

SCHEDULE "B"

INFORMATION PACKET FOR NON-STANDARD WATER AND/OR WASTEWATER SUBDIVISION SERVICE FOR OFF-SITE DEVELOPMENT

Non-Standard Service Rules and Policies applies to any "subdivision" as defined herein. Non-Standard Service Rules and Policies do not apply to an "individual land owner," as defined herein.

(1) Definitions

- (a) *Individual Land Owner:* An individual land owner of a tract of land situated in Smith County which has frontage or direct physical access onto an existing public street or road, suitable for a single-family residence and is not part of a large development or an attempt to avoid the District or Smith County Subdivision Regulations.
- (b) *Subdivision:* The division of a tract of land situated within Smith County into two (2) or more parts or a tract of land which needs infrastructure including a public utility easement according to the Subdivision Rules for Smith County, Texas or any applicant who does not qualify as an individual land owner.
 - 1. The term *subdivision* as used in this policy expressly includes selling or transferring by contract, deed, devise or any other method of sale or transfer, a tract or parcel of land which is adjacent to another tract or parcel owned or held in the name of the same person who is selling or transferring the tract or parcel, even if approval of a subdivision plat is not required by the county commissioners court or the governing body of any city prior to such intended or actual sale or transfer. For example, if Person A owns two adjacent tracts of land but only sells or transfers one tract, a subdivision has occurred.

Subdivision expressly includes any retail, commercial or other development which requires service to more than one hook-up and/or more than one single-family residence.
- (c) *District:* The Emerald Bay Municipal Utility District or EBMUD.
- (d) *Off-Site Development:* A subdivision being situated exterior to the physical boundaries of the District.

- (e) *Interior Development*: A subdivision being situated interior to the physical boundaries of the District.

(2) **Procedures for Serving Subdivisions**

- (a) Submit Preliminary Application for Non-Standard Water and/or Wastewater Service including the following: **Appendix 1A**
 - 1. Off-Site Improvement Deposits: A \$500.00 deposit for each lot/connection for off-site improvement cost must be deposited, payable to Emerald Bay Municipal Utility District (“the District”), before the feasibility study begins. This \$500.00 deposit per lot/connection may not cover the total cost of off-site improvements that will have been completed or may be required to provide water and/or wastewater service to a development or individual customer. If the results of the feasibility study are not acceptable to the applicant or customer, the deposit will be returned. For information purposes only, as an example of these charges, if the applicant plans to develop 10 lots/connections, the total deposit would be \$5,000.00;
 - 2. Feasibility Study Charge: Applicant shall reimburse the District for the cost associated with the District and/or their engineer performing a feasibility study to determine availability of water and/or sewer. Cost of reviewing system modifications by the District and/or its engineer shall be in accordance with the currently applicable hourly rate published by the District’s engineer plus a ten percent (10%) override. The minimum “study charge” is \$500.00. These fees are not refundable;
 - 3. Administrative Fees are \$100.00 for one or two lots/connections and \$25.00 for each lot/connection thereafter. These fees are not refundable. For information purposes only, as an example of these charges, if the applicant plans to develop 10 lots/connections, the total charge would be \$100.00 for the first two lots/connections and \$200.00 for the additional eight lots/connections, for a total fee of \$300.00;
 - 4. Legal Fees: Applicant shall reimburse the District for the costs associated with any and all legal fees incurred by the District to draft, revise and complete all necessary documents. Cost of drafting, reviewing and completing all legal documents, including but not limited to, the Non-Standard Water and/or Wastewater Subdivision Service Agreement, shall be in accordance with the current applicable hourly rate charged to the District by its legal team plus a ten percent (10%) override. The minimum “legal fees” are estimated to be \$500.00. These fees are not refundable;

5. Three copies of an engineered preliminary plan or final plat map, as approved by the Smith County Commissioners Court;
 6. Any amount due by the applicant to the District;
 7. Applicant shall submit construction plans and specifications for requisite improvements to connect the system's infrastructure to a proposed off-site development bearing the seal and signature of a professional engineer licensed in the state of Texas in sufficient detail to be review and approved or disapproved by the District and/or its engineer. Cost of reviewing system modifications by the District and/or its engineer is payable by the applicant with a minimum charge of \$500.00.
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- (b) Present Preliminary Application for Non-Standard Water and/or Wastewater Service to the District's board for approval;
 - (c) District's engineer to perform a feasibility study;
 - (d) Return of feasibility study with recommendations, if any, to the applicant (approximate four- week period);
 - (e) Applicant shall submit construction plans and specifications for requisite improvements to the system's infrastructure to service a proposed interior development bearing the seal and signature of a professional engineer licenses in the state of Texas in sufficient detail to be reviewed and approved or disapproved by the District and/or its engineer. Cost of reviewing system modifications by the District and/or its engineer is payable by the applicant with a minimum charge of \$500.00 or as negotiated with the District;
 - (f) Return of critique of material on interior system from the District and/or its engineer to the District and applicant;
 - (g) A Non-Standard Water and/or Wastewater Subdivision Service Agreement will be presented to the applicant by the District;
 - (h) Presentation of applicant's Non-Standard Water and/or Wastewater Subdivision Service Agreement for District's board approval;
 - (i) Financial assurance in a form required by the District;
 - (j) District board approval is required prior to commencing construction, with site visits as deemed appropriate by the District and/or its engineer. Cost for site visits by the District and/or its engineer shall be in accordance with the currently applicable hourly rate published by the

District's engineer plus a ten percent (10%) override. Costs associated therewith are payable by the applicant;

- (k) Upon completion of proposed improvements, a set of "Record Drawings" on a reproducible medium, bearing the seal and signature of a professional engineer licensed in the state of Texas, shall be furnished to the District;
- (l) Pressure testing and flushing of lines to be accomplished under the supervision of the District;
- (m) New mains will be disinfected and samples taken in accordance with TCEQ Rules and Regulations for Public Water Systems and the cost thereof shall be the responsibility of the applicant and/or his contractor;
- (n) Letter of Warranty from the applicant, for a one-year period, submitted to the District after the subdivision water and/or wastewater service has been approved for service;
- (o) Title of Deed to the utility infrastructure conveyed to the District; and
- (p) Execute a Non-Standard Water and/or Wastewater Subdivision Service Agreement with the District.

NOTWITHSTANDING ANYTHING HEREIN OR OTHERWISE TO THE CONTRARY, UNDER NO CIRCUMSTANCES IS THE DISTRICT RESPONSIBLE FOR PAYMENT OF ANY COSTS OR FEES ASSOCIATED WITH NON-STANDARD SERVICE AND/OR PROVIDING NEW SERVICE TO A SUBDIVISION. THERE SHALL BE NO VERBAL AGREEMENTS AND THESE PROCEDURES WILL BE FOLLOWED WITH NO DEVIATION.