

November 11, 2002

Ordinance No. 2002-7

AN ORDINANCE PROVIDING FOR THE ORDERLY, SAFE AND HEALTHFUL DEVELOPMENT OF THE AREA WITHIN THE TERRITORIAL AND EXTRA-TERRITORIAL JURISDICTION OF THE TOWN OF ANNETTA NORTH, TEXAS; REQUIRING THAT SUBDIVISION PLATS BE SUBMITTED TO THE CITY FOR APPROVAL AS A PREREQUISITE TO PLAT RECORDATION AND RECOGNITION BY THE CITY; STIPULATING THE CONDITIONS UNDER WHICH PERMITS AND AUTHORIZATIONS SHALL BE WITHHELD; STIPULATING SUBMITTAL PROCEDURES; ESTABLISHING FORM AND CONTENTS OF PLATS; REQUIRING STANDARDS AND SPECIFICATIONS BE MET; REQUIRING DEDICATIONS AND PROVISIONS FOR PUBLIC SPACES; ESTABLISHING PENALTIES; AND DECLARING EMERGENCY

PREAMBLE

Whereas, the City has had under consideration the matter of subdivision regulations for an extended period of time; and

Whereas, the Board of Alderman deems it in the best of interest of the people who are now and who will be living within the jurisdiction of the City that an ordinance be passed to ensure an orderly, economical development of the City to provide adequate municipal facilities and services, and to protect and promote the general welfare, health and safety of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF ANNETTA NORTH, PARKER COUNTY, TEXAS:

ARTICLE I

Purpose

The purpose of this ordinance is to provide for the orderly, safe and healthful development of the area within the City and within the one-half mile (1/2 mi.) extra-territorial-jurisdiction of the City and to promote the health, safety, morals and general welfare of the community. Accordingly, all property under the jurisdiction of the City and not previously subdivided shall hereafter be laid out and approved by the City, and no other subdivision will be recognized by the City.

I. 1. Scope of Ordinance: This ordinance shall be known as the "Subdivision Ordinance of the Town of Annetta North." No person shall create a subdivision of land within the corporate limits of the City and

the extra-territorial jurisdiction of the Town of Annetta North, Texas, without complying with the provisions of this ordinance. All plats and subdivisions of any such land shall conform to the rules and regulations set forth in this ordinance.

I. 2. Rules and regulation of the Commission: The Commission may adopt rules and procedures to govern its actions. After public hearing thereon, the Commission may adopt rules and regulation governing plats and subdivisions. Such rules shall be consistent with the provisions of this ordinance and shall become effective upon being filed with the City Secretary.

ARTICLE II

Definitions

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have meanings respectively ascribed to them in this section, unless a different meaning is plainly required by context.

II. 1. Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back sides of properties otherwise abutting on a street.

II. 2. Block: Any single row of contiguous lots or tracts fronting on one side of a street and extending from one dedicated side street, or other such dividing boundary intersecting the front street, to the next such dedicated street or boundary.

II. 3. Building and setback line: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.

II. 4. Board: The Planning Board of the City, appointed by the Commission, that performs overall City planning and administers the planning of subdivisions by subdividers in accordance with the requirements of this ordinance. In the absence of an appointed Board, the Commission shall constitute the Board.

II. 5. City: The TOWN OF ANNETTA NORTH, Texas.

II. 6. Commission: The governing body of the city, i.e., Town Board of Alderman.

II. 7. Cul-de-sac: A street having but one outlet to another street and on the opposite end by a vehicular turn-around.

II. 8. Dead-end street: A street, other than a cul-de-sac, with only one outlet.

II. 9. Lot: An undivided tract or parcel of land within the city limits of Annetta North with no less than two (2) acres, under one ownership, having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed. An undivided tract or parcel of land outside the city limits and within the City's extra-territorial-jurisdiction may contain less than two (2) acres but no less than one (1) acre.

II. 10. Person: Any individual, association, firm, corporation, governmental agency, or political subdivision. Any office referred to in this ordinance by title means the person employed or appointed by the city in that position or his duly authorized representative.

II. 11. Street: A public right-of-way, however designated, which is intended primarily to serve traffic within a subdivision, which provides vehicular access to adjacent land, and which is not necessarily continuous through several subdivisions.

(1) Arterial streets (100' ROW) and highways are those which are used primarily for fast or heavy traffic.

(2) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets (70' ROW) of a residential development and streets for circulation (60' ROW) within such a development.

(3) Minor streets (60' ROW) are those which are used primarily for access to the abutting properties.

II. 12. Subdivider: Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is divided herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be divided.

II. 13. Subdivision: (The subdivision and every lot in the subdivision must be accessible by the public street.) The division of any tract of land situated within the corporate limits, or within one-half (1/2) mile of such limits, into two or more parts for the purpose of laying out any development of any tract of land or any addition of any town or city, or for laying suburban lots or any other lots, streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision but it does not include the division of land for agricultural purposes in parcels or tracts of ten (10) acres or more and not involving any new street, alley or easement of access. Subdivision also does not include the division of land for the purpose of transferring title to heirs or family members.

II 14. Utility Easement: An interest in land granted to the City, to public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land together with right to enter thereon with machinery and vehicles necessary for maintenance of said utilities.

ARTICLE III

Preliminary Plat

III 1. General: The subdivider shall cause to be prepared a preliminary plat in accordance with this ordinance. The preliminary plat is to show the intentions of the subdivider of the development of the subdivision, and the feasibility of that development. Also a key plan shall be submitted showing location of the proposed subdivision within the corporate city limits or extra-territorial-jurisdiction as the case may be.

III. 2. Drainage Study: A preliminary drainage study, with the approval of the city engineer, shall be

submitted with the preliminary plat. The study should reflect the proposed structures and calculations to control the twenty five (25) year and one hundred (100) year storms.

III. 3. Submitting of preliminary plat: The subdivider shall submit ten (10) copies of the plat and accompanying data to the Commission at least twenty (20) days prior to the date of the City Commission meeting at which formal application of the preliminary plat will be made. A plat is not deemed submitted until it has been received by the Town Secretary. In the event the submittal is incomplete and additional material is required, a new submittal date is determined to be at the time when all required material is in the office of the Town Secretary.

III. 4. Formal application for Commission approval: The subdivider shall present a formal application for preliminary plat approval to the Commission at an official meeting of the Commission.

III. 5. Filing Fee: At the time of submittal, the preliminary plat shall be accompanied by a filing fee. The filing fee for a preliminary plat is one hundred and fifty dollars (\$150.00) plus one hundred dollars (\$100.00) per lot greater than two (2) or more lots within two (2) years. The fee for the division of a dedicated lot into two lots shall be one hundred dollars (\$100). Said fee shall be payable by check drawn to the order of TOWN OF ANNETTA NORTH. No action by the Commission shall be valid unless the filing fee has been paid. This fee shall not be refunded.

III. 6. Permit fee: The permit fee for a driveway is fifty dollars (\$50.00).

III. 7. Review Fee: The applicant for approval of a preliminary plat shall pay in addition to the filing fee all engineering fees incurred by the city in having the plat reviewed; all fees must be paid prior to final approval of the preliminary plat or the plat is deemed disapproved.

III. 8. Form and content of preliminary plat: The plat shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch, or greater unless waived by the City Engineer. The required information on or accompanying the plat shall include the following:

- (1) Name of subdivision.
- (2) Names, addresses and telephone numbers of the record owner and person(s) responsible for the preparation of the plat.
- (3) The date of the plat, scale and north arrow, and a location map.
- (4) The right-of-way width, location and names of platted streets and alleys within and adjacent to the property shown together with boundary lines and building setback lines.
- (5) The subdivision boundary line described by bearings and distances and pertinent curve data where applicable. The subdivision boundary shall be referenced to an original survey corner or a corner of an adjacent platted subdivision or a corner of the parent tract of which the property is a part thereof.
- (6) Width, depth and location of proposed lots and the total computed acreage for the subdivision.
- (7) Contours and grades referenced to local, city control monuments or other vertical datum

approved by the City Engineer. Contour intervals shall be at two (2) foot intervals where average grade of site does not exceed five percent (5%) and five (5) foot intervals for grades of site over five (5) percent.

(8) Existing features of this property, including, but not limited to, location of easements, reservations, water courses, culverts, bridges, roads, streets and other structures

(9) Designation of the proposed uses to which the land within the subdivision will be dedicated, i.e., parks, schools sites, etc., where applicable

(10) Proposed location of all intended features such as streets, alleys and reservations; proposed location of storm drain lines, water ways and structures and other such sites or structures

(11) Zoning lines, if applicable

(12) Information indicating how the streets and alleys and easements in the subdivision submitted may connect with those in the nearest subdivision and how they may be extended to serve adjacent area when subdivided or otherwise developed

(13) Protective covenants proposed for the subdivision designed to regulate land use in the subdivision, ensure off-street parking for non-residential purposes, prohibit nuisances and otherwise provide for protection of proposed development. Covenants shall include enforcement provision.

(14) A well location and sanitary zone around the well within a one hundred (100) foot radius in which no absorptive type septic tank system may be constructed should be shown as a typical layout. This sanitary zone shall remain inviolate even though it crosses the boundaries of any adjacent lots. In no case shall a sanitary zone cross the subdivision boundaries.

(15) Adjacent unplatted property owner's names with deed volumes and page numbers, in addition to name(s) and recording information of adjacent platted subdivision(s).

III 9. Groundwater Availability: The specification requirements, in its entirety, for ground water availability in City Ordinance 2001-2 must be submitted with the final plat.

III. 10. Commission approval or disapproval of plat: Within thirty (30) days after formal application for preliminary plat approval is filed with the City Commission, the Commission shall approve the plat, or shall approve the plat subject to proposed modification to the plat by the Commission, or shall disapprove the plat. Action of the Commission will be submitted to the applicant in writing. Approval of the preliminary plat shall not constitute or imply approval of the final plat when presented, but is merely an authorization to proceed with the preparation of the final plat.

Following (a) a review of the preliminary plat and other material submitted for conformity thereof to the regulations and (b) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the City Engineer shall express approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express the reason for the disapproval and recommendation to the Commission for further action of that body.

III. 11. Expiration of preliminary plat approval: Approval of a preliminary plat shall expire at the end of

six (6) months unless the final plat has been submitted. At the end of this period, and provided no developments have occurred which would affect the continued acceptability of the approved preliminary plat, the Commission may, upon application of the subdivider, extend the approval an additional six (6) months.

ARTICLE IV

Final Plat

IV. 1. General: The subdivider shall cause to be prepared a final plat certified by a Professional Land Surveyor licensed by the State of Texas in accordance with this ordinance. The final plat shall conform to the preliminary plat as approved by the Commission and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Commission.

IV. 2. Filing of the final plat: The subdivider shall submit ten (10) copies of the final plat and accompanying data and plat filing fee with the Commission at least twenty (20) days prior to the date of the City Commission meeting at which formal application for Commission approval of the final plat will be made. Where fewer copies are required it is so noted below. A plat is not deemed submitted until it has been received by the Town Secretary. In the event, the submittal is incomplete and additional material is required, a new submittal date is determined to be at the time when all required material is in the office of the Town Secretary.

IV. 3. Final application for commission approval: The subdivider shall present an application request for the final plat approval to the Commission at an official meeting of the Commission. The final plat submitted for approval shall be considered for approval by the Commission only in the event it meets the submittal requirements of this article at the time of formal application and prior to the expiration date of the preliminary plat approval.

IV. 4. Filing fee: At the time of filing, the final plat shall be accompanied by a filing fee. Except as noted below, the filing fee shall be five hundred dollars (\$500.00) per plat, plus fifty dollars (\$50.00) per lot within the subdivision.

EXCEPTION: In the event a single tract consisting of less than ten (10) acres and located within a recorded subdivision is to be replatted into no more than two (2) lots, or is to be dedicated whole or in part for street easement or any other public use, a final plat filing fee of ten dollars (\$10.00) shall be required. The filing fee shall be payable by check drawn to the order of the TOWN OF ANNETTA NORTH. No action by the Commission shall be valid unless the filing fee has been paid.

IV. 5. Permit fee: The permit fee for a driveway is fifty dollars (\$50.00).

IV. 6. Review Fee: The applicant for approval of a final plat shall pay in addition to the filing fee all engineering fees incurred by the city in having the plat reviewed; all fees must be paid prior to final approval of the final plat or the plat is deemed disapproved.

IV. 7. Form and content of final plat: The plat shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch or greater. The final plat shall include or be accompanied by the following:

- (1) The bearings, dimensions and appropriate curve data necessary to reconstruct the boundary

lines, lot lines and center lines of street rights-of-way

(2) The bearings, dimensions and appropriate curve data to locate utility and drainage easements, parks and other public areas or other right-of-way blocks, lots and other sites in the subdivision

(3) A note stating a water well and a sanitary zone around the well within a one hundred (100) foot radius in which no absorptive type septic tank system may be constructed will be required for each lot. This sanitary zone shall remain inviolate even though it crosses the boundary of any adjacent lots. In no case shall a sanitary zone cross the subdivision boundaries

(4) The subdivision boundary line shall be described by bearings and distances and pertinent curve data where applicable. The subdivision boundary shall be referenced to an original survey corner or a corner of an adjacent platted subdivision or a corner of the parent tract of which the property is a part thereof..

(5) The names and recording information of all adjoining subdivisions and unplatted tracts of land, with lot and block numbers shown by dotted or dashed lines

(6) The final plat title with the name of the subdivision, the name of the survey and abstract number and names of city and county in which the property is located

(7) The signature and seal of a Professional Land Surveyor

(8) The location of a minimum of two (2) permanent bench marks if any land is in a one hundred (100) year flood plain

(9) Intermediate property corners, curve points and angle points marked by iron rods, not less than twelve inches in length driven flush with the ground or countersunk, if necessary, in order to avoid being disturbed

(10) A statement of ownership and dedication of all streets, alleys, easements and lands to public use forever, signed and acknowledged before a Notary Public by the owner of the land

(11) The approximate location of the one hundred (100) year flood plain, if applicable, and the source of flood plain information

(12) Where lots are located in the one hundred (100) year flood plain, a minimum recommended finished floor elevation for each lot. The minimum floor elevation is one (1) foot above the adjoining flood plain area.

(13) No final plat shall be approved by the city until all utility companies have expressed approval of the final plat in writing.

(14) The final plat shall be furnished upon sheets no smaller than eighteen (18) inches by twenty-four (24) inches and no larger than twenty-four (24) inches by thirty-six (36) inches or as required by Parker County. Where more than one sheet is required, an index sheet shall be submitted showing the entire subdivision on one sheet. After approval of the final plat three (3) reproducible mylars shall be provided to the City Secretary.

(15) Accompanying the plat should be all the specifications required by City Ordinance 2001-2 concerning groundwater availability.

(16) The final plat shall be submitted to the City Secretary. The City Engineer will check the plat as to compliance with these regulations and prepare a letter of recommendation for approval or if disapproved with reasons thereof.

(17) The following certificate of approval by the Commission shall be placed on the plat.

Approved this _____ day of _____, 20_____, by
the Commission of the TOWN OF ANNETTA NORTH

Mayor

City Secretary

IV. 8. Site improvement data requirements:

(1) Construction plans are required for all proposed streets, alleys, sidewalks and drainage structures.

(2) Construction plans are required for all proposed storm sewers, channels and easements.

(3) Plans for proposed installation of street signs and other such features are required.

IV. 9. Written and notarized statement requirements:

(1) A statement describing the minimum improvements which the subdivider agrees to provide, conditional upon City approval of final plat, is required.

(2) An original tax certificate(s) showing that no delinquent taxes are due shall be included with the final plat submittal.

IV. 10. Commission approval or disapproval of final plat: Within thirty (30) days after formal application for final plat approval is submitted with the City Commission and provided all submittal requirements of this article are met, the Commission shall approve or disapprove said plat.

(1) Approval of the final plat by the Commission constitutes authorization for the city to record the plat and the subdivider to proceed with the installation of the subdivision improvement.

(2) If final plat is disapproved, the Commission shall inform the subdivider in writing of the reason at the time such action is taken.

ARTICLE V

Subdivision Standards and Specifications

V. 1. Plat approval: No preliminary or final subdivision plat shall be approved by the Commission unless it conforms to the standards and specifications contained or referred to in this article .

V. 2. Re-Subdivision: Property shall not be replatted which has been previously platted by a common dedication, except with the consent of all directly affected property owners.

V. 3. Streets: Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade contour, curve radii and location of each shall be planned in consideration of existing and planned streets, topographical conditions, public safety and convenience, and the proposed uses of land to be served by such streets. The subdivision and every lot in the subdivision must be accessible by a public street. Wherever possible, existing streets in adjoining areas shall be continued and street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. The platting of half streets shall be prohibited. Dead end streets shall be prohibited except as short stubs to allow future development of adjacent property. In general, cul-de-sacs shall not exceed five hundred (500) feet in length and shall have a right-of-way turnaround of not less than one hundred twenty (120) feet in diameter. A cul-de-sac in commercial or industrial areas shall have a right-of-way turnarounds of not less than two hundred (200) feet in diameter. All curve radii shall be a minimum of three hundred (300) feet.

V. 4. Street right-of-way width: The right-of-way for streets shall be in accordance with Section II. 11.

V. 5. Streets as part of a storm drainage system: All streets and street right-of-way shall be designed to provide for the discharge of surface water from the pavement and from the right-of-way by grading and a system of drainage ditches. Such designs shall provide for the discharge of water from the street and the right-of-way into existing natural drainage courses. The minimum gradient for a subdivision street shall be four-tenths percent (0.40%) and the maximum gradient shall be ten percent (10%) for the streets with open bar ditches. The maximum gradient on curb and gutter streets shall be determined by the design engineer for the public safety of persons using the street.

V. 6. Street signs: Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such design shall be of a durable type acceptable to the Commission.

V. 7. Alleys: Alleys of not less than twenty (20) feet in right-of-way width and sixteen (16) feet pavement width, for off-street loading space shall be provided by the subdivider in business and industrial areas. Alleys that are dedicated shall be paved in accordance with City Standards, or better, for street improvements, depending on the usage anticipated by the Commission. Alleys shall not be permitted in residential areas.

V. 8. Boundary streets: When the land proposed to be subdivided is partially or totally bounded on one or more sides by a street way or thoroughfare having a width of less than that specified in this section, such land shall be laid out so as to provide street widths specified herein. A half street along adjoining property which has not been subdivided may be shown on the general development plan of an entire subdivision, but no lots abutting upon such half street shall be included in the subdivision area approved.

V. 9. Street names: Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

V. 10. Utility easements: Utility easements shall be provided for the use of public utility lines, conduits

and equipment. These shall be in the form of streets, alleys or special easements along lot lines as desired by the utility firms operating within the City or as required by the Commission. In general, it is desired that rear lot easements shall be a minimum of fifteen (15) feet and used to supply telephone and electrical services. Normally, water distribution lines shall be laid on the north and west sides of street easements, and sewer and gas lines shall be laid on the south and east side of street easements.

V. 11. Reserve strips for provisions: There shall be no reserve strips or other restrictions acting to inhibit access to land dedication to public use.

V. 12. Blocks: Block length shall be consistent with good street design. Irregular rather than grid patterns are encouraged to enhance and control land utilization. Block lengths should not exceed sixteen hundred (1600) feet, nor be less than three hundred (300) feet. When the length of any block exceeds twelve hundred (1200) feet, the City may require the subdivider or developer to dedicate a portion of property to the City which will divide the block so as to allow for pedestrian traffic, utilities, drainage, or other accommodations in the best interests of the immediate and adjacent properties. The exact width of such dedication shall be determined by the Commission.

V. 13. Lots: Lots shall have an area of at least eighty-seven thousand one hundred twenty (87,120) square feet (2 acres) and a width of at least two hundred ten (210) feet at the building line. The Commission may require the minimum area to be increased where land proposed for the subdivision appears to be adversely affected by water seepage or surface drainage problems. Deviations from the requirements for such additional minimum area may be granted by the Commission on the basis of soil evaluation tests performed by a registered professional engineer in accordance with standards acceptable to the Texas Commission on Environmental Quality (TCEQ) and underground conditions and at locations acceptable to the Commission.

Lots shall conform as follows:

- (1) Each lot shall have access to a public street.
- (2) Where lots face the front street and other lots face the side street, the corner lot thereof shall have a front building line on both streets.
- (3) Irregularly shaped lots shall have sufficient width at the building line to meet frontage requirements. The rear width of such irregularly shaped lots shall be sufficient to provide access for all utilities, but not less than ten (10) feet.
- (4) Side lot lines shall be substantially at right angles or radial to street lines where possible.
- (5) Double frontage and reverse lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation where lots have double frontage, or front building line shall be established for each street.

V. 14. Sewage systems: All subdivisions shall have provisions for handling and disposal of sewage that are acceptable to the Commission. Where a sanitary sewage disposal system is to be installed, or an existing system extended, the plans for such system must be approved by the Texas Commission on Environmental Quality (TCEQ) prior to approval of the final plat by the Commission. Individual, on-lot septic tank systems shall be permitted in subdivisions provided that thorough tests throughout the

subdivision were made and assurances from state authorities confirm that septic tanks are consistent with sanitation standards.

V. 15. Water systems: Subdivisions provided with a public or private water supply and distribution system shall also provide fire hydrants. The plans for such systems must be approved by the Texas State Board of Insurance and the Texas Commission on Environmental Quality (TCEQ) prior to approval of the final plat by the Commission. Private water wells shall be surrounded by a sanitary zone of one-hundred (100) foot radius in which no absorptive type septic tank system may be constructed. Pressure converted or grouted wells to one hundred (100) feet may be within fifty (50) feet of the sanitary system. No subdivision sanitary zone shall extend beyond the subdivision boundary perimeter.

V. 16. Storm drainage provisions: Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided at the discretion of the Commission, an easement of right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future access and possible drainage structures. Storm drainage structures may be required by the Commission to accommodate the runoff of storm water and to control undesirable erosion.

V. 17. Street Improvements: Hot Asphaltic Concrete type: As a guide in design and installation of street improvements, the following minimum requirements shall apply: (Ref. Exhibit 15)

(1) Minimum paving width of streets shall be computed on the basis of eleven (11) feet per traffic lane and eight (8) feet per parking lane. All pavements shall be at least twenty-two (22) feet wide; however, streets with curbs and parking lanes shall have a width of thirty-eight (38) feet between curb faces, and those without parking lanes shall have a width of thirty (30) feet between curb faces. Within these limitations, the board shall specify the number of lanes of each type required and where curb and gutter shall be required. When no curb and gutter is required, compacted subgrade shoulders extending a minimum of five (5) feet beyond the pavement edge shall be provided. (Ref. Exhibit 15).

(2) Clearing and grubbing beneath street, curb and shoulder shall be performed to remove all organic material to a minimum depth of one (1) foot and to remove all clay and spongy material to a minimum depth of two (2) feet.

(3) Subgrade surface shall be scarified to a minimum depth of six (6) inches and re-compacted to a density of ninety-five percent (95%) standard proctor. If the plasticity index (PI) is twenty (20) or greater, the subgrade shall be lime stabilized with hydrated lime in the amount of twenty-five (25) pounds per square yard in slurry form to a depth of six (6) inches.

(4) All fill sections required in establishing subgrade surface shall be compacted to a minimum density of ninety five percent (95%) standard proctor. The top width of all fills shall extend a minimum of five (5) feet beyond the edge of curb or outer pavement edge. Fills and cuts requiring side slopes shall have slopes that are no greater than one half to one (1/2:1).

(5) Flexible base material shall be applied to street and shoulder in a minimum thickness of six (6) inches when fully compacted to a minimum density of ninety-five percent (95%) standard proctor. All base materials used shall meet the requirements of the Texas Department of Transportation Specifications 1993, Item 247 or 251. The plasticity index shall not exceed twelve (12).

(6) An asphaltic prime coat of AC-5 or AC-10 asphalt shall be applied to the street base work at the minimum rate of two tenths (0.2) gallons per square yard.

(7) Street surfacing shall be performed, after the prime coat has been absorbed by the base, to a minimum of two (2) inches of Hot Mix Asphaltic Concrete (Type D). The Hot Asphaltic Concrete shall meet the requirements of the Texas Department of Transportation Specification 1993, Item 340.

(8) Shoulders abutting pavement shall be raised to level of pavement surface, compacted to a minimum density of ninety-five percent (95%) standard proctor, and sloped away from pavement. Shoulders abutting curbs shall be at such level and slope as to ensure proper drainage of surface water.

(9) Curbs and gutters of six (6) inches by twenty-one (21) inches shall have number five (#5) rebar reinforcing longitudinally; two (2) rebars in the gutter and one (1) rebar in the curb. Curbs and gutters shall be installed on a two (2) inch sand cushion. (Ref. Exhibit 15)

V. 18. Utility lines: All services for utilities shall be placed a minimum of five (5) feet beyond edge of pavement or curb and made available for each lot in such manner as will obviate the necessity for disturbing of street pavement, curb, gutter and drainage structures when connections are made. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at last three (3) feet beyond the edge of the pavement. If paving already exists, then the contractor or utility company shall bore under the existing paving.

V. 19. Street cuts: When street cuts, excavations or other disturbances directly or indirectly affecting street surface are made, the sub-base, base and surface shall be returned to such condition as to provide a durable surface that without further maintenance, will be smooth and continuous with the adjacent undisturbed surface.

V. 20. Sidewalks: Sidewalks shall be a minimum of four (4) feet wide with number three (#3) reinforcing rebar on twenty four (24) inch centers. No wire mesh reinforcing shall be used.

Sidewalks shall be installed as follows:

- (1) On subdivision side of all arterial streets adjacent to the subdivision and not paralleled by a marginal access street.
- (2) On subdivision side of all collector streets adjacent to the subdivision if no adequate sidewalk exists on the opposite side of the street.
- (3) On the residence side of all marginal access streets whether adjacent to the subdivision or internal.
- (4) On both sides of all internal arterial streets not paralleled by a marginal access street.
- (5) On the north or east side of all internal collector streets.
- (6) As deemed necessary by the Commission in commercial, industrial, public, multi-family

areas, single family areas.

(7) Such additional sidewalks as the subdivider may desire.

V. 21. Monuments: Permanent survey reference monuments shall be installed at corner points on the boundary of the subdivision and at suitable interior points with no such monument more than 1500 feet from any other such monument. Permanent survey reference monuments shall be concrete, eight (8) inches in diameter by twenty four (24) inches in length; the exact intersection point on such monument , when installed, shall be marked by a copper pin one-fourth (1/4) inch in diameter embedded at least three (3) inches in the monument. Other monuments shall be iron pins no less than three-fourth (3/4) of an inch in diameter and no less than eighteen (18) inches in length. All monuments shall be installed flush or slightly below the finished grade.

V. 22. Supervision and inspection: All work done on subdivision improvements shall be under the City's supervision or by a person or firm so designated by the City. Inspection and test reports shall be furnished to the City Commission by an independent state licensed engineer showing compliance with requirements of construction and materials in this ordinance. The cost incurred by the above requirements shall be borne by the person, subdivider or corporation proposing the street construction.

V. 23. Streets on Comprehensive Plan: Where a subdivision embraces a street as shown on the comprehensive plan of the City, such street shall be platted in the location and of the width indicated by the comprehensive plan.

V. 24. Construction Plans: Plans and profiles for the streets, drainage structures and utilities, if required, shall be reviewed and approved by the City Engineer prior to the commencement of any work. After the approval of the City Engineer has been obtained and so noted on the original plans, three (3) copies of the approved plans, one of which shall be reproducibles, shall be furnished to the city.

ARTICLE VI

City Acknowledgment of Completion of Improvements

VI. 1. After completion of all the improvements which the subdivider has agreed in writing to make, the subdivider shall submit to the Commission a written request for City acknowledgment of the satisfactory completions of said improvements and a surety bond indemnifying the TOWN OF ANNETTA NORTH, Texas against the cost of repairs which may become necessary to any street improvements made by the subdivider and arising out of defective workmanship or materials used therein for a period of one (1) year after final completion of such street improvements. Failure of the subdivider either to submit this request and indemnification, or to complete the aforementioned improvements as agreed, within eighteen (18) months of final plat approval shall result in automatic revocation of the City's approval of the final plat.

VI. 2. Following the request for City Acknowledgment of Improvements, the Commission shall determine whether or not the subdivider did, at least, complete the improvements in accordance with his written agreement to provide. The Commission shall then issue a written statement to the subdivider acknowledging completion, or the failure to complete, the required improvements. The City shall not be responsible for the maintenance of any public facility in the subdivision.

ARTICLE VII

Recreational, Municipal, Educational and Other Public Space Dedications and Provisions

VII. 1. The Commission may require that adequate, convenient and suitable areas to be set aside for parks, playgrounds, municipal purposes, schools, hospitals and other such public uses. This area required shall be known on the plat as dedicated or as reserved for such uses, whichever is appropriate. Area reserved for school districts, hospital districts, the City of other such governing bodies granted an option to purchase shall have that option for a period of at least two (2) years after the recordation of the final plat.

VII. 2. To provide adequate areas for parks, playgrounds, other recreational purposes land shall be dedicated at least in the amount of one-thirtieth (1/30) of an acre per lot within the subdivision plus one percent (1%) of the total subdivision acreage. Such lands shall be located suitably, in the opinion of the Commission, for their intended purposes, and lands intended for recreational purposes shall be blocks preferably not less than four (4) acres each.

VII. 3. In lieu of the above land dedication, a fee in the amount of forty dollars (\$40.00) per lot plus ten dollars (\$10.00) per acre within the entire subdivision may be required of the subdivider. Complementary portions of the required land dedication and the monetary fee (for example: 65% land dedication and 35% fee) also may be arranged by the Commission.

VII. 4. In general, a fee should be expected in a subdivision involving less than fifteen (15) lots or thirty (30) acres. In a larger subdivision, land dedication or some combination of land dedication and fee should be expected more often than fee. A monetary fee may be paid to the City for the subsequent purchases of needed public sites; alternately, a fee may be applied directly to the subdivider toward the procurement of land more suitably sized or located for the intended purpose and dedication.

VII. 5. The Commission shall retain the right of final decision, within the guidelines and limitations herein stated, concerning the proportion between the amounts of fee and dedicated land to be required of the subdivider.

VII. 6. Fees are payable by check to the order of the TOWN OF ANNETTA NORTH, Texas.

ARTICLE VIII

Deviations

VIII. 1. Deviations from the specific rules and regulations stated in the ordinance may be granted by the Commission when, in its judgment, conditions warrant such deviations; however, such action by the commission shall have not the affect of subverting the spirit or intent of the aforementioned requirements.

VIII. 2. Financial hardship to an applicant shall not be deemed sufficient reason for granting a deviation.

VIII. 3. Any deviation granted shall be described in a statement which shall also contain all the specific facts upon which the deviation was based, and that statement will be recorded in the official minutes of the Commission.

ARTICLE IX

Separability and Conflict

IX. 1. Should any article, section, sentence, clause, phrase, or other portion of this ordinance be held for any reason invalid or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

IX 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they conflict herewith.

ARTICLE X

Penal Provisions

X. 1. Any person violating any provisions of this ordinance within the corporate limits or the extra-territorial-jurisdiction of the City of TOWN OF ANNETTA NORTH, Texas, shall be deemed guilty of a misdemeanor, and upon conviction, for each violation, be fined an amount not exceeding two thousand dollars (\$2,000.00), and each day that violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of the ordinance.

ARTICLE XI

Effective Date

XI. 1. The fact that there now exists inadequate regulations governing the subdivision of lands under the jurisdiction of the TOWN OF ANNETTA NORTH, Texas, created an urgency and emergency for the immediate preservation of the public peace, health, safety and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

PASSED AND ADOPTED by the Board of Alderman of the TOWN OF ANNETTA NORTH, Parker County, State of Texas, this _____ day of _____ 2002.

APPROVED: _____
Mayor

ATTESTED: _____
City Secretary