

CITY OF HEMPHILL, TEXAS

ORDINANCE# 2017-002

AN ORDINANCE IN THE CITY OF HEMPHILL WHICH ALLOWS FOR PLATTED SUBDIVISIONS AND SETS FORTH THE PROCESS AND RESTRICTIONS FOR ESTABLISHING AND FILING A PLATTED SUBDIVISION IN THE CITY OF HEMPHILL AND ITS EXTRATERRITORIAL JURISDICTION IN ORDER TO PROVIDE FOR THE HARMONIOUS DEVELOPMENT OF THE CITY AND ITS ENVIRONS; FOR THE COORDINATION OF STREETS WITHIN SUBDIVISIONS WITH OTHER EXISTING OR PLANNED STREETS OR WITH OTHER FEATURES OF OR WITHIN THE CITY OF HEMPHILL; FOR ACCESS TO AND EXTENSION OF PUBLIC UTILITY FACILITIES; FOR ADEQUATE OPEN SPACES FOR TRAFFIC, RECREATION, LIGHT AND AIR; AND FOR THE DISTRIBUTION OF POPULATION AND TRAFFIC WHICH WILL TEND TO CREATE CONDITIONS FAVORABLE TO HEALTH, SAFETY, MORALS AND THE GENERAL WELFARE OF THE CITY .

Chapter 7 - SUBDIVISIONS⁽¹⁾

Footnotes:

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Cross reference— Administration, Ch. 2; buildings and building regulations, Ch. 6; flood hazard prevention, Ch. 14; licenses and business regulations, Ch. 8; streets and sidewalks, Ch. 22; utilities, Ch. 26.

State Law reference— Plats and subdivisions, V.T.C.S., Art. 974a et seq.

ARTICLE I. - IN GENERAL

Sec. 7-1. - Title.

This chapter shall be known, cited and referred to as "The Land Subdivision Regulations of the City of Hemphill."

(Ord. #2017- ; 06/ /2017)

Sec. 7-2. - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. Definitions not expressly prescribed herein are to be determined according with customary usage in municipal planning and engineering practices.

Alley: A minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a "public street" as that term is defined herein.

Amended plat: A plat of a previously approved and recorded subdivision containing significant changes to the original recorded plat including moving of lot lines, deleting or adding lots, changes in dedication of streets and easements, or changes in signatories. The amended plat requires refiling and reconsideration by the city council.

Building setback line: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

City: The City of Hemphill, Sabine County, Texas.

City Council: The duly elected city council of the City of Hemphill, Texas.

City of Hemphill standards: The standards for streets and alleys, storm sewer lines and appurtenant structures, water lines and appurtenant structures, sanitary sewer lines and appurtenant structures, which have been adopted by the city council and which may be amended from time to time and are hereby referred to.

City limits: The official outline limits of the City of Hemphill as determined by ordinance and all subsequent modifications by annexation or deannexation.

Cul-de-sac: A bulbous widening at the terminus of a dead-end street providing necessary width for turn-around of vehicles using the street.

Easement: A right granted for the purpose of limited public or semi-public use across, over or under private property for a specified purpose or purposes.

Engineer: A registered professional engineer in the State of Texas, in good standing, currently licensed to practice engineering under the state's Engineering Practices Act, V.T.C.A., Occupations Code § 10001.001 et seq.

Extraterritorial jurisdiction: The area adjacent, parallel and contiguous to the city limits of the City of Hemphill extending a distance from the city limits as prescribed by state law over which the city exerts platting and subdivision control. At the time of enactment of this ordinance, that distance is prescribed as one-half mile.

Lot: A physically undivided tract or parcel of land having frontage on a public street or other approved facility 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 recorded.

Lot depth: The length of a line connecting the midpoints of the front and rear lot lines.

Lot width: The length of a line (drawn perpendicular to the lot depth line) connecting the side lot lines.

Owner: (Also a property owner): An individual, partnership, corporation or other legal entity possessing lawful title to a tract of land or lot. An owner may or may not necessarily be a developer.

Plat: A complete and exact subdivision plan submitted for preliminary or final approval to the City Council of the City of Hemphill in conformity with the provisions of this chapter and which, if given final approval, will be submitted to the County Clerk of Sabine County for recording. A replat or resubdivision of land or lots which are part of a previously recorded subdivision shall be considered a plat as defined herein.

Public street:

(1) Any area, parcel or strip of land which provides primary vehicular access to adjacent property or land and provides general community circulation whether designated as a street, highway, freeway, thoroughfare, parkway, avenue, lane, boulevard, road, place, drive or however otherwise designated, or which is dedicated or granted for public street purposes.

(2) The term "public street" shall include, but not be limited to, the following:

a. Collector, secondary or major streets: Public streets so designated in the comprehensive plan which provides for the expeditious movement of vehicular traffic in the community.

- b. Cul-de-sac: A short street having but one opening or access to another public street and is terminated by a permanent vehicular turnaround.
 - c. Dead-end: That portion of a public street that initially has only one opening or access to another public street and which will be extended at a later date.
 - d. Minor street: Used primarily for access and circulation to abutting properties and which is intended to serve traffic within a limited area.
 - e. Any area, strip or parcel of land which does or is intended to provide a direct connection or vehicular access of the public between two (2) public streets in the City of Hemphill.
- (3) Notwithstanding the foregoing definitions, however, the following shall not be considered public streets within the purview of this chapter, namely:
- a. Any driveway designed or used principally to provide vehicular access to the outbuildings appurtenant to any principal building, or to provide vehicular access to delivery platforms or entrances of a building appropriate for the delivery thereto of goods or merchandise, and located wholly on private property.
 - b. An area appurtenant to a store or a group of stores, a theater, a church or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons or employees of the establishment or group of establishments in question.
 - c. An entrance or roadway designed or used to provide either vehicular entrance to or communication or passage between the several units of a single industrial or commercial establishment or of a group of such establishments which are under common control or management; provided, that such industrial or commercial entranceway or roadway shall be considered a public street under the terms of this chapter if it has entrances upon two (2) or more public streets unless there are at each of such entrances gates, chains or watchmen that prevent all persons from using the same except those employed by or having business to conduct at such industrial or commercial establishments in question.
 - d. An entrance or driveway designed or used to provide principal or primary vehicular access to an apartment building or a group of apartment buildings designed for multifamily occupancy and under one ownership. Such entrance or driveway shall not be used to provide public street access to adjacent areas.

Residential use: Single-family residential uses, two-family residential uses and multiple-family residential apartment or townhouse uses.

Right-of-way: That area of land forming a corridor through which street pavements, sidewalks, or utilities for public use (or any or all of them) are constructed, which area land is dedicated by the final plat to the public in perpetuity.

Scribner error: A minor error in notation on a plat that, upon correction by the maker of the error, would not affect the intent of the plat or its legal validity and therefore not require the consent of the signatories or reconsideration by the City Council. An error in a called bearing or distance, an adjacent street name, a spelling error, or addition of a north arrow would constitute a Scribner error.

Screening device: A barrier of stone, brick, pierced brick or block, wood or other permanent material of equal character, density and acceptable design at least six (6) feet in height, where the solid area equals at least sixty-five (65) percent of the wall surface. Such device shall be continually maintained. The City Council may approve a screening device composed of landscaping material where it can be shown that such planting will be installed and continually maintained in accordance with the intent of this chapter.

Shall, may: "Shall" is mandatory; "may" is permissive.

Subdivision: The division of any lot, tract or parcel of land into two (2) or more parts, lots, building lots or sites or building sites, for the purpose, whether immediate or future, of sale, rental or lease, or

division ownership, and which may or may not include the dedication and laying out (or realignment) of new streets, roads, alleys, public easements, rights-of-way, highways or other public access ways. This definition also includes the resubdivision or replatting of land or lots which are part of a previously recorded subdivision. Divisions of land for agricultural purposes in parcels of five (5) acres or more and where no building construction is involved shall not be included within this definition of "subdivision," unless any such subdivision of five (5) acres or more includes the planning or development of a new street or access easement or realignment of an existing street. An "addition" is a subdivision as defined herein.

Surveyor: A registered professional land surveyor in the State of Texas, in good standing, currently licensed to practice land surveying under the state's Professional Surveying Practices Act, V.T.C.A., Occupations Code § 1071.001 et seq.

(Ord. #2017- ; 06/ /2017)

Sec. 7-3. - Violations by corporations; remedies generally.

- (a) In case a corporation is the violator of any of the provisions of this chapter, each officer, agent and/or employee in anywise responsible for such violation shall be individually and severally liable for the penalties herein prescribed.
- (b) No conviction under the penal provisions of this chapter, or V.T.C.S., Article 974a, section 7, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the city to enforce the application and provisions of this chapter by virtue of the constitution and laws of the state and any charter now or hereafter granted to the city.

(Ord. #2017- ; 06/ /2017)

Sec. 7-4. - Adoption of legislative grant of power.

V.T.C.S., Article 974a, is hereby adopted, and the provisions of this chapter are adopted in exercise of power granted to municipalities by such statute.

(Ord. #2017- ; 06/ /2017)

Sec. 7-5. - Purpose.

This chapter is to provide for the harmonious development of the city and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of or within the City of Hemphill; for access to and extension of public utility facilities; for adequate open spaces for traffic, recreation, light and air; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, morals and the general welfare of the city.

(Ord. #2017- ; 06/ /2017)

Sec. 7-6. - Scope; jurisdiction.

Before any plan, plat or replat of a subdivision or addition of land inside the city or within one-half mile of the city limits shall be recorded with the county clerk, it shall first be reviewed by the City Manager and then approved by the City Council in conformance with the provisions of this chapter. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this chapter even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat or replat without complying with the requirements of this chapter, or the transfer of land by the filing of any instrument in the nature of a conveyance without having first complied with the requirements of this chapter, shall be deemed a violation of the provisions of this chapter. The City Manager may recommend that any provision of this ordinance be waived if the design

and complexity of the proposed subdivision will not require a certain requirement or level of complexity in the plat; hence, depending on the recommendation of the City Manager after review of the preliminary plat, each installation provision will be considered individually upon the merits of each facility and the conditions involved.

(Ord. #2017- ; 06/ /2017)

Sec. 7-7. - City participation in cost.

- (a) The subdivider will be required to install, at his own expense, all water lines, streets, sewer lines, storm sewer lines and drainage facilities and structures within the subdivision in accordance with the city standards governing the same including all engineering costs covering design, layout and construction. The City may at the City's sole discretion share in the cost of the utility installation per the City's adopted policy concerning utility installation.
- (b) There will be no participation by the city in the cost of any of the underground utility lines or drainage facilities within the subdivision except in the event of the requirement for oversize lines to serve land areas and improvements beyond the subdivision in question, or to serve other subdivisions. Each installation of this character and the terms and extent of city participation will be considered individually upon the merits of each facility and the conditions involved.

The city may pay up to one-half the cost of the extension of the city water system and the city sanitary sewer system to serve the subdivision when funds are available for such extensions and the same is deemed expedient by the city. Any such participation by the city shall be only for the extension of services to the plat boundary and not within the subdivision proper except as provided in subsection (b) above. The City Council may refuse to approve a plat whenever it is evident that adequate water and sewer facilities cannot be supplied within a reasonable time.

(Ord. #2017- ; 06/ /2017)

Sec. 7-8. - Building permits.

No employee or official of the city shall issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared and presented for approval after the date of the adoption of this chapter, unless such plat has been approved and recorded in accordance with the provisions contained herein.

(Ord. #2017- ; 06/ /2017)

Sec. 7-9. - Acceptance of dedications.

The approval of any plan, plat or replat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such proposed dedications until the proper authorities of the city shall have made actual appropriation of the same by entry, use or improvement. If any such plan, plat or replat is disapproved by the City Council, such disapproval shall be deemed as refusal by the city of the offered dedication shown thereon.

(Ord. #2017- ; 06/ /2017)

Sec. 7-10. - Utility service generally.

Unless and until any plans, plats or replats and specifications shall have been first approved in the manner and by the authorities provided for in this chapter, it shall be unlawful within the area covered by said plans, plats or replats for any city official or employees thereof to serve or connect said land or any

part thereof with any public utility, such as water, sewer, lights or gas, which may be owned, controlled, regulated or distributed by the city.

(Ord. #2017- ; 06/ /2017)

Sec. 7-11. - Variances.

The City Manager may recommend that the City Council consider authorizing a variance from this chapter when, in the City Manager and the city council's opinion, undue hardship will result from requiring strict compliance. In granting a variance, the City Council shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the findings herein below required, the City Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivisions and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City Council finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
- (3) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter. Such findings of the City Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(Ord. #2017- ; 06/ /2017)

Sec. 7-12. - Appeal.

Any subdivider, developer, or owner contesting any disapproval and/or the interpretation and/or application of any rule, standard, regulation, determination, requirement or necessity set forth in this chapter directly or by delegation of authority shall have the right, after filing a written request with the City Secretary, to have an appeal hearing thereon before the City Council within twenty-one (21) days after the date of filing of such request.

(Ord. #2017- ; 06/ /2017)

Secs. 7-13—7-24. - Reserved.

ARTICLE II. - PLAT SUBMITTAL PROCEDURE; CONDITIONS FOR APPROVAL AND RECORDING

Sec. 7-25.-Platting required.

A plat(s) is (are) required to be filed prior to any one or more of the following events:

- (a) Subdivision of any size parent tract or tracts into two or more lots where any one resulting lot is less than 2.5 acres in size within the city limits of the city or within its' extraterritorial jurisdiction.
- (b) Dedication of any public street, alley or easement across or along a boundary of a tract whether or not it is to be divided into lots.
- (c) A building permit or certificate of occupancy is requested for a heretofore unplatted lot.

- (d) Removal of a lot line for combining lots or relocating lot lines to modify the size of lots.
- (e) Extension of water, sewer, natural gas, and/or electrical service or any combination of these to a previously unplatted lot.

Sec. 7-26. - Preliminary plat.

- (a) Submittal. All persons desiring to subdivide land within the area of jurisdiction of this chapter shall first prepare and submit to the City Manager, not less than fourteen (14) days prior to any meeting at which the plat is to be considered, the following information. Prior to such submittal, it is urged that informal discussions be held between the developer and the City Manager to insure compliance with the basic requirements and to arrive at a coordinated plat layout. When the subdivision involves a large tract of land from which multiple final plats are proposed to be submitted, or any tract where more than one final plat is to be submitted, then the subdivider shall have a master plat prepared of his proposed development. The master plat shall be in conformation with all requirements of this chapter for a preliminary plat. The master plat shall show the street and lotting arrangement, proposed water and sewer plans and drainage plans. Processing, handling and approval shall be the same as for a preliminary plat. Once the master plat has been approved, preliminary plats of proposed subdivision increments with appropriate plans for improvements can be submitted for approval.
 - (1) Five (5) copies of a preliminary plat covering all of the contiguous land owned or controlled by the subdivider intended to be developed at any time, even though it is intended by the developer to file final plats and install improvements for parts of said tract by sections or units. The preliminary plat shall be in compliance with all applicable provisions of article III of this chapter and shall indicate the type of deed restrictions or other restrictions that will be required within the subdivision.
 - (2) Three (3) prints of the preliminary schematic plans for the furnishing of water, the installation of sanitary sewer facilities and provisions for storm sewers and general drainage facilities. (Topographic contours of not more than five-foot intervals may be required by the City.)
 - (3) A letter of transmittal in duplicate giving the name and address of the owner or agent and the person who prepared the plat. In addition, the letter shall state that the proposed plat will comply with all applicable regulations or indicate any proposed changes for which application will be made.
 - (4) A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning title to the land: A statement of records examined and date of examination; description of the property in question by metes and bounds; name of the fee owner as of the date of examination and the date, file number and volume and page of the recording of the deed involved; the name of any lienholder together with the date of filing and volume and page of such lien; and a general description of any easements or fee strips granted, along with the file number, date of filing and volume and page of recording.
 - (5) A check payable to the city in the amount specified, as follows: A base fee of one hundred fifty dollars (\$150.00), plus ten dollars (\$10.00) per lot, plus five dollars (\$5.00) per acre for any land within the boundaries of the plat not divided into normal single-family residential lots but intended for apartments, commercial, industrial, etc.
 - (6) In cases where public streets, alleys or easements are proposed to be platted across private easements or fee strips, a copy of the instrument establishing such private easement or fee strip shall be submitted. Where the private easement has no defined location, an effort shall be made to reach agreement on a defined easement. (An agreement must be reached before submission of the final plat.)
 - (7) A preliminary submittal shall be required for all replats of existing subdivisions containing major changes in the physical layout, as determined by the City Manager and City Council. However,

the City Council may, at its discretion, waive the various requirements of accompanying submittal information where the facts warrant.

(b) Approval of preliminary plat.

- (1) Upon receipt of the preliminary plat and other information, the City Council shall render a decision within thirty (30) days from the filing date. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing. To be recorded, the preliminary plat must: i) describe the subdivision by metes and bounds; ii) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and iii) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of the purchasers or owners of lots fronting on or adjacent to the street, alley, park, or other part.
- (2) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the matter required for the acknowledgement of deeds.
- (3) When a preliminary plat has been approved, the subdivider may thereafter file a final plat of sections of the proposed subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of a final plat covering a portion of such subdivision, the remainder of the preliminary plat shall be deemed as considered approved or conditionally approved as in item (1) above; provided however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a one-year period from the date of final approval of a section or sections thereof; provided further, however, that the City Council may, upon application and at its discretion extend such period of validity not to exceed two (2) years. When a preliminary plat has been approved and thereafter the subdivider fails to file a final plat of the subdivision or a section thereof within a period of six (6) months, the approval of the preliminary plat shall be void, except, however, the City Council may, upon application and at its discretion, extend such period of validity not to exceed one year.

- (c) Staking plat on ground. Before submittal to the City Council, all final plats must be in full accordance with the required certification made upon the plat by a registered engineer or land surveyor ascertaining that the plat represents a survey made by him/her and that all necessary monuments are accurately and correctly shown. The engineer or land surveyor shall place such monuments as required by the city and they shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines and points of curve, and at such intermediate points as shall be required by the city. Such monuments shall be of iron pipe not less than three-quarters of an inch in diameter and three (3) feet in length, driven securely into solid earth with the grades of same being at grade with established sidewalk, or if walk is not established, flush with natural grade of the earth's surface.

(Ord. #2017- ; 06/ /2017)

Sec. 7-27. - Final plat.

- (a) Submittal. After the procedure in the preceding section has been complied with and a preliminary plat has been approved by the City Council, the subdivider shall prepare and submit to the City Manager/City Council, not less than ten business(10) days prior to any meeting at which the plat is to be considered, the following information:
- (1) The original and five (5) copies of a final plat meeting all applicable requirements of article III, and certified by a professional engineer or land surveyor registered by the state. The plat shall be drawn on tracing linen, plastic or the equivalent, with waterproof black tracing ink or reproduced by photographic process on linen, plastic or the equivalent to scale from an accurate survey made on the ground and in all respects shall be neat. The final plat shall not

show zoning information, construction features, cross-sections, public utility lines or other structures not involved in the title covenant.

- (2) If requested by the City Council, the owner shall submit an affidavit that he has made no conveyance on any interest and that no additional liens are existing in the land within the plat since the date of the original title opinion or certificate.
 - (3) Tax certificates shall accompany the plat, indicating that all taxes have been paid.
 - (4) A check payable to the City in the amount specified as follows: A base fee of one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00) per lot; the city reserves the right to retain engineers for additional review with the subdivider reimbursing the city for the cost.
 - (5) The owner, developer or dedicator of any subdivision plat wherein public streets, alleys or easements are shown crossing private easements, or fee strips shall by letter to the City Council assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city manager prior to the filing of the plat for record.
- (b) Requirements prior to recording. Before recording of the plat shall be permitted by the City Council, compliance with the following requirements shall be made, where applicable:
- (1) Complete and detailed construction plans and requested deed restrictions within the subdivision and written specifications (indicating the method of construction and the materials to be used and specifying all construction equal to or better than hereinafter required and certified to by a professional engineer registered by the state) shall be submitted for:
 - a. The water distribution system showing the size and location of all existing and proposed water mains, service lines, valves, fire hydrants and all other water distribution appurtenances within the proposed subdivision, also the location and method of connecting the proposed water lines, water mains and water services to the city's existing system.
 - b. The sanitary sewer system showing by plan and profile the size, location and the gradient of all existing and proposed sanitary trunk lines, laterals, manholes and service within the proposed subdivision and the location and method of connecting the proposed sewer system into the city's existing drainage system.
 - c. The electrical system showing by plan the size and location of all lines and transformers needed and required, after consulting with the City Manager and City Electrical Supervisor.
 - d. The natural gas system showing by plan the size and location of all lines and fixtures and required, after consulting with the City Manager and City Electrical Supervisor.
 - e. The storm water drainage system showing by plans and profile the means and methods of draining the proposed subdivision, showing in detail all existing and proposed drainage structures and the means and method of connecting the proposed drainage system into the city's existing drainage system.
 - f. All proposed bridges or culverts within the proposed subdivision, showing in detail, by plan and/or profile, the structural members, connectors, railings, approaches, reinforcing steel and deck.
 - g. All existing and proposed streets, and alleys within the proposed subdivision, showing by plans and profiles the width of the right-of-way; the widths of the proposed roadways; the gradient of all curb lines; the location and size of all drainage inlets; and the type of pavement.

(All the above required plans and specifications must be approved by the city manager and such approval indicated by his signature on the face of the plat before the City Council shall permit the plat to be recorded.)

- (2) The owner, subdivider or developer of the proposed subdivision shall file a performance bond approved by the City Council as to form and surety or sureties on such bond upon recommendation of the City Manager and/or City Attorney, guaranteeing the completion of such improvements as are required to be constructed by the owner or developer under city policies in effect and as required by this chapter. Such bond shall be in an amount equal to one-half the estimated cost of the improvements to be placed in the subdivision by the owner or developer. The estimated costs and amount of the bond shall be approved by the City Manager. Such bond shall be payable to the City and shall guarantee completion of all required improvements within two (2) years from the date of final approval of such plat. Where for good cause shown to the satisfaction of the City Council, City Manager, and the City Attorney, the developer or owner has not completed the required site improvements within two (2) years from the date of final approval of the plat, the City Council may grant additional time, not to exceed one year, within which to complete said improvements. No such extension shall be granted unless the developer or owner has filed new security in conformance with the conditions applied to the original bond. In lieu of a bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee. If a letter of credit is used, it must: i) list as the sole beneficiary the Mayor of the City of Hemphill; and ii) be conditioned that the improvements (water, sewer, electricity, and/or natural gas, streets, and storm drains) will be installed in compliance with all City and State codes. .
 - (3) The developer of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets, alleys or other public easements an instrument granting to the public the use of said public streets, alleys or easements over and across said private easements or fee strips for construction, operation and maintenance of those public facilities normally using the type of public streets, alleys and easements indicated. A signed copy of this instrument shall be delivered to the City Council, and the original shall be filed for record along with the plat.
 - (4) The developer shall furnish the City Council with a letter from the holder of the private easement or fee strips in question, stating that arrangements for any required adjustments in pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement or fee strip.
 - (5) The contractor, developer, or owner shall file with the City before starting work a maintenance bond in the amount of ten percent of the construction contract amount guaranteeing that the contractor will restore, repair, or replace any work which, within one calendar year of acceptance by the city, fails due to defects in workmanship or materials. The city shall notify the contractor in writing of any such observed defect and contractor shall make remedy within ten calendar day.
- (c) Approval of final plat.
- (1) Upon receipt of the final plat and other required information, the City Council shall render a decision thereon within thirty (30) days from the filing date. Such decision may consist of approval, disapproval or conditional approval as defined in section 7-26(b)(1). Reasons for disapproval or conditional approval shall be stated by the City Council in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or imposed conditions, and the City Council shall within ten (10) days thereafter sign said final plat, provided it meets the objections or imposed conditions.
 - (2) On approval of the plat, said plat being otherwise fully and properly endorsed, the City Manager, Mayor, and City Secretary shall sign in the spaces provided. However, in no case shall the City Council allow said plat to be recorded until the City Manager has approved all plans and specifications for the subdivision as herein required. Upon such approval, the city manager shall sign the face of the plat in the space provided.
 - (3) Upon final approval by the City Council of the final plat, the commission shall direct the City Manager and the City Secretary to file the plat for record. The city shall be reimbursed by the

developer for such filing fee and be furnished a reproducible copy of the final plat by the developer.

(Ord. #2017- ; 06/ /2017)

Sec. 7-28. - Recording.

- (a) After final approval and proper endorsement have been obtained and all requirements of this chapter have otherwise been complied with, the plat, and all other instruments that may be required to be recorded, may be recorded with the Sabine County Clerk. If outside the city limits, the plat must go through the Sabine County Commissioners' Court before being filed for recording. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision or to any required instrument after approval has been given by the commission and endorsed on the plat in writing, unless such change, modification or revision is first submitted to and approved by the City Council.
- (b) Within thirty (30) days of the time the subdivision plat has been recorded, the original drawing or a reproducible copy of the recorded plat shall be furnished to the City Council at the developer's expense.
- (c) The owner will be responsible for reimbursing the City of Hemphill for the cost of recording the final plat and certification.

(Ord. #2017- ; 06/ /2017)

Secs. 7-29—7-40. - Reserved.

ARTICLE III. - SUBDIVISION DESIGN; PLAT SPECIFICATIONS

Sec. 7-41. - General principles of acceptability.

- (a) The subdivision layout shall make reasonable provisions for development of adjacent land and ease of installing city utilities and infrastructure to the subdivision.

(Ord. #2017- ; 06/ /2017)

Sec. 7-42. - Title of plat.

The title of the plat should show:

- (1) The name of the subdivision. Duplication of subdivision names shall be prohibited.
- (2) A legal description of the location of the subdivision. This description shall be sufficient for the requirements of title examination.
- (3) The total number of lots and blocks.
- (4) The name of the owner. If the owner is a company or corporation, the name of a responsible individual such as the president or vice-president must be given.
- (5) The name of a registered engineer or surveyor certifying the plat.
- (6) A scale of one inch equals one hundred (100) feet, or larger. The consent of the City Manager is needed for smaller scale than, only if lots are more than one-half acre in area.
- (7) North point, north to be at the top of the sheet if possible.
- (8) Date, each revision to bear a new date.

(Ord. #2017- ; 06/ /2017)

Sec. 7-43. - Key map.

A vicinity or key map shall be included in the subdivision plat to show the relation of the proposed subdivision to well-known streets, railroads, watercourses and other important features in all directions to a reasonable distance.

(Ord. #2017- ; 06/ /2017)

Sec. 7-44. - Boundaries; existing features.

- (a) The ownership or outline of the tract or tracts the preliminary plat and final plat is proposed to subdivide shall be shown with very heavy solid lines. The boundaries shall be described with complete and overall dimensions and bearing and be tied to an original corner of the original survey of which the proposed subdivision is a part.
- (b) The location, width and name of existing streets, subdivisions and any blocks, lots, tracts (to include numbers or other designations), alleys, easements, fee strips, pipelines, building lines, water sources or other important features or significant information shall be shown within the plat boundary and on all sides for a distance of not less than two hundred (200) feet. Lines or indications outside the plat boundaries shall be dashed.

(Ord. #2017- ; 06/ /2017)

Sec. 7-45. - Special uses.

Sites or reserves for other than residential use (such as business, industrial, churches, clubs, schools, etc.) shall be designated by name of intended use and letter designation as specified in section 7-49(c) of this article.

(Ord. #2017- ; 06/ /2017)

Sec. 7-46. - Streets and alleys.

- (a) General. The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade and locations of all streets shall conform to the requirements set out by the City Manager and the Texas Department of Transportation and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience and in their appropriate relation to the proposed uses of the land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood development and shall conform to connecting streets in land adjacent to the new subdivision. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. Where a subdivision abuts or contains an existing or proposed major street (as determined by the City Manager), reverse frontage lots may be required. When reverse frontage lots are required, access shall be denied to the major street, and screen planting or a screening device, as defined herein, shall be required along the rear property line abutting such existing or proposed major street. Paved alleys shall be provided in commercial and industrial developments, except where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- (b) Right-of-way. All residential streets shall have a minimum right-of-way width of fifty (50) feet, with fifty-foot width exceptions granted streets with an ultimate length of less than seven hundred (700) feet, where the plat is inside the city limits and where only single-family residential lots abut such street. Where proposed streets are extensions of existing or planned streets as determined by the City Manager, or revision thereto, having a right-of-way width greater than sixty (60) feet, the City Council may require that the proposed street be the same width as the existing or planned street.

Alleys, where provided, shall not be less than eighteen (18) feet wide. Intersecting alleys shall have corner cutoffs of at least twenty (20) feet on a side. Alleys with only one point of access shall have a turnaround with a minimum radius of twenty (20) feet at their closed ends.

- (c) Curves. Secondary streets shall have a minimum centerline radius of six hundred (600) feet or more for reverse curbs. The minimum tangent between points of curvature shall be fifty (50) feet.
- (d) Offsets. Street offsets must offset a minimum distance of one hundred twenty-five (125) feet on centerline. Offset distance shall be indicated on the plat.
- (e) Intersections.
 - (1) All streets and alleys are to intersect at a ninety-degree angle with variations of ten (10) degrees subject to City Council approval upon evidence of good cause.
 - (2) Acute angle intersections approved by the City Council are to have twenty-five-foot radii at acute corners.
 - (3) Street or alley intersections with or extending to meet an existing street or alley will be tied to the existing street or alley on centerline, with dimensions and bearings to show relationship.
- (f) Cul-de-sac streets.
 - (1) Turnarounds are to have a minimum right-of-way radius of fifty (50) feet for single-family use and sixty (60) feet for apartment, commercial or other uses.
 - (2) The maximum length of cul-de-sac streets shall be:
 - a. Eight hundred (800) feet for single-family developments.
 - b. Six hundred (600) feet for multifamily and commercial developments.
 - (3) Temporary turnarounds, conforming to the minimum radii requirements of one above, are to be used where curb and gutter is not installed at the end of a street more than four hundred (400) feet long which will be extended in the future. (The following shall be provided on the final plat when a temporary turnaround is used: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat.")
- (g) Block length.
 - (1) The maximum length for single-family residential development shall be one thousand two hundred (1,200) feet, measured along the center of the block, when the lots are the minimum required area of six thousand (6,000) square feet. If the lots are larger than six thousand (6,000) square feet minimum, the block length shall be reasonable but shall not exceed two thousand (2,000) feet.
 - (2) The maximum block length along a major thoroughfare, railroad, body of water or similar barrier shall be two thousand five hundred (2,500) feet, except under special conditions and upon approval by the commission.
- (h) Partial or half streets.
 - (1) Partial or half streets should be avoided but may be provided inside the city limits where the City Council feels that a street should be located on a property line to permit reasonable development.
 - (2) Any such dedication of a partial or half street shall require that the following note be shown on the final plat: "This _____ foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a _____ foot strip adjacent to it is so dedicated."
 - (3) Whenever a partial or half street has already been provided adjacent to a tract to be subdivided, the remaining half or width necessary to meet the minimum requirements for full right-of-way shall be platted within such subdivision.

- (i) Provisional reserves. A provisional one-foot reserve, to be used along the side or end of streets that abut undeveloped acreage tracts, shall be provided, and the following note shall be shown on the face of the plat: "One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the condition is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes (and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors)."
- (j) Street names. The names of proposed streets shall conform to the names of existing streets of which they may be or become extensions, or shall not duplicate or conflict with the recognized name of any other street located in the area subject to this chapter.

(Ord. #2017- ; 06/ /2017)

Sec. 7-47. - Engineering data (preliminary plats to have approximate data).

- (a) General Accurate dimensions, both linear and angular, of all items on the plat shall be indicated and shown on the plat at a scale of one inch equals one hundred (100) feet. The boundary of the site shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearing.
- (b) Streets and alleys.
 - (1) Complete curve data (P.C., L, R, P.R.C., P.T.) shown on each side of streets and alleys.
 - (2) Length and bearings of all tangents.
 - (3) Dimensions from all angle points and points of curve to an adjacent side lot line.
 - (4) Actual width of all streets and alleys, measured at right angles or radially where curved.
- (c) Lots. Complete bearings and dimensions for front, rear and side lot lines. The following note for side lot lines may be used in lieu of bearings: "All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."
- (d) Watercourses; easements.
 - (1) Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream.
 - (2) Traverse line shall be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.
 - (3) Pipelines having no defined easement location or width shall be tied by dimensions to all adjacent lot and tract corners, if no agreement can be reached on a defined easement, and building setback lines shall be shown at a distance of ten (10) feet from and parallel to the centerline of the pipeline.

(Ord. #2017- ; 06/ /2017)

Sec. 7-48. - Lots.

- (a) General. The lot design should provide for lots of adequate width, depth and shape to provide open area, to eliminate overcrowding and to be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots should have the side lot lines at right angles to the streets on which the lot faces or radial to curbed street lines. Lots shall conform in size and setbacks to applicable provisions of the zoning ordinance.
- (b) Rear and side driveway access. Rear and side driveway access to major thoroughfares or freeways shall be prohibited. (Paragraph 7 of the dedication form contained in section 7-51 of this article is to be used when lots back or side on major thoroughfares or freeways.)

- (c) Double frontage lots. Double frontage lots are prohibited except when backing on major thoroughfares or freeways.

(Ord. #2017- ; 06/ /2017)

Sec. 7-49. - Numbering.

- (a) Blocks are to be numbered consecutively within the overall plat or sections of an overall plat as recorded.
- (b) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.
- (c) Reserves (land to be used for other than residential purposes) are to be labeled "A," "B," "C," etc., rather than numbered as blocks and lots.
- (d) Approval for block numbering should be coordinated and approved by/with the Sabine County 911 Coordinator and the City Manager.

(Ord. #2017- ; 06/ /2017)

Sec. 7-50. - Easements.

- (a) Drainage. Where conditions require, there shall be provided a storm water drainage easement adequate for the purpose, as determined by the City Manager in accordance with the comprehensive plan or separately adopted part thereof. Where such easement is adjacent to lots, tracts or reserves, the easement shall be noted on the face of the final plat as follows: "This easement shall be kept clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure." Paragraph (6) of the dedication form contained in section 7-51 of this article shall be used to guarantee easement width and access for construction and maintenance.
- (b) Utilities.
 - (1) The location and size of utility easements shall be worked out with the public and private utility companies and shall connect with easements established in adjoining properties. An easement for utilities, at least five (5) feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous easement at least ten (10) feet wide where alleys are not provided. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required.
 - (2) There also shall be dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to both sides of such ground utility easements or alleys. (See paragraph (3) in the dedication form contained in section 7-51.)
 - (3) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

(Ord. #2017- ; 06/ /2017)

Sec. 7-51. - Plat dedication and certification.

The following form for dedications and certifications shall be utilized on the final plat of subdivisions or resubdivisions:

"STATE OF TEXAS)

COUNTY OF SABINE)

I (we), (name of owner or names of owners, or in the case of corporations, name of president and secretary, together with words, 'president and secretary respectively of /name of company/' owner (or owners) of the property subdivided in the above and foregoing map of the (name of subdivision), do hereby make subdivision of said property (in case of corporations, use words 'for and on behalf of said /name of company/') according to the lines, streets, alleys, parks and easements therein shown, and designate said subdivision as (name of subdivision) in the _____ Survey, Sabine County, Texas; and (in case of corporations, use words 'on behalf of said /name of company/; and') dedicate to public use, as such, the streets, alleys, parks and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind myself (or ourselves), my (or our) successors and assigns to warrant and forever defend the title to the land so dedicated."

- (1) The following paragraph is to be used when the subdivision is outside the city and within the county: "This is to certify that I (we), (name of owner, owners or of president and secretary plus their titles and name of company) have complied with or will comply with all regulations heretofore adopted by the commissioners' court of Sabine County."
- (2) The following paragraph is to be used where there is a lien against the property (or a separate instrument may be filed): "I (we), (name of mortgagee or names of mortgages), owner and holder (or owners and holders) of a lien (or liens) upon said property, do hereby ratify and confirm said subdivision and dedication, and do hereby in all things subordinate to said subdivision and dedication the lien (or liens) against said land owned and held by me (or us). Signature of lienholder or signature of lienholders to appear below that of owners and to be duly acknowledged."
- (3) The following paragraph is to be used where there are to be overhead lines in easements: "There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a place twenty (20) feet above ground upward located adjacent to all easements and alleys shown hereon."
- (4) The following paragraphs are to be used when the subdivision is inside the city and in the county and when deed restrictions for the subdivisions were requested and approved. :
"Further, all of the property subdivided in the above and foregoing map shall have the following deed restrictions regarding the construction of homes and types of homes allowed in the subdivision: _____; therefore, said subdivision is restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, by the City of Hemphill, by Sabine County or any citizen thereof, by injunctions. (This must list all deed restrictions that the subdivider/developer/owner is requesting.)"
- (5) The following paragraph is to be used for all subdivisions outside the city limits where a sanitary sewer system is not to be installed along with the development of the subdivision and prior to the occupancy of any lot or building site in the subdivision: "I (we), hereby covenant and agree with Sabine County and/or any property owner that no dwelling unit shall be constructed and/or occupied on any lot having an area of less than seven thousand (7,000) square feet unless a sanitary sewer system meeting the approval of the county and state health authorities shall first have been extended to the lot, plot or site; and in no case shall a dwelling be constructed upon a lot, plot or site of less than five thousand (5,000) square feet or with less street frontage than fifty (50) feet."
- (6) The following paragraph is to be used as a drainage easement dedication and guarantee: "Further, I (we), do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each of the centerlines of any and all gullies, ravines, draws, sloughs or other natural drainage

courses located in said subdivisions, as easements for drainage purposes, giving the City of Hemphill and/or other public agency the right to enter upon said easement at any and all times for the purpose of constructing and/or maintaining drainage works and/or structures."

- (7) The following paragraph is to be used to prevent rear driveway access to any street and side driveway access to a major thoroughfare or freeway: "We hereby covenant and agree with the City of Hemphill and/or Sabine County that lots backing or siding on _____ Street shall not have direct driveway access to said street."
- (8) The following paragraph is to be used as an endorsement form for an individual or individuals: "Witness my (our) hand in Hemphill, Sabine County, Texas this _____ day of _____, 20_____.

Signature of owner or Signatures of owners.

- (9) The following paragraph is to be used as an endorsement form for corporations: "In testimony whereof, the (name of president), its president, thereunto authorized, attested by its secretary, (name of secretary), and its common seal hereunto affixed this _____ day of _____, 19_____.

Name of company

ATTEST: _____ Secretary	BY _____" President
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- (10) The following paragraph is to be used as a notary acknowledgement for an individual or individuals:

"STATE OF TEXAS)
COUNTY OF SABINE)

Before me, the undersigned authority, on this day personally appeared (name of owner or names of owners), known to me to be the person (or persons) whose name (or names) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (or they) executed the same for the purposes and consideration therein set forth.

Given under my hand and seal of office, this _____ day of _____, 20_____.

Notary public in and for Sabine County, Texas
(Seal)"

- (11) The following paragraph is to be used as a notary acknowledgement for corporations:

"STATE OF TEXAS)
COUNTY OF SABINE)

Before me, the undersigned authority, on this day personally appeared (name of president), president, and (name of secretary), secretary, of the (name of company), known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said corporation.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary public in and for Sabine County, Texas
(Seal)"

(12) The following paragraph is to be used as an engineer's or surveyor's certification: "This is to certify that I, (name of engineer), a registered engineer (or licensed surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, angle points and points of curve are properly marked with iron rods (specify rod length and size), and that this plat correctly represents that survey made by me.

Signature

Texas Registration No. _____ (Seal)"

(13) The following paragraph is to be used as the City Council's certification: "This is to certify the City Council of the City of Hemphill, Texas, has approved this plat and subdivision of (name of subdivision) as shown hereon.

In testimony whereof, witness the official signatures of the Mayor, City Manager, and City Secretary of the City Council of the City of Hemphill, Texas, this _____ day of _____, 20____.

Mayor	City Secretary

(14) The following paragraph shall be used as the City Manager's certification: "The City Manager of the City of Hemphill, Texas, hereby certifies that this subdivision plat conforms to all requirements of the subdivision regulations as to which his approval is required.

City Manager"

(15) The following paragraph is to be used when the subdivision is outside the city and within the county:

"Approved and accepted by the Commissioners' Court of Sabine County, Texas, this _____ day of _____, 20____.

_____	_____ "
Commissioner, Precinct 1	Commissioner, Precinct 2

County Judge

_____	_____ "
Commissioner, Precinct 3	Commissioner, Precinct 4"

(16) The following paragraph is to be used as the county clerk's certification:

"STATE OF TEXAS)

COUNTY OF SABINE)

I, (name of county clerk), clerk of the county court of Sabine County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 20____, at _____ o'clock, _____.m. and duly recorded on _____, 19____, at _____ o'clock, _____.m., Volume _____, Page _____, of records of _____ of said county.

Witness my hand and seal of office, at Hemphill the day and date last above written.

County Clerk, of Sabine County, Texas

BY:
Deputy" _____

(Ord. #2017- ; 06/ /2017)

Secs. 7-52—7-65. - Reserved.

ARTICLE IV. - IMPROVEMENTS

Sec. 7-66. - Generally.

- (a) Before beginning any construction of the improvements authorized in this article on proposed roadways, public utilities, drainage facilities or structures pertaining to any subdivision coming under the provisions of this chapter and within the city limits, complete plans and specifications for such improvements shall have first been completely approved by the City Manager as meeting the city's standards in connection with the approval of a final plat of the proposed subdivision by the City Council. All improvements shall be designed and constructed in conformity with the provisions of this chapter.
- (b) Improvements shall be installed within all of the area of any subdivision or portion thereof given final approval and filed or to be filed for record.
- (c) The City Manager or his duly authorized representative shall from time to time inspect the construction of all utility facilities and streets in the subdivision during the course of construction to

see that the same comply with the city's standards governing the same. In this regard, free access to the subdivision shall be accorded the City Manager and his duly authorized representatives by the subdivider and his agents and employees. Inspection by the City Manager or a failure of the City Manager to inspect construction as required herein shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with the city's standards.

- (d) The standards which are referred to herein may be altered from time to time by the City Council upon recommendation of the City Manager without requiring an amendment to this chapter, such standards being subject to change from time to time by motion duly adopted by the City Council. Any such changes or alterations shall be immediately noted upon such standards and in the file kept for preliminary and final plat approval, certification and recording.
- (e) After all improvements required by the city have been completed by the owner or subdivider of the subdivision, the City Council will require one set of as-built drawings of all underground utilities and street improvements that have been constructed, the same to be filed within thirty (30) days after completion of all required improvements.
- (f) In the event exigencies of construction necessitate changes in plans and specifications, approval of the changes must be made by the City Council and/or the City Manager prior to making any revision in the construction.

(Ord. #2017- ; 06/ /2017)

Sec. 7-67. - Streets and alleys.

- (a) In general, all streets and alleys shall be concrete pavement, crushed stone, gravel aggregate, or cement stabilized base (oyster shell aggregate) with an asphalt wearing surface; in addition, depending on the location and plat, rock roads may be acceptable with the approval of the City Manager. If the City Manager reviews the plat and plans and deems it to be a necessity, combined curb and gutters shall be constructed on each side of each street within the boundaries of each subdivision. The pavement shall conform to the city's paving standards.
- (b) In some outlying areas, the City Council may determine without prejudice, in its opinion, that the best interest of the community would be served by a flexible type base course with an asphalt wearing surface conforming to the city's paving standards.
- (c) The minimum gradient on gutters shall be zero point twenty percent. The minimum drop around a curb shall be zero point fifteen percent.
- (d) Where a curb and gutter section intersects a drainage ditch, the grade of the gutter shall be above the design water surface of the ditch.
- (e) Drainage inlets shall be placed at all low points on the gutter gradient.
- (f) The developer or subdivider shall connect the proposed streets to the city's existing streets with approved connections at no cost to the city when expedient by the city after obtaining approval from the City Manager.
- (g) All streets shall be marked at each street intersection with a street name sign approved by the City Council and the City Manager. Culverts, bridges or other structures to span existing or proposed ditches shall be built by the subdivider.
- (h) All streets shall be paved by the subdivider to the plat boundary, even though the proposed street terminates at undeveloped property and the extension of the proposed street is not dedicated to the public.
- (i) Width of paving for the various types of streets and for alleys shall not be less than shown in the city's standards and should be approved by the City Manager prior to paving.

(Ord. #2017- ; 06/ /2017)

Sec. 7-68. - Water distribution system and fire protection.

- (a) The subdivider shall construct within the proposed subdivision a water distribution system to serve the subdivision at every lot within the limits of the subdivision, designed and constructed in a manner to provide adequate flow for domestic consumption and for adequate fire protection.
- (b) The developer's engineer shall conform to the recommendations of the City Manager in the design and layout of the water distribution system. The design shall be acceptable, without penalty, to the state board of insurance.
- (c) All materials and installations shall be in accordance with city standards for same.
- (d) The City may require the developer to install water lines larger than the minimum size lines ordinarily required for fire protection if such larger lines serve the public welfare as determined by the City Manager and Fire Marshall. The developer should consult with the City Manager and Fire Marshall regarding proper placement of fire hydrants.

(Ord. #2017- ; 06/ /2017)

Sec. 7-69. - Sanitary sewer system.

- (a) The subdivider shall construct a sanitary sewer system to serve the proposed subdivision and every lot within the proposed subdivision.
- (b) The subdivider's engineer shall conform to the recommendations of the City Manager in the design and layout of the sanitary sewer system.
- (c) Manholes shall be spaced in the sewer lines at every junction and angle point.
- (d) The terminus of all sewer lines must be provided with a "clean-out" or manhole.
- (e) All material and installations shall be in accordance with city standards for same.
- (f) The City may require the developer to install sewer line, lift stations, force mains, and other facilities larger than the minimum size ordinarily required if such enhancement serves the public welfare as determined by the City.

(Ord. #2017- ; 06/ /2017)

Sec. 7-70. - Storm drainage system.

- (a) The subdivider shall construct a drainage system to drain the proposed subdivision and every lot therein. The developer's engineer shall conform to the recommendations of the City Manager in the design of the drainage system.
- (b) Concrete culvert pipe materials and installation shall be in accordance with city standards for same.
- (c) Minimum gutter grade shall be zero point twenty percent.
- (d) Where a culvert runs under a proposed roadway or within two (2) feet thereof, the subdivider shall backfill and compact the trench to a uniform density equal to or greater than that of the undisturbed earth adjacent to the trench.

(Ord. #2017- ; 06/ /2017)

Sec. 7-71.-Electrical distribution and street lighting.

- (a) The City or its contractors shall install electrical distribution lines and standard street lighting within the subdivision in accordance with city extension policies. Additional costs for the extension of

service considered nonstandard by the city, as determined by the City Manager and City Electrical Supervisor, shall be borne by the developer.

Sec. 7.-72.-Natural gas distribution.

- (a) The City or its contractors shall install natural gas distribution lines within the subdivision in accordance with city extension policies. Additional costs for the extension of service considered nonstandard by the city, as determined by the City Manager and City Natural Gas Supervisor, shall be borne by the developer.

Sec. 7-73.-7.79. Reserved.

ARTICLE V. AMENDING PLATS.

Sec. 7-80.-Replatting required.

- (1) Replatting is required:
 - (a) To correct major errors on a previous plat.
 - (b) To undedicate a street, alley, or easement previously dedicated by plat.
 - (c) To change lot lines, number of lots, sizes of lots, or to add streets, alleys, or easements on a previously approved plat.

Sec. 7-81.-Replatting procedures.

Replatting procedures are identical to the procedures for final plat with the following exceptions:

- (1) Replats by law require either:
 - (a) The consent of all lot holders within the subdivision unity being amended to the changes contained in the replat: or
 - (b) A public hearing by the City Council and an affirmative vote by that body to the changes contained in the replat.
- (2) Replats do not require a preliminary plat.

Sec. 7-82.-Scribner's error. Scribner's error may be corrected by the surveyor only and without the necessity of refileing or replatting.

Sec. 7-83. Vacating Plat. The proprietors of the tract covered by plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

Sec. 7-84.-7.100. Reserved

ARTICLE VI. REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS AND SEVERABILITY, AND PENALTY AND ENFORCEMENT.

Sec. 7-101.-Repeal of conflicting ordinances and provisions.

This ordinance shall supersede all ordinances preceding the effective date of this ordinance and all conflicting provisions therein are of no force and effect upon adoption of this ordinance but only to the extent that these ordinances are in conflict other provisions remaining unrepealed.

Sec. 7-102.-Severability.

Should an provision contained in this ordinance be determined by a judicial court of appropriate jurisdiction to be unconstitutional, null and void, unenforceable, or otherwise rendered of no force and effect, the other provisions contained herein shall remain in full force and are declared severable.

Sec. 7-103. Penalty and enforcement.

- (1) The city shall not extend an utility service to any subdivision failing to conform to the rules set form herein.
- (2) The city council shall not approve any final plat for filing in the county court until and unless all provisions herein, including those for payment of fees, expenses or costs, escrowing of funds, and filing of all required bonds have been fulfilled completely.
- (3) Any violation of any of the terms of this ordinance shall be deemed a misdemeanor and any person convicted of any such violation shall be fined in a sum not exceeding \$200.00. Each day of the continuance of such violation shall be considered a separate offense and shall be punished separately. An person, agent, or employee engaged in any such violation shall, on conviction, be punished therefor.

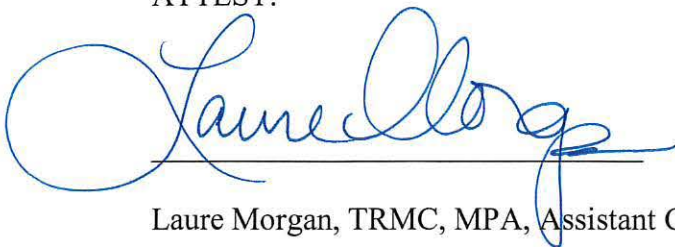
PASSED AND APPROVED THIS, THE 18th DAY OF JULY, 2017.

APPROVED:



Robert Hamilton, Mayor

ATTEST:



Laure Morgan, TRMC, MPA, Assistant City Manager/City Secretary



APPROVED BY CITY ATTORNEY, ROBERT G. NEAL, JR. ON JUNE 26, 2017.