

The item concerns whether **Navarro County Planning & Development** should require property owners or developers, when submitting a replat application, to disclose any existing deed restrictions affecting the property.

Below is a structured overview you can use for agenda discussion or policy consideration:

Purpose of the Proposed Requirement

To require applicants submitting a **replat** to:

- Disclose any recorded deed restrictions affecting the property.
- Provide copies of applicable restrictive covenants.
- Certify whether the proposed replat complies with those restrictions.

Key Considerations

1. Legal Authority

- Confirm that Navarro County has statutory authority under Texas Local Government Code (likely Chapter 232) to require disclosure as part of subdivision/replat review.
- Clarify that the County is not enforcing deed restrictions (a private civil matter), but requiring disclosure for transparency purposes.

2. Transparency & Public Notice

- Helps:
 - Adjacent property owners
 - Commissioners Court
 - Planning staff
 - Title companies
- Ensures decision-makers are aware of potential private restrictions that could impact development.

3. Risk Management

- Reduces potential claims that the County approved a replat without awareness of existing covenants.
- Creates documentation showing the applicant acknowledged any restrictions.

4. Enforcement Clarification

Important to state clearly:

- The County does **not** enforce private deed restrictions.
 - Enforcement remains a civil matter between property owners.
 - Disclosure does not constitute County approval of compliance with restrictions.
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Pros

- Increased transparency
 - Better informed decision-making
 - Reduced liability exposure
 - Supports neighboring property owners
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Cons / Concerns

- Additional administrative burden on applicants and staff
 - May create confusion about whether the County is responsible for enforcement
 - Potential delays if deed restriction documentation is incomplete
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Possible Implementation Options

1. Disclosure Affidavit Requirement

- Applicant signs sworn statement:
 - Whether deed restrictions exist
 - Whether proposed replat complies

2. Mandatory Attachment

- Require copies of recorded deed restrictions affecting the property.

3. Disclaimer Language

- Include standard language on replat approval:

“Approval by Navarro County does not constitute certification of compliance with private deed restrictions.”

Sample Motion Language

“I move that Navarro County Planning & Development be authorized to require applicants submitting a replat to disclose any existing deed restrictions affecting the subject property, including submission of copies of recorded restrictions, along with a signed affidavit acknowledging that Navarro County does not enforce private deed restrictions.”