

OR-09-22

**ORDER ADOPTING MCCULLOCH COUNTY, TEXAS
CULVERT SETTING POLICY**

WHEREAS, the Texas Local Government Code Section 232.003 (5) states that a Commissioners Court may "adopt reasonable specifications to provide adequate drainage for each street or road in accordance with standard engineering practices" and,

WHEREAS, the Texas Transportation Code Sec. 252.111 (Drainage Along Public Road) states that;

"(a) A commissioners court or road commissioner may authorize a person to make a drain along a public road to drain the person's property.

(b) The person must take the drain under the direction of the commissioners court, road commissioner, or a person designated by the commissioners court", and,

WHEREAS, the Commissioners Court of McCulloch County, Texas find that the use of driveway culverts of insufficient size or quality is causing or may cause injury to the county road system due to insufficient drainage, and

WHEREAS, the Commissioners Court of McCulloch County, Texas has considered the matter and deems it appropriate to enact an Order adopting a Culvert Setting Policy.

NOW, THEREFORE BE IT ORDERED BY THE COMMISSIONERS COURT OF MCCULLOCH COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited above are hereby found and determined to be true and correct;

SECTION 2: THAT the use of driveway culverts of insufficient size or quality is causing or may cause injury to the county road system due insufficient drainage,

SECTION 3: THAT an Order for McCulloch County, Texas be adopted entitled "Culvert Setting Policy".

SECTION 4: AREA OF JURISDICTION.757

This policy shall apply to all incorporated areas of McCulloch County, Texas

SECTION 5: CULVERT SETTING POLICY.

1. A permit shall be required from McCulloch County for any culvert or structure to be placed within the County Right of Way. There will be no charge for this Permit.
2. Culvert types and sizes must be approved by the County prior to their placement. The Commissioner from the designated Precinct will inspect the site to make determinations on the culvert size, type and placement according to the requirements. In no case shall a culvert less than 12 inches in diameter for round, 18 inches in diameter for oval and no less than 24 feet in length be installed without written authorization from the Precinct Commissioner. In the case that more than one culvert requires additional culverts to be connected to achieve overall length, a metal band will be required to secure connection.
3. Culverts must be corrugated metal pipe or steel pipe, no plastic pipe allowed. All types shall meet county specifications. In no case, shall any culvert containing hazardous materials (lead, asbestos, etc.) be installed within the County Right of Way.
4. Culverts must be purchased by the Property Owner from Commercial Sources. McCulloch County will not provide culverts.

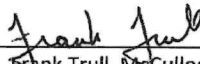
5. McCulloch County will provide the labor and equipment to install the culvert to ensure proper placement or per Property Owners request, allow installation by a Private Installer, provided the installer is experienced and knowledgeable for the installation of culverts and agrees to abide by these requirements.
6. Backfill will be provided by the Property Owner. McCulloch County will not provide backfill or materials to cover the culvert. Backfill Materials should be available on site prior to installation to ensure the quality and quantity of materials and cause no delay in culvert installation.
7. Any unusual type of structure or inordinate culvert lengths over thirty feet must be specifically stated in the Original Permit for Culvert Installation.
8. Installation must be completed 90 days after permit has been approved. Extensions may be allowed at the discretion of the commissioner.
9. McCulloch County reserves the right to inspection post installation and require any changes, maintenance, or repairs as may be deemed necessary to provide protection of life or property on or adjacent to the county road. Changes in the design will be made only with approval of the County Commissioner of that Precinct.
10. The Property Owner shall hold harmless the County 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.
11. This Policy shall apply to all unincorporated areas of McCulloch County, Texas.

SECTION 6. EFFECTIVE DATE

This Order shall be in full force and effect from and after its date of approval as required by law.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 23rd DAY OF May 2022



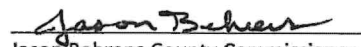
Frank Trull, McCulloch County Judge



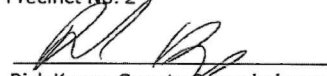
Carol Anderson, County Commissioner
Precinct No. 1



Randy Deans, County Commissioner
Precinct No. 2

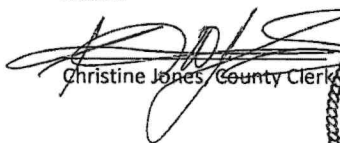


Jason Behrens, County Commissioner
Precinct No. 3



Rick Kemp, County Commissioner
Precinct No. 4

Attest:



Christine Jones, County Clerk

