

ARTICLE XVII

REGULATIONS OF BRAZOS COUNTY, TEXAS FOR THE CONSTRUCTION OF DRIVEWAYS, CULVERTS, SIDEWALKS, and MAILBOXES WITHIN COUNTY EASEMENTS AND RIGHTS-OF-WAY

SUMMARY OF THE REGULATION

DRIVEWAYS, SIDEWALKS, MAILBOXES and CULVERTS

The area between a private property line and the private property line across the road is called the County Right-of-Way. Because the Right-of-Way is Brazos County property, a driveway, sidewalk, mailbox or any structure built or located within that Right-of-Way is a trespass and will require county permitting before beginning construction.

Situations where permits are required:

- New residential or commercial driveway and/or sidewalk construction;
- New residential or commercial culvert placement;
- New residential or commercial mailbox placement
- Extension of existing culverts;
- Widening of existing driveways;
- Replacement of driveway, sidewalk, mailbox or culvert; and,
- Repair of existing driveways.

Brazos County requires when pursuing a driveway/culvert permit the property owner must identify an accurate site plan, legal description of the property, property owners name, and culvert location. After proper review, the permit will be issued to the requester and a copy will be filed in the Real Estate records of the Brazos County Clerk and become an official record.

MAILBOXES

The placement and construction of individual mailboxes will be strictly enforced because of the danger posed to citizens from the placement of mailboxes too close to the driving surface. Any proposed subdivision consisting of four or more lots of one (1) acre or less in size shall utilize a cluster box system for mail. The County shall allow brick or other masonry mailboxes only if they are placed a minimum of five feet from the driving surface. Furthermore, the County maintains the authority and discretion to remove or require to be moved any mailbox it deems to be unsafe.

AUTHORITY

The Brazos County Commissioners Court has the authority to regulate subdivisions pursuant to Texas Local Government Code §232 and the obligation to protect the public health, safety and welfare of the citizens of Brazos county.

Adopted May 18, 2010 & Amended July 13, 2010

PRIOR VIOLATORS

Any concrete driveway or mailbox within five feet of the driving surface that was constructed prior to the adoption of this amendment is a violation of the Brazos County Rules and Regulations governing Subdivisions and those structures will continue to constitute a violation. However, the Brazos County Commissioners' Court has elected to allow those structures to remain in place at this time. Each structure constructed in violation will be evaluated individually to determine if it represents a danger or in any way negatively affects drainage. If the County Engineer or his designee deems any of these structures to be unsafe or a negative impact on drainage, the owner will be required to remove or move the structure at the owner's expense. In addition, the Brazos County Commissioners' Court in no way waives its right to bring civil and/or criminal action against any owner in violation of its Rules and Regulations. As a property owner the possibility of expensive litigation is a very real concern. Should someone hit an out of compliance mailbox.

DEFINITIONS

As used in these Regulations, the following words and phrases have the following meanings:

- A. "County or public easements or rights-of-way" mean any right, title or interest in land acquired, claimed or maintained by Brazos County for road and road drainage.
- B. "Person" means any individual, corporation, partnership, limited partnership, joint venture or other entity.
- C. "County Engineer" means the County Engineer or a designee of Brazos County, Texas.
- D. "Drainage easement" is an area intended for restricted use on property upon which an authorized government agency shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective drainage systems within any of these easements. An authorized government agency shall at all times have the right of unobstructed ingress and egress to and from and upon the drainage easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing from all or part of its respective drainage systems without the necessity at any time of procuring the permission of anyone.
- E. "Roadway" means the portion of the improved surface of the County or public easement or right-of-way used for travel by vehicular traffic which is usually constructed of concrete, asphalt, gravel, shell or other material providing a hard surface.

- F. "Driveway" means an improved surface used for vehicular access from the edge of a County roadway to the right-of-way or easement line.
- G. "Culvert" means a hollow structure of material consisting of concrete, metal, steel, or corrugated HDPE (High Density Polyethylene) which provides waterway openings to conduct water for drainage purposes.
- H. "Sidewalk" means an improved surface used for pedestrian traffic along the County right-of-way or easement.
- I. "Start of Construction" means the commencement of any grading, excavation, removal of concrete curb, or setting of culvert pipe on County or public easements or rights-of-way.
- J. "Easement: is a right given by the owner of a parcel of land to another person, public agency, or private corporation for the specific and limited use of that parcel. A privilege or right of use or enjoyment granted on, above, or across a particular tract of land by one owner to another.

GENERAL PROVISIONS

- A. **Construction of driveways, sidewalks, culverts, or the replacement of existing driveways, sidewalks or culverts on County Property without first securing a permit is prohibited.**
- B. For driveways that currently connect to existing county roads
Applications for permits for the construction of driveways, sidewalks and culverts on County or public easements or rights-of-way, other than state highways and roadways, shall be made to the County Engineer. Upon approval, the County will install the culvert, with the exception of culverts being covered by concrete, in accordance with these rules and the attached fee schedule. Applicant will be responsible for the purchase and delivery of the properly sized and approved culvert to the site of installation
- C. For driveways that do not currently connect to existing county roads
Applications for permits for the construction of driveways, sidewalks and culverts in platted subdivisions that will request acceptance of the roads within that subdivision into the County road system shall be made to the County Engineer. Upon permit approval, the Applicant, at their expense, shall install the culvert in accordance with these rules. Upon the acceptance of the road to the county road system, future culvert replacement shall be in accordance with B above
- D. For concrete driveways
The construction of concrete driveways currently joining or anticipated to join county roads is discouraged. Applicants wishing to construct concrete driveways assume all responsibility for construction. Applicants wishing to complete a concrete driveway upon a county right of way shall:

1. Purchase and install the properly sized and approved pipe
2. Driveways within the right-of-way may be constructed of concrete pavement, brick or stone pavers, or other rigid pavement material only if the following conditions are met and agreed to by the property owner:
 - a. Metal or steel culvert pipes cannot be used with concrete pavement driveways, only concrete or corrugated HDPE (High Density Polyethylene) pipe is allowed for concrete driveways.
 - b. If removal of a portion of a concrete driveway is required by Brazos County in order to replace the culvert, rehabilitate the county road, design drainage, or for any other reason, Brazos County will not remove or replace the concrete pavement. The Owner assumes all responsibility for the costs of removal and replacement of the driveway and will do so at the request of the Brazos County Road and Bridge. Failure of the owner to do so may result in legal action and remedial measures, including the County's destruction of the driveway.
 - c. Expansion or keyway construction joints shall be constructed in the concrete pavement parallel to the culvert approximately 2' from either side of the culvert to allow for the future replacement of the culvert pipe.
 - d. The builder will be responsible for installing an expansion or keyway construction joint approximately three (3) feet from the edge of the roadway driving surface. This procedure is necessary so when the road surface requires rebuilding it will not be necessary to saw off the edge of the concrete.
 - e. Applications for permits for the construction of concrete driveways, sidewalks and culverts on County or public easements or rights-of-way, other than state highways and roadways or in platted subdivisions that will request acceptance of the roads within that subdivision into the County road system shall be made to the County Engineer. Upon permit approval, the Applicant, at their expense, shall install the culvert in accordance with these construction rules.

E. Permit Requirements

When an application for a driveway with culvert or sidewalk is filed, the applicant will provide the County Engineer with the data needed to determine the following:

1. The location of the driveway, sidewalk and/or culvert within the County or public easement and right-of-way.

2. The location of all physical objects such as drainage inlets or catch basins within the portion of the driveway or sidewalk which is within the County or public easement or right-of-way that might conflict with the construction of the driveway. The applicant must provide the location of all man-made objects within the portion of the driveway or sidewalk which is within the County or public easement or right-of way.
3. That a driveway constructed over a roadside ditch culvert conforms to at least the geometric requirements of the drawings.
4. That the maximum width of a driveway serving a single family dwelling or an agricultural property and connected to a County street or road with roadside ditches shall not exceed forty (40) feet.
5. That the maximum width of a commercial driveway over a roadside ditch shall not exceed sixty (60) feet.
6. That an island proposed within a commercial driveway or residential street is prohibited.
7. That driveways proposed to be located on a corner lot is not shown to be located within any portion of public street curb radii.
8. Whether a special design is required whenever the driveway may be proposed in a location hazardous to traffic safety.
9. The proposed culvert conforms with these Regulations.
10. That driveways located on the same property shall be separated by a minimum of ten (10) feet.
11. The location of the culvert by staking the beginning and the end of the proposed culvert on the ground and showing the distance from the nearest property corner or intersecting street or road.
12. Whether the culvert will provide ultimate access to a single family dwelling or whether it will serve another type of land use.
13. Any culvert installed by contractors other than Brazos County Road & Bridge personnel must make sure the inside of the culvert is even (parallel) with the ground on the upstream end and there is at least a slight downward slope to the culvert.
14. Some mailboxes may fall into the ditch line in order to be five (5) feet from the road surface. In that case a short culvert pipe may be required to have a level area for the mailbox. That culvert size must be the same as the driveway culvert.

- F. The County Engineer shall review the application and supporting information and determine the following:
1. The size of culvert. [The minimum culvert diameter shall be fifteen (15) inches.]
 2. Whether the proposed culvert conforms to all other requirements of these regulations.
- G. Construction pursuant to the permit should be commenced within sixty (60) days and be completed within ninety (90) days from the date of issuance of the permit if installation is to be accomplished by anyone other than Brazos County Road & Bridge Dept.
- H. Permits for the installation of driveways, sidewalks or culverts must be obtained from the County Engineer prior to the start of construction.
- I. All permits issued by the County Engineer for the construction of driveways, sidewalks or culverts on a County or public easement or right-of-way shall require conformance with these Regulations including Brazos County Engineering Department Drawings and any subsequent amendments or revisions thereto as published by the County Engineer.
- J. The County Engineer shall publish forms to be used in the administration of these Regulations.

CONSTRUCTION and INSPECTION

Proposed concrete or hard surfaced driveways will be inspected by the County one (1) time, and it becomes the responsibility of the property owner to notify the County when the construction phase has reached that point. Any failure to follow procedures in the construction of a concrete driveway, or a change in drainage characteristics of the area may result in the County demanding the removal of the driveway lying upon Brazos County right-of-way. If the owner refuses to comply with county regulations, the County may seek all means to enforce its right.

- A. Driveways connecting to concrete curb and gutter roadways shall be inspected after the placement of reinforcing steel and prior to the placing of concrete, and again after the concrete placement for conformance with County standards.
- B. Driveways connecting to asphalt roadways without curbs and gutters will be inspected after the placement of materials for conformance with the geometric requirements of these Regulations.

- C. The installation of culverts shall be governed by the following procedures:
1. Culverts shall not be set until placement stakes are provided by the property owner.
- D. All driveways requiring special geometric design shall be inspected for conformance with drawings.
- E. Additional Requirements
1. Application or permit on concrete or hard surfaced driveways being constructed by property owner will expire sixty (60) days from date filed.
 2. Applicant will be responsible for the purchase and delivery of county approved culvert to site.
 3. Applicant will contact office at (979)822-2127 when culvert is on site.
 4. Regular installation of a culvert/driveway and cover material by Brazos County Road & Bridge personnel, on a non hard surface (County maintained subdivisions and roads only) will be accomplished when weather and work schedule permit.
 5. NO HEADWALLS or other vertical concrete structures will be constructed on driveway culverts in the county right-of-way.
 6. **ALL PERMANENTLY CONSTRUCTED MAILBOXES MUST HAVE THEIR FACE AT LEAST 5 FEET FROM THE DRIVING SURFACE.**
 7. The Applicant shall hold harmless the County of Brazos and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
 8. The Applicant shall not erect any sign on or extending over any portion of the county road right-of-way.
 9. Brazos County reserves the right to require the land/property owner to make any changes, maintenance or repairs as may be necessary to provide protection of life of property on or adjacent to the roadway. Changes in design will be made only with approval of the County Engineer/designee of Brazos County, Texas.
 10. Brazos County reserves the right to remove any improvements or obstructions in county rights-of-way should the applicant fail to comply with all the aforementioned requirements.
 11. Culverts will be placed a minimum of ten (10) feet from the property line.

12. Brazos County recommends the installation of only one (1) culvert/driveway per designated landowners property. Property owners can request Brazos County Road & Bridge to install the culvert with charges attached as per the Installation Fee Schedule. No additional driveway(s) will be constructed by Brazos County for properties with pre-existing accesses/entrances; these requests will be (size only) as required by county specifications for roads intended for future county maintenance acceptance and installation charges will be the responsibility of the property owner.

Should the owner request additional culvert/driveways they will be installed at a price agreed upon between the owner and the County Engineer. These prices vary according to the culvert size, ditch depth and width, location and any utilities which must be relocated. All county culverts include a gravel surface course. If the owner desires an asphalt or concrete surface it will be installed by others.

13. Multiple accesses will be installed at the property owners expense, per #12 and #13 above, with a minimum of ten (10) feet between culverts.

ENFORCEMENT

The County Engineer shall be charged with the enforcement of these Regulations. If any person violates any provision of these Regulations the County Engineer will attempt to obtain compliance with these Regulations. In the event the County Engineer is unable to obtain compliance within a reasonable time the County Engineer may so report to the Commissioners' Court and the following remedies may be pursued:

- A. If any person engages in the construction or repair of a driveway, sidewalk or culvert crossing a County easement or right-of-way without a permit, the Commissioners' Court may direct the County Attorney to file suit to enjoin the violation of these Regulations.
- B. If any person engages in the construction or repair of a driveway, sidewalk or culvert in any manner except as specified in the permit issued by the County Engineer, the Commissioners' Court may direct the County Attorney to file suit to enjoin the violation of these Regulations.
- C. If any person engages in the construction of a driveway, sidewalk or culvert crossing a County easement or right-of-way without a permit, or if any person engages in the construction or repair of a driveway or culvert in any manner except as specified in the permit issued therefore by the County Engineer, the Commissioners' Court may order the landowner to remove or repair the driveway or culvert at the landowner's expense. [Texas Local Government Code §81.022 and 81.023, provides that the Commissioners' Court may punish contempt by fine not to exceed twenty-five dollars (\$25.00), or by imprisonment not to exceed

twenty-four (24) hours and in case of fine, the party may be held in custody until the fine is paid.]

- D. Any person securing a permit under these Regulations must certify to Commissioners' Court that the terms, provisions and conditions of the permit will be complied with. Violation of this certification constitutes contempt of Commissioners' Court.
- E. If the Commissioners' Court finds a person to be guilty of contempt, it may enter such orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and may enter such order and further orders enforceable by civil and criminal contempt, and consistent with its authority under general law, as Commissioners' Court deems necessary to enforce and protect its jurisdiction over the matter and to uphold the integrity of these Regulations.
- F. The procedure for contempt proceedings before Commissioners' Court will be consistent with procedures in actions before other courts in this state for enforcement of court orders, and for the protection of the jurisdiction of courts by process of contempt. Provided, however, that the person shall be given ten (10) days notice of said contempt proceeding by certified or registered mail, return receipt requested.

EXCEPTIONS

An appeal for exception to these Regulations will be considered on the following basis and only after good and sufficient cause has been demonstrated by the applicant for an exception:

- A. Upon denial of permit, the applicant may appeal the County Engineer's decision by stating and submitting his reasons in writing to the County Engineer and within ten (10) days of the denial of said permit.
- B. The County Engineer shall review the appeal and within fifteen (15) days of receipt of the said appeal, shall reduce his findings to writing and submit his findings and recommendation to Commissioners' Court. The applicant shall be provided with a copy of the County Engineer's recommendations and may appear before Commissioners' Court to support his appeal.

RECORDING

All applications and file copies of permits issued pursuant to these Regulations shall be maintained by the County Engineer as part of the permanent records of his office. In addition, the completed permit for construction shall be filed among the real estate records of Brazos County and become a part of the official records.

EFFECTIVE DATE

These revised Regulations shall become effective upon adoption by Commissioners' Court.

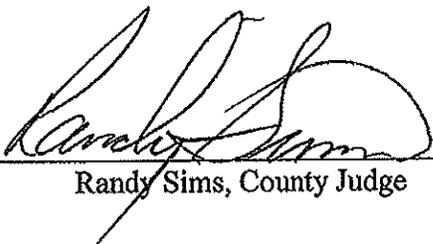
SEVERABILITY

The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners' Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

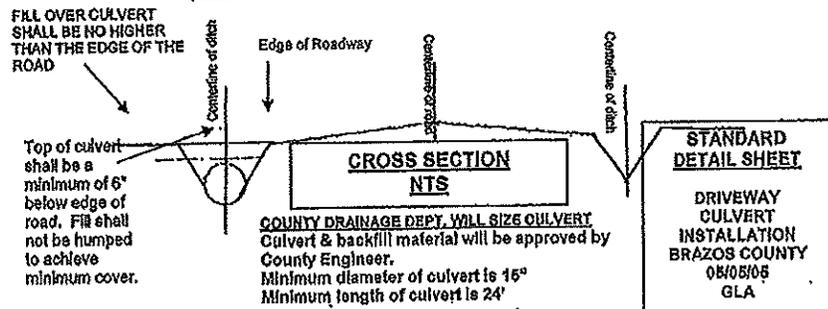
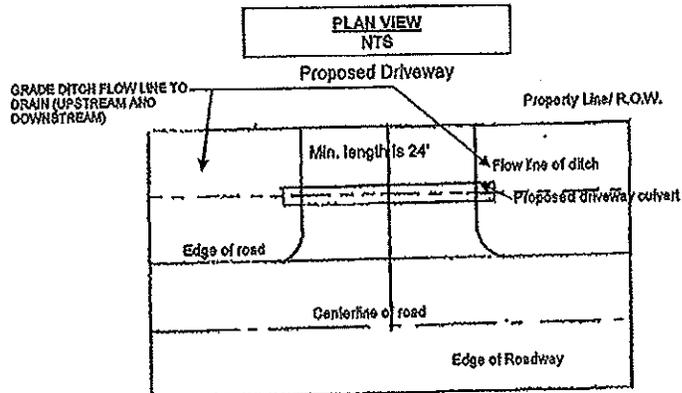
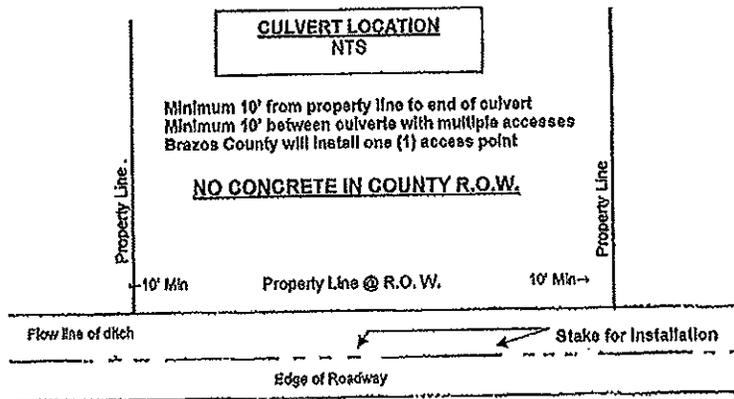
FEES

The Installation Fee charged if Brazos County Road & Bridge personnel install the culvert for the permit applicant is shown on the Culvert Permit. (See attached fee schedule on Culvert Permit Form) Page 12.

APPROVED (pages 1-14):



Randy Sims, County Judge 9/14/10 date



NO CONCRETE IN COUNTY R.O.W.

EXCEPT WHEN CONDITIONS MENTIONED ON PAGE 3 & 4 (1&2) (A THRU E) ARE MET AND AGREED UPON BY THE PROPERTY OWNERS.

BRAZOS COUNTY DRIVEWAY, SIDEWALK, AND CULVERT PERMIT

Brazos County Road & Bridge · 2617 Highway 21 West · Bryan, Texas 77803 · Fax 979-775-0453 · Phone 979-822-2127

The area between a private property line and the private property line across the road is called the County Right-of-Way. Because the Right-of-Way is Brazos County property, a driveway, sidewalk, mailbox or any structure built or located within that Right-of-Way is a trespass and will require County permitting before beginning construction.

***To be completed by Applicant – please print:** *DATE: _____

*APPLICANT/OWNER: _____ *COUNTY ROAD: _____

*(Current) MAILING ADDRESS: _____ County will contact applicant with culvert size.
_____ CULVERT SIZE: _____

County will assist as follows:

*PHONE NO: _____ SIZE AND INSTALL: _____

*PROPERTY OWNER: _____ SIZE ONLY: _____
COMMISSIONER PRECINCT: _____ (Note: In subdivisions and on roads not maintained
by Brazos County, the County will only size culvert;
the Owner will be responsible for installation)

*CULVERT LOCATION (if the property is located in a subdivision, please provide the lot and block number; if not in a subdivision, provide approximate distance from the nearest intersecting road and whether the entrance is on the left or right side of the roadway):

Legal description of property (required):

Culvert/driveway location must be staked with T-posts or wooden posts at least 3 feet long with flagging at top of stakes and placed approximately 25 feet apart.
COUNTY WILL DETERMINE SIZE OF CULVERT (min. diameter is 15 inches, min. length is 24 feet).

INSTALLATION FEE:
\$150.00 minimum standard installation fee for culverts up to 36 inches in diameter, \$200.00 for culverts greater than 24 feet in length, consisting of \$10.00 per foot. (Price on request for culverts larger than 36 inches in diameter).

The Commissioners Court of Brazos County, Texas, hereby authorizes you (Applicant) to (re) construct facilities on the County right-of-way for development of access to your property abutting _____
_____ located _____
provided you agree to and comply with the aforementioned responsibilities and requirements.

Commissioners Court of Brazos County, Texas

By: _____
County Engineer/ Designee

Acknowledgment

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on _____ by _____

Notary Public

Printed Name: _____

My Commission Expires: _____

This permit shall not be valid until applicant signs the statement in which he/she agrees to comply with the conditions herein.

I, the undersigned, hereby agree to accept and comply with the terms set out in this permit for construction of access driveway facilities on road right-of-way.

Should the applicant/property owner elect to install a driveway improvement within the right-of-way constructed of concrete pavement, brick or stone pavers, or other rigid material the applicant/owner shall become solely responsible for the structure. Should removal of a portion or entire driveway or mailbox become necessary for any reason deemed by Brazos County, the cost of removal, and the cost for replacement, shall be the sole responsibility of the property owner.

I certify that I have read the Brazos County regulations (adopted May 18, 2010) and (amended July 13, 2010) and agree to abide by them

I further acknowledge and agree that the obligations and duties contained herein shall be binding on Applicants, heirs, successors, and assigns.

Signature: _____

Printed Name: _____

Acknowledgment

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on _____ (date) by _____ (name or names of person or persons acknowledging).

Notary Public

Printed Name: _____

My Commission Expires: _____

APPLICANT'S COPY

Acknowledgment

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on _____ by _____

Notary Public

Printed Name: _____

My Commission Expires: _____

This permit shall not be valid until applicant signs the statement in which he/she agrees to comply with the conditions herein.

I, the undersigned, hereby agree to accept and comply with the terms set out in this permit for construction of access driveway facilities on road right-of-way.

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I further acknowledge and agree that the obligations and duties contained herein shall be binding on Applicants, heirs, successors, and assigns.

Signature: _____

Printed Name: _____

Acknowledgment

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on _____ (date)
by _____ (name or names of person
or persons acknowledging).

Notary Public

Printed Name: _____

My Commission Expires: _____

OFFICE COPY