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AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 105

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING ORDINANCE NUMBER 26A, THE SUBDIVISION ORDINANCE OF THE CITY, TO PROVIDE A NEW SUBDIVISION ORDINANCE, HEREINAFTER CALLED THE SUBDIVISION CODE OF THE CITY OF LOWRY CROSSING; PROVIDING THAT SUCH ORDINANCE SHALL BE IN THE FORM OF A CHAPTER 12 TO FACILITATE ITS INCLUSION AS A SINGLE CHAPTER IN THE CODE OF ORDINANCES OF THE CITY WHEN SUCH CODE IS ADOPTED; PROVIDING PROCEDURES AND REGULATIONS FOR SUBMISSION AND APPROVAL OF PLATS, PLANS, AND SUBDIVISIONS OF LAND LOCATED WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING REGULATIONS FOR THE DEVELOPMENT AND CONSTRUCTION OF PUBLIC IMPROVEMENTS; PROVIDING THAT SUCH CONSTRUCTION REGULATIONS SHALL NOT ONLY BE APPLICABLE TO LAND WITHIN ANY SUBDIVISION BUT SHALL BE APPLICABLE TO LAND ANYWHERE WITHIN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE ADOPTION OF "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION;" PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1. THE SUBDIVISION ORDINANCE

The following Chapter is hereby adopted as the Subdivision Code of the City of Lowry Crossing to read as follows:

9808-2 PM 2:08
CLERK OF DISTRICT COURT
COLLEGE CREST, TEXAS
BY [Signature] DEPUTY

FILED

"CHAPTER 12

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

The platting of a subdivision, which includes the approval of a preliminary plat, the approval of a Final Plat, and the recording of the Final Plat in the plat records of the County, is one phase of the subdivision process. A second phase is the development of the subdivision which includes construction of such things as streets, drainage, utilities, alleys, curbs, gutters, sidewalks, driveway approaches, storm sewers, water main or systems, sanitary sewers, septic systems, utility service, street lighting, other infrastructure and public improvements. Generally speaking Articles 1 through 6 of this chapter deal with the platting phase and Articles 7, 8, and 9 deal with the second or development phase. Article 7 deals with general construction regulations. Article 8 adopts certain "**Standard Specifications for Public Works Construction.**" Article 9 deals with the required Drainage Plan and Floodplain Regulations.

It should be noted that Articles 7 and 8, not only deal with such construction within subdivisions, but also regulate such construction that is done outside of a subdivision.

ARTICLE 1.

SUBDIVISION AUTHORITY, JURISDICTION, COMPLIANCE & POLICY

Sec. 12-1-1 **AUTHORITY.**

Pursuant to the authority of Chapter 212 of the Texas Local Government Code, which is hereby made a part of these regulations, the City Council of the City of Lowry Crossing, Texas, does hereby adopt the following as the Subdivision Code of the City of Lowry Crossing, Texas. The purpose of this Code is to control the subdivision of land within the corporate limits of the City of Lowry Crossing and in the extraterritorial jurisdiction of the City in order to provide for the orderly development of the areas and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities for the health, safety and welfare of the citizens of Lowry Crossing.

Sec. 12-1-2 **SUBDIVISION DEFINED.**

- A. As used herein, the term "subdivision" shall mean the division of any lot, tract or parcel of land into two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys,

squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

- B. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed, by using a contract of sale, or other executory contract to convey, or by using any other method.
- C. Except where a subdivision is approved with private streets to be maintained by a homeowner association, every subdivision lot shall have frontage on a public street or shall front on a street that is to be dedicated to the public. Where a subdivision is approved with private streets to be maintained by a homeowner association, every lot shall have frontage on one of the private streets.
- D. A division of land into parts greater than five acres, where each part has access to a public road and no public improvement is being dedicated shall not be considered a subdivision requiring plat approval as hereinafter provided.

Sec. 12-1-3 JURISDICTION.

The provisions of this Chapter shall apply to all land within the Corporate limits of the City of Lowry Crossing and to all land within the extraterritorial jurisdiction of the City of Lowry Crossing.

Sec. 12-1-4 COMPLIANCE MANDATORY.

1. No subdivision plat shall be filed or recorded and no lot in a subdivision shall be improved or sold until the final plat of such subdivision has been approved in accordance with the provisions of this code.
2. Any violation of any provision of this code that occurs inside the corporate limits of the City shall constitute a misdemeanor.
3. Any violation of any provision of this code that occurs outside the corporate limits of the City and within the extraterritorial jurisdiction of the City shall not constitute a misdemeanor under this code; however, pursuant to state law and under the provisions of this code, the City shall have the right to institute an action in the district court to enjoin the violation of any provision of this code in the extraterritorial jurisdiction of the City.

Sec. 12-1-5 **POLICY OF THE CITY.**

A. The Preliminary Plat shall be valid for 180 days from date of approval by the City Council. Unless a final plat is filed within this time period a new preliminary plat will have to be filed for approval.

B. Final Plat Approval Required For Recording.

A person may not file for record, or have recorded in the County Clerk's Office, a plat or replat of a subdivision of real property required to be platted by this chapter, unless it is approved pursuant to the provisions of this chapter. (Sec. 12.002 Texas Property Code)

C. Final Plat Approval and Recording Required For Utilities.

No entity that serves land with water, sewer, electricity, gas, or other utility service, may serve or connect with such service, any land within the corporate limits of the City of Lowry Crossing or within the extraterritorial jurisdiction of the City of Lowry Crossing, unless the entity has been presented with or holds a Utility Connection Certificate applicable to such land issued by the City of Lowry Crossing pursuant to this chapter. No such Certificate shall be issued until a Final Plat has been approved. (Sec. 212.0115 & 212.012, Local Gov. Code)

D. Final Plat Approval and Recording Required Before Lots Sold.

After recording of the Final Plat, lots shown to front on a dedicated street, on a street to be dedicated, or fronting on an approved private street, may be sold, but not before the final plat is recorded.

E. Subdivision Construction:

1. Subdivision construction shall not start until a "**Three-Way-Contract**," with appropriate bonds, has been executed between the developer, the contractor, and the City. A three-way-contract may be approved for specific phases of an approved Final Plat.

2. Except as otherwise shown on the approved final plat construction shall be in compliance with the City's "Standard Specifications For Public Works Construction" as

*in the records
of the County
Clerk*

such standards are from time to time amended, and in effect on the date of the three-way-contract. See Article 8 of this code.

3. Any approved three-way-contract shall not be valid unless construction is started within one year after execution.
 4. Unless subdivision construction is started within the two year period following approval of the final plat, the final plat will have to be reviewed before a three-way-contract may be entered into, and new or amended plans, including but not limited to Construction Plans, Utility Plans and Drainage Plans, may be required before execution of the three-way-contract.
 5. The three-way-contract shall specify which construction projects (streets, drainage, etc.) must be completed and accepted before building permits may be issued and which improvements may be completed after building permits are issued (street signs, driveway approaches etc.). If not so specified in the three-way-contract, no building permits shall be issued until all construction has been completed and accepted.
- F. No Construction Improvement shall be accepted until the required maintenance bond has been provided.
- G. All construction projects shall be completed pursuant to the Final Plat, Construction Plans, and the Utility, Street, Drainage and other Plans submitted as a part of the developer's platting process. Every subdivision shall have at least two entry and exit locations.
- H. The approval of a plat shall not be considered an acceptance of any proposed dedication and shall not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council make an actual appropriation of the dedicated parts by entry, use, or improvement. (Sec. 212.001, Local Gov. Code)
- I. Notwithstanding any zoning provision in regard to lot size, no subdivision lot shall be platted on a tract smaller than that needed to meet the percolation requirement for the required septic system.

except for a Subdivision that is only one cul-de-sac

ARTICLE 2

DEFINITIONS

Sec. 12-2-1 DEFINITIONS OF WORDS AND TERMS.

As used in this chapter, the following words or terms shall have the following meaning:

Block: A parcel of land intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land, drainage channels, or a combination thereof.

City: the municipal corporation of the City of Lowry Crossing, Texas.

City Council: the duly elected governing body of the City.

City Engineer: the engineer employed by the City, or the engineer retained as consultants to the City, or their duly authorized representative.

City Official or Administrator: any person, elective or appointive, employee, or any board or commission authorized or constituted by City ordinance or State law to act in behalf of the City.

Commission: the Planning and Zoning Commission, as appointed by the City Council.

Cul-de-sac: A street having one vehicular access to another street and terminated by a vehicular turn-around.

Developer: The person, business, corporation, or association responsible for the development of the subdivision or addition. In most contexts, the terms developer and property owner are used interchangeably.

Drainage Plan: A plan of a subdivision and adjacent land, designed and signed by an engineer or qualified Land Planner, trained for such design work. Also called a Drainage and Floodplain Plan.

Easement: A grant by the property owner to the public, a corporation, or persons, for a special purpose not inconsistent with the general property and the owner and designated as follows:

Easement, utility - a strip of land to be used for utility purposes which shall be kept free of all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with its maintenance or operation and has unobstructed ingress and egress to and from and upon the said easement.

Easement, drainage - trench or bed utilized for drainage purposes which shall be kept free of all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with its maintenance or operation and has unobstructed ingress and egress to and from and upon the said easement.

Easement, fire lane - a lane which conforms to the requirements of the Fire Code of the City of Lowry Crossing that is unobstructed and prohibits parking by clearly defined markings.

Public access: a lane which allows vehicular or pedestrian traffic to transverse from one property to another.

Extraterritorial Jurisdiction (ETJ): means land situated as classified by V.T.C.A., Local Government Code Chapter 42.

FEMA: the Federal Emergency Management Agency.

Final Plat: a map, drawing or chart prepared according to the provisions of this code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.

Floodplain: The area that is determined to have a 1% annual chance (100-year) of flooding, and consists of the floodway and floodway fringe.

Floodway: The channel of a stream plus any adjacent floodplain areas, that must be kept free of encroachment so that the 100-year flood can be carried without substantial increases in flood heights.

Floodway Fringe: The area between the floodway and 100-year floodplain boundaries.

Land Planner: any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of a City. A Land Planner may be trained in any of several specialties; and where appropriate experience is demonstrated, the term includes architect, engineer, landscape architect, and surveyor.

Lot: an undivided tract or parcel of land designated as a distinct tract.

Ordinance: as used herein shall also mean Code.

Plat: a map or chart of the subdivision. It shall include plan, plat, and replat.

Preliminary-Plat: the plat required by this code that is not to be recorded for record but is only a proposed division of land for review and study by the City.

Replating: the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.

Right-of-Way: the land area provided by dedication for public use for streets, utilities, walks, and other uses to serve adjoining properties.

Street: Any public or private right-of-way which affords the primary means of vehicular traffic, whether a designated street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or otherwise designated.

Street, Approved Private: As used in this code the term "**Approved Private Street**" shall mean a private street within an approved subdivision that is to be maintained and kept open for the benefit of the several owners of lots fronting thereon by a homeowner association having a recorded declaration that contains language meeting the approval of the City.

Street, Arterial or Thoroughfare: a principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with State and Interstate Highways.

Street, Collector: a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares, highways, or business district.

Street, Perimeter: a street located along the boundary of an existing or proposed subdivision.

Street, Residential: a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Subdivider: Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or platted as an addition or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision or addition, or, who (3) engages directly or through an agent in the

business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest, lot, parcel site, unit or plat in a subdivision or addition, or who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of this code.

Subdivision: See Sec. 12-1-2 for definition.

ARTICLE 3.

SUBDIVISION PLATTING REQUIRED

Sec. 12-3-1 PLATTING REQUIRED UPON SUBDIVISION.

- A. The owner of any tract of land located within the limits or in the extraterritorial jurisdiction of the City of Lowry Crossing who divides the tract in two or more parts for any one or more of the following purposes, must have a plat of the subdivision prepared and approved pursuant to the provisions of this chapter:
1. to lay out a subdivision of the tract;
 2. to lay out an addition to the City;
 3. to lay out suburban lot, a building lot, or other lots;
 4. to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- B. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or any executory contract to convey, or by using any other method.
- C. Exception: - A division of land under this provision does not include a division of land into parts greater than five acres, where each part has access to a public road and no public improvement is being dedicated. Such a division shall not require the plat provided for in this chapter.

Sec. 12-3-2 SUBDIVISION FILING FEE.

The **basic filing fee** for filing preliminary plat or a working plat shall be the fee set out in the City of Lowry Crossing Master Fee Schedule as that Schedule is from time to time amended. Provided, however, and in an effort to establish a total fee that is equitable to all Developers by taking into consideration the complexity of the subdivision and the engineering work required by the city engineer to review the various plats, utility plans, and drainage plans, the Developer shall pay as an **additional "Engineering Review Fee"** the actual cost to the city for such engineering review which shall be billed to the Developer as such costs are incurred. A Developer may, in advance of filing his preliminary plat, submit a summary of his proposed project which may be used to determine an estimate of such total cost.

ARTICLE 4.

SUBDIVISION PLATTING PROCEDURE EXPLAINED

The following is a general statement of the platting process. This summary is designed to give a quick review of the Platting Procedure and to explain the "Working Plat" and the "Prior To Filing Review Process". Although most of the language found in this general summary will be the same language found in the following main Articles and Sections of this Chapter that deal more specifically with Preliminary and Final Plats, such main Articles and Sections shall govern in the event of a conflict.

The Working Plat & "Prior To Filing Review Process" - Explained

Submission and Review of a "**Working Plat**" is not required by law, but is available to a Developer who may wish to have prior review with staff prior to the official filing of the Preliminary Plat. This procedure often allows minor corrections to be made prior to the first meeting of the Commission that may eliminate disapproval or undue delay caused by the 30 day rule. The 30 day rule is a state mandated rule that requires the commission or council to act on the preliminary plat or final plat by approving it or disapproving it within 30 days of its filing.

Therefore, prior to the official filing of a Preliminary Plat with the Planning and Zoning Commission, it is recommended that the developer proceed with a "**Prior To Filing Review Process**" by submitting to the City Secretary and City Staff a plan of platting and development which will include everything necessary for the approval of the official preliminary plat. This "Prior To Filing Review Process" should, therefore, include a **Working Plat** which may later be renamed and filed as the preliminary plat; a Street & Drainage Plan; a Utility Plan, and a "**Working Plat Fee.**" This working plat fee shall be the same as the basic filing fee for filing a preliminary plat where the review process is not used. If a working plat fee is paid the only additional fees are the Engineering Review Fees set out in Section 12-3-2.

If this "Prior To Filing Review Process" is used by the Developer the proposed Working Plat must be marked "**Working Plat, not submitted for filing as Developer's Preliminary Plat.**" Use of this review process will permit the City Staff and City Engineer to determine if the "Working Plat" and accompanying Plans are substantially complete in order to become the official preliminary plat when filed as such. This "prior to filing review process" may include work sessions with the developer, city staff, city engineer, and the commission. When the Working Plat and Plans are found to be substantially complete the Working Plat may be renamed and filed as the developer's official preliminary plat.

As stated above the actual platting process does not start until the preliminary plat is filed and use of "prior to filing review process" is strictly voluntary. Any Developer may file his preliminary plat at any time even though this review process is in progress, thus starting the running of the 30 action period.

The Preliminary Plat (Procedure) - Explained

The official platting process starts with the filing of a **Preliminary Plat** with the Planning and Zoning Commission. All filing fees are paid and the plat is stamped with a filing date. The plat, together with the Street & Drainage Plan and Utility Plan shall be sent to the City Engineer for review and a meeting of the Planning and Zoning Commission shall be scheduled for approval or disapproval of the proposed plat. If the plat and plans are the same as the those approved during the "Prior To Filing Review Process" additional review by the City Engineer will not be necessary unless requested by the Commission. The Planning and Zoning Commission must act on the Preliminary Plat within 30 days from the date of filing. **The action of the Planning and Zoning Commission must be to approve, disapprove, or "disapprove without prejudice."**

A **disapproval without prejudice** will permit the refiling of the plat without the Developer having to start over with the platting process or paying again the basic filing fee. The Developer may (i) request that the plat be stamped with a new filing date or (ii) may advise Commission that a revised preliminary plat will be submitted for stamping with a new filing date. In either case the stamping of a new filing date will start a new 30 day period commencing for action by the Planning and Zoning Commission.

When a plat is disapproved it will be considered as disapproved "with prejudice" and the plat shall not be forwarded to the City Council. The Planning and Zoning Commission may, where facts warrant reconsideration, change its "disapproval" of a plat to "disapproval without prejudice."

When a plat is approved the chairman of the Planning and Zoning Commission shall sign the approval certificate on the face of the plat and the plat, together with all street, utility and drainage plans, shall be forwarded to the City Council for consideration. The certificate should be dated the date of the commission meeting at which the plat was approved as this will start another 30 day period as mentioned below.

The date of the commission meeting at which the plat was approved starts another 30 day period during which the City Council must act on the plat by approval, disapproval or disapproval without prejudice. **THE PROCEDURE FOR APPROVAL OR DISAPPROVAL BEFORE THE CITY COUNCIL IS THE SAME AS OUTLINED ABOVE.** When a plat is approved by the City Council the Mayor will sign the approval certificate on the plat. Approval of the preliminary plat by the City Council shall not be effective after the expiration of one hundred eighty (180) days from the date of approval. (See Sec. 12-5-9)

The Final Plat (Procedure) - Explained

After approval of a Preliminary Plat by both the Planning and Zoning Commission and the City Council, the Developer may file (within the required time) a **Final Plat** with the Planning and Zoning commission. The approval of the preliminary plat by the City Council shall not be effective after the expiration of one hundred eighty (180) days from the date of approval. (See Sec. 12-5-9 for certain exceptions)

The Final Plat is considered by the Planning and Zoning Commission and the City Council in the same manner as the Preliminary Plat was considered and acted upon.

When a Final Plat is ready for approved by the City Council the Developer shall have one White Mylar ready for final execution of the Approval Certificates by the Mayor and the re-execution by Chairman of the P&Z Commission. The P&Z Chairman will date the certificate with the date the plat was approved by the Commission. The Developer will also have one Blackline copy to be retained by the City Secretary. The approved **Final Plat Mylar** is then used to make two Aperature Cards required by the County Clerk and seven Blackline copies to be returned to the City with the County Clerk's file mark noted thereon. The City Secretary shall mark each of these copies as having been returned to the City and return one copy to the Developer to receipt his return of the plat to the City and shall deliver the remaining six copies to the various City Departments. (See Sec. 12-6-2,E).

The approval of the preliminary plat by the City Council shall not be effective after the expiration of one hundred eighty (180) days from the date of approval. (See Sec. 12-5-9)

ARTICLE 5.

PRELIMINARY PLAT

Sec. 12-5-1 PRELIMINARY PLAT PROCEDURE BEFORE COMMISSION AND COUNCIL.

- A. The Developer or developer, shall prepare and file with the City Planning and Zoning Commission a PRELIMINARY PLAT in accordance with the regulations of this Chapter. The City Secretary shall stamp the Preliminary Plat with a file date.
- B. Once the Preliminary Plat has been filed its consideration shall be placed on the next regular agenda of the Planning and Zoning Commission for approval, disapproval, or disapproval without prejudice. Because the Planning and Zoning Commission meets in regular session only once each month and must approve or disapprove a plat within 30 days, any Developer who has not used the "Prior To Filing Review Process" may have his plat disapproved if it is filed on a date that will not allow proper review. For this reason use of this review process is highly recommended. (See Article 4)
- C. The Planning and Zoning Commission shall act on the Preliminary Plat within 30 days from the date of filing. The action of the Planning and Zoning Commission shall be to approve, disapprove, or disapprove "without prejudice."
- D. A **disapproval without prejudice** will permit the refiling of the plat without the Developer having to start over with the platting process or paying again the basic filing fee. The Developer may (i) request that the plat be stamped with a new filing date or (ii) may advise Commission that a revised preliminary plat will be submitted for stamping with a new filing date. In either case the stamping of a new filing date will start a new 30 day period commence for action by the Planning and Zoning Commission.
- E. When a plat is disapproved it will be considered as disapproved "with prejudice" and the plat shall not be forwarded to the City Council. The Planning and Zoning Commission may, where facts warrant reconsideration, change its "disapproval" of a plat to "disapproval without prejudice."

- F. When a plat is approved the chairman of the Planning and Zoning Commission shall sign the approval certificate on the face of the plat and the plat, together with all street, utility and drainage plans, shall be forwarded to the City Council for consideration. The certificate should be dated the date of the commission meeting at which the plat was approved as this will start another 30 day period as mentioned below.
- G. An Developer may, at any time, file a written request that a plat be withdrawn from consideration. After the filing of such a request the plat shall not be reconsidered until a new plat has been filed or a new filing date has been requested and stamped on the face of the plat originally filed.

Sec. 12-5-2 GENERAL REQUIREMENTS FOR PRELIMINARY PLAT.

- A. An application in writing shall accompany the preliminary plat to be filed, together with six (6) prints of said plat. The City Secretary, acting as secretary to the Planning and Zoning Commission shall stamp the file date on the face of each print, one of which shall be retained together with the original application. No plat will be considered for approval by the Commission until the basic filing fees have been paid and the Developer delivers to the Commission a letter agreeing to pay the "additional review fee" described in Section. 12-3-2 of this Article .
- B. The plat shall be drawn to a scale of one hundred feet to the inch (1" = 100') and be 24" x 36" in size. Copies may be Blackline or Blue-line.

Sec. 12-5-3 PRELIMINARY PLAT SHALL INCLUDE THE FOLLOWING:

- A. Existing Features
 - 1. Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
 - 2. The location, widths, and names of all existing or platted streets or other public ways, within or adjacent to the tract, existing permanent buildings and easements; railroad right-of-way; and any other right-of-way or important feature.
 - 3. Existing sewer mains, water mains, drainage culverts, or other underground structures within the tract and within two hundred feet (200') thereto with pipe sizes, grades, and locations indicated.

4. Contours with intervals of two feet (2') or less, referred to mean sea level datum.
5. The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unplatted land. If there is adjacent platted or unplatted land containing streets, alleys, or drainage ways, the preliminary plat shall show how the streets, alleys or drainage ways of the proposed subdivision will connect with the adjacent land. If there is no adjacent land having such features, a map on a small scale shall be included with the preliminary plat to show the nearest subdivisions in each direction that are located within 2,000 feet of the proposed subdivision.
6. Permanent structures and uses within the subdivision including location of houses, barns, walls, wells, tanks, and other significant features.
7. The exact location, dimension, description, and flow line of existing drainage structures and the locations, flow line and flood plain of existing water courses within the subdivision.
8. Utilities on the tract, specifying size of lines, and those which are transmission lines.
9. Other conditions adjacent to the tract affecting the design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.

B. New Features.

1. The proposed name of the subdivision.
2. North point, scale, date, and approximate acreage of the proposed subdivision.
3. The names and addresses of the Subdivider and of the engineer, surveyor, or planner.
4. The designation of the proposed uses of land within the subdivision.

5. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose and conditions or limitations of such reservations.
6. The layout, names, and widths of proposed streets, alleys, and easements.
7. The layout, numbers, set-back lines, and approximate dimensions of proposed lots, blocks, parks, etc.
8. Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
9. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
10. Location of City limits, lines, the outer border of the extra-territorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
11. Any proposed changes in topography shown by contour lines on a basis of five feet vertical interval in terrain with a slope of two percent or more, and on a basis of two feet vertical interval in terrain with a slope of less than five percent; public agency source of datum shall be specific on the plan.
12. A number or letter to identify each lot or site and each block.
13. Data specifying the gross area of the subdivision, the proposed number of lots and area thereof, and the approximate area in non-residential use.
14. The district boundaries of existing zoning and any proposed zoning.
15. Front building set-back lines on all lots and tracts. Side yard building set-back lines at street intersections and crosswalks.

16. A copy of all existing protective covenants regulating the use of the land or the construction of improvements shall be submitted with the preliminary plat. Also, a copy of any protective covenants proposed by the Subdivider to regulate land-use and otherwise protect the proposed development shall be attached.

If a Home Owner Association is required or is to be formed for maintenance of common areas, a copy of the association agreement that is to be recorded shall be submitted. All Common areas shall be designated on and made a part of the plat including any "Common Areas of City Interest."

The term "**Common Areas of City Interest**" shall mean common areas over which the City may wish to exercise the same maintenance power of the Home Owner's Association including the right of assessment for payment of maintenance costs in the event the association fails in its maintenance obligation. In this regard the City may require the recorded association agreement to contain provisions meeting this requirement which shall be approved by the City Council and as to form by the City Attorney. Examples of "Common Areas of City Interest" might include, but not be limited to, such features as detention lakes, retention ponds, swimming pools, common drainage areas, common creek or river areas, and common area private roads that are maintained as private roads for the benefit of the owners within the subdivision and the owners fronting thereon.

Sec. 12-5-4 UTILITY PLAN TO ACCOMPANY PRELIMINARY PLAT.

There shall be submitted with the Preliminary Plat a Utility Plan of the proposed water and sanitary sewer mains and proposed underground drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, and calculated run-off and points of concentration. Notwithstanding any zoning provision in regard to lot size, no subdivision lot shall be platted on a tract smaller than that needed to meet the percolation requirement for the required septic system.

Sec. 12-5-5 STREET & DRAINAGE PLAN TO ACCOMPANY PRELIMINARY PLAT.

Unless adequately covered as a part of the Utility Plan, and waived in writing by the City Engineer, a separate drainage plan must be submitted together with the preliminary plat. (See Article 9 of this Chapter for Drainage & Floodplain Requirements)

Sec. 12-5-6 LOCATION MAP.

There shall be filed with the Preliminary Plat a location map of the proposed subdivision on a scale of one inch to one thousand feet (1" - 1,000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed subdivision.

Sec. 12-5-7 CROSS-SECTION PLAN

There shall be filed with the Preliminary Plat a typical cross-section plan of proposed streets showing the width of pavement, type of pavement, and location and width of sidewalks. Street construction must meet minimum standards for such streets as established by the city. (See Article 8)

Sec. 12-5-8 APPROVAL CERTIFICATE FOR PRELIMINARY PLAT.

The following certificate shall be placed on the face of the Preliminary Plat.

APPROVAL CERTIFICATE

APPROVED _____, 19____.
Planning and Zoning Commission

By: _____
Chairman, Planning and Zoning Commission
City of Lowry Crossing, Texas

APPROVED _____, 19____.
City Council, City of Lowry Crossing, Texas

By: _____
Mayor, City of Lowry Crossing, Texas

Attest: _____
City Secretary

Sec. 12-5-9. APPROVAL OF PRELIMINARY PLAT EFFECTIVE 180 DAYS.

The approval of the preliminary plat by the City Council shall not be effective after the expiration of one hundred eighty (180) days from the date of approval, unless such period is extended by the City Council, or a final plat of the subdivision, or a portion thereof, has been filed for consideration. Upon the filing of a Final Plat of a portion of an approved Preliminary Plat, the effective date of the remaining portion of the Preliminary Plat shall be extended for an additional 180 days.

ARTICLE 6

FINAL PLAT

Sec. 12-6-1. FINAL PLAT PROCEDURE BEFORE COMMISSION AND COUNCIL.

- A. The Developer shall prepare and file with the City Planning and Zoning Commission a FINAL PLAT in accordance with the regulations of this Chapter. The City Secretary shall stamp the proposed Final Plat with a file date.
- B. Once the Final Plat has been filed its consideration shall be placed on the agenda of a meeting of the Planning and Zoning Commission for approval, disapproval or disapproval without prejudice. Because the Planning and Zoning Commission must approve or disapprove a plat within 30 days after the date the plat is filed the Developer should work with the City Secretary so the filing date provides adequate time for proper review within the 30 day period.
- C. The Planning and Zoning Commission shall act on the Final Plat within 30 days from the date of filing. The action of the Planning and Zoning Commission shall be to approve, disapprove, or disapprove "without prejudice."
- D. A **disapproval without prejudice** will permit the refiling of the plat without the Developer having to start over with the platting process or pay additional fees. The Developer may (i) request that the plat be stamped with a new filing date or (ii) may advise Commission that a revised preliminary plat will be submitted for stamping with a new filing date. In either case the stamping of a new filing date will start a new 30 day period commence for action by the Planning and Zoning Commission.
- E. When a plat is disapproved it will be considered as disapproved "with prejudice" and the plat shall not be forwarded to the City Council. The Planning and Zoning Commission may, where facts warrant reconsideration, change its "disapproval" of a plat to "disapproval without prejudice."
- F. When the Final Plat is approved the chairman of the Planning and Zoning Commission shall sign the approval certificate on the face of the plat and the plat, together with all street, utility and drainage plans, shall be forwarded to the City Council for consideration. The

certificate should be dated the date of the commission meeting at which the Final Plat was approved as this will start another 30 day period as mentioned below.

- G. An Developer may, at any time, file a written request that a plat be withdrawn from consideration. After the filing of such a request the plat shall not be reconsidered until a new plat has been filed or a new filing date has been requested and stamped on the face of the plat originally filed.

Sec. 12-6-2 **SIZE, NUMBER OF COPIES AND GENERAL FILING PROCEDURE FOR THE FINAL PLAT.**

A. **GENERAL FILING PROCEDURE.**

The Developer will be required to supply a certain number of copies to the Planning & Zoning Commission and the City Council as the Final Plat moves through the approval process. When the Final Plat is ready for Council approval the Approval Certificates will be executed on a White Mylar, herein called the original Mylar. After execution of the Approval Certificates this original Mylar should be used to make two Aperture Cards and seven Blackline copies to be returned to the City after filing with the County Clerk.

This original Mylar, the two Aperture Cards and the several Blackline copies are taken to the County Clerk for filing. The County Clerk uses the Aperture Cards to record the plat on microfilm. The Developer should have the County Clerk place the filing mark, with Volume and Page on the Blackline copies that are to be returned to the City by the Developer.

It should be noted that the County Clerk sends the Mylar to the Central Appraisal District, therefore, the Developer should check with the County Clerk about providing a second Mylar for the Appraisal District if the Developer wishes to have the Original Mylar returned to Developer. In any event, all final Blackline copies and the Aperture Cards should be made from the original Mylar.

County Clerk requires that the 24" x 36" Mylar be a White Mylar, not a Sepia, and all copies be Blackline copies, not Blueline copies. All the required copies listed below are listed as Blackline copies, however, copies delivered to the City for review by the P & Z Commission and City Council during the approval process, may be Blueline copies.

B. COPIES REQUIRED TO BE FILED WITH THE PLANNING & ZONING COMMISSION.

One 24" x 36" Blackline for the City Secretary on which the official file date shall be stamped.

One 24" x 36" Blackline for each P & Z Commissioner

One 24" x 36" Blackline for the City Engineer

One 24" x 36" Blackline for the City Attorney

C. COPIES REQUIRED AT THE TIME OF APPROVAL BY THE PLANNING AND ZONING COMMISSION.

When the final plat is approved by the P & Z the Developer should have the following copies ready for Commission approval and execution of the approval certificate by the Chairman of the Planning and Zoning Commission.

One 24" x 36" Blackline for the City Secretary on which the official file date shall be maintained.

One 24" x 36" Blackline for each City Council Member

One 24" x 36" Blackline to be reviewed by the City Engineer

One 24" x 36" Blackline for the City Attorney

D. COPIES REQUIRED AT THE TIME OF FINAL APPROVAL OF THE CITY COUNCIL.

When the final plat is to be approved by the City Council the Developer should have the following copies ready for Council approval:

One 24" x 36" original White Mylar.

One 24" x 36" Blackline copy that will be retained by the City Secretary.

The Approval Certificates will be executed on the original White Mylar which should be used to make two Aperture Cards and 7 Blackline copies to be returned to the City after filing with the County Clerk. See Subsection A above.

E. COPIES REQUIRED TO BE RETURNED TO THE CITY AFTER FILING WITH THE COUNTY CLERK.

Seven Blackline copies containing the County File Mark shall be to be returned to the City after filing with the County Clerk. The City Secretary shall mark each copy as having been returned to the City and shall deliver them as follows:

One Blackline copy will be given back to the Developer to receipt his return of the plat to the city.

One Blackline copy shall be maintained as a part of the City Secretary's Subdivision Plat Files.

One Blackline copy shall be sent to the Planning and Zoning Commission.

One Blackline copy shall be sent to the City Attorney.

One Blackline copy shall be sent to the City Engineer.

One Blackline copy shall be sent to the City Map Department.

One Blackline copy shall be sent to the County 911 office.

FINAL PLAT SHALL INCLUDE THE FOLLOWING:

- A. The final plat shall be in proper form for filing with the Office of the County Clerk. (See Sec. 12-6-2) The originals and copies shall be 24" x 36" in size and clearly legible so that the plat can be reproduced on the aperture cards required by the County Clerk. The plat should be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger. It shall contain the following, and any additional matter required by the Commission or the City Council:

The name or names of the owner and developer; the name of the proposed subdivision and any adjacent subdivisions..

The name and address of the Registered Professional Land Surveyor who prepared the survey.

The designation of total number of lots and total acreage.

The name of streets, which should follow a consistent theme. Whenever possible, the names should conform to existing street names.

The numbers of lots and blocks, in accordance with the systematic arrangement approved by the City.

The north point, date, acreage being subdivided, and scale. All plats shall be on a scale of 1 inch equals 100 feet or larger.

An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey or established subdivisions, with **complete and accurate field notes of said boundaries**. The lines with dimensions of all adjacent lands and the lines with dimensions of adjacent streets, alleys, and easements in adjacent subdivisions shall be shown in dashed lines.

The location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets), and other features.

All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.

The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents and central angle of curves shall be shown. All curve information shall be shown for the center line of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with the curve length dimensions based on arc definitions.

All survey monuments shall be shown on the plat.

All deed restrictions that are to be filed with the plat.

An accurate outline description, and area to the nearest hundredth of an acre of all parcels of land which are offered for dedication, reserved for public use, reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any.

A location map of the proposed subdivision at a scale of 1 inch to 2,000 feet showing existing and proposed major features covering an area of at least one mile in all directions.

The following certification by a Registered Professional Land Surveyor, licensed by the State of Texas, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Lowry Crossing, Texas.

(SEAL)

A certificate of ownership with dedication to the public of all streets, easements, parks, open-spaces, and other public ways and public places to be dedicated to the public. **Said certificate shall not provide that the dedicated parts are accepted by the City.** Approval of the plat shall not be considered acceptance of any of the parts dedicated. Any acceptance by the City shall be governed by V.T.C.A., Local Government Code § 212.011, to wit: formal written acceptance, or by entry, use or improvement.

The following certificate shall be placed on the Final Plat.

APPROVAL CERTIFICATE

APPROVED _____, 19____.
Planning and Zoning Commission

By: _____
Chairman, Planning and Zoning Commission
City of Lowry Crossing, Texas

APPROVED _____, 19____.
City Council, City of Lowry Crossing, Texas

By: _____
Mayor, City of Lowry Crossing, Texas

Attest: _____
City Secretary

SPECIAL NOTE:

When the Final Plat is approved by the City Council the approval certificate on the White Mylar shall be signed by the Mayor and Chairman of the Planning and Zoning Commission. See Sec. 12-6-2 for the number and kind of copies required at the time of approval by the City Council; the number and type of copies to be filed with the County Clerk; and the number and type of copies that must be returned to the City Secretary after filing with the County Clerk.

ARTICLE 7

SUBDIVISION DEVELOPMENT & DEVELOPMENT OUTSIDE A SUBDIVISION

Sec. 12-7-1 DEVELOPMENT & CONSTRUCTION OF ROADS AND PUBLIC IMPROVEMENTS.

- A. This Article shall apply to development and construction of roads and public improvements, both within a platted subdivision and outside a platted subdivision, if any such construction is within the corporate limits of the City or its extraterritorial jurisdiction. It shall also apply to roads that will be maintained as private roads for the benefit of several owners fronting thereon.
- B. All construction work within the City of Lowry Crossing or its extraterritorial jurisdiction on any road, street, or public improvement, within or without a subdivision, that will be dedicated to the City of Lowry Crossing, or will be maintained as a private road for the benefit of several owners fronting thereon, shall be done in accordance with the requirements, rules, regulations and specifications of the laws of this state and the ordinances and codes of the City of Lowry Crossing. All such construction work shall be set out in a contract with plans, and specifications, and shall be completed in accordance with such contract.
- C. The plans and specifications of such construction work shall show in detail the work to be accomplished under the contract. **Shall conform to the Street, Utility and Drainage Plans submitted during the platting process unless otherwise approved by the City Council and shall conform to the Standard Specifications For Public Works Construction as set out and adopted by the City in Article 8 of this code.** Where supplementary bridge plans, shop drawings, and detail drawings are necessary, they shall be furnished by the Developer or Contractor and approved by the City prior to the beginning of the work involved. All plans shall contain the seal of a Registered Professional Engineer, licensed to practice in the State of Texas, and experienced in road, utility, drainage and storm sewer design. Approval by the City of the Developer's drawings will not relieve the Contractor of any responsibility under the contract.
- D. The provisions of this article shall apply to any person, corporation, or other business entity, doing or causing such construction work to be done within the City or the extraterritorial jurisdiction of the City. The

singular use in this article of the terms Developer, Contractor, or Subdivider, shall not be limited to that single classification, and the use of each such term shall also mean any person, corporation, or other entity doing such work.

- E. The Developer or Contractor will furnish and set construction stakes establishing lines and grades in roadway work and centerlines and bench marks for bridge work and will furnish all other necessary information relating to lines and grades.
- F. The Developer shall employ a Registered Professional Engineer or a qualified Laboratory Testing Agent for each project. Such Engineer or Agent shall ensure that construction will be in accordance with the approved plans and specifications. Duties of the Engineer or Agent will include, but will not be limited to, inspection, testing compaction, moisture content, and lime application rate of the subgrade, inspection and testing Plasticity Index (PI) and lime application rate of the foundation course, and testing application rates, thickness, density, and inspection of the installation of the roadway surface course. The City and Contractor will receive reports of all items and those not in compliance with the specifications shall have recommendations for corrective action. The City will have full authority to ensure that the corrective action required will be made. The Developer will bear the cost of the Engineer or Agent and any required testing. Samples and testing results shall be furnished to the City. **Material testing shall meet the requirements of the Standard Specifications For Public Works Construction as set out and adopted by the City in Article 8 of this code.**
- G. Whenever the work provided for in, and contemplated under, the contract, has been completed and the final clean up performed, the Developer will notify the City by letter addressed to the mayor and mailed or delivered to the Mayor or City Secretary. The City will conduct the "Final Review" which will be made within ten (10) days after such notification or as soon thereafter as practicable. After such final review, if the work is found to be satisfactory, the Developer will be notified. If not satisfactory, the Developer will be notified in writing of the corrective action required for approval.
- H. Where the work consists of concrete pavements, final acceptance will not relieve the Developer from responsibility for the thickness of the concrete, which will be determined by means of taking cores from pavement. The coring of the pavement will be done within thirty (30) days from the completion of the pavement or as otherwise called for in

the Three-Way-Contract. The Developer will bear the expense of having the pavement cored.

Sec. 12-7-2 **CONTRACT REQUIRED AND BONDING REQUIREMENTS.**

- A. Each Subdivision Developer, property owner, and/or Contractor, before starting construction of any road, street, alley, curb, gutter, drainage, sidewalk, driveway approach, storm sewer, water main or system, sanitary sewer, utility service, street lighting, or other public improvement or improvement intended to be dedicated to the City, or any private street that will be maintained for the benefit of several owners fronting thereon, shall enter into a contract with the City of Lowry Crossing, herein called a **“Three-Way Contract”** to be executed by the Owner/Developer, the Contractor who will do the work, and the City. Said contract to contain, but not be limited to the following provisions, and shall follow generally the sample contract shown as Exhibit "A" at the end of this Article.
1. Identification of the owner and the contractor that will construct the streets, alleys, curbs, gutters, drainage facilities, water mains, or sanitary sewers by name, address and individual authorized or entitled to contract on behalf of said contractor.
 2. A summary description of the improvements to be constructed and incorporating into said contract by reference all special provisions, plans, working drawings, and plats approved by the City Council.
 3. A covenant that the work to be performed will be performed pursuant to the Standard Specifications For Public Works Construction adopted by the City of Lowry Crossing; and an acknowledgment that a copy of all such provisions have been acquired by and are in the personal possession of each party to the contract.
 4. The total consideration to be paid for the work to be performed including the contract price for preparation and construction of the streets, drainage improvements, utilities, extension and/or installation of any water and sanitary sewer systems, permanent corner markers, and the seeding of all roadsides and right of ways.
 5. The date that work to be performed will be completed.

6. A statement sufficiently identifying the subdivision involved.
7. Proof or adequate evidence of the execution and filing of good and sufficient Performance and Payment bonds or other acceptable surety to secure the Contractor's performance of the work in accordance with the plans, specifications, and contract conditions, and the payment of obligations for labor or materials. A Cash Bond may, under special circumstances, be approved by the City Council as security in lieu of the Performance, Payment and Maintenance Bonds when the contract amount is less than \$25,000.00. Such cash bond shall be prepared pursuant to a separate written agreement approved by the City Council and approved as to form by the City Attorney.
8. An agreement that upon completion of the work and prior to acceptance by the City, Contractor will deliver to the City a Maintenance Bond providing that said contractor shall maintain said work and keep the same in good repair for the maintenance period of one (1) years from the date of written acceptance by the City of Lowry Crossing, Texas.

Sec. 12-7-3 **BONDS.**

Unless other acceptable surety is approved by the City Council the following bonds approved by the City Council shall be required:

- A. **A Performance Bond** for the protection of the City, payable to the City of Lowry Crossing, Texas, in the full amount of the contract price. Said bond shall be conditioned on faithful performance of the work in accordance with the plans, specifications, and contract conditions, and shall be executed by a corporate surety authorized to business in this state and in accordance with Article 7.19-1, Vernon's Texas Insurance Code and having a "Best Rating of A." The City Engineer or other competent authority acting in that capacity shall approve the amount of such surety and the bond shall be approved as to form by the City Attorney.
- B. **A Payment Bond** which shall be for the use and payment of bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply the work labor or material. The payment bond shall be in the amount of the contract, executed to the City of Lowry Crossing by a corporate surety authorized to business in

this state in accordance with Article 7.19-1, Vernon's Texas Insurance Code, having a "Best Rating of A" and approved as to form by the City Attorney.

The Performance bond or other surety for performance may be released to the proper party upon completion of the following:

1. The City Engineer or other officer appointed by the City Council certifies to the City Council that the streets and other improvements have been completed as required by and to the specifications contained in the regulations of the City; and
2. A Maintenance Bond or other acceptable surety bond has been executed and delivered to the City for approval as to form by the City Attorney, and final approval by the City Council.

C. The Maintenance Bond.

After the work to be performed pursuant to the contract has been completed but before said work is accepted in writing by the City of Lowry Crossing, a **Maintenance Bond** shall be delivered to the City. Said bond shall be in the amount of the contract, executed by a corporate surety authorized to business in this state in accordance with Article 7.19-1, Vernon's Texas Insurance Code, having a "Best Rating of A" and approved as to form by the City Attorney. The Maintenance Bond shall provide that the contractor (Principal) and the Surety shall be firmly bound unto the City of Lowry Crossing, Texas, on condition that said contractor shall maintain said work and keep the same in good repair for the maintenance period of one (1) years from the date of written acceptance by the City of Lowry Crossing, Texas.

Sec. 12-7-4 COUNCIL DISCRETION.

All provisions of this Section notwithstanding, the City Council shall have full discretion to waive or alter the requirements of this section, and limit or totally eliminate the bond requirements of this section, where the contract is less than \$15,000.00.

EXHIBIT A -

CONTRACT BETWEEN DEVELOPER/CONTRACTOR AND CITY

CONTRACT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

WHEREAS, a developer of property located within the corporate limits of the City of Lowry Crossing, Texas, must develop such property in compliance with applicable ordinances codes and regulations of the City of Lowry Crossing; and

WHEREAS, there are special regulations and specifications that are applicable to construction that involve work projects which, upon completion, will be dedicated to the City as streets, alleys, curbs, gutters, and drainage facilities, water mains and sewer facilities; and

WHEREAS, the developer may elect to make such improvements himself or through a private contractor, as provided by the Ordinances of the City of Lowry Crossing; and

WHEREAS, _____, hereinafter called Owner, is the owner of the subdivision or property described herein; and

WHEREAS, Owner has elected, and has entered into an agreement with _____, hereinafter called Contractor, to perform such work projects, hereinafter called "the Work," for a total consideration of (\$_____) Dollars; and

WHEREAS, the Ordinances and Codes of the City require such parties to enter into a contract with the City, as set out in the Code or Ordinances of the City of Lowry Crossing.

NOW, THEREFORE, the undersigned Owner and Contractor, in consideration of the issuance of permits for "the Work," agree as follows:

WITNESSETH:

1.

Owner and Contractor, undertake, covenant and agree to perform or cause "the Work" to be performed, in accordance with, and conforming to, the standards and specifications of the City of Lowry Crossing, Texas, as provided for in the Ordinances and Codes of the City of Lowry Crossing, including any other special provision, plan, or working drawing approved by the City Council of the City of Lowry Crossing, Texas.

Owner and Contractor agree that all "the Work" shall be completed on or before the _____ day of _____, 19____, and that time is of the essence.

The Property or Subdivision is described as follows:

"The Work" to be performed is described as follows:

(The full contract between Developer and Contractor incorporated by reference and attached as an Exhibit. It shall contain provisions for the Performance Bond, Payment Bond and Maintenance Bond required by City's Ordinances or Codes and an agreement to furnish the Maintenance Bond as required.)

2.

Owner and Contractor each acknowledge that they have obtained copies of the City of Lowry Crossing standards and specifications governing the type of improvements to be made.

3.

The Owner and Contractor agree that upon completion of "the work," but before acceptance of the improvements by the City of Lowry Crossing, Contractor shall deliver to the City of Lowry Crossing a properly executed Maintenance Bond as required by this Chapter.

Owner and Contractor hereby bind themselves, their heirs, successors, assigns, and representatives, for the faithful and full performance of the terms and provisions of this contract, individually, jointly, and severally.

Executed this _____ day of _____, 19____.

Owner

Contractor

Approved for City of Lowry Crossing: Approved as to form:

Mayor

City Attorney

Attest:

City Secretary

ARTICLE 8

STANDARD SPECIFICATIONS FOR SUBDIVISION CONSTRUCTION & CONSTRUCTION OUTSIDE A SUBDIVISION

Sec. 12-8-1 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION - NORTH CENTRAL TEXAS, ADOPTED

Except as herein amended the "Standard Specifications for Public Works Construction - North Central Texas, Second Edition," as such edition may be amended from time to time, is hereby adopted as the specifications for public works and private development projects carried out within the City. Such specifications, including the amendments and/or additions contained in the following sections of this article shall be applicable to all construction within the corporate limits of the City of Lowry Crossing and its extraterritorial jurisdiction, **including land both within and without a platted subdivision.**

Sec. 12-8-2 SPECIFIC AMENDMENT TO THE ADOPTED STANDARD SPECIFICATIONS - FOR STREETS.

- A. Unless approved by the City Council all streets shall be constructed in accordance with the following minimum standards:
1. The pavement shall be at least **24 feet** in width with additional right-of-way to meet all needs including drainage.
 2. Thickness: **6"** concrete - 4000 PSI comp.
 3. No. 3 bars on **24"** centers both ways. Bar chairs shall be furnished.
 4. Subgrade: Shall be 6 inches thick, and shall be stabilized with at least **27 pounds** per square yard hydrated lime, compacted to a density not less than **95%**.
 5. Concrete poured not less than No. 5 slump.
 6. Cross slope shall be **1/4 inch** per foot.

7. Joints:
 - a. Sawed dummy joint 3/8 inch hot joint, rubber sealing compound every 20 feet.
 - b. Full width redwood construction, with dowel rod stabilization every 40 feet.
- B. Fire hydrants shall ^{meet fire code and be} located every 400 feet along street water lines.
- C. Cul-de-sacs shall not exceed 500 feet in length and the circular turnaround must have a minimum radius of 50 feet for the right-of-way and a pavement radius of 43.5 feet measured to the edge of the paved area where there are no curbs and measured to the back of the curb where there is a curb.

ARTICLE 9

DRAINAGE AND FLOODPLAIN REQUIREMENTS

Sec. 12-9-1 DRAINAGE AND FLOODPLAIN PLAN

- A. Drainage Plan Required. Unless waived in writing by the City Council upon recommendation of the City Engineer, a drainage plan must be submitted for approval. The drainage plan shall be prepared by a qualified engineer and shall be designed to carry and properly dispose of all surface waters to the nearest practical drainage way in a manner that will not cause damage to public or private property within or without the subdivision.
- B. Drainage easements - Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements at least ten feet (10') in width, depending on slopes for drainage facilities, shall be incorporated into the drainage plan. Such easements shall be indicated on the final plat. When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements must be secured.
- C. Accommodation of Upstream Drainage Areas - A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The owner's engineer shall initially determine the necessary size of the facility, based upon the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance, subject to approval by the City Engineer.
- D. Effect on Downstream Drainage Areas - The owner's engineer, subject to approval by the City Engineer, shall study the effect of each addition's storm runoff on the existing surface or underground drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design within the drainage plan a drainage system, detention facility, or parallel system to mitigate the deficiency.

- E. Failure to provide a drainage plan designed to handle all water drainage, including surface and underground storm water, that will carry and properly dispose of such water in a manner that will not cause damage to public or private property within or without the subdivision, will be ground for disapproval of the final plat. Provided, however, the duty and responsibility of providing such safe drainage to property owners within the subdivision and outside the subdivision shall rest solely with the developer.
- F. All subdivision plats and drainage plans shall comply with the City of Lowry Crossing Floodplain Ordinance
- G. As a part of any drainage plan the owner shall present a plan for maintenance of any detention lakes or retention ponds. If the maintenance plan provides for maintenance by a homeowners association through assessment if necessary, the detention lake or retention pond shall be listed as a "common area of city interest" and documents of the homeowners association shall contain provisions approved by the City Attorney which will permit the city to protect its interest in the "common area of city interest" in the event the homeowners association fails in its maintenance obligation.

SECTION 4. REPEALING CLAUSE

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 26A is specifically repealed.

SECTION 5. SEVERABILITY CLAUSE

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 6. SAVINGS CLAUSE

An offense committed before the effective date of this ordinance is governed by the prior law and ordinances, as amended, in effect when the offense was committed and the former law is conditioned for this purpose.

SECTION 7. PENALTY CLAUSE

Any person firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed the sum of Five Hundred dollars (\$500.00) for each offense; except however, where a different penalty has been established by state law for subsequent violations the penalty shall be that fixed by state law; and every day any offense is continued shall constitute a new and separate offense.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect from and after its passage and publication of the caption, as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, on the 15th day of September, 19 98.

APPROVED:

L.T. Dillard III
MAYOR PRO TEM

ATTEST:

Sam Isler
CITY SECRETARY

APPROVED AS TO FORM:

Lawrence W. Jackson
CITY ATTORNEY