



Titus County Sheriff's Office

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Phone (903) 572 - 6641
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Timothy C. Ingram, Sheriff

To: Judge Brian Lee
From: Sgt. Clint Bain
Ref: Steve Lentz Subdivision "Edgewood Park"

Date: 08222019

Sir,

On April 5, 2019 you forwarded me an email from Justin Kleam of By Line Surveying LLC. The email was regarding the development or rather re-development of property on CR3328 that Steve Lentz/Lentz Rentals has acquired. This property was originally developed by Riki N. Perez around August 1999; however a plat for the named Edgewood Park subdivision was never filed with the county clerk or brought before the commissioners' court. The correspondence from Justin Kleam, Judge Brian Lee and I reads as follows.

From: Brian Lee [mailto:titusjudge@gmail.com]
Sent: Friday, April 05, 2019 10:09 AM
To: David Bain
Subject: FW: Steve Lentz/Lentz Rentals - Titus Co Property

Clint,
Here is the attachment for the previous email

From: Justin Kleam [mailto:jkleam@bylinesurveying.com]
Sent: Friday, April 05, 2019 7:08 AM
To: titusjudge@gmail.com
Cc: mitch@maybenrealty.com
Subject: Steve Lentz/Lentz Rentals - Titus Co Property

Mr. Lee.....I am working on surveying about 20 small tracts that were previously surveyed out by Gayle Blalock in 1999 for then owner Riki Perez. See attached surveyed done by Mr. Blalock. The majority of these tracts have since been bought by Mr. Lentz at different times. Two of them are still in ownership of others. Mr. Lentz would like to start selling these off. Based on my understanding, these tracts would be grandfathered in when it comes to obtaining septic permits, even though by today's standards of Titus Co would not meet some requirements. Doing anything not legal in the way of subdivisions in Titus Co is not something any party involved wants to do, so I just wanted to check with you to make sure these would be considered grandfathered in as far as Titus Co goes and would not be subject to any county restrictions that would affect any new subdivisions being done at this time. Let me know if you need any further information.

Thanks for your time.

Justin Kleam
R.P.L.S. No. 5871
Texas Firm No. 10194233

(903) 474-3132 Mobile
(903) 473-5150 Office
www.bylinesurveying.com

RE: Steve Lentz/Lentz Rentals - Titus Co Property
David Bain dbain@co.titus.tx.us

Sent: Tue 4/9/2019 1:25 PM
To: Brian Lee

Judge,

Good morning. I just now received your email.

I have reviewed the information on the appraisal district web site and researched the property at the county clerk's office. The property in question is best described as an **"un-platted subdivision"** meaning that development of the property first begun in 1999 when lots were sold off ranging in size from 0.683 of an acre to 0.702 of an acre. The development was named Edgewood Park in a document recording Declaration of Restrictions, Covenants, and Conditions recorded on August 24, 1999 filed by the developer Riki N. Perez. The survey of the property that you forwarded to me **was never recorded** as a plat according to the County Clerk's office. I am not sure what if any platting procedures were in place 1999, however the facility planning requirements for OSSF as listed in 30 TAC 285.4 were in place at that time. I don't know who the DR for Titus County was back then, but I seriously doubt that the need for a site plan was ever considered.

Fast forward to today this development would not meet Titus County's current development requirements, however with various sales of the property having occurred I **do not feel** that we should make the owners bring this development up to current requirements for their future sales. Two of the original 22 tracts are owned by individuals other than Stephen Lentz or his company. I **do feel** that an overall site plan for onsite sewage should be completed in accordance with 30 TAC 285.4 before any further sales of property, construction of homes, or installation of onsite sewage facilities occurs. This is a matter that TCEQ would highly stress the need for. Additionally I feel that a true and correct survey plat of the original 22 tracts be filed. Though such plat would be filed in 2019, it probably should note the origins of the survey or development in 1999.

I also see where this may be a matter that you wish to discuss further with the commissioners concerning road construction since Stephen Lentz is the majority owner.

Then again we are talking about a feature in a development that has been in place since 1999.

Respectfully,

Sgt. Clint Bain

Conclusion

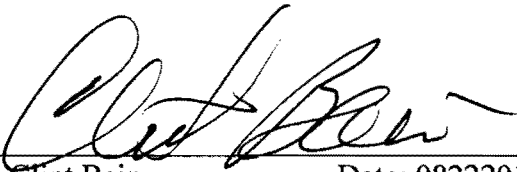
On April 8, 2019 I received the Site Plan for On-Site Sewage along with other developments and planning material submitted by Steve Lentz. The Site Plan for On-Site Sewage was made by

Professional Engineer George Earl Sanford and meets the requirements listed in TAC 285.4 Facility planning. The individual lot sizing noted on the survey plat and site plan does not meet the Titus County minimum lot size requirement of one acre as required by our local OSSF Orders, however the lot sizes exceed the minimum lot size required by the state ½ acre.

As noted in my previous correspondence I feel that to be fair we should approve the smaller lot sizes as drawn and was originally surveyed when the development was first created in 1999 due to there being two property owners owning and living on the original lots and that Steve Lentz purchased the remaining lots at different times and at their original surveyed size.

In short I feel that by Steve Lentz bringing this subdivision development to the commissioners' court for approval; we are being given the opportunity to correct an error that was overlooked by our predecessors back in 1999. As to the approval and acceptance of the construction and maintenance of the road (CR3328) I leave that to the discretion of the commissioners' court.

Respectfully,



Sgt. Clint Bain.

Date: 08222019

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Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 285</u>	ON-SITE SEWAGE FACILITIES
<u>SUBCHAPTER A</u>	GENERAL PROVISIONS
RULE §285.4	Facility Planning

(a) Land planning and site evaluation. Property that will use an on-site sewage facility (OSSF) for sewage disposal shall be evaluated for overall site suitability. For property located on the Edwards Aquifer recharge zone, see §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) for additional requirements. The following requirements apply to all sites where an OSSF may be located.

(1) Residential lot sizing.

(A) Platted or unplatted subdivisions served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1/2 acre.

(B) Platted or unplatted subdivisions not served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, not served by a public water supply and using individual OSSFs, shall have lots of at least one acre.

(C) A platted or unplatted subdivision where one tract is divided into four or fewer parts; where each tract is five acres or larger; and each tract is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Texas Government Code, Chapter 573 is exempt from submitting planning materials required in this section.

(2) Manufactured housing communities or multi-unit residential developments. The owners of manufactured housing communities or multi-unit residential developments that are served by an OSSF and rent or lease space shall submit a sewage disposal plan to the permitting authority for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. The plan shall be prepared by a professional engineer or professional sanitarian. This plan is in addition to the requirements of subsection (c) of this section.

(b) Approval of OSSF systems on existing small lots or tracts.

(1) Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter.

(2) The owner of a single family dwelling on an existing small lot or tract (property 1) may transport the wastewater from the dwelling to an OSSF at another location (property 2) provided that:

(A) both properties (properties 1 and 2) are owned by the same person;

Brian Lee

From: David Bain <dbain@co.titus.tx.us>
Sent: Tuesday, April 09, 2019 1:25 PM
To: 'Brian Lee'
Subject: RE: Steve Lentz/Lentz Rentals - Titus Co Property

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