

**Revisions to
Comal County Subdivision Rules and Regulations**

Approved by the Comal County Commissioners Court on June 12, 2008
These revisions take effect June 12, 2008.

1. Section IV. PLATS, Subsection D.

Add Subsection "D" to read as follows:

D. ADDITIONAL REQUIREMENTS FOR PLATTING PRIVATE ROAD SUBDIVISIONS

(1) These regulations are adopted by the Commissioners Court of Comal County, Texas, acting in its capacity as the governing body of Comal County, Texas, to promote the health, safety, morals, or general welfare of Comal County and the safe, orderly, and healthful development of the unincorporated area of Comal County as authorized by Section 232.101 of the Texas Local Government Code.

(2) The developer of private road subdivisions must present Comal County Engineers Office with a Maintenance Plan for future maintenance of the proposed private roads and easements for review and approval during the plat review process, and such plan must be recorded with the final plat. The maintenance plan shall detail:

(A) Whether the individual property owners or a certain entity, such as a homeowners or property owners association, will assume to responsibility of maintaining the proposed private roads and easements;

(B) Sources of adequate income for future maintenance of the proposed private roads and easements; and

(C) Any additional information that will ensure adequate maintenance of the proposed private roads or easements.

(3) A homeowners or property owners association may be created to assume responsibility for the maintenance of the proposed private roads and easements. Originals of the following documents are required to be submitted for review and approval during the plat review process, and must be recorded with the final plat:

(A) Covenants, conditions, and restrictions that outline ownership, maintenance, fee assessment, association dues, and any other restrictions proposed for the platted area; and

(B) Association bylaws that outline membership rules, voting rights, and other membership directives.

(4) The following notes are required to be placed on the Final Plat:

(A) *With Homeowners or Property Owners Association* "All private roads shown hereon [list road names] and all security gates and devices controlling access to such roads shall be owned and maintained by the [Name of Homeowners or Property Owners Association] of this subdivision"; or

(B) *Without Homeowners or Property Owners Association* "All private roads shown hereon [list road names] and all security gates and devices controlling access to such roads shall be maintained in accordance with the Maintenance plan submitted to Comal County"; and

(C) "The property owners within this subdivision are hereby notified that if the private roads within this subdivision are desired to become public roads in the future, the property owners are required to bring the roads into compliance with public road standards or may be assessed an amount sufficient for all costs associated with the conversion of said private roads to County maintained roads. Conditions for conversion to public roads may include new road construction, repair/improvement of existing roads, clearing of right-of-way, relocation of utilities, removal and replacement of driveways and mailboxes, removal of islands and decorative treatments, removal of signs, removal of landscaping, replacement of signs and posts, and any other improvements as deemed necessary by Comal County to bring existing roads up to County road design standards"; and

(D) "The undersigned Owner does hereby subdivide _____ acres of land out of said _____ -acre tract in accordance with this plat, to be known as [Subdivision's Title], subject to the covenants and restrictions shown hereon, and hereby dedicates the use of all the private road and other easements shown hereon, subject to any easements and/or restrictions heretofore granted and not released, to the owners of the lots in the subdivision, the public utilities serving the subdivision, the emergency services providers with jurisdiction, and public service agencies. The payment of real property taxes on such private roads are the responsibility of the owner(s) of the roads or any duly constituted homeowners or property owners association. An express easement is hereby granted across said private roads for the use of the surface for all governmental functions, vehicular and nonvehicular, including fire and police protection, solid and other waste material pickup, and any other purpose any governmental authority deems necessary"; and

(E) "Private roads identified on this plat shall serve as access, drainage, and public utility easements to serve the property owners within the subdivision."

(5) The developer shall provide stub-out roads to adjacent properties at approximate one-half (1/2) mile intervals. There shall be a minimum of one (1) stub-out per property abutting the subdivision for future road connections. Stub-out roads are required for all new subdivisions whether public or private. If public or private stub-outs exist on adjacent property, the owner shall provide connecting stub-outs for connectivity.

(6) Private roads must have a direct connection to a public road or to another platted private road. When private roads are proposed to connect to an existing private road, the

owner must provide proof of access rights along the existing private road and have the ability to assign these rights to the proposed property owners within the platted area.

(7) If security gates are proposed at entrances or stub-street locations, a detail of their location must be submitted as construction plans. The entryway, including the paved surface area lying between the road providing access to the subdivision and the gates, shall include a turning radius of not less than forty (40) feet to facilitate a turnaround in front of the gates in the area outside of the gated property. The gate control system shall include the following:

(A) A gate override in case of power failure; and

(B) A master key or gate code for the use of all emergency service, school district, and law enforcement personnel.

(8) County standard road nameplates and associated posts will be installed by the County Road Department at all road intersections. An additional "Private Road" sign will be installed by the County Road Department at the entrance locations of all private roads that intersect public rights-of-way. The Developer shall be responsible to pay the cost of labor and materials for the installation of these signs. Upon completion of the project, the Developer shall be responsible to install all desired regulatory, warning, and advisory signs on Private Roads.

(9) All private roads shall be designed and constructed according to the Comal County Subdivision Regulations for County maintained roads, with the exceptions enumerated in this subsection. The following exceptions must be designed by a Registered Professional Engineer licensed in the state of Texas and must conform to American Association of State Highway and Transportation Officials (AASHTO) standards, which may require installation of safety devices such as guardrails, impact attenuators, or other safety requirements. Exceptions include:

(A) Gated entrance treatments accessible to emergency vehicles;

(B) Locked gates accessible to emergency vehicles;


(C) Trees within the private road right-of-way; and


(D) Islands within the private road right-of-way.

(10) The County reserves the right to require additional procedures, improvements, modifications, and removal of the above exceptions upon the request for the conversion of private roads to become acceptable as public road dedications to be maintained by the County.

PASSED AND APPROVED this 12th day of June, 2008.


DANNY SCHEEL, COUNTY JUDGE


JACK DAWSON,
COUNTY COMMISSIONER PCT. #1


JAY MILLIKIN,
COUNTY COMMISSIONER PCT. #2


GREGORY PARKER,
COUNTY COMMISSIONER PCT. #3


JAN KENNADY,
COUNTY COMMISSIONER PCT. #4



ATTEST:


JOY STREATER, COUNTY CLERK