

ORDER

AN ORDER OF THE WILLIAMSON COUNTY COMMISSIONERS COURT ADOPTING A REVISION OF APPENDIX A – PLATTING GUIDELINES OF THE WILLIAMSON COUNTY SUBDIVISION REGULATIONS

WHEREAS, Chapter 232 of the Texas Local Government Code requires the County to approve an order adopting or revising the Williamson County Subdivision Regulations; and

WHEREAS, pursuant to said requirement, the County has published notice of and conducted a public hearing on the 16th day of January, 2018 at a regularly-scheduled Williamson County Commissioners Court meeting in Georgetown, Texas.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT
OF WILLIAMSON COUNTY, TEXAS, THAT:**

SECTION 1. The facts and recitations contained in the preamble of this Order are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION 2. The Commissioners Court finds it to be in the best interest of the citizens of the County to adopt amendments to Appendix A - Platting Guidelines, Williamson County Subdivision Regulations, said amended Appendix A - Platting Guidelines, Williamson County Subdivision Regulations being attached hereto and incorporated herein as Exhibit "A".

SECTION 3. The County Judge is hereby authorized to sign this Order on behalf of the County.

SECTION 4. This Order shall be effective after the 16th day of January, 2018.

ORDERED this 16th day of January, 2018.

WILLIAMSON COUNTY:

Dan A. Gattis, County Judge

Exhibit “A”

APPENDIX A – PLATTING GUIDELINES

As a guide to the public in determining when it is necessary to file a plat and comply with these Regulations (as amended), the Commissioner's Court (as an incident of its power to enforce the subdivision laws and regulations under Chapter 232, Texas Local Government Code, as amended) has adopted the following policy guidelines stating when the division of an existing tract shall be considered by the Court to be a subdivision requiring the filing of a plat by law, and thus requiring compliance with these Regulations.

A1 – Plat Required

- A1.1 In accordance with Chapter 232.001, Texas Local Government Code, (or if said section is amended) the owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
 - A1.1.1 a subdivision of the tract, including an addition:
 - A1.1.2 lots: or
 - A1.1.3 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.
- A1.2 A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed by using a contract for sale or other executory contract to convey, or by using any other method.
- A1.3 The final plat must be filed and recorded with the Williamson County Clerk.

A2 - Exceptions by Law

- A2.1 A property that fronts on a public street whose boundary has not changed since February 1, 2000 is considered a legal lot
- A2.2 The County hereby adopts all of the exceptions to platting requirements as stated in Section 232.0015, Texas Local Government Code, and any amendments to said statute later adopted by the Texas Legislature.

A3 - Additional Exceptions

- A3.1 The Commissioner's Court has adopted the following additional policy guidelines stating when the division of an existing tract shall be considered exempt from the requirements for filing of a plat:
- A3.1.1 Any tract whose boundary has not changed since February 21, 1985 may be sold in its entirety without being platted.
- A3.1.2 A plat is not required when daughter tracts are created solely for purposes of platting them as individual subdivisions in their own right. The Owner must submit to the Court the preliminary plat for the project as a whole before claiming this exception.
- A3.1.3 A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there is the same number of tracts and Owners after the transaction as existed before it. This exemption applies whether the transaction requires an exchange of land by both Owners, or only a transfer of land from one Owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind.
- A3.1.4 Any land added to a tract through such a transaction shall become an integral part of that tract, and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulations and other applicable laws. This exception does not apply if the adjustment will change the boundary between two legally platted lots, or add or subtract land from a legally platted subdivision.
- This exemption may not be exercised within two years of exercising another exemption.
- A3.1.5 A plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified.
- A3.1.6 A plat is not required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement.
- A3.1.7 A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.
- A3.2 All exemptions in this subsection must be approved in writing by the County Engineer prior to the division of the property. To claim any exemption, the person or entity who claims to be entitled to any exclusion to platting set out in these Guidelines must provide:
- A3.2.1 An affidavit claiming the exemption and setting out the detailed basis for exclusion from the platting requirement, subject to penalties of perjury (Appendix P).
- A3.2.2 A copy of the deeds or other instruments creating the daughter tracts referenced in the affidavit.

A4 - Vesting Requirements

- A4.1 In accordance with V.T.C.A., Chapter 245, Local Government Code, a completed application submitted prior to the effective date of the ordinance from which this chapter is derived will be reviewed on the basis of any regulations or requirements in effect at the time the completed application is filed; unless, at the applicant's option, the applicant elects to proceed under the new regulations or requirements.
- A4.2 In reliance upon properly issued permits or approvals, any applicant that claims exception from any provision of this subchapter based upon a claim of vested rights shall file a request for vested rights determination with the County demonstrating:
 - A4.2.1 The applicant made substantial financial commitments or assumed substantial financial obligations within the purview of the activities authorized by said permit or approval; and
 - A4.2.2 The applicant has proceeded in good faith, and no approvals or permits have lapsed or been revoked; or
 - A4.2.3 The applicant has established any other factor which may establish vested rights under state or federal law; or
 - A4.2.4 The applicant filed an application as provided in V.T.C.A., Local Government Code ch. 245 prior to adoption of the regulations against which vested rights are claimed, that the regulations against which vested rights are claimed are not subject to an exemption as provided in V.T.C.A., Local Government Code § 245.004 and that the project has not become dormant as defined in V.T.C.A., Local Government Code § 245.005 and this chapter.
- A4.3 After receiving a request for vested rights determination, the County shall review the request and approve, deny or request additional information to be provided for consideration of the request within 20 working days. Upon review of the request, if the County finds that the applicant has provided sufficient information to establish that one or more permits exists on a project, the administrator shall issue a certificate to the applicant recognizing vested rights for the project and the terms and conditions required for the continuance of the vested rights.

A5 - Private Real Property Rights Preservation Act

- A5.1 The County acknowledges a duty to comply with the Texas Real Property Rights Preservation Act ("Act"). In compliance with the Act, the County will prepare, periodically update and approve a Takings Impact Analysis, after requisite public hearings and notice.