

REGULATIONS GOVERNING SUBDIVISIONS IN ANGELINA COUNTY

It is ordered by the Commissioner's Court of Angelina County, Texas, on this the 27th day of December, 2006, that the following specifications are requirements precedent to the acceptance of plats of subdivisions to be situated within Angelina County but situated outside the boundaries of any incorporated town or city, in accordance with Chapter 232, Subchapter A of the Texas Local Government Code.

The owner or owners of any tract of land situated outside the boundaries of any incorporated town or city in Angelina County, Texas and who may hereafter divide the same in two or more parts must make a plat thereof complying with the Chapter 232, Subchapter A of the Local Government Code, County Regulation of Subdivisions, as well as the following regulations and submit such plat to the Angelina County Commissioner's Court for approval prior to the filing of the plat with the Angelina County Clerk.

Exceptions according to Chapter 232, Subchapter A of the Local Government Code:

A subdivision plat is not required to be filed by the landowner if:

The owner of a tract of land divides the tract into two or more parts and does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts and;

- 1.) the land is used primarily for agricultural uses, or for farm, ranch, wildlife management, or timber production use {subsection (c)(2)}; or
- 2.) the tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity {subsection (e)}; or
- 3.) all of the lots of the subdivision are more than 10 acres in area {subsection (f) (1)} (always recalling, however, that a development with lots greater than 10 acres that dedicates lands to uses described above at the outset of this section is nevertheless subject to platting requirements); or
- 4.) all of the lots are sold to veterans through the Veterans' Land Board program {subsection (g)}; or
- 5.) the tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state {subsection (h)}; or
- 6.) the owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners {subsection (i)}; or

- 7.) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations {subsection (j)}; or
- 8.) all parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract {subsection (k)}.

Additional Exceptions allowed by Angelina County, Texas, per this ordinance:

- 1.) the land is used for lien purposes; or
- 2.) the tract is divided for the heirs of an estate; or
- 3.) the land is divided and is sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity; or
- 4.) a portion of the property is conveyed to an adjoining landowner; or
- 5.) the tract has an existing homestead exemption (according to the Central Appraisal District) and is divided into two parcels [this exception can only be used one time]; or
- 6.) the tract is divided into two parcels, one of which is 3 acres or less and is to be conveyed and the remainder is retained by the owner and is over 200 acres and the owner of the tract prepares a one lot subdivision plat of the first portion (3 acres or less) according to these regulations; or
- 7.) any tract that is severed by an existing public road unless further divided which will be subject to the plat approval requirements of these regulations.

Any division of land which lies in the Extra Territorial Jurisdiction of any incorporated town or city must comply with the subdivision regulations of that particular town or city unless those regulations require less than those listed in this ordinance. In that case, or if that particular town or city does not have any regulations, then the regulations of this ordinance shall apply. For all towns or cities that have a written agreement with the county that authorizes the said town or subdivision to approve plats, those plats will only be submitted to the appropriate town or city for approval.

Owners subdividing or re-subdividing property in Angelina County should familiarize themselves with the rules of sanitation and avoidance of water, air, or other types of pollution under Article 4477-1 of Vernon's Texas Civil Statutes, the ordinances and regulations of local political subdivisions and of this Commissioner's Court.

Subdivisions are to be classified into the following types, with the listed applicable portions of these Subdivision Regulations as shown:

- E. Minor subdivision - Any division of land divided into two or more parcels which has existing road frontage on each lot - minimum of 30 feet in width.
- F. Major subdivision - Any division of land divided into two or more parcels which includes parcels that require new road (s), public or private.

All roads, public AND private will be built according to standards in this ordinance. If the road (s) are private (which may include a locked gate or controlled ingress) there must be a highly visible "Private Road" sign.

If the road (s) are private, then the following statements must be placed on the plat and acknowledged by the developer :

- a. All roads are private and not to be maintained by the County but shall have a minimum Angelina County standard right of way width.
- b. Subdivider, purchaser and future owners absolve the County of maintenance responsibilities now or any time in the future until the roads are:
 - (i) Brought up to County subdivision road standards and;
 - (ii) Accepted by the Commissioners' Court.

A. PLATS

MINOR SUBDIVISION:

1. Persons, Corporations, Partners, or others contemplating the division of land into two or more parcels which has existing public road frontage on each lot (minimum of 30 feet in width) must contact the commissioner of that appropriate precinct and submit the proposed subdivision plat for review. The Commissioner will review the proposed plat and will inform and discuss with the subdivider (or his agent) the results of the review.
2. If the subdivider decides to continue with the proposed plat after discussing with the Commissioner, the subdivider (or his agent) shall request in writing to be on the agenda for the approval of the final plat by the Commissioners' Court at least 7 days prior to the next available Commissioners' Court meeting. Upon final approval, the subdivider shall then record the approved final plat and other documents with the County Clerk.

MAJOR SUBDIVISION:

1. Persons, Corporations, Partners, or others contemplating the conversion of raw or other type of lands into subdivisions or acreage as defined herein, may develop a preliminary plan in sketch form of sufficient detail as to size and location of the subdivision, its lots and its Street layout, and (1) contact the commissioner of that appropriate precinct and then (2) submit the plan to the Commissioners' Court and Angelina County's Health District office. The Court will review the preliminary plan and will inform and discuss with the subdivider the results of the review.
2. If any subdivider decides to continue with plans after discussing them with the Commissioners' Court, the subdivider shall prepare a preliminary plat for submission with a written application for conditional approval. The contents and requirements for a preliminary plat shall be the same as those set forth below for a final plat. If the review of the plat by the Commissioners' Court is found to conform with the requirements set forth herein, it will grant conditional approval, subject to conditions agreed upon in writing. If the preliminary plat is approved without conditions, it may later be submitted as the final plat without the necessity of a new plat being drawn. The preliminary plat will be accompanied by two (2) copies of the proposed subdivision restrictions (if any) contemplated by the owner.
3. The subdivider shall present the final plat to the Commissioners' Court at least 21 days prior to the subdivider requesting final approval of the subdivision as platted. The Court shall then view the submitted material and grant final approval or inform the subdivider of what is lacking to obtain final approval. Upon final approval, the subdivider shall then record the approved final plat and other documents with the County Clerk.

No lots or tracts in the subdivision shall be sold or transferred unless and until the final plat has been approved by the Commissioner's Court and all streets and roads have been installed according to the specifications herein and accepted by the Commissioner's Court or a bond has been posted to guarantee the construction thereof as provided in Section "D" of these regulations.

ALL PLATS:

1. The final plat shall be an original drawing on 3 mil. thick drafting film to a scale of not more than two hundred (200) feet per inch and certified as to accuracy by the surveyor who prepared the plat from an actual survey on the ground. This plat shall accurately describe the said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of said subdivision or addition and the dimensions of all streets, alleys, squares, parks or other portions of said subdivision or addition intended to be dedicated to public use or for the use of purchaser or owners of lots fronting thereon or adjacent thereto.
2. The final plat shall be on one or more sheets measuring 24 inches by 30 inches in size. If the plat of the subdivision consists of two or more pages, a key map showing the entire area shall be drawn on the first sheet on a scale of not less than 1" = 2,000'. A vicinity map must also be drawn on the plat (first page if more than one sheet).
3. The request and a copy of the proposed plat must be sent to the County Judge's office, the appropriate County Commissioner's office, and Angelina County-Cities Health District office. A reduced copy (letter size) must also accompany the request to the County Judge's office.
4. The north arrow must be indicated and a graphic scale must be prominently shown.
5. The name of the proposed subdivision or any of the physical features (such as streets, parks, etc.) must not be so similar in spelling or in pronunciation to the names of any similar features in Angelina County, or in any incorporated town or city therein, as to cause confusion. Names shall be checked by the particular Commissioner in whose precinct the proposed subdivision lies. Streets which are a continuation of any existing street shall take the name of the existing street. Subdivider must name streets and erect street and other traffic signs in compliance with the Texas Manual on Uniform Traffic Control Devices and any applicable federal standards. The cost of all signs and their installation shall be born by the subdivider.
6. Boundary lines and lot lines on a lot and block subdivision shall be shown by bearings and distances. The subdivision shall be described in relation to established surveys and shall be located with respect to an original corner of the original survey of which it is a part. For all new roads, all property lines intersecting roads or streets will end at the intersecting line of the right-of-way of such road or street. - No property line can be extended to the center of the road. Existing roads are an exception.
7. All proposed road and drainage layouts are to be approved by the Commissioners' Court before they are built. All flood hazard areas (according to the F.E.M.A. map) shall be noted on the plat. The Commissioners' Court will not give final approval for a plat for a subdivision or addition that wholly or partially lies within a designated flood plain area unless it shows a minimum finished floor elevation as determined by F.E.M.A. maps.
8. Lot and block numbers and Street names are to be arranged in a systematic order and shown on the plat in distinct and legible figures and letters. No roads, streets, or lots will be accepted without names or numbers shown on the plat.

9. All lot and tract sizes must conform to the current sanitation requirements of the Angelina County-Cities Health District (as of November 2005, the minimum lot size is 0.75 acre). A certificate must be provided to the Commissioners' Court from the Angelina County-Cities Health District that the subdivision has met all the requirements of the Angelina County Sewage regulations order (which order is incorporated herein by reference). Copies of said order may be obtained from the Health District.
10. Locations of lots, where applicable, streets, alleys, parks and utility easements must be shown with accurate dimensions in feet and decimals of feet. Length of radii and arcs of all curves, with bearing of all tangents, shall be shown. Dimensions from all angle points and points of curve to lot lines shall also be shown. These must be on the final plat before it is accepted and recorded.
11. A certificate of dedication, duly acknowledged, of all streets, alleys, parks, playgrounds, and other land intended for public use forever, shall be a part of the plat. The dedication must be absolute.
12. Appropriate dedication for public utilities right of way shall be provided with a 20 foot easement on one side of the street or not less than 10 feet wide on each side of any street in addition to the street right-of-way, either by absolute dedication or by dedication of easement. It is the subdivider's duty to see that all utility lines are placed at sufficient depth (at least 36 inches) or height so as to not interfere with the normal maintenance of the roads and ditches.
13. Reference must be made to the original patented survey and the number of acres in each survey with the abstract number of same and reference made to the volume and page in the Deed Records of the Tract being subdivided. For areas dedicated to the public, reference must be made to the number of acres in each area that is so dedicated, with reference to the abstract number. The number of acres in all rights of way for roads dedicated for the public use must be shown as well as the number of linear feet of roads.
14. The Developer shall submit a report to the County Auditor's office. The report shall consist of a listing of all roads in the subdivision by road name with: the road length, the road surface type and the road cost (total construction cost and land cost). In addition to the road information, the report shall consist of a listing of all concrete box culverts and all other culverts with a minimum diameter of six (6) feet, if any. The culvert listing shall include: the type of culvert, the diameter, the length, the location (road name) and the cost. Also, the report shall consist of a listing of any bridges, if any. The bridge listing shall include: the type of construction (steel or concrete), the size (length and width), location (road name) and cost.
15. Filing and recording fees for subdivision plats in Angelina County shall be in accordance with the fee schedule of the Angelina County Clerk's office. These shall be payable to the County Clerk at the time of filing the final plat.

16. A signature block shall be inscribed on the first plat sheet as follows:

STATE OF TEXAS AND COUNTY OF ANGELINA

Approved by the Commissioners' Court of Angelina County, Texas, this the ____ day of

____ A.D., 2006

County Judge, Angelina County, Texas

Commissioner, Pct. No. 1

Commissioner, Pct. No. 2

Commissioner, Pct. No. 3

Commissioner, Pct. No. 4

17. After recording, five copies of the final plat will be delivered to the County Judge's office for distribution to other county offices (Tax Assessor Collector, Central Appraisal District, 911 Contracting Entity, etc.)

B. STREETS

Before the County will accept dedication of any new or formerly private roads or proposed public roads, a subdivision or addition must meet the following conditions:

1. General - Streets and roads must be designed in accordance with currently accepted engineering standards of performance. This ordinance specifies minimum requirements for acceptance.
2. R.O.W. Clearing - All trees, stumps, shrubs and brush shall be removed from within the right-of-way. Burning of cleared materials is only allowed if permitted through the County.
3. R.O.W. Width - Minimum right-of-way width is 50-feet. For roadways planned to function as arterials and thoroughfares, the minimum right-of-way width is 60-feet.
4. Drainage and Utility Easements - Minimum width of drainage and utility easements along the roadway frontage is 10-feet. For larger drainage ways (ditches, creeks, culvert structures greater than 24-inch I.D.), minimum width of easements are to be 15-feet.
5. Dead End Streets - A dead end street shall have a cul-de-sac turn-around with a minimum outside roadway diameter (pavement surface) of 100-feet.
6. Street Alignments - All streets shall intersection at ninety (90) degree angles. Where this is not possible, the intersection on the side of the acute angle must be cut back as specified by the Commissioner's Court, but in no case shall be less than twenty-five (25) feet. No street or road shall have an abrupt jog. Developers are to avoid ninety (90) degree turns and use gentle curves. Inside curves shall be designed so that traffic will not be induced to use the ditch as part of the traveled way.
7. Coordination with County Representative - Prior to commencing design on the subdivision or addition, the Developer and his engineer shall conduct a meeting with the County Commissioner, in whose Precinct the work is proposed, to review the intended work. This meeting is intended to identify project constraints, the Developer's preliminary design and County requirements.
8. Design Report - The Developer's engineer must prepare a report summarizing the project design, including:
 - a. Hydraulic design of the proposed ditches, creeks and culverts.
 - b. Geotechnical data for design of the paving section. This is to be based upon the engineer's soils investigation. Number and location of sampling points to be as recommended by the engineer.
 - c. Pavement design and proposed section(s).
 - d. Established standards used as the basis for design (drainage, streets and utilities) shall be identified.
9. Construction Plans and Technical Specifications - The Developer's engineer shall prepare sealed construction plans illustrating the proposed items of construction work. The plans shall show proposed lines and grading for both paving and drainage facilities. A centerline profile, cross sections, general construction notes, location map and construction details shall be provided to the County Commissioner's Court with the preliminary and final plats. Sealed technical specifications for each item of proposed work shall be provided with the Plan submittal.

10. Storm Water Pollution Prevention Plan – The Developer's engineer shall provide a Storm Water Pollution Prevention Plan (SW3P) prepared in accordance with the requirements of the Texas Commission on Environmental Quality (TCEQ) or current State Regulatory Agency. This plan shall include Notice of Intent (NOI), Sample Inspection Forms, erosion control details (for best management practices, BMP's) and Notice of Termination (NOT).
11. Impoundments – The County will not assume liability or responsibility for the maintenance, repair or replacement of any structure used to impound water.
12. Adjoining Developments – Where streets in an adjoining subdivision end at the property line of a new subdivision, the said streets shall be continued through the new subdivision either on a straight line or in a curve.
13. Drainage Design and Standards – All drainage pipes, culverts and bridges shall be of adequate size to accommodate the flow rate of the design storm as designated by the engineer. The minimum culvert size shall be 15-inches I.D.. Sizing for the drainage structures shall be in accordance with the Texas Department of Transportation, Hydraulic Design Manual, latest Edition, with the following design storm frequencies:
 - a. Culverts up to 24" I.D. – 5 year frequency.
 - b. 30" I.D. up to 48" I.D. – 25 year frequency.
 - c. 60" I.D. and larger, bridges and creeks – 50 year frequency.Materials for construction:
 - a. Pipes 15" I.D. to 48" I.D. - Corrugated Metal Pipe (CMP), High density polyethylene, smooth interior (HDPE) or Reinforced concrete pipe (RCP). If HDPE piping is used, it shall be bedded full depth in cement stabilized sand or in select fill compacted to 95% ASTM D698 (standard proctor). The same bedding shall be used for other piping materials (CMP / RCP) up to half the pipe diameter.
 - b. Pipes 60" I.D. and larger – Reinforced concrete pipe (RCP) or heavy gage steel (3/8" wall minimum). Bedding to be cement stabilized sand or select fill up to half the pipe diameter.
 - c. Bridges – Steel or Reinforced concrete structures as specified by a Texas professional engineer.Energy dissipaters shall be installed in locations where velocities exceed those prescribed below for each soil and cover type:
 - a. Sandy loam (no slope protection) – 1.5 feet per second (fps).
 - b. Silt loam (no slope protection) – 2.00 fps
 - c. Clay loam (no slope protection) – 2.5 fps
 - d. Stiff clay (no slope protection) – 3.75 fps
 - e. Grass cover – 4 fps
 - f. Rock rip-rap – 7 fps
 - g. Concrete slope paving – 8 fps
14. Testing – The Developer shall provide construction testing by a qualified geotechnical testing engineer for all major materials installed in the project. This includes, subgrade stability (lime / cement), density of subgrade and flexible base, asphaltic thickness and density, backfill quality and density and concrete mixes and compressive strengths. Reports to be provided to the County Commissioner.

15. Clearance for Drainage Structures – Across streets and roads shall have a minimum of thirty (30) feet of clear roadway width. Across-the-road drainage slabs, if approved, shall be a minimum of 30-feet in width, including aprons.
16. Ditches – Minimum depth of 18-inches below the crown of the road. All front and back slopes shall be seeded or sodded, and fertilized. Rate of seed and fertilizer application shall be specified by the Developer's engineer and will ensure consistent and thorough coverage of grass.
17. Connections with State Maintained Highways – All subdivision or addition roadways connecting with State maintained highways require conformance and approval of the Texas Department of Transportation.
18. Connections with County Maintained Roadways – All subdivision or addition roadways connecting with County maintained roadways require conformance and approval of the County Commissioners Court.
19. Pre-Existing Roadways – Any subdivision or addition which fronts on an existing County maintained roadway which does not meet the minimum width requirements herein, will be considered on a case-by-case basis by the County Commissioner's Court.
20. Developer's Surety – All streets and roads shall be maintained by the Developer for a period of one (1) year (three (3) years if concrete streets) after final acceptance by the County Commissioner's Court. Initial acceptance will be granted when the improvements have met all specifications herein and requirements from the approved construction plans and the developer requests the warranty period to commence and is approved by the Commissioner's Court. The Developer's engineer will submit a sealed certification to the County Commissioner's Court that the completed improvements were constructed in conformance with the originally approved Plans and Technical Specifications. The Developer shall provide a maintenance bond, letter of credit or cash pledge to Angelina County in the amount of 10% of the total construction cost of the roads and drainage improvements. The basis of this total construction cost shall be actual cost reported by the Developer's engineer. In the absence of this cost information, the Developer's engineer shall provide a reasonable, sealed construction cost estimate. After the Auditor's report (Section A, Item 14) has been submitted, final acceptance will be granted when the improvements have been completed in accordance with all specifications and approved by Commissioner's Court after the warranty period ends.

C. CONSTRUCTION STANDARDS

(For Roads and Streets not within the jurisdiction of any City in Angelina County)

In addition to the previous section, the following are Standards to which the Developer must adhere to in order to meet the minimum requirements of the ordinance:

1. Minimum Widths and Flexible Pavement Standards (for all County Roads)
 - a. Right-of-ways (R.O.W.) : 50-feet.
 - b. Sub-Grade / base material : 22-feet.
 - c. Crowned width : 30-feet.
 - d. Cross Slope of Paving Section : 2%.
 - e. Depth of stabilization (sub-grade) : As specified by Developer's engineer. No less than 6-inches compacted thickness.
 - f. Density of sub-grade : As specified by Developer's engineer. No less than 95% of ASTM D698 (standard proctor density).
 - g. Depth of base material : As specified by Developer's engineer. No less than 6-inches compacted thickness.
 - h. Density of base material : As specified by Developer's engineer. No less than 95% of ASTM D698 (standard proctor density).
 - i. Finished surface width : 20-feet.
 - j. Surface material : Two-Course Surface treatment of asphalt and aggregate or 2" of hot-mix asphaltic concrete, type "D" or Reinforced Concrete.
2. Sub-grade Preparation – In accordance with the Developer's engineer, the sub-grade shall be stabilized in conformance with the findings of the soil tests. Stabilization methods may include use of hydrated lime, Portland cement or removal of unsuitable natural sub-grade materials and replacement with select fill. Select fill shall have a plasticity index (P.I.) of between 8 and 14 and composed of a uniform and consistent clayey sand mixture. The sub-grade must be inspected by the engineer and certified to it's conformance with the design in writing to the County Commissioner's Court.
3. Flexible Base Material – Base material shall meet the requirements of the Texas Department of Transportation (TxDOT) "Standard Specifications for Construction of Highways, Streets and Bridges", latest edition, Item 247, Type "A", Grade 2 (or Grade 1). The flexible base must be inspected by the engineer and certified to it's conformance with the design in writing to the County Commissioner's Court.
4. Asphaltic Prime Coat (HMAC surface option) – Upon satisfactory construction of the flexible base, the surface of the base must be covered by a layer of asphaltic prime coat (MC-30 or as recommended by the design engineer, depending upon climatic conditions). Blot excess locations with sand.
5. Hot-Mix Asphaltic Concrete Option (finished surfaces) – If a HMAC surface is specified, it shall be composed of TxDOT, Type "D" material as per TxDOT "Standard Specifications for Construction of Highways, Streets and Bridges". Compact to a minimum density of 92% of re-molded lab density.

6. Two-Course Surface Treatment Option (finished surfaces) – Once the Developer's engineer has certified and approved the completed flexible base, the surface shall be cleaned by sweeping, then primed with a minimum of RC-250 asphaltic material at a rate of not less than 0.25 gallons per square yard at a minimum temperature of 105 deg-F. The prime shall be allowed to cure for a minimum of 48-hours. Upon completion of prime, a minimum of 0.30 gallons per square yard of RC-250 asphaltic material shall be applied at a minimum temperature of 350 deg.-F. Type B, Grade 3 or 4 aggregate shall be immediately and uniformly applied and spread at a rate of one (1) cubic yard per one hundred (100) square yards. The final course shall be composed of AC-10 asphaltic material applied at 0.30 gallons per square yard. Type B, Grade 3 or 4 aggregate shall be immediately and uniformly applied and spread at a rate of one (1) cubic yard per one hundred (100) square yards. The entire surfaced area shall be thoroughly rolled and broomed.
7. Reinforced Concrete (finished surfaces) – Coordinate this option with the County Commissioner for design of mix. Design of this option shall be sealed by the Developer's Engineer in accordance with recognized industry standard methods. If this option is chosen by the Developer, then the warranty period for the project shall be 3-years from the date of County approved, satisfactory completion of construction.

D. CONSTRUCTION BONDS

1. If the subdivider or owner desire to sell or transfer any lots or tracts prior to completion of the streets and roads according to the specifications herein, the owner shall file a Construction Bond insuring completion of the improvements executed by some Surety Company authorized to do business in this State payable to the County Judge of Angelina County, Texas, or to his successors in office, in the amounts to be fixed and determined, as follows:
 - a. Where no drainage structures or other additional construction costs are involved, the bond shall be in an amount equal to the current market cost for the construction of roads meeting the requirements herein.
 - b. Where drainage structures or other additional constructions costs are involved: Add estimated cost of additional work to amount of Bond fixed for "a" above.
2. The condition of said Construction Bond shall be that the owner of said approved and accepted subdivision shall begin construction of such streets and roads as are shown on the plat of said subdivision within a period of 90 days from the date of approval of the plat by the Commissioners' Court of Angelina County, Texas and execute and complete such construction in accordance with the specifications herein provided within a reasonable number of working days to be determined and agreed upon by the owner and the County Commissioners' Court. Said Construction Bond shall remain in full force and effect until the streets and roads in said approved and accepted portion of the subdivision have been completed to the satisfaction of the Commissioner's Court.
3. In the event any or all of the streets and roads as constructed by the owner fail to meet the requirements of the specifications herein provided and are not accepted and approved by the Angelina County Commissioners' Court, and said owner fails or refuses to correct the defects within a reasonable time after such defects are called to his attention in writing by said Court, the unfinished improvements shall be completed at the cost and expense of the bonding company.
4. The said bonds shall provide that should the same be unenforceable as a statutory bond, the obligors shall be bound by their contract as a common law obligation.
5. Recovery on said Bonds shall not be limited or exhausted by one or more recoveries less than the total amounts of such bonds.
6. Construction bonds may be replaced by an irrevocable Letter of Credit to be approved by the Commissioner's Court.

E. VARIANCES AND APPEAL

1. There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by the Commissioner's Court. The Commissioner's Court shall also appoint two (2) alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so by the County Judge. The members and alternates of the Board of Adjustment shall be residents of the County of Angelina, Texas, taxpayers, and qualified voters of the County of Angelina. Three (3) of the regular members shall be appointed for two (2) year terms and two (2) regular members shall initially be appointed for one (1) year terms, and the alternate members shall be appointed for two (2) year terms. Any member is subject to removal for cause by the Commissioner's Court upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member or alternate whose term becomes vacant. The Board of Adjustment may adopt rules to govern its proceedings, provided that such rules are not inconsistent with these regulations. All cases to be heard by the Board of Adjustment will always be heard by a minimum of five (5) members.

All members present, including the Chairman, shall vote on every motion. Any member of the Board of Adjustment present and refusing to vote shall be entered in the minutes of such meeting as voting in the affirmative, provided, however, that a member of the Board of Adjustment shall not vote upon the consideration of any matter involving his own official conduct or where his financial interest is involved; in which event such member shall give his reasons for not voting and such reasons shall be entered upon the minutes of the Board of Adjustment. Minutes of all meetings of the Board of Adjustment shall be taken and recorded and such minutes shall constitute a public record. Meetings of the Board of Adjustment may be held at the call of the Chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

2. The Board of Adjustment and Appeals may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board of Adjustment and Appeals shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the findings herein below required, the Board of Adjustment and Appeals shall take into account the nature of the proposed use of land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable affect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Board of Adjustment and Appeals finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive that applicant of the reasonable use of his land.
- B. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
- C. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

Such findings of the Board of Adjustments and Appeals together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Adjustments and Appeals meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted as to required drainage plans, sanitary requirements or bond requirements.

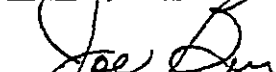
Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, or Board of the County Government may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

3. GRANDFATHER CLAUSE. All subdivisions platted or laid out and road construction begun or finished prior to the adoption of this Order by the Commissioners Court shall be considered exempt from the terms of this order, but subject to any orders in effect at the time the subdivision was laid out. In order to secure approval and acceptance of any subdivision under the prior orders of this Court, the owner, developer or subdivider shall make application to this Court within fifteen (15) days after the effective date of this order.

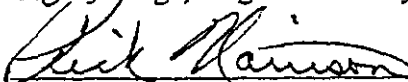
All orders or parts of orders in conflict herewith are hereby repealed.

This order shall become effective following final approval by the Commissioners' Court of the County of Angelina, Texas.

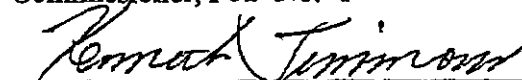
PASSED AND APPROVED by the Commissioners' Court of the County of Angelina, this
27 day of Dec, 2006.



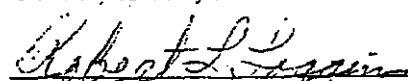
County Judge, Angelina County, Texas



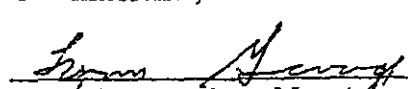
Commissioner, Pct. No. 1



Commissioner, Pct. No. 2



Commissioner, Pct. No. 3



Commissioner, Pct. No. 4

Attest:



County Clerk