

# **WILLACY COUNTY DRAINAGE DISTRICT NO. 1**

## **RULES**

### **CREATION AND AUTHORITY**

Willacy County Drainage District No. 1 (the District) was created effective March 11, 1969, by the Texas Legislature by Acts 1969, 61st Leg., Reg. Sess., ch. 10, pgs. 22-30 (the enabling act). The creation of the District was confirmed by election held on May 24, 1969. The enabling act provides “. . . the district shall have, and is hereby vested with all of the rights, powers, privileges, and duties conferred and imposed by the general laws of the State of Texas, now in force or hereafter enacted, applicable to drainage districts created under authority of Article XVI, Section 59, of the Texas Constitution, but to the extent that the provisions of such general laws may be in conflict with the provisions of this Act, the provisions of this Act shall prevail.”

The District operates under the applicable articles of the Texas Constitution, the enabling statute (as thereafter amended), State statutes including, but not limited to, and the Texas Water Code (to the extent that said statutes are not in conflict with the provisions of the enabling statute), and rules duly adopted by the District's Board of Directors.

### **BOUNDARY**

The boundary of the District is described by metes and bounds in the enabling act. A Map of the District is recorded at Volume 3, Page 128, Map Records of Willacy County, Texas. A copy of the Map of the District and a Legal Description of the District is recorded at Book/Volume 622, Pages 413-426, Official Records of Willacy County, Texas.

### **DRAINAGE LIMITATIONS**

Willacy County is the only county in Texas without a natural drainage way within its interior (the Arroyo Colorado, the boundary of the County at its southeast corner, provides little, if any drainage). Flood waters are naturally discharged by overland sheet flow to the Laguna Madre. The development of the area necessitated the construction of railroad lines, highways, roads, and other facilities which impede the overland sheet flow. In the 1920's, the IBWC North Floodway was constructed to transport storm water from the upper Valley to the Laguna Madre. Structures with flood gates through the north levee of the Floodway control and limit the quantity and rate of water that the District can discharge into the Floodway. To prevent storm water from back flowing through the gates and flooding land north of the Floodway, the gates must be closed when the water level in the Floodway reaches a designated level, the gates must be closed to prevent the back flow of storm water flooding of the land north of the Floodway.

In the mid-1970's, the voters of Hidalgo County approved a bond issue for the construction of the Hidalgo-Willacy Joint Venture Drain, commonly known as the Hidalgo Main Drain. The owner of the El Sauz Ranch objected to the drain and litigation ensued. The District,

Hidalgo County Drainage District No. 1, and the Ranch entered into a settlement agreement in March 1980, which, to control and regulate the quantity and rate of water that crosses the Ranch, requires a series of weir dams in the Hildago Main Drain and limits the quantity and rate that the District can discharge storm water into the Hildago Main Drain.

I. Berms

- 1.1 To prevent storm water from running down the side of the drain ditch, thereby causing erosion and other problems, there shall be a berm on each side of a drain ditch channels and storm water shall only enter a drain ditch through a down drain.
- 1.2 The top of berms shall, at the highest point, be two feet, more or less, above ground level, sloping away (down hill) from the drain channel, except at any location where storm water elevations are historically higher than 2 feet (and thus water will flow over the top of the berm), the berms will have to be higher than two feet.
- 1.3 As the finances and circumstances permit, the District's Manager is authorized to use District equipment and manpower to remove soil from berms that are too high to build up and reshape berms that are too low. The use of non-District owned equipment (including haul trucks) and non-employees must be approved by the Board of Directors.
  - (a) If the District's Manager determines that it is not financially feasible to haul the soil where it is needed, the Manager shall contact the owner of the land and offer to put the soil on the owner's land outside of and adjacent to the District's right-of-way. That is, the District will not spread the soil for the landowner. Provided further, the haul expense being the determining factor, the soil can be hauled using District equipment to another nearby location agreed upon.
  - (b) If the landowner does not want the soil, the Manager is authorized:
    - (i) to offer to soil to other landowners and haul it to a nearby location, the haul expense being the limiting factor.
    - (ii) to load the soil onto trucks provided by a third party who wants the soil. Should the third party wish to do so, the third party can provide the equipment necessary to load the third party's haul tracks.
- 1.4 When soil is not hauled by the District, the District's Soil Agreement shall be required. In the event the third party provides the equipment to load the soil, the Soil Agreement shall be modified to include the height of the berm that is to remain.
- 1.5 As a inducement to others to take the re shall be no charge for the soil, loading the soil with District equipment, and hauling the soil with the District's trucks.

## 2. SUBDIVISIONS / PLATTING

- 2.1 Plats for the subdivision of land within the District must be submitted to the District.
- 2.2 Lot lines shall not extend into the District's right-of-way.
- 2.3 Unless a document filed of record fixes, provides, or specifies a greater distance, the distance between the edge of the drain channel and the lot line(s) shall be 25 feet or the outside toe of the berm, whichever is farther. Unless waived by the District, the location of the lot line(s) in relation to the drain channel shall be staked so that the District can verify that the distance requirement has been satisfied.
- 2.4 The strip of land on which a drain owned by the District is situated shall be dedicated on the plat to: Willacy County Drainage District No. 1
- 2.5 A \$50.00 plat review fee is due when preliminary plats are submitted to the district. A fee of \$50.00 per hour for plan reviews may be charged for a more detailed work as needed by the District's engineer. The time for submittal of plats is a minimum of 10 days in advance of a regularly scheduled meeting of the District's Board of Directors in order to have the plat processed and to be considered at the next meeting of the District's Board of Directors. That is, subdivision plats submitted less than 10 days in advance of a regularly scheduled meeting will not be considered until the next meeting of the Board of Directors.
- 2.6 Drainage structures within the platted property need to be located and identified by the plat. A Down Drain license shall be required for any down drain. The inlet for the down drain must be outside strip dedicated to District. Should an existing down drain be used, the inlet must be brought up to the County standard of a class C drain inlet and the owner is responsible for the cost of this structure.
- 2.7 The following language / signature block is to appear on the plat:

WILLACY COUNTY DRAINAGE DISTRICT NO. 1 HEREBY APPROVES THIS SUBDIVISION ON THE CONDITION THAT THE DISTRICT DOES NOT WARRANT THE ADEQUACY OF ITS DRAINAGE SYSTEM IN CASE OF HEAVY RAINFALL, AND THAT IT WILL NOT BE CALLED UPON, BY PRESENT OR FUTURE OWNERS OF ANY LOT OR LOTS IN THIS SUBDIVISION, TO CORRECT ANY DRAINAGE OR FLOODING PROBLEMS ON ANY OF THE LOTS IN SAID SUBDIVISION. APPROVAL IS GIVEN ONLY AS IT RELATES TO AND MAY AFFECT THE FACILITIES OF THE DISTRICT; NO CONSIDERATION IS GIVEN TO ANY OTHER MATTERS. ANY FAILURE TO RECORD THIS PLAT IN THE OFFICE OF THE COUNTY CLERK OF WILLACY COUNTY WITHIN ONE YEAR AFTER THIS DATE SHALL CAUSE THIS APPROVAL TO BECOME VOID.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, PRESIDENT

- 2.8 All restrictions required by the District as a condition to approval of a subdivision plat, and disclaimers which may be made by the District, shall be stated on the subdivision plat. When the land being subdivided is in an area of known flooding, the District shall require on the plat this statement: THE LAND BEING SUBDIVIDED IS IN AN AREA OF KNOWN FLOODING.
- 2.9 Subdivision plats will only be signed at a duly called meeting of the Board of Directors and that in the absence of the President, the presiding officer of is authorized to sign subdivision plats which have been duly approved.
- 2.10 Subdivision plats shall, at minimum, comply with the drainage criteria of the Willacy County Subdivision Regulations.
- 2.11 The District's approval of a subdivision shall be given ONLY AS IT RELATES TO AND MAY AFFECT THE FACILITIES OF THE DISTRICT. It is not the purpose of the District to in any way infringe upon the express or implied rights or obligations of any other governmental entity which shares concurrent jurisdiction with the District. It is not the District's intent to usurp the powers or authority of any other governmental entity by exercising its own authority.
- 2.12 The owner/developer shall submit the drainage plan to the District. If storm water shall be discharged into a District drain, the drainage plan shall:
- (a) include the calculations to prove available capacity of the drain
  - (b) show the points of entry into the District's drain
- 2.13 The District is responsible only for the maintenance of facilities owned by the District unless the District specifically contracts and agrees to maintain other facilities.

### 3. DISTRICT FACILITIES

- 3.1 It is the policy of this District that nothing which may restrict or impede the flow of water in District's drains should be placed in District's drains, and nothing which may impede or interfere with the District's maintenance of its drains be placed in, under, over, or on any District right-of-way or land owned by the District.
- 3.2 No street, road, or driveway, hereafter referred to as "crossing", shall be constructed or placed in or over a District drain without an order of consent duly

entered in the Minutes of the District AND a written license agreement acceptable to the District's Board of Directors. The license agreement shall include, without limitation, the flow capacity of the structure placed in the drain, the location of the crossing, and responsibility for improvement of or removal of the crossing made necessary due to improvements of the drain or drainage system. The District shall not install the crossing unless it agrees to do so in writing. The licensee shall be responsible for all materials, supplies, labor and other related costs associated with the installation of the crossing.

- 3.3 No street, road, driveway, parking lot, building, structure, fence, or any other improvement, hereafter referred to as "improvement", may be constructed or placed in, on, or over land owned by the District or in, on, or over District rights-of-way without an order of consent duly entered in the Minutes of the District AND a written license agreement acceptable to the District's Board of Directors.
- 3.4 No pipeline or utility of any type or size (including without limitation, water lines, sewer lines, natural gas lines, electric lines, electric transmission lines (regardless of voltage), telephone lines or cables, cable television lines or cables, fiber optic cables, may be constructed or placed in, over, or under any District drain, in the right-of-way for a District drain, or land owned by the District without an order of consent duly entered in the Minutes of the District AND a written license agreement acceptable to the District's Board of Directors. The license agreement shall include, without limitation, the minimum clearance if an aerial crossing is proposed, the minimum depth if an underground crossing is proposed, how close to the edge of the drain the pipeline or utility may be placed if parallel to the drain, and assign responsibility for relocation or removal made necessary due to improvements of the drain or drainage system.
- 3.5 No dams, weirs, gates, or culverts of any type, hereafter referred to as obstruction, shall be constructed or placed in any District drain without an order of consent duly entered in the Minutes of the District AND a written license agreement setting forth the terms for the crossing including, without limitation, responsibility for relocation made necessary due to improvements of the drain or drainage system.
- 3.6 All agreements permitting the construction of crossings across the District's drains shall be in writing and expressly state that the crossing can be removed at such time that the District determines that the crossing has become a bottleneck and/or the flow or capacity of the drain needs to be increased, and/or the drain needs to be widened.
- 3.7 Removal of soil from berms. Soil may not be removed from the District's berms without permission of the District, and soil may be removed only if the person or entity removing the soil signs soil agreement for the removal of soil.
- 3.8 No one other than the District may convert an open drain of the District to an underground line without an order of consent duly entered in the Minutes of the

District AND a written license agreement acceptable to the District's Board of Directors. All agreements permitting the conversion of drains to underground lines shall provide that the underground line can be removed and the drain be re-opened at such time that the District determines that the underground line has become a bottleneck and/or the flow or capacity of the drain needs to be increased. The District shall not install the pipe or other structure unless it agrees to do so in writing. The licensee shall be responsible for all materials, supplies, labor and all costs associated with converting the drain to an underground line.

ADOPTED AUGUST 11, 2021