excavation & Embankment	25
D.	Subgrade & Base Course	25
E.	Pavement Widening	28
F.	Culverts & Structures	28
G.	Testing & Inspections	29
H.	Street & Road Plans	30

### APPENDIX A

	History of Amendments	39
--	-----------------------	----



**DRAFT**

**THIS PAGE IS INTENTIONALLY LEFT BLANK**



## SECTION I GENERAL INFORMATION AND ADMINISTRATION

### A. OFFICIAL NAME

The official name of these regulations shall be the “**Ellis County Quality Growth Initiatives, Volume III—Standard Construction Details.**”

### B. AUTHORITY

These regulations are adopted under the authority of the Constitution and Laws of the State of Texas, including but not limited to, the Texas Local Government Code, as amended, and any other applicable laws, regulations, and approved orders.

### C. APPLICATION & PURPOSE

- (1) All development in Ellis County shall provide infrastructure in accordance with the following requirements and design standards.
- (2) The purpose of these standards is to provide for the health, safety, and general well-being of the public by assuring that adequate infrastructure is provided in all subdivisions which can be maintained without imposing a burden to taxpayers.

### D. CONSISTENCY WITH OTHER REGULATIONS

- (1) These regulations shall be consistent with the adopted Ellis County Subdivision and Development Standards (Volume I), and the Drainage Design Manual (Volume II), and any other supplemental land use and community development policies that may be adopted by the Commissioners’ Court.
- (2) Should a conflict arise with other applicable orders, the strictest shall apply, until an updated order is approved by the County Commissioners’ Court.

### E. AMENDMENTS

- (1) As an exception, the County Engineer may amend the illustrations within these regulations to better assist in graphically depicting portions of these regulations.
- (2) As needed, the Commissioners’ Court may amend these regulations to reflect desired changes and updates in policy or to stay consistent with State Law.
  - (i) Public hearings on all proposed written amendments shall be held by the Commissioners’ Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.

### F. INTERPRETATIONS

- (1) As needed, the County Engineer shall provide interpretations of these regulations.



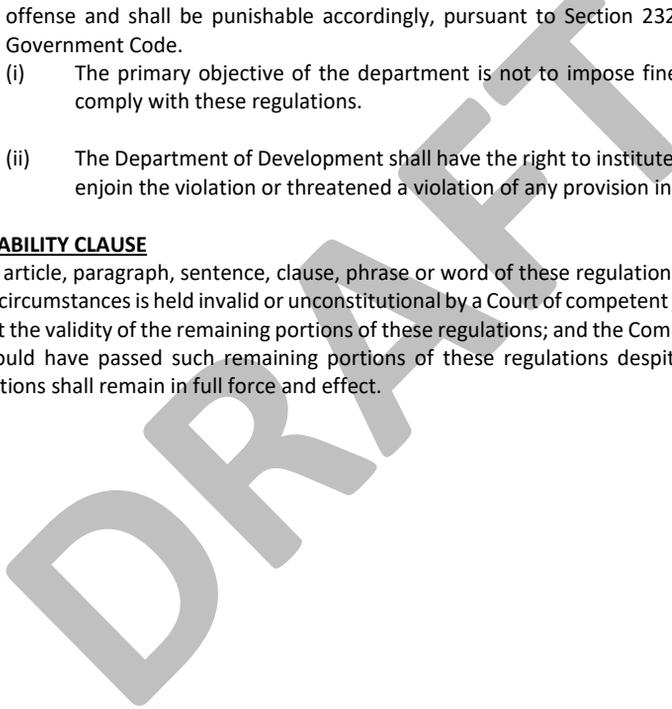
- (2) Rulings made by the County Engineer are issued on a case-by-case basis and shall not set a precedent for other similar situations.
- (3) Should an applicant disagree with the interpretation provided, that decision may be appealed to the Commissioners' Court at the next available meeting, as listed in the latest submittal calendar.

**G. FINES & PENALTIES**

- (1) Any person, firm or corporation who violates any of the provisions of these regulations or who fails to comply with any provision hereof within the Ellis County shall be subject to civil penalties including a fine of \$1,000 for each day that such violation continues shall constitute a separate offense and shall be punishable accordingly, pursuant to Section 232.035 of the Texas Local Government Code.
  - (i) The primary objective of the department is not to impose fines but to have everyone comply with these regulations.
  - (ii) The Department of Development shall have the right to institute an action in the court to enjoin the violation or threatened a violation of any provision in the County.

**H. SEVERABILITY CLAUSE**

If any section, article, paragraph, sentence, clause, phrase or word of these regulations, or application, thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of these regulations; and the Commissioners' Court hereby declares it would have passed such remaining portions of these regulations despite such invalidity, which remaining portions shall remain in full force and effect.





**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**SECTION II**  
**ENGINEERING AND CONSTRUCTION STANDARDS**

**A. STREET CLASSIFICATION**

Below is the summary of the minimum standards for Ellis County roads.

**TABLE II -A**

Functional Classification (Average Daily Trips <sup>1</sup> )	Local (0 – 250)	Collector or Secondary Thoroughfare (250 – 1,000)	Primary Thoroughfare (1,000 – 3,000)	Regional Arterial <sup>2</sup> (3,000 – 5,000)
Design Speed	20 MPH	30 MPH	35 MPH	45 MPH
Number of Lanes	2	2	2	2-4
Minimum Row Width (or half of the Thoroughfare Plan designation, whichever is greater)	60 feet	80 feet	100 feet	130 feet
Minimum Pavement Width (Traveled Way)	22 - 24 feet <sup>3</sup>	28 feet	30 feet <sup>4</sup>	36 feet
Minimum Width of Shoulders	3 feet	3 feet	4 feet	5 feet
Minimum Centerline Radius	100 feet	150 feet	300 feet	675 feet
Minimum Radius for Edge of Pavement at Intersections	15 feet	25 feet	25 feet	25 feet
Maximum Grade <sup>5</sup>	12%	10%	10%	9%
Minimum Stopping Sight Distance	50 feet	150 feet	250 feet	350 feet
Minimum Intersection Sight Distance	200 feet	200 feet	300 feet	450 feet
Steepest Ditch Fore Slope Grade <sup>6</sup>	3:1	3:1	4:1	4:1

**Notes:**

1. Lots that are restricted to one single-family residence by plat note shall be presumed to generate ten (10) one-way trips per day.
2. All elements, including geometric layout and cross-section, for major arterials (more than 5,000 trips) shall be approved by the Department of Development Director.
3. A width of 31 feet is required if curbed.
4. If residences do not front on street, a 26-foot pavement w/shoulders is sufficient.
5. Occasional short runs between intersections may exceed the amounts shown, but maximum grades through intersections may not exceed the amounts shown.
6. The entire side ditch shall be totally contained within the ROW or dedicated drainage easement. Metal beam guard fencing normally will not be required. However, it is the responsibility of the Developer and his design engineer to (a) provide embankment heights and side slopes which would preclude the need for such traffic barriers; or (b) to determine the need for such structures in the interest of public safety.



## **B. ACCESS**

- (1) Access to all tracts of land and development projects shall be from a County-maintained street/road, a city-maintained road, or a state/federally-maintained road or street.
- (2) Subdivisions with at least two (2) interior streets shall provide at least two (2) points of access to a main street outside the proposed development with driveway access to interior streets only. New streets shall align with other existing surrounding streets.
- (3) Only one (1) access point (i.e. driveway) shall be allowed per lot or tract of land along roads identified as 80 feet of right-of-way or more on the Master Thoroughfare Plan. If multiple access points are desired on the same lot, it shall meet Tx-DOT's Access Management Standards, Table 2-2 and Section II (A) & (E) below.
- (4) All access drives within County right-of-way located within the interior of subdivisions shall satisfy the following criteria:
  - (i) Minimum twelve (12) feet wide; and,
  - (ii) Minimum six (6) inches in thickness of concrete; and,
  - (iii) Meet other County standards for street construction outlined in Section II (C) (4) & (5) below.

## **C. STREETS AND CONNECTIVITY**

- (1) The design and construction of new streets or the extension of existing streets shall be done to facilitate both present and future traffic flow and to provide for adequate storm water drainage.
  - (i) In all cases, the design engineer shall be cognizant of local drainage and shall plan local streets such that the new street does not create a localized problem for existing development.
- (2) The developer shall provide adequate streets.
  - (i) The street arrangement, character, extent, width, grade, and location of each shall conform to these regulations, and shall relate to existing and planned streets, to topographical conditions, public safety and convenience, and aesthetic relationship to the proposed uses of land to be served by such streets.
  - (ii) The street layout shall be devised for the most advantageous development and accessibility for emergency equipment.
  - (iii) To promote connectivity and traffic safety, streets shall connect and align with other existing streets, as needed, and determined by the County Engineer or Director.



- (iv) Development shall be allowed along all public roads officially accepted and maintained by Ellis County and shall occur according to the latest applicable standards in effect at the time of platting or permitting.
  - (v) If the private roads are built to public road standards and inspected by the county, the property may develop as if it were a public road and meet all the requirements set forth in these regulations and as stated in the preceding paragraph.
  - (vi) Any Owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box to the Fire Marshal's Office. Gated subdivision roads are not eligible for acceptance into the Ellis County road-maintenance system.
- (3) All streets shall meet the following requirements:
- (i) Shall be concrete with a minimum thickness of six (6) inches, and constructed in compliance with the specifications as shown in Section I (A); and,
    - (1) The Engineering Report shall include a description of the roadways within the community, and include information on the roadway cross section, pavement width and thickness, base thickness, sub grade treatment, material specifications and other information as required in these Regulations.
    - (2) Plans and specifications for these improvements shall also be submitted to the ~~Department of Development/County~~ Engineering Department for approval prior to construction.
  - (ii) Intersect at an angle of ninety (90) degrees. Where this is not practical, the intersection on the side of the acute angle shall be cut back a minimum of twenty-five (25) feet; and,
  - (iii) Flared entrances to subdivisions set to the specifications of the County Engineer shall be provided to accommodate access by large trucks; and,
  - (iv) Provide a minimum spacing of 600 feet (does not apply to internal subdivision streets or roads maintained by other jurisdictions) and new streets shall align with other existing surrounding streets.
    - (a) New streets that fall below this requirement due to aligning with existing streets may be exempt from this regulation.
  - (v) Street jogs with centerlines offsets of less than one hundred fifty (150) feet shall be prohibited.
- (4) Lots or tracts of land with direct driveway access to ~~any~~ roads indicated on the Master Thoroughfare Plan shall not be allowed without meeting one of the following alternatives:
- (i) Provide access via a parallel slip street; or,



- (ii) Shared access drive and share access easements between multiple lots to be shown on plat or filed instrument and built on site; or,
  - (iii) Any other alternative that satisfies the Department of Development Director and/or County Engineer that significantly reduces the number of drive cuts.
- (5) Dead-end streets may not be allowed unless such streets provide to connectivity to future streets on adjacent property. The system of streets designated for the subdivision shall connect with streets already dedicated in adjacent subdivisions.
- (i) Where no adjacent connections are proposed, paved streets shall continue to the boundaries of the property or phase, so that other developments may connect in the future.
  - (ii) Where adjoining areas are not subdivided, the arrangement of streets in the subdivision will make provisions for the future projection of streets into such unplatted areas.
  - (iii) Upon development of such unplatted areas, the new development shall match the street projections to form a continuous street. In no case shall the right-of-way be less than the minimum requirements listed herein.
- (6) Temporary turnarounds shall be provided on dead-end expansion streets while future connectivity is made and be built and designed with a material approved by the County Engineer.
- (i) Such turnaround shall be eliminated with the future street connection.
  - (ii) No lot shall front on a dead-end expansion street or be considered for lot width requirement as a cul-de-sac lot.
  - (iii) All turnarounds shall meet the same requirements as cul-de-sacs outlined below.
- (7) Cul-de-sacs shall provide proper access to all lots and only at the closed end of streets and shall not be allowed at intersections or curves. All cul-de-sacs shall meet the following requirements listed below:
- (i) Provide a turnaround right-of-way of at least sixty (60) foot radius (120-foot diameter); or the requirements stated in the Fire Code; and,
  - (ii) Have an outside edge of pavement radius of at least forty (40) feet (80-foot diameter); or the requirements stated in the Fire Code; and,
  - (iii) Shall not exceed one thousand (1,000) feet in length, measured from the intersection of the closest street intersection to the center of the cul-de-sac.
- (8) The County shall not accept any dedication or provide any upkeep or maintenance of any private area, private decorative and/or landscaped entrance(s), squares, islands, or other obstructions to traffic located within the dedicated right-of-way. If these entrances become damaged,



unsightly, or a hazard to traffic, at the option of the precinct commissioner, they may be removed with the County suffering no liability for this removal.

- (i) Prior to the placement of items in the right-of-way, a right-of-way encroachment approval is from the Commissioners' Court.
  - (ii) The County shall not bear any liability or responsibility for the placement of any items in the right-of-way.
- (9) All lots in a subdivision shall have an all-weather driveway capable of providing a place to park all vehicles normally at the site. Parking on a county, state or federal right-of-way or ditches is prohibited.
- (10) Ellis County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas, and open spaces.

#### **D. ENGINEERING PLANS**

- (1) Final engineering drawings and specifications for all public facilities (i.e. streets and related improvements, bridges, storm drainage, etc.) to be installed shall be submitted for review prior to the commencement of any plat submittal. The items required for these plans shall be as outlined on the checklist generated by the County Engineer.
  - (i) Each application submittal and application fee shall allow for up to two (2) resubmittal reviews for a total of three (3) reviews.
    - (a) If no plans are required, a release letter from the County Engineer is required prior to plat submittal.
  - (ii) Upon the exhaustion of these reviews, the application shall be deemed denied and a new application and fees shall be submitted.
  - (iii) A list showing all requested changes by staff shall be submitted with each submittal showing how each comment was address or changed.
- (2) Plan and profile sheets shall be included for each proposed street in the subdivision.
  - (i) These plan and profile sheets shall show the right-of-way of the street and a portion of the right-of-way of all intersecting streets in the plan portion.
  - (ii) The plan portion shall show existing ground at left and right, right-of-way, and proposed center line or elevations, drainage ditch elevations, culverts and sizings, and other drainage structures.
- (3) Any approved engineering plans or related documents shall be effective for one (1) year from the date of approval.
  - (i) If construction has not started within one (1) year, the engineering plans shall expire, and a new set is required for review.



- (ii) The new set of plans and documents shall adhere to any new regulations in effect at the time of submittal.

#### **E. CULVERTS**

- (1) A driveway culvert is required for each lot. If a second drive is desired, the property owner shall comply with the driveway spacing requirement (if applicable). A permit shall be obtained for each drive and culvert installed.
  - (i) Culvert size shall be determined by the engineer that designed the drainage for the proposed subdivision, however, shall meet the minimum requirements of the County.
  - (ii) The precinct commissioner shall determine the exact sizing if it is within an existing subdivision.
  - (iii) Property owners are responsible for ensuring the culverts are installed according to County regulations. Culverts shall be maintained by the homeowners and not the County.
- (2) The developer shall install all drainage culverts as designated on the approved construction and drainage plans.
- (3) Driveway culverts are required to meet the following minimum standards:
  - (i) Shall be constructed of corrugated metal or reinforced concrete
    - (a) However, concrete culverts, including concrete box culverts, may be allowed in locations that require a culvert that is larger than is practicable for a corrugated metal culvert; and,
  - (ii) Minimum eighteen (18) inches in diameter per culvert, unless otherwise stated by the precinct commissioner; and,
  - (iii) Culverts shall be placed at the edge of the existing road, unless otherwise indicated by the County Engineer and/or precinct commissioner.
  - (iv) The driveway above the culvert shall be constructed such that the driveway is sufficiently below the outside edge of the main road so that the storm water which exceeds the capacity of the culvert can pass over the culvert without entering the roadway and driveway entrance; and,
  - (v) Culvert safety end treatments are highly recommended.
- (4) Temporary culvert piping shall be in place before the commencement of any construction or development activity on the property to prevent any drainage issues. The temporary culvert piping shall be inspected before the construction begins.
- (5) Culvert plans may be required to be signed and sealed by a professional engineer, if unusual conditions exist, as determined by the County Engineer or precinct commissioner.



- (i) The Engineering Report shall include information on the development and roadway drainage, culverts, conveyances, outfalls, and other information as required to properly convey storm water within and away from the Development. Plans and specifications for these improvements shall also be submitted to the Department of Development for approval prior to construction.
  - (ii) A new subdivision, which ties into an existing county road, shall not cause drainage problems to the existing county road.
- (6) A final inspection made by the Department of Development, ~~and/or~~ County Engineer, or precinct office ~~will~~ shall follow installation to ensure proper type, size, and installation per the drainage plan prepared for the subdivision. [See Section IV \(F\) for additional information.](#)

#### **F. UTILITIES**

- (1) All utility lines, except those crossing a road, shall be installed in utility easements outside of any current right-of-way, dedicated or prescriptive, and outside of any current or future right-of-way of thoroughfares as shown in the latest approved [Master Thoroughfare Plan](#).
- (2) It is the responsibility of the developer and/or utility provider to properly install and/or relocate existing utilities to comply with county or state setback and/or right-of-way.
- (3) All utility lines crossing any road shall be installed to at least the minimum requirements shown below along with other conditions set forth by the utility company and/or as required by statute.
  - (i) Utility lines crossing a road shall be installed a minimum of twenty-four (24) inches below the ditch line or a minimum of thirty-six (36) inches below the crown line of the road, whichever is greater.
  - (ii) All lines carrying liquid products shall be encased in steel or schedule 40 PVC for a minimum depth of thirty-six (36) inches below the crown line of the road from ditch line to ditch line.
- (4) After roads and streets have been accepted for maintenance by the County, no construction shall be performed or excavations made within the right-of-way without:
  - (i) Giving the County thirty (30) day notice of such work; and,
  - (ii) Agreeing to pay cost of warning signs and other necessary barriers in accordance with the latest [Texas Manual on Uniform Traffic Control Devices](#); and,
  - (iii) Providing letters of credit or bond in an amount necessary to restore roadways to its condition before work being done; and,
  - (iv) Providing a letter to the County assuming full liability for any accident that might occur resulting from such construction or opening of the roadway; and,



- (v) Emergency repairs may be made without advance notice. However, the utility company shall provide adequate safety protection and will assume full liability for accidents that occur while making emergency repairs.

#### **G. FIRE HYDRANTS**

- (1) Fire hydrants are required for any development that connects onto a waterline with a minimum size of six (6) inches.
- (2) When fire hydrants are installed, they shall be placed as follows and meet the following requirements:
  - (i) Face the road and be accessible to local fire-fighting vehicles, or as indicated by the Fire Marshal.
  - (ii) One (1) hydrant shall be located at each street intersection with intermediate hydrants with spacing not exceeding four hundred fifty (450) feet between hydrants.
  - (iii) Fire hydrant locators shall consist of four (4) inch by four (4) inch blue reflector traffic buttons properly placed to comply with local fire protection agent and Ellis County Department of Development and installed at each fire hydrant at center line on all adjacent streets.
  - (iv) Fire hydrants shall be colored as indicated by the Fire Marshal.
- (3) Fire hydrants shall be as specified by the water company providing service to the development area or the Fire Marshal's Office, whichever is stricter.
- (4) Operation nuts, hose nozzles, and pumper nozzle shall be compatible for use by all local fire-fighting agencies.
- (5) Any development that does not have fire hydrants shall adhere to the adopted Ellis County Fire Code for other viable fire suppression options. Those options shall only be approved by the Fire Marshal's Office.

#### **H. CONSTRUCTION**

- (1) All installations and work shall be reviewed and inspected by the Department of Development and the County Engineer. City personnel shall also be included in the inspection, if located in an extraterritorial jurisdiction (ETJ), according to the adopted interlocal agreement in that area.
- (2) All work shall be constructed and finished in accordance with the approved engineering plans as reviewed and approved by the County Engineer.
- (3) Any changes made during construction shall require stopping until the design engineer gets approval from the County Engineer.



- (4) All development construction shall conform to the requirements of the National Flood Insurance Program, as administered by Ellis County.
- (5) During any construction phase, a metal dumpster or wooden box shall be placed on the property for debris and proper disposal of construction material.

#### **I. TESTING**

- (1) All testing required by these regulations to determine conformance to specifications shall be performed by a professional engineer or a testing laboratory approved by the ~~Department of Development~~ [County Engineer](#).
  - (i) The owner/developer of the proposed project shall bear the cost of all testing.
  - (ii) All street payment shall be cored to verify pavement thickness.
  - (iii) Cores for depth only shall be two (2) inch diameter and shall be taken at intermediate intervals not exceeding three hundred (300) feet.
- (2) The following tests shall be required:
  - (i) A subsurface investigation to evaluate subgrade characteristics, stabilization requirements and pavement section thickness shall be completed; and,
  - (ii) Pavement materials and mix designs shall be analyzed and evaluated for their suitability for pavement usage; and,
  - (iii) Materials, engineering testing, and inspection services shall conform to the TxDOT laboratories recommended scope of services.
- (3) A concrete mix design shall be submitted and approved by the County [Engineer](#) prior to any placement of concrete.
- (4) Inspector shall be notified of concrete placement at least twenty-four (24) hours in advance for steel and form inspection.
- (5) A minimum of four (4) test cylinders shall be obtained per one hundred (100) cubic yards of concrete.
- (6) Tests shall also include slump, air contents, and temperature of concrete mixture. Each mix design of concrete placed each day shall also be tested.
- (7) Concrete strength shall be tested at least seven (7) days (two cylinders) and twenty-eight (28) days (two cylinders).



- (8) Additional cylinders and/or tests may be requested at the Inspector or County Engineer's discretion.

**J. INSPECTIONS**

- (1) Ellis County shall perform the amount of inspections and testing necessary to ensure compliance with these and other applicable regulations.
- (2) Inspection, approval, and acceptance by the Commissioners' Court do not relieve the developer of his responsibility to inspect, test, and construct the work in complete compliance with the and other applicable regulations.
- (3) The Department of Development/County Engineer may stop any or all construction as the inspector deems necessary to resolve construction deficiencies and/or discrepancies from the accepted plat or construction plans.
- (4) Inspection, approval, and acceptance by the Commissioners' Court shall not constitute a waiver of rights and includes the right to collect for additional work that is determined to be required to comply with these rules and regulations and/or for work unintentionally not completed.

**K. EROSION CONTROL**

- (1) Seed/sod shall be furnished to establish groundcover over all disturbed areas as an erosion control measure. The Contractor shall not wait until the entire project before doing this work. The project shall not be considered for acceptance by the County unless the establishment of 80% groundcover is ensured. Grass sods is required for placement of groundcover within the County right-of-way.
  - (i) [The County Engineer or Department of Development Director may defer the 80% groundcover requirement during the months between June 1 and September 30 or other drought conditions as determined by the official authorities. The groundcover may be installed after this period.](#)
  - (ii) [At the discretion of the County Engineer, the developer/contractors may be required to install additional erosion control measures.](#)
- (2) During any and all construction of infrastructure, the developer shall follow proper procedures and guidelines on erosion control set forth by the Texas Commission on Environmental Quality (TCEQ) and/or the Department of Development throughout the construction phase of the project until the final inspection is complete.
- (3) Where applicable, inside the extraterritorial jurisdiction (ETJ) of incorporated municipalities and within districts with special stormwater quality control requirements, the development shall conform to the applicable standards of such municipalities or districts or the County standards, whichever are more stringent.
- (4) In any case, minimum requirements for temporary and permanent erosion control design for right-of-way and drainage requirements are as follows:



- (i) The temporary control plan during construction shall be sufficient to prevent sedimentation of drainageways, drainage structures, and floodplain areas that could result in a reduced flow capacity, excessive streambank erosion, erosion around structures, or damage of adjoining property.
- (ii) The permanent erosion control plan design shall be sufficient to:
  - (a) Permanently stabilize all disturbed areas with permanent vegetation, including slopes and embankments.
  - (b) Prevent erosion from exit velocities at outlets of culverts, bridges, storm sewers, and channels through dissipaters, rip-rap, level spreaders, linings, gabions, etc.
  - (c) Prevent gulying and scouring of roadside ditches and open channels from excessive tractive force (shear stress) through vegetation, linings, retention blankets, retards, drop structures, etc., both during and after the vegetation re-establishment period.
  - (d) Protect the integrity of all structural improvements and prevent excessive continuing sedimentation from unstable right-of-way areas into drainage structures, channels, and bar ditches.

#### **L. STREET SIGNS AND TRAFFIC CONTROL DEVICES**

- (1) Prior to the acceptance of the streets by the County, all street signs and traffic control devices shall conform to the fundamental use and design requirements outlined in the [2009 edition of the Texas Manual on Uniform Traffic Control Devices \(TMUTCD\)](#).
- (2) The developer shall pay for the costs of purchasing and installing street posts and signs at each street intersection and as necessary to provide sufficient wayfinding.
  - (i) Street signs shall be comprised of nine (9) inch tall blades of six (6) inch high letters.
  - (ii) Posts and bases shall be perforated square metal tubing.
  - (iii) All new signs or traffic control devices shall be of a uniform color selected by the precinct commissioners and shall have a distinctive number to represent the precinct number.
  - (iv) Enhanced or upgraded signs or other traffic control devices above the required minimum shall be considered private decorative signs and be maintained by the homeowners' association or other private entity. The County does not bear responsibility or liability for these decorative signs. Any replacement by County shall be to the required minimum.
  - (v) All hazardous locations shall be marked by reflecting yellow object markers that conform to [TxDOT, Item 658](#).
  - (vi) All subdivision streets and drainage structures shall be marked and protected in



accordance with the provisions of the [Manual on Uniform Traffic Control Devices](#).

- (3) Streets names shall be approved through ~~the Department of Development and~~ 911 Addressing/[GIS](#) prior to the submission of a plat application. Submitted names shall be reviewed to ensure there is no conflict with the name or similar name, in spelling or sound, of another public road or street within the unincorporated part of the county or nearest city.
- (4) Each street sign and shall be in place before final inspection of the subdivision and prior to acceptance of the subdivision by the Commissioners' Court.
- (5) If a proposed subdivision borders on a TX-DOT road, the developer shall bring a letter to the Department of Development from TX-DOT ~~stating~~ [approving the](#) tie-in plans and drainage plans that affect the state road.
- (6) The installation of speed limit and weight limit signs is the responsibility of the developer and shall be placed at the entrance of each subdivision, neighborhood, or residential area as determined by the precinct commissioner or County Engineer.
- (7) The person authorizing the installation of a driveway, [culvert](#) or street connect~~ions~~ions to any public road is responsible for ensuring that the transition contains no gap, space, or mismatch of the two surfaces.
  - (i) Also, the transition shall not go past the edge of the existing road pavement and the transition will be repaired with asphalt unless the two surfaces being connected are concrete and then concrete will be used. No curbing allowed.

#### **M. COMPLETION OF REQUIRED INFRASTRUCTURE**

After completion and acceptance by the County, all streets, roads, signs, underground utilities, drainage ditches, erosion control measures, and drainage structures, shall be maintained by the developer for two (2) years and have an approved maintenance bond (See [Section VII, Volume I](#) for more information).

#### **N. TRAFFIC IMPACT STUDY.**

- (1) Traffic impact studies may be required at the discretion of the Department of Development Director and/or the County Engineer to be performed by the developer prior to the platting process for any development proposal that has ten (10) lots or more, at least of twenty-five (25) spaces or greater for a manufactured/mobile home communities or recreational vehicle parks, or any other type of development staff expects to significantly increase or impact the capacity and/or safety of the street/road system.
  - (i) Traffic impact studies shall be required and may apply the findings of that study or similar to the development.

#### **O. PRIVATE OR GATED SUBDIVISIONS**

- (1) A private or gated subdivision (security gates or guard station) shall be considered privately-owned. The homeowners' association or other similar financing mechanism shall maintain them.



- (2) Adequate provisions shall be made and approved for entrance for emergency vehicles.
- (3) The County shall not pay or be responsible for any portion of the cost, construction to maintenance of a private street, or for any utilities or related facilities located in private streets.
- (4) All private streets shall be designated as “private access ~~streets~~ easements” on plats before acceptance by the County. The term “private ~~access streets~~ easements” shall be inclusive of alleys, if provided.
- (5) Any private streets shall be designed and built to the same engineering standards and plans required for public streets and utilities ([see Section JI \(A\)](#) for more information).
- (6) All required utilities, drainage facilities and signs placed along private streets shall be installed in accordance with County standards.
- (7) Entrances to private streets shall be marked with a sign (meeting requirements of [Subsection J](#)) stating it is a private street and the County does not maintain the street or related improvements.
- (8) The subdivision developer, homeowners’ association or similar, or property owners shall provide the Fire Marshall with a Knox padlock or Knox box with a key to access the site to be used only in case of an emergency.
- (9) Current access codes shall always be provided to the Department of Development to enter these communities to be used only for the purposes of issuing permits, providing inspections, and investigating complaints.
- ~~(10) The streets and alleys are private streets and alleys dedicated to Ellis County as access, utility, and drainage easements. The County has no responsibility or liability to make any repairs to such streets and alleys as long as they are private streets and alleys.~~



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**SECTION III**  
**WATER AND WASTEWATER STANDARDS**

**A. LOTS SERVICED BY WATER WELLS**

- (1) In subdivisions with five (5) or more lots, one (1) water well may be maintained and kept operational either by a subdivision homeowners' association or by the appropriate deed restriction with a four thousand (4,000) gallon or larger storage tank furnished beside the well.
- (2) The tank shall be fitted with connections approved by the County Fire Marshal.
- (3) County fire personnel shall have access to the well and tank for firefighting purposes.
- (4) Whenever a developer creates lots without a public water system or without supplying water from an approved source to each lot, the developer or his agents shall notify every purchaser, in writing and an Affidavit to the Public with the following:
  - (i) There is no approved water supply furnished to this (ese) lot (s); and,
  - (ii) The purchase of property on a private water supply shall be at the purchaser's own risk and expense; and,
  - (iii) Ellis County bears no responsibility for the availability or lack of availability or the quality of water supplies which are to be developed privately on an individual lot basis.
- (5) The restrictive covenants covering lots served by individually-owned water wells shall include provisions covering the sanitary control easement circling the water well as to:
  - (i) The size of the easement; and,
  - (ii) Prohibited facilities and activities therein that real or potential pollution hazards to the quality of the water.
- (6) Lots in Ellis County requiring an individual water well and an on-site sewage disposal system shall be of the size outlined in [Section IV \(A\) \(6\), Volume I](#) and follow the requirements outlined in [Chapter 232.0032 of the Texas Local Government Code](#).

**B. PUBLIC WATER SYSTEMS**

- (1) Public water systems, including fire hydrants, shall conform to American Water Works Association (AWWA) specifications as to design, materials, construction, and testing and comply with the rules and regulations of TCEQ.
- (2) For all lots proposed to be supplied with water from a public water supply system, the developer shall furnish the Commissioners' Court evidence that the system has received the required approvals from the appropriate State regulatory agencies and that the minimum production of the system shall at least equal the requirements of the regulatory agency for the number of residences projected.



- (3) If a public water supply is to be installed, wells must be tested a minimum of thirty-six (36) hours, pumping at the desired gallons per minute rate, to be used for production standards by the State Board of Health. Ellis County shall have the right to inspect all phases of public water wells during development.

**C. CERTIFICATION THAT ADEQUATE GROUNDWATER IS AVAILABLE FOR THE SUBDIVISION.**

If groundwater is the source of water supply for the subdivision, the Commissioners' Court requires a statement attached to the plat application, prepared and sealed by a licensed professional engineer registered to practice in Texas, that certifies that adequate groundwater is available for the subdivision, according to the certification form and content as promulgated by the Texas Commission on Environmental Quality.

**D. WASTEWATER DISPOSAL FACILITIES**

(1) Centralized Sewerage Facilities

- (i) The plan for sanitary sewage treatment and/or disposal shall be indicated (e.g., municipal sewer service, privately owned sewage disposal system or individual on-site sewage facilities).
- (ii) An appropriate permit to treat and/or dispose or waste for the ultimate build-out of the development shall have been obtained from TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ. Evidence of the approvals shall be included in the Engineering Report.
- (iii) If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation or an existing investor-owned water supply corporation, etc.) the Developer shall furnish a signed letter of service availability to provide the state's minimum wastewater treatment standard for the proposed development from the utility.
- (iv) Wastewater disposal service may be extended into the development to each lot or rental space if the existing wastewater lines are within three hundred (300) feet of the development and there is sufficient wastewater capacity available from the wastewater service provider and allowed to connect.
- (v) Where there is no existing entity or owner to build or maintain the proposed wastewater treatment and collection facilities, the Developer may establish an investor-owned utility or a municipal utility district by obtaining a Certificate of Convenience and Necessity (CCN) from TCEQ.
- (vi) A site evaluation must be completed for entire subdivision. The location of each soil analysis and the area that it covers shall be shown on the engineering report. If it is the owner's intent to allow conventional soil absorption systems, representative soil analysis shall be performed by Registered P.E. or Registered Sanitarian.



- (2) Whenever an organized disposal system is developed within 300 feet of a lot with an on-site sewage facility, that facility shall be connected to the organized disposal system. In addition, the development and use of an organized disposal system is encouraged, where practicable, to serve the disposal needs of the citizens of Ellis County.
  
- (3) On-site Sewage Facilities
  - (i) The engineering report shall include soils analysis results as required under the Ellis County Regulations for On-Site Sewage Facilities.

DRAFT



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

DRAFT



**SECTION IV**  
**CONSTRUCTION PROCEDURES AND SPECIFICATIONS**

**A. APPLICABILITY**

- (1) The driving surface of all subdivision streets shall be concrete.
- (2) The materials, design, specifications and procedures shall conform to those of [the current TxDOT specifications](#).
- (3) All new public roads constructed shall be concrete with a minimum 6-inch thick base and shall be a minimum 22 feet wide and follow other guidelines spelled out in [Table II-A](#).
- (4) The Director of the Department of Development, or his designee, shall be notified at least twenty-four (24) hours prior to material delivery, laying the base course of a road, or before paving is to be started, to allow the opportunity to visit the site to verify that specifications are being met.

**B. PREPARING AND CLEARING THE RIGHT-OF-WAY:**

- (1) The Developer shall clear the right-of-way in a manner conforming to [TxDOT, Item 100](#).
- (2) All unstable sub-base or objectionable material shall be removed and replaced with material acceptable to the County.

**C. ROADWAY EXCAVATION AND EMBANKMENT:**

- (1) Any roadway excavation necessary to attain conformance with proposed road grades and typical cross-sections shall be done in conformity with [TxDOT, Item 110](#).
- (2) In cases where the proposed road grades and cross-sections require the placing of fill material to raise the roadway, such embankment fill shall be constructed in conformity with [TxDOT, Item 132](#).
- (3) Completed side slopes shall not be steeper than 3-to-1. Completed cuts shall have side slopes no steeper than 3-to-1.
- (4) Requirements for slopes in cuts and on fills may be modified if the Developer presents plans designed, signed and sealed by an engineer, substituting adequate retaining walls or demonstrates that cuts are in material of adequate stability.

**D. SUBGRADE AND BASE COURSES:**

- (1) Prior to placing the base course, the roadbed shall be shaped to conform to the sub grade section and shall be tested.
- (2) It shall be firm and to the line and grade called for on the plans and shall be free of holes, ruts, and depressions.



- (3) The embankment, sub grade, and base course materials shall be compacted by suitable type rollers in all cases where required to consolidate fill materials or to attain adequate stability of sub grade materials and base courses.
- (4) The County shall require “Density control” method of compaction to attain the 95% compaction of sub grade and base courses. These percentages of compaction shall be required for all road construction. Rolling equipment and construction methods shall conform to TxDOT, [Items 210, 211, 212, 213, 214, 215, 216](#) and [217](#), inclusive.
- (5) Materials used for the base course shall meet the requirements of the specifications for such materials shown below.
  - (i) Flexible Base. Base materials used for roads or streets shall conform to the requirements of [TxDOT, Item 247](#), for flexible base material, Type A, Grade 2 (crushed stone or broken aggregate, excluding gravel aggregate). Pit run base materials and caliche are not allowed. The physical requirements for these materials are:

	Percent Retained on Sq. Sieve
<a href="#">2 ½ inch</a>	0
<a href="#">1 ¾ inch</a>	0-10
<a href="#">No. 4</a>	45-75
<a href="#">No. 40</a>	60-85*

*\*The maximum increase in material passing the No. 40 screen shall not exceed 20.*

The material passing the No. 40 screen shall be known as soil binder and shall meet the following requirements:

<b>Max. Liquid Limit</b>	<b>40</b>
<b>Max. Plasticity Index</b>	<b>12</b>
<b>Max. Wet Ball Mill</b>	<b>45</b>

Testing of flexible base materials shall be in accordance with the following TxDOT standard laboratory test procedures:

<a href="#">Liquid Limit</a>	<a href="#">Tex-104-E</a>
<a href="#">Plasticity Index</a>	<a href="#">Tex-106-E</a>
<a href="#">Sieve analysis</a>	<a href="#">Tex-110-E</a>
<a href="#">Wet Ball Mill</a>	<a href="#">Tex-116-E</a>

- (6) Before placing any material, the contractor shall furnish the Director of the Department of Development, or his designee, with reports of analysis of the proposed materials made by an approved laboratory. Preliminary approval of a source does not guarantee acceptability or evidence of conformity with these specifications.



- (7) Within 48 hours before placing the base material, the sub grade shall be checked as to conformity with grade and section and shall be tested for density in accordance with the regulations.
- (8) It shall be the responsibility of the Contractor to provide the required amount of specified material in each one hundred (100) foot station. Material deposited upon the sub grade shall be spread and shaped the same day unless otherwise directed by the Director of the Department of Development, or his designee.
- (9) In some locations in Ellis County, cement stabilization may be acceptable with prior agreement from the Department of Development [or County Engineer](#). Cement stabilization shall also comply with [TX-DOT standards](#).
  - (i) In the event inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread as directed by the Director of the Department of Development, or his designee.
  - (ii) The material shall be sprinkled, if directed, and shall then be bladed, dragged, and shaped to conform to typical sections as shown on plans.
  - (iii) All areas and “nests” of segregated coarse or fine materials shall be corrected or removed and replaced with well graded material, as directed by the Department of Development, or his designee.
  - (iv) If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in the amount directed by the Department of Development.
  - (v) Such binder material shall be carefully and evenly incorporated with the material in place by scarifying, harrowing, brooming or by other approved methods.
- (10) The base course may be placed, mixed, blended, and compacted by the Contractor in a single lift. Total base material placed shall not exceed seven (7) inches in thickness. Compacted thickness shall not be less than six (6) inches.
- (11) The course shall be sprinkled as required and compacted to the extent necessary to provide not less than the ninety-five (95) percent density specified. In addition to the requirements specified for density, the full depth of flexible base shown on the plans shall be compacted to the extent necessary to remain firm and stable under construction equipment.
- (12) Construction equipment shall be limited to units not exceeding legal loads. If the base material fails to meet the density requirements, it shall be reworked as necessary to meet these requirements.



- (13) Throughout this entire operation the shape of the base course shall be maintained by blading, and the surface upon completion shall be smooth and in conformity with the typical sections shown on the plans and to the established lines and grades.
- (14) In that area on which pavement is to be placed, any deviation in excess of  $\frac{1}{4}$  inch in cross section and in length of sixteen (16) feet measured longitudinally shall be corrected by loosening, adding or removing material, reshaping and recompacting by sprinkling and rolling.
- (15) All irregularities, depressions, or weak spots, which develop, shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling.
- (16) Should the base course, due to any reason or cause, lose the required density or finish before the surfacing is complete, it shall be recompact and refinished at the sole expense of the Contractor.
- (17) Sub base Stabilization.
  - (i) The sub base shall be stabilized using lime treatment. Lime stabilization shall conform to [TxDOT, Item 260](#).
  - (ii) A lime application rate of thirty-six (36) pounds of lime (8 percent by weight) per square yard of six (6) inch compacted thickness is recommended.
  - (iii) The optimum percentage shall be verified by an independent testing laboratory prior to construction. Lime treated sub grade shall be compacted to a minimum of ninety-five (95) of [Test Method TEX-121-E, Part II](#). Roadway density testing will be as outlined in [Test Method TEX-115-E](#).

#### **E. PAVEMENT WIDENING**

Before any pavement is placed to widen an existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub grade and pavement joint, as per [TxDOT Specifications](#).

#### **F. CULVERTS AND STRUCTURES:**

- (1) Concrete, wherever mentioned in these regulations, shall be Class A concrete as defined in [TxDOT, Item 421](#) except for machine-laid curb, which shall be Class C concrete.
- (2) Concrete materials, placement methods, placement temperatures, curing, etc., shall be in accordance with TxDOT, Items [420](#) and [421](#).
- (3) Pipe culverts shall be of corrugated metal pipe or reinforced concrete pipe and shall conform to TxDOT, Items [460](#), [461](#), [462](#), or [464](#).
- (4) Manholes and inlets shall conform to [TxDOT, Items 465](#), and Frames, Grates, Rings and Covers shall conform to [TxDOT, Item 471](#).



- (5) When concrete box culverts are constructed, materials and installation shall be in accordance with [TxDOT, Item 462](#).
- (6) Headwalls and wing walls shall conform to [TxDOT, Item 466](#), and Safety End Treatments shall conform to [TxDOT, Item 467](#).
- (7) Where metal or concrete pipe culverts are installed, concrete headwalls or four (4) inches of reinforced concrete riprap shall be built at the inlet and outlet and shall conform to [TxDOT Item 466](#).
- (8) Headwalls, on other than driveways, shall have a slope corresponding to the embankment, but not exceeding a 4-to-1 slope. Minimum pipe culvert size shall be eighteen (18) inches.
- (9) In high embankments, structures need not be carried to toe of slope if wing walls and adequate parapet headwalls are provided with an adequate apron. For outlet velocities exceeding eight (8) feet per second, an energy dissipater must be installed. Designs of wing walls and parapets must be submitted for approval and bear signature and seal of the Director of the Department of Development
- (10) Property owners constructing a private driveway intersecting a public road or street shall contact the Department of Development or the Precinct Commissioner for the proper culvert size. The culvert shall be constructed/installed in the flow line of the ditch.

**G. TESTING AND INSPECTIONS:**

- (1) The Developer is responsible for coordinating and paying for all inspection, on-site collection, and delivery of samples to an authorized laboratory, and for on-site and off-site testing done by the laboratory. Nuclear testing methods acceptable to TxDOT are acceptable to the County.
- (2) Street, Road and Structures testing by an authorized laboratory is required as follows:
  - (i) Street Subgrade - Proctor Determination on each class of soil to be encountered. Density test - one (1) each per five hundred (500) feet of street with retest as necessary (minimum of three (3) tests).
  - (ii) Base Course - Proctor test shall be required to establish quality and moisture density relationship. Density test: one (1) each per five hundred (500) feet of street or road, with retest as necessary (minimum of three tests).
  - (iii) Concrete Structures - Inspection by County prior to concrete placement. Class A concrete compressive strength (minimum of three (3) tests per structure) shall be 3000 PSI, with a minimum of one (1) test for each one hundred (100) feet of roadway. Testing will not be required for Class C concrete curbs.
- (3) The Developer shall provide the County with a minimum of twenty-four (24) hours notice prior



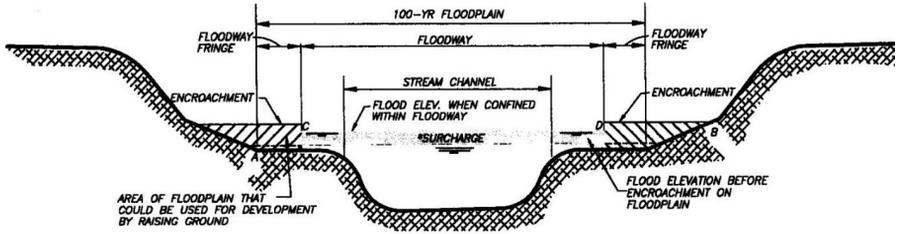
to any inspection that the County is to perform. Laboratory testing companies to be used by the Developer must be approved by the County.

#### **H. STREET AND ROAD PLANS:**

- (1) Typical cross-sections showing the proposed pavement width, type, thickness, and crown, and the proposed curb type and sidewalk (if any), and relation to curbs and property lines shall be submitted for approval.
- (2) This information shall be given for each of the different types of streets in the subdivision. Construction details shall be submitted for approval for all drainage structures including dimensions, reinforcing and components such as grates and manhole covers.
- (3) For each drainage structure submit for approval a complete cross-section, showing flow line elevations, roadway, fill over structure and inlet/outlet configuration.
- (4) Alignment of each street and drainage easement shall be shown, including the following:
  - (i) a beginning and ending station;
  - (ii) each deflection angle of the center-line and the station of the point of intersection;
  - (iii) the station of the point of curvature and the point of tangency of each curve;
  - (iv) the station and angle of intersection of each intersection with another street or drainage easement;
  - (v) the station and radius of each curb return;
  - (vi) the location of adjacent right-of-way lines;
  - (vii) the location and limits of sidewalks and curbs of each street; the location of each drainage structure;
  - (viii) the location and size of all storm sewers;
  - (ix) the location, description, and elevation of Bench Marks;
  - (x) the top of curb grade at each curb return;
  - (xi) the center-line grade at each end and at grade changes along drainage ditches;
  - (xii) the gradient of each tangent grade and the location and length of each vertical curve;
  - (xiii) the direction of storm drainage flow at each intersection;
  - (xiv) and the flow line elevation of each storm sewer at each point of change of grade, at each end, and at intervening gradients.
- (5) The profiles of streets and drainage ditches shall show the natural ground at adjacent property lines and the proposed centerline.
- (6) Plan and profile drawings shall include the scale, north arrow and date, and shall be drawn to scales of one inch equals fifty (50) feet (1"=50") horizontally and one inch equals five (5) feet (1"=5') vertically.
- (7) All street plans and profiles shall bear the signature and seal of a Registered Professional Engineer.



DRAFT

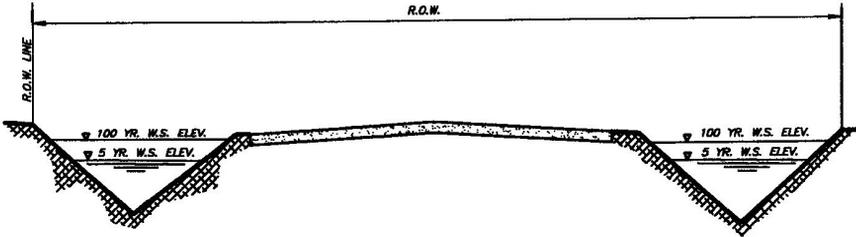


LINE A-B IS FLOOD ELEV. BEFORE ENCROACHMENT  
LINE C-D IS FLOOD ELEV. AFTER ENCROACHMENT

NOT TO SCALE

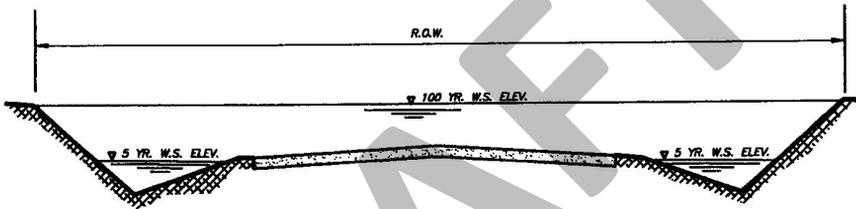
\* SURCHARGE SHALL NOT EXCEED  
1.0 FEET

DRAFT



**CASE I - ROADWAY ABOVE R.O.W. GRADE**

NOT TO SCALE

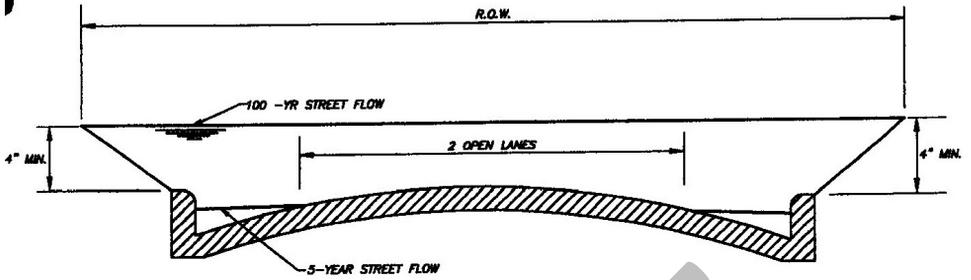


**CASE II - ROADWAY BELOW R.O.W. GRADE**

NOT TO SCALE

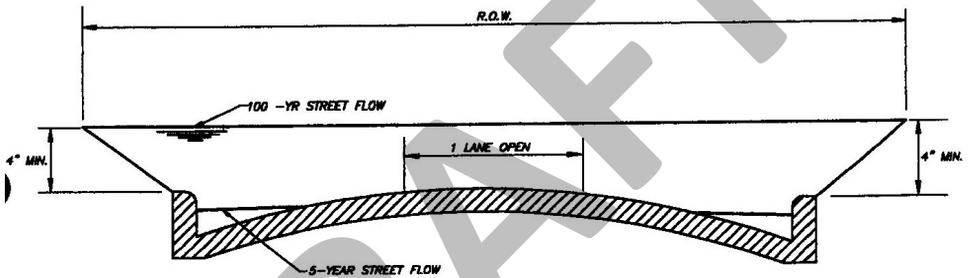
WATER SPREAD LIMITS FOR  
NON-CURBED ROADWAYS

WATER SPREAD LIMITS FOR  
NON-CURBED ROADWAYS



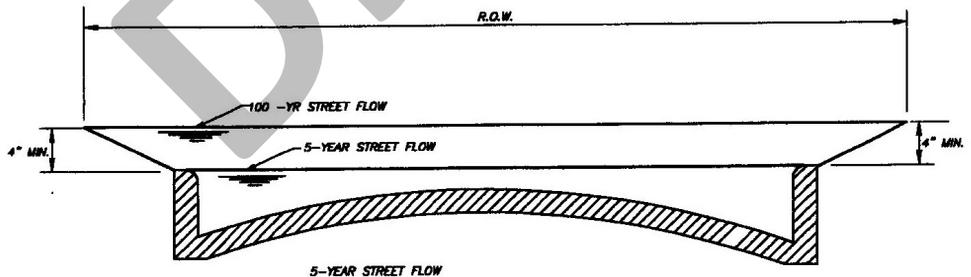
**COLLECTOR OR SECONDARY THROUGHFARE**

NOT TO SCALE



**MINOR ARTERIAL OR PRIMARY THOROUGHFARE**

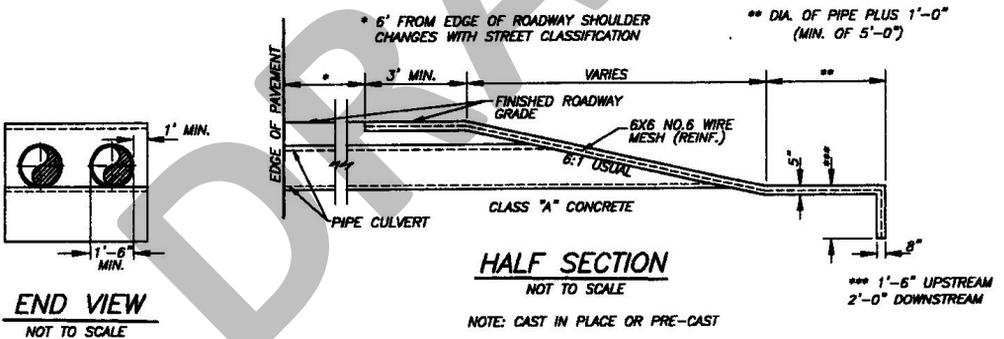
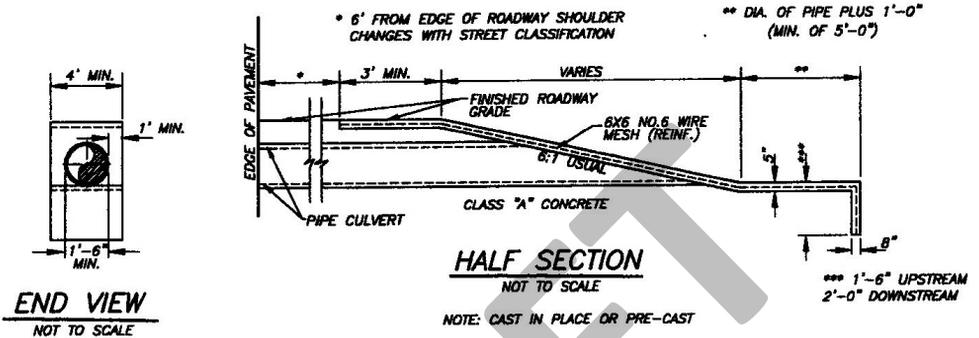
NOT TO SCALE



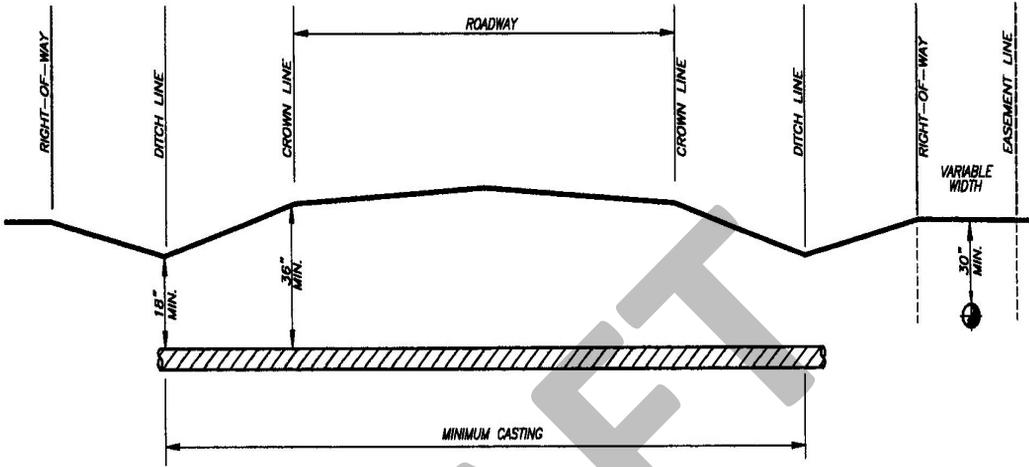
**LOCAL**

NOT TO SCALE

**MAXIMUM WATER SPREAD LIMITS FOR  
MAJOR AND MINOR STORMS**



**MULTIPLE PIPE INSTALLATION**  
NOT TO SCALE



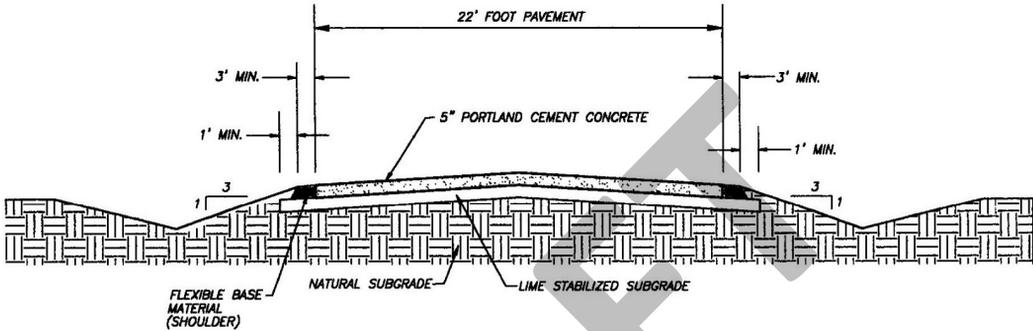
**ATTACHMENT "A"**  
**UTILITY LINE CROSSING**  
NOT TO SCALE

DRAFT



NOTES:

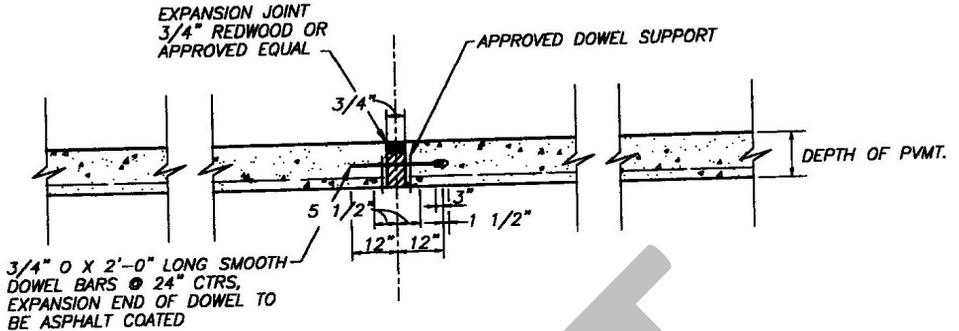
1. CROWN ROAD BED ONE INCH IN TEN FEET.
2. REINFORCING FOR CONCRETE TO BE NO. 3 BARS AT 18" CTRS. BOTH WAYS, OR NO. 4 BARS AT 24" CTRS BOTH WAYS.
3. POSITIONING AND SUPPORTING DEVICES (CHAIRS) FOR STEEL REINFORCING BARS SHALL BE EITHER PLASTIC OR METAL AND OF SUFFICIENT NUMBER TO MAINTAIN THE POSITION OF THE BARS. (TXDOT 360.3)



PORTLAND CEMENT CONCRETE PAVEMENT

NOT TO SCALE

DRAFT

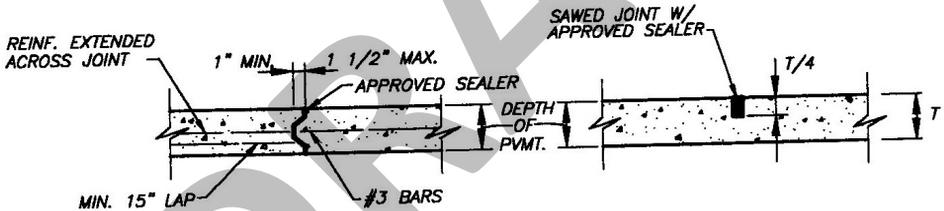


SLEEVE FOR DOWELS SHALL HAVE AN INSIDE DIAMETER OF 1/16" GREATER THAN THAT OF DOWEL & BE OF QUALITY & DESIGN AS TO PROVIDE FREE MOVEMENT OF THE DOWEL BAR.

## EXPANSION JOINT

NOT TO SCALE

NOTE: PROVIDE EXPANSION JOINTS AT STREET INTERSECTIONS AND AT 600' MAXIMUM SPACING ALONG STREETS. NO JOINT SHALL FALL IN A DRIVEWAY APPROACH.



## CONSTRUCTION JOINT

NOT TO SCALE

## SAWED JOINT

NOT TO SCALE  
(20' TYP. SPACING)



**THIS PAGE IS INTENTIONALLY LEFT BLANK**

**DRAFT**



**APPENDIX A**  
**HISTORY OF AMENDMENTS**

<b>DATE</b>	<b>MINUTE ORDER</b>	<b>BRIEF SUMMARY</b>
03/27/1986	<b>6668</b>	Creation and adoption of Subdivision Rules & Regulations.
03/27/1986	<b>6669</b>	Established effective date of Subdivision Rules & Regulations.
03/11/1991	<b>9120</b>	Enacted certain land use controls to remain in effect until a comprehensive land use and infrastructure plan is adopted; amended definition of “Subdivision,” established percolation reate/minimum lot size for OSSFs, included a simplified plat process and providing for an agricultural and ownership conveyance exemption.
03/11/1991	<b>9121</b>	Required new structures to be located on an approved building site plan.
03/11/1991	<b>9122</b>	Required OSSF regulations be consistent with subdivision regulations and state guidelines.
01/12/1998	<b>98-021</b>	Overhaul of existing subdivision rules and regulations (same format existed until 2002) – changes unknown ( <i>further research needed</i> ).
07/27/1998	<b>98-220</b>	Created a Relief from Commissioners’ Court section – other changes unknown ( <i>further research needed</i> ).
11/23/1998	<b>98-346</b>	Added family variance by blood or marriage to Special Conditions to seek relief from Commissioners’ Court.
03/08/1999	<b>99-49</b>	Amended the variance section of the regulations allowing “gift deeds” are not subject to Court action and can be made by the director.
05/13/2002	<b>192.02</b>	Renamed subdivision regulations to the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes ( <i>other changes unknown; needs further research; this format lasted until 2017</i> ).
9/13/2004	<b>353.04</b>	Required pre-submittal meeting for plats, preconstruction meetings, fire hydrants connecting to 6-inch waterlines & required 4x4 locators, culvert permit for each lot, letter from Tx-DOT if connecting to their roads, no drainage onto problems onto existing roads, required financial security (bonds), digital copy of plat required, corrected some clerical errors, required erosion control, a few changes to gated subdivisions, and a few deletions of sentences.
08/28/2006	<b>396.06</b>	Regulations related to post-development drainage must not be greater than pre-development drainage.
08/28/2006	<b>397.06</b>	Changed a 2-year maintenance bond to a 3-year maintenance bond.
08/28/2006	<b>398.06</b>	Regulations related to solid structured mailboxes as required by the USPS shall be clustered mailboxes or a breakaway mailbox where not practical.
08/28/2006	<b>399.06</b>	Regulations created the criteria for submittal of simplified plats.
08/28/2006	<b>400.06</b>	Simplified plats shall also adhere to the fire hydrants requirements meeting ISO & IFSTA standards.
10/10/2017	<b>428.17</b>	Modified minimum setback requirements (Section 3-E, Paragraph 3).



# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: ELLIS COUNTY  
 FIRE MARSHALL  
 STE 265  
 109 S JACKSON ST  
 WAXAHACHIE, TX 75165-3745

Install: ELLIS COUNTY  
 FIRE MARSHALL  
 STE 265  
 109 S JACKSON ST  
 WAXAHACHIE, TX 75165-3745

OMNIA COOP #R191104.

Solution				
Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1.	<b>C8135H2 (XEROX C8135H2)</b> - Envelope Tray - 1 Line Fax - Office Finisher - 2/3 Hole Punch - Convenience Stapler - Analyst Services  <i>FIRE</i>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	- Xerox 7835P S/N MX0007415 Trade-In as of Payment 49	3/5/2021
2.	<b>C8145H2 (XEROX C8145H2)</b> - 1 Line Fax - Office Finisher - 2/3 Hole Punch - Convenience Stapler - Customer Ed - Analyst Services  <i>DL #378</i>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8055 S/N 8TB553416 Trade-In as of Payment 42	3/5/2021
3.	<b>C8145H2 (XEROX C8145H2)</b> - 1 Line Fax - Office Finisher - 2/3 Hole Punch - Convenience Stapler - Customer Ed - Analyst Services  <i>CCL #3</i>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R19104	None	3/5/2021

## Authorized Signature

Customer acknowledges receipt of the terms of this agreement which consists of 3 pages including this face page.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Thank You for your business!  
 This Agreement is proudly presented by Xerox and

**Rachelle Comito**  
 (903)675-3464

For information on your Xerox Account, go to  
[www.xerox.com/AccountManagement](http://www.xerox.com/AccountManagement)

# Lease Agreement



## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C8135H2	\$205.08	1: Black and White Impressions	1 - 5,000 5,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
		2: Color Impressions	1 - 1,000 1,001+	Included \$0.0506	
2. C8145H2	\$196.97	1: Black and White Impressions	1 - 15,000 15,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
		2: Color Impressions	All Prints	\$0.0506	
3. C8145H2	\$196.97	1: Black and White Impressions	1 - 15,000 15,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
		2: Color Impressions	All Prints	\$0.0506	
Total	\$599.02	Minimum Payments (Excluding Applicable Taxes)			

# Lease Agreement



Customer: ELLIS, COUNTY OF

Bill To: ELLIS COUNTY  
40TH DISTRICT COURT  
FL 3  
109 S JACKSON ST  
WAXAHACHIE, TX 75165-3745

Install: ELLIS COUNTY  
40TH DISTRICT COURT  
FL 3  
109 S JACKSON ST  
WAXAHACHIE, TX 75165-3745

Solution			
Item	Product Description	Agreement Information	Trade Information
1.	<b>C405DN (XEROX C405DN)</b> - Carrier Deliv/instal - 550 Sheet Feeder - Stand With Storage - Wireless Accessory - Customer Ed - Analyst Services <i>DC 40+4</i>	Lease Term: 53 months Purchase Option: FMV Customer's Reference Information - OMNIA COOP #R191104	- Xerox C405 S/N 4HX581209 Trade-In as of Payment 37 Requested Install Date: 3/5/2021
2.	<b>C8145H2 (XEROX C8145H2)</b> - 1 Line Fax - Office Finisher - 2/3 Hole Punch - Convenience Stapler - Customer Ed - Analyst Services <i>CLL #2</i>	Lease Term: 53 months Purchase Option: FMV Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8055 S/N 8TB560318 Trade-In as of Payment 41 Requested Install Date: 3/5/2021

Authorized Signature	
<p>Customer acknowledges receipt of the terms of this agreement which consists of 3 pages including this face page.</p> <p>Signature: _____ Date: _____</p>	<p>Thank You for your business! This Agreement is proudly presented by Xerox and</p> <p><b>Rachelle Comito</b> <b>(903)675-3464</b></p> <p>For information on your Xerox Account, go to <a href="http://www.xerox.com/AccountManagement">www.xerox.com/AccountManagement</a></p>

# Lease Agreement



## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C405DN	\$84.99	1: Black and White Impressions	1 - 2,500 2,501+	Included \$0.0149	- Consumable Supplies Included for all prints - Pricing Fixed for Term
		2: Color Impressions	All Prints	\$0.0889	
2. CB145H2	\$196.97	1: Black and White Impressions	1 - 15,000 15,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
		2: Color Impressions	All Prints	\$0.0506	
<b>Total</b>	<b>\$281.96</b>	<b>Minimum Payments (Excluding Applicable Taxes)</b>			

# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: COUNTY OF ELLIS  
PO BOX 396  
ITALY, TX 76651-0396

Install: ELLIS COUNTY  
RD BRIDGE PRECINCT 3  
933 COLLEGE  
ITALY, TX 76651-3725

## Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C405DN (XEROX C405DN)	<ul style="list-style-type: none"> <li>- Carrier Deliv/Instal</li> <li>- Stand With Storage</li> <li>- Wireless Accessory</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul>	Lease Term: 53 months Purchase Option: FMV Customer's Reference Information - OMNIA COOP #R191104	- Xerox WC 3615 S/N A2T029150 Trade-In as of Payment 49	3/5/2021

RB Pct 3.

## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C405DN	\$68.14	1: Black and White Impressions 2: Color Impressions	1 - 2,500 2,501+	Included \$0.0149 \$0.0889	- Consumable Supplies Included for all prints - Pricing Fixed for Term
Total	\$68.14	Minimum Payments (Excluding Applicable Taxes)			

## Authorized Signature

Customer acknowledges receipt of the terms of this agreement which consists of 2 pages including this face page.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Thank You for your business!  
This Agreement is proudly presented by Xerox and

**Rachelle Comito**  
(903)675-3464

For information on your Xerox Account, go to  
[www.xerox.com/AccountManagement](http://www.xerox.com/AccountManagement)

# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: COUNTY OF ELLIS  
SHERIFFS OFFICE  
300 S JACKSON ST  
WAXAHACHIE, TX 75165-3750

Install: COUNTY OF ELLIS  
300 S JACKSON ST  
WAXAHACHIE, TX 75165-3750

## Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C8145H2 (XEROX C8145H2)	<ul style="list-style-type: none"> <li>- 1 Line Fax</li> <li>- Office Finisher</li> <li>- 2/3 Hole Punch</li> <li>- Convenience Stapler</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul> <p><i>Sheriff CIP.</i></p>	Lease Term: 53 months Purchase Option: FMV Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8055 S/N 8TB557142 Trade-In as of Payment 42	3/5/2021

## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C8145H2	\$196.97	1: Black and White Impressions 2: Color Impressions	1 - 15,000 15,001+	Included \$0.0056 \$0.0506	- Consumable Supplies Included for all prints - Pricing Fixed for Term
Total	\$196.97	Minimum Payments (Excluding Applicable Taxes)			

## Authorized Signature

<p>Customer acknowledges receipt of the terms of this agreement which consists of 4 pages including this face page.</p> <p>Signature: _____ Date: _____</p>	<p>Thank You for your business! This Agreement is proudly presented by Xerox and</p> <p><b>Rachelle Comito</b> <b>(903)675-3464</b></p> <p>For information on your Xerox Account, go to <a href="http://www.xerox.com/AccountManagement">www.xerox.com/AccountManagement</a></p>
---	--

# Lease Agreement



BillTo: COUNTY OF ELLIS  
SHERIFFS OFFICE  
300 S JACKSON ST  
WAXAHACHIE, TX 75165-3750

Install: COUNTY OF ELLIS  
SHERIFFS DEPT  
2272 FM 878  
WAXAHACHIE, TX 75165-9228

## Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C8145H2 (XEROX C8145H2)	<ul style="list-style-type: none"> <li>- 1 Line Fax</li> <li>- Office Finisher</li> <li>- 2/3 Hole Punch</li> <li>- Convenience Stapler</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul> <p><i>Sheriff LEC</i></p>	Lease Term: 53 months Purchase Option: FMV Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8045 S/N 8TB553575 Trade-In as of Payment 42	3/5/2021

## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C8145H2	\$217.21	1: Black and White Impressions 2: Color Impressions	1 - 15,000 15,001+ 1 - 400 401+	Included \$0.0056 Included \$0.0506	- Consumable Supplies Included for all prints - Pricing Fixed for Term
Total	\$217.21	Minimum Payments (Excluding Applicable Taxes)			

## Lease Agreement



Bill To: COUNTY OF ELLIS  
SHERIFFS OFFICE  
300 S JACKSON ST  
WAXAHACHIE, TX 75165-3750

Install: COUNTY OF ELLIS  
SHERIFFS DEPT  
133 HOYT RD  
WAXAHACHIE, TX 75167

### Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C8130T2	(XEROX C8130T2) - Convenience Stapler - Customer Ed - Analyst Services	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8045 S/N 8TB557214 Trade-In as of Payment 42	3/5/2021

### Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C8130T2	\$134.34	1: Black and White Impressions  2: Color Impressions	1 - 5,000 5,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
Total	\$134.34	Minimum Payments (Excluding Applicable Taxes)			

# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: COUNTY OF ELLIS  
AG EXTENSION  
HIGHWAY 35 E  
701 S INTERSTATE  
WAXAHACHIE, TX 75165-4720

Install: COUNTY OF ELLIS  
AG EXTENSION  
HIGHWAY 35 E  
701 S INTERSTATE  
WAXAHACHIE, TX 75165-4720

## Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C8155H2 (XEROX C8155H2)	<ul style="list-style-type: none"> <li>- Br Finisher-2/3 Hp</li> <li>- Envelope Tray</li> <li>- 1 Line Fax</li> <li>- High Capacity Feeder</li> <li>- Convenience Stapler</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R19104	- Xerox C8045 S/N 8TB555410 Trade-In as of Payment 42	3/5/2021

## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C8155H2	\$394.79	1: Black and White Impressions 2: Color Impressions	1 - 20,000 20,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
			1 - 3,000 3,001+	Included \$0.0506	
Total	\$394.79	Minimum Payments (Excluding Applicable Taxes)			

## Authorized Signature

<p>Customer acknowledges receipt of the terms of this agreement which consists of 2 pages including this face page.</p> <p>Signature: _____ Date: _____</p>	<p>Thank You for your business! This Agreement is proudly presented by Xerox and</p> <p><b>Rachelle Comito</b> (903)675-3464</p> <p>For information on your Xerox Account, go to <a href="http://www.xerox.com/AccountManagement">www.xerox.com/AccountManagement</a></p>
---	---

# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: COUNTY OF ELLIS  
 JUVENILE SERVICES  
 2272 FM 878  
 WAXAHACHIE, TX 75165-9228

Install: COUNTY OF ELLIS  
 JUVENILE SERVICES  
 2272 FM 878  
 WAXAHACHIE, TX 75165-9228

## Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. C405DN (XEROX C405DN)	<ul style="list-style-type: none"> <li>- Carrier Deliv/instal</li> <li>- 550 Sheet Feeder</li> <li>- Stand With Storage</li> <li>- Wireless Accessory</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul> <p><i>Counseling</i></p>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #191104	- Xerox C405 S/N 4HX573447 Trade-In as of Payment 43	3/5/2021
2. C8145H2 (XEROX C8145H2)	<ul style="list-style-type: none"> <li>- 1 Line Fax</li> <li>- Office Finisher</li> <li>- 2/3 Hole Punch</li> <li>- Convenience Stapler</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul> <p><i>Detention</i></p>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8045 S/N 8TB553595 Trade-In as of Payment 42	3/5/2021
3. C8155H2 (XEROX C8155H2)	<ul style="list-style-type: none"> <li>- 1 Line Fax</li> <li>- Office Finisher</li> <li>- 2/3 Hole Punch</li> <li>- Convenience Stapler</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul> <p><i>WR</i></p>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	- Xerox C8045 S/N 8TB557163 Trade-In as of Payment 43	3/5/2021

## Authorized Signature

Customer acknowledges receipt of the terms of this agreement which consists of 3 pages including this face page.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Thank You for your business!  
 This Agreement is proudly presented by Xerox and

**Rachelle Comito**  
**(903)675-3464**

For information on your Xerox Account, go to  
[www.xerox.com/AccountManagement](http://www.xerox.com/AccountManagement)

# Lease Agreement



## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C405DN	\$84.99	1: Black and White Impressions 2: Color Impressions	1 - 2,500 2,501+	Included \$0.0149	- Consumable Supplies Included for all prints - Pricing Fixed for Term
			All Prints	\$0.0889	
2. C8145H2	\$196.97	1: Black and White Impressions 2: Color Impressions	1 - 15,000 15,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
			All Prints	\$0.0506	
3. C8155H2	\$204.07	1: Black and White Impressions 2: Color Impressions	1 - 20,000 20,001+	Included \$0.0056	- Consumable Supplies Included for all prints - Pricing Fixed for Term
			All Prints	\$0.0506	
Total	\$486.03	Minimum Payments (Excluding Applicable Taxes)			

# Lease Agreement



Customer: ELLIS, COUNTY OF

BillTo: ELLIS COUNTY  
EMERGENCY MANAGEMENT  
101 W MAIN ST  
WAXAHACHIE, TX 75165-0405

Install: ELLIS COUNTY  
EMERGENCY MANAGEMENT  
101 W MAIN ST  
WAXAHACHIE, TX 75165-0405

## Solution

Item	Product Description	Agreement Information	Requested Install Date
1. C405DN (XEROX C405DN)	<ul style="list-style-type: none"> <li>- Carrier Deliv/instal</li> <li>- 550 Sheet Feeder</li> <li>- Stand With Storage</li> <li>- Wireless Accessory</li> <li>- Customer Ed</li> <li>- Analyst Services</li> </ul>	Lease Term: 53 months Purchase Option: FMV  Customer's Reference Information - OMNIA COOP #R191104	2/12/2021

## Monthly Pricing

Item	Lease Minimum Payment	Meter	Print Charges		Maintenance Plan Features
			Volume Band	Per Print Rate	
1. C405DN	\$84.99	1: Black and White Impressions	1 - 2,500	Included	- Consumable Supplies Included for all prints - Pricing Fixed for Term
			2,501+	\$0.0149	
		2: Color Impressions	All Prints	\$0.0889	
Total	\$84.99	Minimum Payments (Excluding Applicable Taxes)			

## Authorized Signature

<p>Customer acknowledges receipt of the terms of this agreement which consists of 2 pages including this face page.</p> <p>Signature: _____ Date: _____</p>	<p>Thank You for your business! This Agreement is proudly presented by Xerox and</p> <p><b>Rachelle Comito</b> <b>(903)675-3464</b></p> <p>For information on your Xerox Account, go to <a href="http://www.xerox.com/AccountManagement">www.xerox.com/AccountManagement</a></p>
---	--

THE STATE OF TEXAS §

**Tax Abatement 1<sup>st</sup> Amended Agreement**

COUNTY OF ELLIS §

THIS Agreement is executed by and between **FRESHPET, INC.**, a Delaware Corporation duly authorized to do business in the State of Texas, acting by and through its authorized officer (“**OWNER**”), and **ELLIS COUNTY, TEXAS**, acting by and through its County Judge or Presiding Officer, (“**COUNTY**”).

**WITNESSETH:**

**WHEREAS**, the Ellis County Commissioners Court has resolved that the COUNTY may elect to participate in a tax abatement;

**WHEREAS**, the Commissioners Court, in accordance with law, has adopted a Policy Statement for Tax Abatement, which constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the COUNTY; and

**WHEREAS**, the Premises (as hereafter defined) and the Eligible Property (as hereafter defined) are located in the Reinvestment Zone No. 58, in the City of Ennis, Texas, established by City Ordinance No. 2020-0317-07, being a commercial-industrial reinvestment zone for the purpose of tax abatement as authorized by Chapter 311 and 312 of the Texas Tax Code, as amended; and

**WHEREAS**, on the 17<sup>th</sup> day of March, 2020, the City Commission of the City of Ennis approved and authorized the execution and delivery of a Tax Abatement Agreement (the “Agreement”) as to the Eligible Property thereon, attached hereto and incorporated herein as **Exhibit “A”**; and

**WHEREAS**, OWNER applied for tax abatement to the COUNTY concerning the contemplated Improvements to the Premises (the “Application for Tax Abatement”), in order to provide for construction of a new 400,000 square foot manufacturing facility, attached hereto and incorporated herein as **Exhibit “B”**; and

**WHEREAS**, the Commissioners Court finds that the contemplated use of the Premises, the Eligible Property and the terms of this Agreement are consistent with encouraging development of the Zone in accordance with the purposes for its creation and follow the Policy Statement and other applicable law;

**WHEREAS**, on the [redacted] day of March, 2020, the Ellis County Commissioners Court approved and authorized the execution of a Tax Abatement Agreement between OWNER and COUNTY, per Minute Order No. [redacted]; and

**WHEREAS**, both OWNER and COUNTY mutually desire to amend the original Tax Abatement Agreement, by entering into this 1ST AMENDED AGREEMENT.

NOW THEREFORE, the COUNTY and OWNER, for and in consideration of the mutual premises and promises contained herein, do hereby agree, covenant and contract as set forth below:

**I.**  
**Definitions**

- A. “Added Market Value” is defined as the market value of Eligible Property on the Premises above the Base Year Value.
- B. “Base Year Value” is defined as the tax year 2020 taxable value of real and personal property located on the Premises in Reinvestment Zone Number Fifty-Eight on January 1, 2021, as finally determined by the Ellis Appraisal District.
- C. “Construction Costs” is defined as site development and building costs, including, without limitation, actual construction costs, signage costs, contractor fees, the costs of supplies and materials, engineering fees, architectural fees and other professional costs, and development and permitting fees expended directly in connection with the construction of the Real Property Improvements.
- D. “Effective Date” is defined as January 1, 2021.
- E. “Eligible Property” is defined as Real Property Improvements made for construction and operation of the new 400,000 square foot manufacturing facility as described in **Exhibit “B”**, constructed, delivered to, installed or placed on the Premises after the Effective Date of this Agreement, and any Personal Property Improvements used in the manufacturing process
- F. “Job” is defined as a permanent, full-time employment position with OWNER that results in employment on the Premises of at least on thousand, eight hundred and twenty (1,820) hours per position in a year. Part-time positions shall not be included in this definition. Outsourced or contracted positions shall not be included in this definition.
- G. “Personal Property Improvements” include equipment used in the manufacturing process, but specifically excluded inventory and supplies.
- H. “Premises” are defined as the real property (land and improvements) as described by the survey attached as in **Exhibit “C”** which existed on January 1, 2021, within Reinvestment Zone Number Fifty-Eight, that are owned by and operated by OWNER. **Exhibit “C”** is attached hereto and incorporated for all purposes.
- I. “Real Property Improvements” are defined as improvements to the Premises, as described in **Exhibit “B”**, and shall include buildings, structure or fixtures erected or affixed to the Premises.

- J. “Reinvestment Zone Number Fifty-Eight” is defined as the real property located in the City of Ennis and described by City of Ennis Ordinance No. 2020-0317-07 (attached hereto as **Exhibit “D”**).

**II.**  
**General Provisions**

- A. The Premises are not in an improvement project financed by tax increment bonds.
- B. Neither the Premises nor any of the Improvements covered by this Agreement are owned or leased by any member of the Commissioners Court, or any member of the governing body of any taxing units joining in or adopting this Agreement.

**III.**  
**Improvement Conditions and Requirements**

- A. OWNER shall improve the Premises by completed the Eligible Real Improvements describe din Exhibits “B” in accordance with this Agreement.
- B. OWNER shall provide for the completion of the Eligible Real Improvements described in Exhibit “B” of this Agreement not later than January 1, 2023, at a cumulative cost of not less than One Hundred Million Dollars (\$100,000,000.00).
- C. OWNER will create and maintain employment of at least 225 Jobs on the Premises not later than December 31, 2023.
- D. OWNER shall operate and maintain on the Premises the Eligible Property described in Exhibit “B” for the duration of this Agreement.
- E. All proposed Eligible Property shall conform to the applicable building codes, zoning ordinances and all other ordinances and regulations of the City of Ennis or Ellis County.
- F. OWNER agrees and covenants that it will diligently and faithfully pursue the completion of the Eligible Property. OWNER further covenants and agrees that it will use all reasonable efforts to cause the Eligible Property to be constructed in a good and workmanlike manner and in accordance with all applicable state and local laws and regulations.
- G. The Premises and all Improvements must conform to all applicable state and federal laws and regulations to air pollution and air quality.

**IV.**  
**Abatement Allowed**

- A. As set forth in this section, tax abatement allowed herein shall be for Ellis County ad valorem real and personal property taxes, relative to Added Market Value of the Eligible Property located on the Premises, subject to the following terms and conditions.
- B. If the Improvement Conditions and Requirements set forth in Section III herein are met, COUNTY agrees to exempt from taxation up to seventy percent (70%) of the Added Market Value above the Base for qualified Eligible Property in accordance with the various requirements established by terms of this Agreement and to be calculated as set forth below. The abatement period shall be from tax year beginning January 1, 2021 through and including tax year January 1, 2028. In any year that the employment levels do not meet or exceed those described in III.C. then the County shall eliminate the abatement for that year. County may use Recapture as described in Section VII as an alternative remedy.

**V.**  
**Reports, Audits and Inspections**

- A. Annual Certification and Reports – Pursuant to state law, OWNER shall certify annually to taxing units that OWNER follows the terms of this Agreement, and shall provide taxing units with reports and records reasonably necessary to support each year of the Agreement as follows:
  - 1. Certification – OWNER shall complete and certify a Tax Abatement Certification for each year of this Agreement, to be due annually not later than April 30. This certification shall include information supporting job creation and retention requirements, reports on Eligible Property values and costs, a narrative description of the project’s progress, and other submittals required by this Agreement.
  - 2. Eligible Property Reports – At minimum, OWNER shall make available on request the following information annually on all Eligible Property for with OWNER seeks tax abatement:
    - a. Property description;
    - b. Asset number;
    - c. Payment date for property located on Premises; and
    - d. Cost.
  - 3. Eligible Property Reports for Projects in Progress – OWNER shall provide County, upon request, information on projects in progress for which fixed asset numbers have not been assigned. The report shall provide information in sufficient detail to identify the Eligible Property to be installed on the Premises. At a minimum, this information shall include:

- a. Description of materials, machinery and equipment;
    - b. Vendor name, invoice date, invoice number and invoice amount; and
    - c. Payment date for property located on Premises.
  4. Reports on Equipment Replaced or Removed – Additionally, OWNER agrees to provide COUNTY, on request, information on Eligible Property for which OWNER has received tax abatement and which has been replaced or removed from the Premises. At a minimum, this information shall include:
    - a. Property description;
    - b. Asset number; and
    - c. Approximate date of disposal.
  5. Report Upon Project Completion – Within one-hundred eighty (180) days of completion of the Eligible Property, OWNER shall provide COUNTY with a final Eligible Property Report that shall describe all Eligible Property for which the owner is granted tax abatement. This report shall be accompanied by the opinion of an independent certified public accountant as to its accuracy and completeness. The report may contemplate a reconciliation of the general ledger to the personal property rendition to satisfy this requirement.
  6. Reports Required to the Ellis County Appraisal District – Owner shall timely complete and file all reports required by the Ellis County Appraisal District and the Texas Property Tax Code, whether involving real or personal property.
  7. Additional Reports – Additionally, throughout the term of this Agreement, OWNER shall furnish COUNTY any additional records and information reasonably requested to support the reports required by this Agreement.
- B. Right to Audit Books and Records – COUNTY shall have the right to audit the books and records related to the Eligible Property and supporting the Eligible Property reports. COUNTY shall notify OWNER in advance in writing of their intent to audit in order to allow OWNER adequate time to make such books and records available.
- C. Inspection – At all times throughout the term of this Agreement, COUNTY and the Ellis Appraisal District (ECAD) shall have reasonable access to the Premises for the purpose of inspecting the Premises to ensure that the Eligible Property is constructed, installed, maintained and operated in accordance with the terms of this Agreement. All inspections shall be conducted in a manner as to not unreasonably interfere with the installation of the Eligible Property or the operation of the Premises. The inspections shall be conducted within a reasonable time period after notice by COUNTY or ECAD to OWNER, provided, however, that all inspections shall be made with one (1) or more representative(s) of OWNER present and in accordance with the safety standards of OWNER.

**VI.**  
**Use of Premises**

The Premises at all times shall be used in a manner that is consistent with the City of Ennis zoning ordinances and consistent with the general purpose of encouraging development within the Reinvestment Zone. Both parties acknowledge that the use of the Premises for a manufacturing facility and related activities in accordance with this Agreement is consistent with such purposes.

**VII.**  
**Breach and Recapture**

- A. Breach – A breach of this Agreement may result in termination or modification of this Agreement and recapture by COUNTY of taxes which otherwise would have been paid since the execution of this Agreement to COUNTY without the benefit of the Abatement, as set forth in Sections VII(B) and VII(C). Penalty and interest on recaptured taxes will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, and such taxes shall become due sixty (60) days following notice of breach and after the expiration of any cure period as provide in Section VII(B). The following conditions shall constitute a breach of this Agreement:
1. OWNER terminates the use of the Premises as a manufacturing facility and related activities at any time during the term of the Agreement; or
  2. OWNER fails to meet the Abatement Conditions and Requirements as specified in Section III; or
  3. OWNER allows its ad valorem taxes on any property located within Ellis County owed to COUNTY to become delinquent; or
  4. OWNER fails to comply with the requirements and provisions described in Sections V and XX of this Agreement.
- B. Notice of Breach – In the event that COUNTY makes a reasonable determination that OWNER has breached this Agreement, then COUNTY shall give OWNER written notice of such default. OWNER has sixty (60) days following receipt of said written notice to reasonably cure such breach, or this Agreement may be terminated by COUNTY, and recapture of abated taxes may occur. Notice of default shall be in writing and shall be delivered by personal delivery or certified mail to OWNER at its address provide in Section IX of this Agreement. It shall be the duty of COUNTY to determine whether to require recapture and payment of abated taxes and to demand payment of such.
- C. Recapture – During the years that taxes are abated by operation of this Agreement, should OWNER commit a breach of this Agreement according to items A(1), (2), (3) or (4) of this Section VII, and OWNER does not cure as provided in VII.B. above during the cure period, COUNTY may terminate this Agreement and recapture all taxes abated under this Agreement up to the time of breach. Notwithstanding the foregoing, should OWNER

breach Section III(C) of this Agreement, COUNTY's sole and exclusive remedy shall be the recapture of the taxes abated during the year or years in which the breach occurs.

- D. Tax Lien Not Impaired – It is expressly agreed and acknowledged between the parties to this Agreement that nothing in this Agreement shall be deemed or construed to affect the lien for taxes against the property established by Section 32.01 of the Tax Code of the State of Texas. Such lien shall secure the payment of all taxes, penalties and interest ultimately imposed on the property, including any taxes abated and subject to recapture under this Agreement. Any such lien may be fully enforced pursuant to the provisions of the Code. For purposes of this Subsection, "property" refers to the Premises and Eligible Property described herein.

### VIII.

#### Effect of Sale or Lease of Property

The abatement granted by this Agreement shall not be assignable to any new owner or lessee of all or a portion of the Premises or Eligible Property.

### IX.

#### Notice

All notices called for or required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, by certified mail postage prepaid or by hand delivery:

OWNER:

Freshpet, Inc.  
Attn: Stephen Weise  
176 N. Commerce Way  
Bethlehem, PA 18017

Copy:  
Freshpet, Inc.  
Attn: Steve Macchiaverna  
400 Plaza Drive  
Secaucus, NJ 07094

COUNTY:

Ellis County Judge  
Attn: Todd Little, County Judge  
Historic Ellis County Courthouse  
101 W. Main Street  
Waxahachie, Texas 75165

Copy:  
Ellis County Attorney  
Attn: Ann Montgomery, County Attorney  
Ellis County Courts Building  
109 S. Jackson  
Waxahachie, Texas 75165

### X.

#### Commissioners Court Authorization

This Agreement was authorized by resolution of the Commissioners Court authorizing the County Judge or designee to execute this Agreement on behalf of the COUNTY.

**XI.**  
**Severability**

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal or unconstitutional, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

**XII.**  
**Owner's Standing**

OWNER, as a party to this Agreement, shall be deemed a proper and necessary party in any litigation questioning or challenging the validity of this Agreement or any of the underlying ordinances, resolutions or City Council actions authorizing same, and OWNER shall be entitled to intervene in said litigation.

**XIII.**  
**Applicable Law**

This Agreement shall be construed under the laws of the State of Texas, Venue for any action under this Agreement shall be the State's District Court of Ellis County, Texas. This Agreement is performable in Ellis County, Texas.

**XIV.**  
**Indemnification**

It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and COUNTY assumes no responsibility or liability to third parties in connection therewith, and OWNER agrees to indemnify and hold harmless COUNTY from any such responsibility or liability. It is further understood and agreed among the parties that COUNTY, in performing its obligations hereunder, is acting independently, and the OWNER assumes no responsibility or liability to third parties in connection therewith, and COUNTY agrees to the extent allowed by law to indemnify and hold harmless OWNER from any such responsibility or liability.

**XV.**  
**Force Majeure**

It is expressly understood and agreed by the parties to this Agreement that the parties shall not be found in default of this Agreement if any party's failure to meet the requirements of this Agreement is delayed by reason of war, Act of God, fire or other casualty of a similar nature.

**XVI.**  
**No Other Agreement**

This Agreement embodies all of the agreements of the parties relating to its subject matter as specifically set out herein, supersedes all prior understandings and agreements regarding such subject matter, and may be amended, modified or supplemented only by an instrument or instruments in writing executed by the parties.

**XVII.**  
**Recordation of Agreement**

A certified copy of this Agreement in recordable form shall be recorded in the Deed Records of Ellis County, Texas.

**XVIII.**  
**Signatories**

This Agreement is effective and binding on those parties that have duly signed below.

**XIX.**  
**Headings**

The headings of this Agreement are for the convenience of referenced only and shall not affect in any manner any of the terms and conditions hereof.

**XX.**  
**Termination**

This Agreement shall terminate, in accordance with the terms of this Agreement, unless extended by written agreement of the parties or a written instrument signed by all parties evidencing a delay by force majeure; provided however, that the period of abatement may not extend beyond ten (10) years.

*-----The rest of this page is intentionally left blank, signature blocks on following page.-----*

IN WITNESS WHEREOF, the parties hereto have executed this 1<sup>st</sup> Amended Agreement on the day and year written above.

FRESHPET, INC.

ELLIS COUNTY, TEXAS

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Todd Little  
Ellis County Judge

Title: \_\_\_\_\_

WITNESS:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Krystal Valdez  
Ellis County Clerk

