

ORDINANCE NO. 011

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 SOUTH, 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 AND FEES; 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 City has issued public notice of a hearing to be held on a proposed ordinance considering the regulation of subdivision; and

WHEREAS, said hearing was held and all present were given full opportunity to express their views for and against the passage of said ordinance; and

WHEREAS, the Commission 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 for 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 SOUTH, PARKER COUNTY, TEXAS:

ARTICLE IPURPOSE

I. 1. 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 under the general direction of the Planning Board and approved by the City Commission, and no other subdivision will be recognized by the City.

ARTICLE IIDEFINITIONS

II. 1. 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. 2. 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 or sides of properties otherwise abutting on a street.

II. 3. 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. 4. BUILDING SET-BACK LINE: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.
- II. 5. BOARD: The Planning Board of the City, appointed by the Commission, that performs overall City planning and administers the planing 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. 6. CITY: The TOWN OF ANNETTA SOUTH, Texas.
- II. 7. COMMISSION: The governing body of the city.
- II. 8. CUL-DE-SAC: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.
- II. 9. DEAD-END STREET: A street, other than a cul-de-sac, with only one outlet.
- II. 10. LOT: An undivided tract or parcel of land, no less than two (2) acres, 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.
- II. 11. 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. 12. 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.
- II. 13. SUBDIVIDER: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined 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 subdivided.
- II. 14. SUBDIVISION: The division of any tract of land situated within the corporate limits, or within one-half mile (1/2 mi) 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 out suburban lots or building lots, or any 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.
- II. 15. UTILITY EASEMENT: An interest in land granted to the City, to the 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

ISSUANCE OF BUILDING, MOVING AND OCCUPANCY PERMITS

III. 1-A. General: Within any subdivision for which a final plat has not been approved by the City and filed for record, or within any subdivision in which the City has not acknowledged completion of all improvements on which final plat approval has been made conditional, or within any subdivision in which any other requirements and standards contained or referred to herein have not been complied with in full:

1. The City shall not issue any building permit, moving permit or occupancy permit;

2. The City shall neither do, nor cause to have done, any repair, maintenance or installation of any street or public utility;
3. The City shall not sell or supply, nor cause to be sold or supplied, any water, gas, electricity, sewerage or other utility service.

III. 1-B. Exceptions: The provisions of this article shall not be construed to prohibit:

1. The issuance of a permit for any lot upon which a residence building exists and was in existence at the time of passage of this subdivision ordinance;
2. The issuance of a permit for any lot fronting on a dedicated, improved street within any recorded subdivision existing at the time of passage of this ordinance, wherein said improved, dedicated street existed at the time of passage of this ordinance;
3. The repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds;
4. The repair or maintenance of any street or public utility service for, to, or abutting any lot in any subdivision existing at the time of incorporation of the city, or approved by the city and filed for record prior to passage of this ordinance.

III. 2. OCCUPANCY PERMIT REQUIRED: No building hereafter erected or structurally altered shall be used, occupied or changed in use until an Occupancy Permit has been issued by the Building Inspector, stating that the building or proposed use of the building or premises complies with the detailed statement and plan submitted to and approved by the Commission, and all other regulations pertaining to construction in the TOWN OF ANNETTA SOUTH, Texas. A change in use shall be construed to mean any change in occupancy or type of business.

III. 3. IMPROVEMENTS REQUIRED PRIOR TO OCCUPANCY PERMIT: No occupancy permit shall be issued for a building or structure on a lot or tract not readily accessible by a street or to which water and sewerage services (on-lot or off-lot) are not actually and operationally available to the extent needed for the type of occupancy intended.

III. 4. PROVIDING UTILITY SERVICES: No person, firm or corporation having a franchise in the TOWN OF ANNETTA SOUTH, Texas shall furnish light, power, water, sewer, gas, and/or telephone services to any building hereafter erected or structurally altered unless and until a Building Permit and Occupancy Permit has been issued by the Building Inspector.

ARTICLE IV

PRELIMINARY PLAT

IV. 1. GENERAL: The subdivider shall cause to be prepared a preliminary plat from an actual survey on the ground properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this ordinance. The preliminary plat with its accompanying data is to show the intentions of the subdivider for 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 extraterritorial jurisdiction as the case may be. This work, as well as the preparation of the data to accompany the plat, shall be done under the general direction of the City Planning Board.

IV. 2. FILING OF PRELIMINARY PLAT: The subdivider shall file six (6) positive copies of the plat and accompanying data, together with a reproducible copy and the plat filing fee, with the Board at least ten (10) days prior to the date of the City Commission meeting at which formal approval of the preliminary plat will be made.

IV. 3. FORMAL APPLICATION FOR COMMISSION APPROVAL: The subdivider shall present, in person or by mail, a written request for preliminary plat approval to the Commission at an official meeting of the Commission.

IV. 4. FILING FEE: At the time of filing, the preliminary plat shall be accompanied by a filing fee of twenty-five dollars (\$25.00) per plat. Said fee shall be payable by check drawn to the order of the TOWN OF ANNETTA SOUTH. No action by the Commission shall be valid unless the filing fee has been paid. This fee shall not be refunded.

IV. 5. FORM AND CONTENT OF PRELIMINARY PLAT: The plat shall be drawn to a scale of 200 feet to one (1) inch, or larger. The required information on or accompanying the plat shall include the following:

1. Name of subdivision.
2. Names of the record owner, subdivider and engineer or surveyor responsible for the survey and design.
The date of survey, scale and north point shall be shown on the plat. The width, location and names of platted streets and alleys within and adjacent to the property shall be shown together with boundary lines and building set-back lines.
3. Key points on the subdivision boundary line shall be described by distances and bearings, calling for the lines of established surveys and names of owners of adjacent properties.
4. Width, depth and location of proposed lots, computed acreage of each lot and the total computed acreage of the subdivision.
5. Contours and all grades shall be referred to a U. S. G. S. bench mark. Contour intervals shall be at 2 foot intervals where average grade of site does not exceed 5% and 5 foot intervals for grades of site over 5%.
6. Plat shall show existing features of the property, including location of easements, reservations, water courses, culverts, bridges, roads, streets and other structures.
7. Designation of the proposed uses to which the land within the subdivision will be dedicated.
8. Proposed location of all intended features such as streets, alleys, parks, and reservations; proposed location of storm drain lines, ways, and structures, and other such sites or structures.
9. Off-street parking provisions on those lots designated for business or commercial purposes.
10. Information showing how the streets and alleys, and easements in the subdivision submitted may connect with those in the nearest subdivisions, and how they may be extended to serve adjacent areas when subdivided or otherwise developed.
11. Protective covenants proposed for the subdivision shall be designed to regulate land use in the subdivision, ensure off-street parking for non-residential purposes, prohibit nuisances, and otherwise provide for the protection of proposed development. Covenants shall include enforcement provisions.

12. For each lot, a recommended well location and a sanitary zone around the well within a 100 foot radius in which no absorptive type septic tank system may be constructed. 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.

IV. 6. COMMISSION APPROVAL OR DISAPPROVAL OF PLAT: Within thirty (30) days after formal application for preliminary plat approval is filed with the City Commission, and provided the preliminary plat filing fee has been paid, the Commission shall approve the plat, or shall approve the plat subject to proposed modifications 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.

IV. 7. 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, approved by the Commission and recorded. 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 by the subdivider, extend the approval an additional six (6) months.

ARTICLE V

FINAL PLAT

V. 1. GENERAL: The subdivider shall cause to be prepared a final plat properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this ordinance. The final plat with its accompanying data are to show the complete engineering design and specifications for the subdivision at least to the extent described herein. The final plat and accompanying data 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.

V. 2. FILING OF FINAL PLAT: The subdivider shall file three (3) positive copies of the final plat and accompanying data, together with a reproducible copy and the plat filing fee with the Board at least ten (10) 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.

V. 3. FINAL APPLICATION FOR COMMISSION APPROVAL: The subdivider shall present, in person or by mail, a written request for final plat approval to the Commission at an official meeting of the Commission. The final plat filed 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.

V. 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 one-hundred dollars (\$100.00) per plat, plus ten-dollars (\$10.00) per lot, plus one-dollar (\$1.00) per acre for each acre 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 subdivided into no more than two (2) lots, or is to be dedicated in 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 SOUTH.
No action by the Commission shall be valid unless the filing fee has been paid.

V. 5. FORM AND CONTENT OF FINAL PLAT: The plat shall be drawn to a scale of 200 feet to one inch or greater upon permanent tracing material. The final plat and accompanying data shall contain all of such features as are required for the preliminary plat; in addition it shall include or be accompanied by the following:

1. All data required for the preliminary plat, plus the accurate boundary lines, centerlines of streets and alleys, dimensions, bearing and deflection angles of curve tangents with radii, degree of curvature, lengths of tangents where appropriate, also for all proposed drainage courses. Description of boundary lines for parks, other public areas, reservations, easements or other right-of-way, blocks, lots, monuments, and other sites in the subdivision.
2. For each lot, a recommended water well location and a sanitary zone around the well within a 100 foot radius in which no absorptive type septic tank system may be constructed. 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.

V. 6. SITE IMPROVEMENT DATA REQUIREMENT:

1. Construction plans for all proposed streets, alleys, sidewalks, and drainage structures.
2. Construction plans for all proposed drainage sewers, channels and easements.
3. Plans for proposed installation of street signs and other such features.

V. 7. 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.
2. A statement that all property taxes and assessments have been paid for past years and up to current date. This statement shall be signed by the owner or owners. (Original and one copy.)
3. An acknowledgement of the dedication to the public use of streets, alleys, parks, water courses, drains, easements and other such public places as shown on the plat, and of payments in lieu of certain public dedications. Property designated for schools, churches, hospitals, municipal purposes, and other such uses, shall be noted, as well as the conditions and procedures by which such property and moneys shall be made available to prospective purchasers or governing bodies. This statement shall be signed by the owner or owners, and all persons having a mortgage or lien interest in the property.

V. 8. COMMISSION APPROVAL OR DISAPPROVAL OF FINAL PLAT:

Within thirty (30) days after formal application for final plat approval is filed 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 subdivider to record the plat and to proceed with the installation of subdivision improvements.

2. If final plat is disapproved, the Commission shall inform the subdivider in writing of the reasons at the time such action is taken, and shall return that portion, if any, of the filing fee paid in excess of one-hundred dollars (\$100.00).

ARTICLE VI

SUBDIVISION STANDARDS AND SPECIFICATIONS

- VI. 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.
- VI. 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.
- VI. 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.
Wherever possible, street jogs with centerline offsets of less than 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 for future development of adjacent property. In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a right-of-way turnaround of not less than 120 feet in diameter.
- VI. 4. **STREET RIGHT-OF-WAY WIDTH:** The right-of-way for streets shall be a minimum of sixty (60) feet.
- VI. 5. **STREETS AS PART OF 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.
- VI. 6. **STREET SIGNS:** Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a durable type acceptable to the Board.
- VI. 7. **ALLEYS:** Alleys of not less than twenty (20) feet in right-of-way width and pavement width, or in lieu thereof, 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 for street improvements, or better, depending on the usage anticipated by the Board. Alleys shall not be permitted in residential areas.
- VI. 8. **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 utility firms operating within the City or as required by the Board. In general, it is desired that rear lot line easements be used to supply telephone and electrical services. Normally, water distribution lines shall be laid on the north and west sides of street easements; normally, sewer and gas lines shall be laid on the south and east side of street easements.
- VI. 9. **RESERVE STRIPS FOR PROVISIONS:** There shall be no reserve strips or other restrictions acting to inhibit access to land dedicated to public use.
- VI. 10. **BLOCKS:** Block length shall be consistent with good street design. Irregular rather than grid patterns are encouraged to enhance and control land utilization.

VI. 11. 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 Board may require the minimum area to be increased where land proposed for 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 Board on the basis of percolation tests performed by a registered professional engineer in accordance with standards acceptable to the Texas State Health Department and under ground conditions and at locations acceptable to the Board.

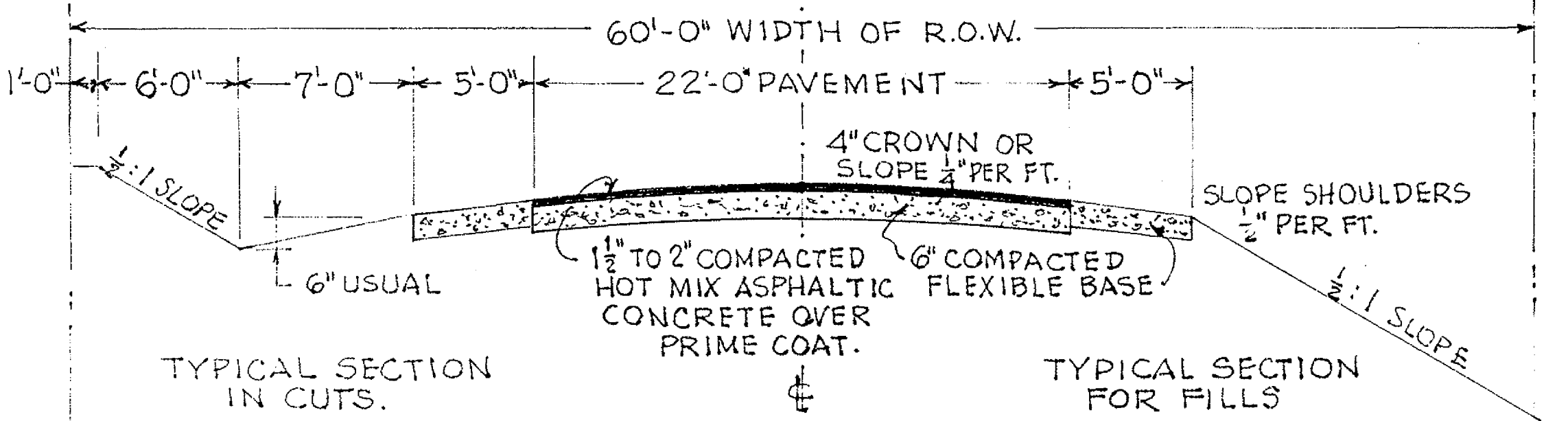
VI. 12. SEWERAGE SYSTEMS: All subdivisions shall have provisions for handling and disposal of sewage that are acceptable to the Board. Where a sanitary sewage disposal system is to be installed, or an existing system extended, the plans for such system must be approved by the Texas State Health Department, prior to approval of the final plat by the Commission. Individual, on-lot, septic tank systems shall be permitted in subdivisions provided that thorough percolation tests throughout the subdivision were made and assurances from health authorities confirm that septic tanks are consistent with sanitation standards.

VI. 13. 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 State Health Department 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.

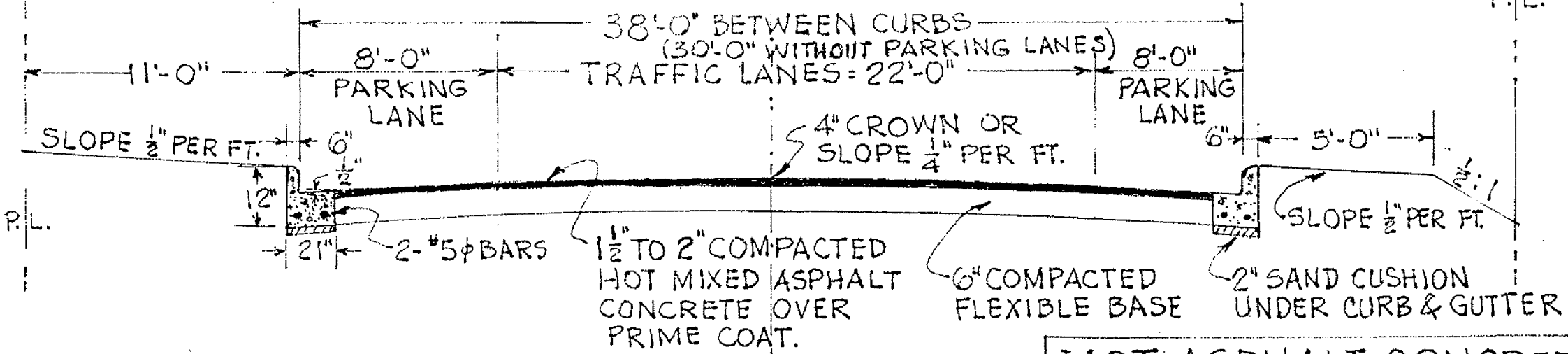
VI. 14. STORM DRAINAGE PROVISIONS: Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided, at the discretion of the Board, an easement of right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future access and possible drainage structures. Storm drainage structures may be required by the Board to accommodate the runoff of storm water and to control undesirable erosion.

VI. 15-A. STREET IMPROVEMENTS: HOT ASPHALTIC CONCRETE TYPE: To the extent that the thoroughfare portion of the City's Comprehensive Plan indicate paving width, curb requirements and shoulders, said plan shall be used as a guide in the design and installation of street improvements. Refer to EXHIBIT 15A, Page 9, and the following minimum requirements:

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 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, shoulders extending a minimum of five (5) feet beyond the pavement edge shall be provided.
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 three inches (3") and recompacted to a density of 95% standard proctor.



STANDARD STREET



STANDARD STREET WITH CURB & GUTTER

HOT-ASPHALT-CONCRETE TYPE STREETS

EXHIBIT-15.A.

4. All fill sections required in establishing subgrade surface shall be compacted to a minimum density of 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 1/2 : 1.

5. Flexible base material shall be applied to street and shoulder in a minimum thickness of six inches (6") when fully compacted to a minimum density of 95% standard proctor. All base material used shall meet the requirements of the Texas State Highway Department Specification 1962, Item 236 or 242. The plasticity index shall not exceed 12.

6. An asphaltic prime coat of MC-1 asphalt shall be applied to the street base work at the rate of 0.2 to 0.4 gallons per square yard.

7. Street surfacing shall be performed, after the prime coat has been absorbed by the base, with one-and-one half (1½") to two (2") inches of Hot Mix Asphaltic Concrete Type D. The Hot Asphaltic Concrete shall meet the requirements of the Texas State Highway Department Specifications 1962, Item 340.

8. Shoulders abutting pavement shall be raised to level of pavement surface, compacted to a minimum density of 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 where required, shall have two #5bars of reinforcing steel running longitudinally, the two bars shall be in the gutter section. Curbs and gutters shall be installed on a two inch (2") minimum sand cushion.

County - no gravel roads
 VI. 15-B. STREET IMPROVEMENTS: NON-ASPHALTIC CONCRETE TYPE:
 To the extent that the thoroughfare portion of the City's Comprehensive Plan indicates non-asphaltic concrete type paving see EXHIBIT 15 B, Page 11 as a guide in design and installation of street improvements. In any event, the following minimum requirements shall apply:

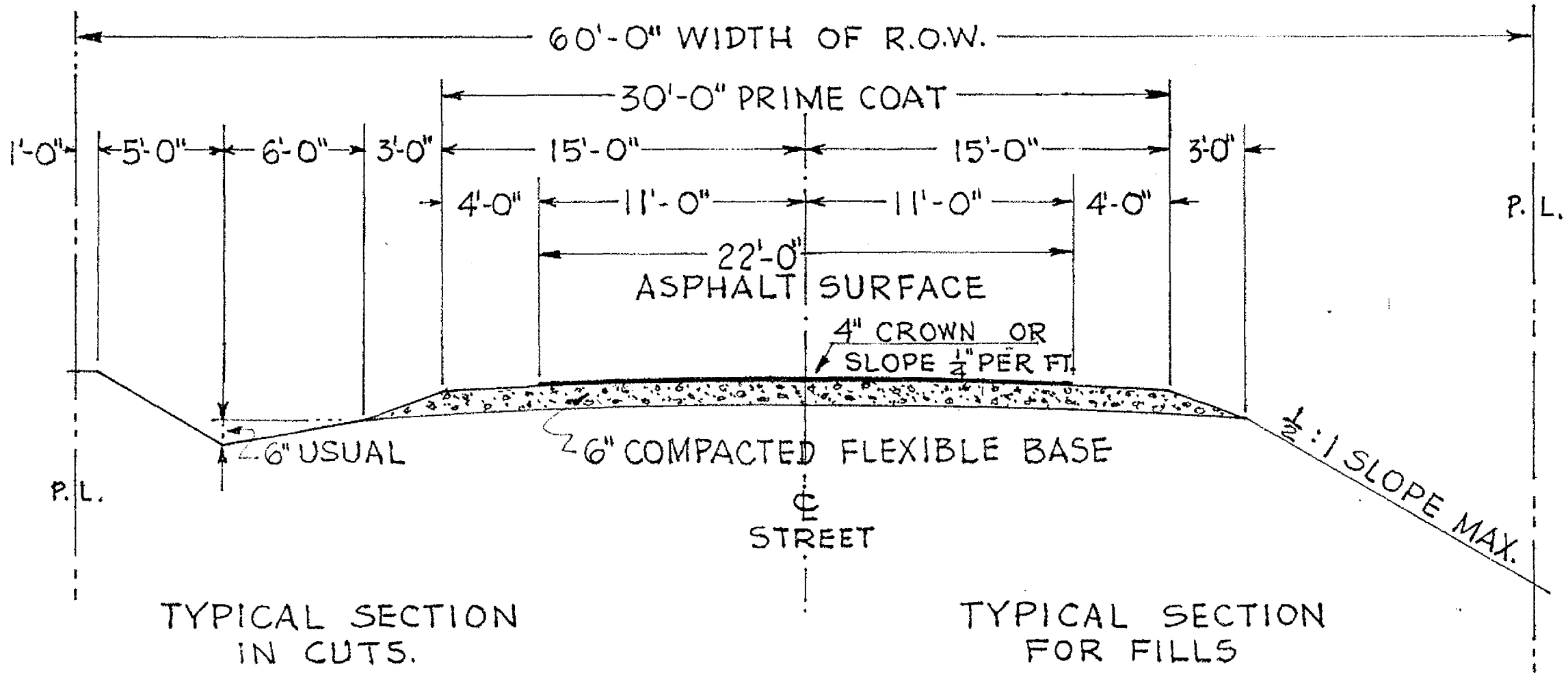
1. The street roadbed shall be cleared of all organic material to a minimum depth of one (1) foot and all clay and spongy material to a minimum depth of two (2) feet.

2. Subgrade shall be scarified to a minimum depth of three inches (3") and recompactd to a minimum density of 95% standard proctor. It shall also be profiled with a four inch (4") crown at the centerline.

3. The prepared subgrade shall be covered to a minimum width thirty (30) feet with a good grade of crushed rock six inches (6") in depth after compaction and feather-edged in three (3) feet on either side.

4. One prime coat not less then 0.2 gallons per square yard of MC-1 asphaltic material shall be applied to the six inches of compacted gravel and a single asphalt surface treatment twenty-two (22) feet wide consisting of 0.3 gallons of asphalt per square yard and covered with crushed rock or gravel aggregate 100% of which will pass the 3/4 inch square; the aggregate shall be rolled and firmly embedded in the asphalt.

5. The grade of the street and shape of the cross-section shall be such that curbs could be constructed in the future, without disturbing the original construction.

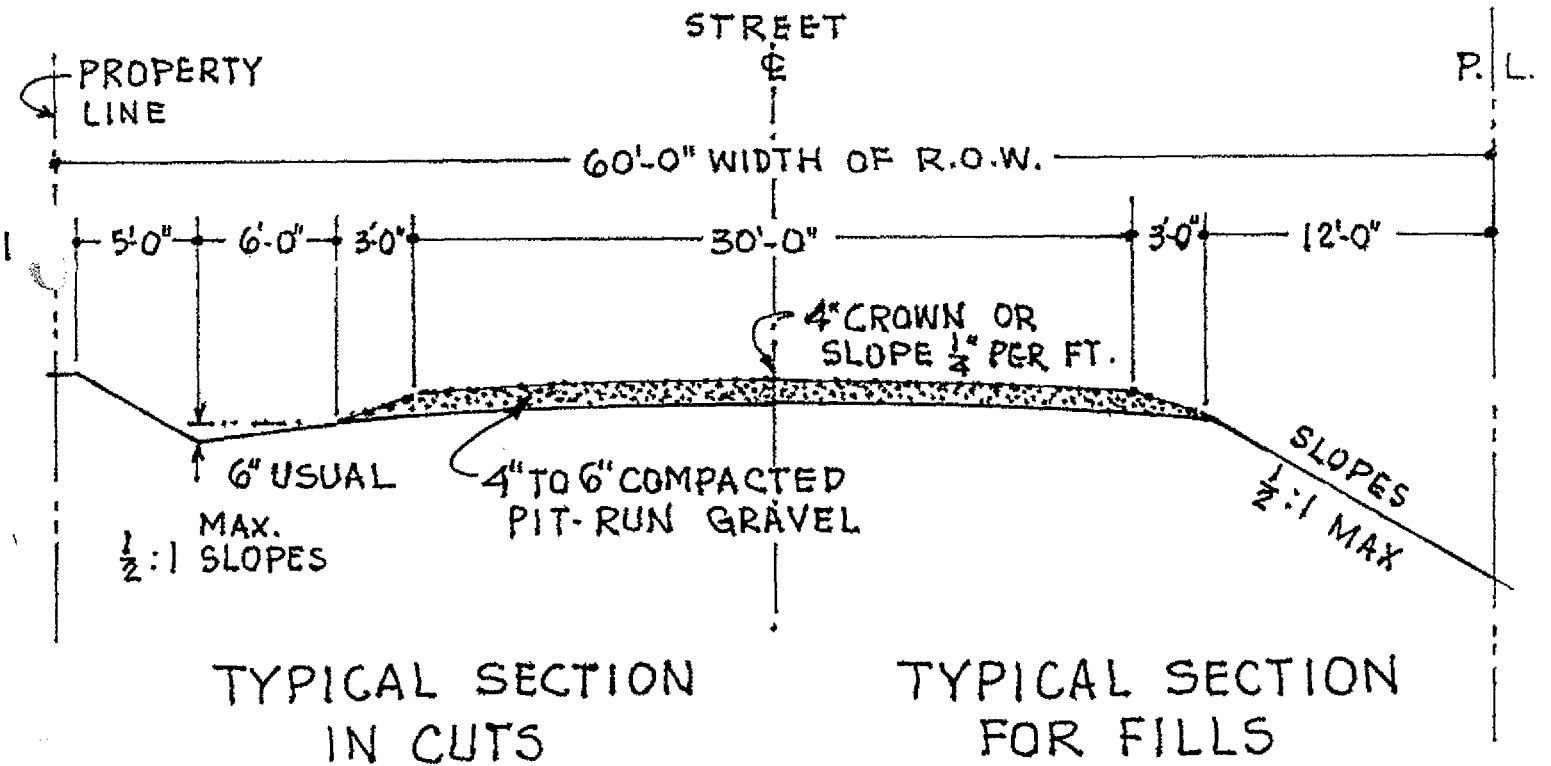


NON-ASPHALTIC CONCRETE
STREET SECTION

EXHIBIT 15.B.

VI. 15-C. STREET IMPROVEMENTS: NON-ASPHALT MINIMUM STANDARDS: Non-asphalt surfaced streets within the subdivision may be accepted as city streets upon compliance with the following requirements and standard as shown in EXHIBIT 15 C, below.

1. The street roadbed shall be cleared of all organic material to a depth of one (1) foot and all clay and spongy material to a minimum depth of two (2) feet.
2. Subgrade shall be scarified to a minimum depth of three inches (3") and recompact to a minimum density of 95% standard proctor. It shall also be profiled with a four inch (4") crown at the centerline.
3. The prepared subgrade shall be covered to a minimum width of thirty feet (30 ft) with pit-run gravel or better from four (4) to six (6) inches in depth after compaction and featheredged in three (3) feet on either side.
4. The subdivider shall furnish evidence that the base material used for streets complies with the Parker County Commissioner practice or conforms to the requirements of State Highway Department Specification Item 236 (Bank Run Gravel).
5. Acceptance of non-asphalt surfaced streets shall not imply that the City shall pave these streets at its expense. No member of the Commission may indicate, imply, nor promise that any such street will be paved by the City. Any such understanding on the part of the developer or person is hereby expressly negated and will not be honored.



NON-ASPHALT GRAVEL
STREET STANDARD

EXHIBIT 15.C.

VI. 16. UTILITY LINES UNDER STREETS: All services for utilities shall be made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, curb, gutter and drainage structures when connections are made.

VI. 17. 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.

VI. 18. 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 of 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 ($\frac{1}{4}$) inch in diameter embedded at least three (3) inches in the monument. Other monuments shall be required as necessary to establish lot, block, and street right-of-way boundaries, and such other monuments shall be iron pins no less than three-quarter ($\frac{3}{4}$) of an inch in diameter and no less than eighteen (18) inches in length. All monuments shall be installed flush with or slightly below the finished grade.

VI. 19. 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.

ARTICLE VII

CITY ACKNOWLEDGEMENT OF COMPLETION OF IMPROVEMENTS

VII. 1. After completion of all of the improvements which the subdivider has agreed in writing to make, the subdivider shall submit to the Board a written request for City Acknowledgement of the satisfactory completion of said improvements and a surety bond indemnifying the TOWN OF ANNETTA SOUTH, 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 afore mentioned 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.

VII. 2. Following the request for City Acknowledgement of improvements, the Board 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.

portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

ARTICLE XI

PENAL PROVISIONS

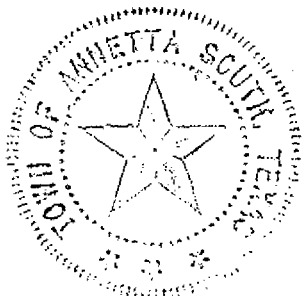
XI. 1. Any person violating any provisions of this ordinance within the corporate limits or the extra-territorial-jurisdiction of the City of the TOWN OF ANNETTA SOUTH, Texas, shall be deemed guilty of a misdemeanor, and, upon conviction, for each violation, be fined an amount not exceeding two-hundred dollars (\$200.00), and each day that such 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 XII

EFFECTIVE DATE

XII. 1. The fact that there now exist inadequate regulations governing the subdivision of lands under the jurisdiction of the TOWN OF ANNETTA SOUTH, Texas, creates 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 Aldermen of the TOWN OF ANNETTA SOUTH, Parker County, State of Texas, this 8th day of December 1983.



APPROVED:

By: Jack E. Arner
Mayor Pro Tem

ATTEST:

By: John S. Stypsky
City Secretary

ARTICLE VIII

RECREATIONAL, MUNICIPAL, EDUCATIONAL, AND OTHER PUBLIC
SPACE DEDICATIONS AND PROVISIONS

VIII. 1. The Board may require that adequate, convenient and suitable areas be set aside for parks, playgrounds, municipal purposes, schools, hospitals, and other such public uses. These areas required shall be shown on the plat as dedicated or as reserved for such uses, whichever is appropriate. Areas reserved for school districts, hospital districts, the City, or 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.

VIII. 2. To provide adequate areas for parks, playgrounds, other recreational purposes and municipal purposes, and for only these 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 Board, for their intended purposes, and lands intended for recreational purposes shall be in blocks preferably not less than four (4) acres each.

VIII. 3. In lieu of 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) may also be arranged by the Board.

VIII. 4. In general, a fee should be expected in a subdivision involving less than 15 lots or 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 purchase of needed public sites; alternately, a fee may be applied directly by the subdivider toward the procurment of land more suitably sized or located for the intended purpose and dedication.

VIII. 5. The Board 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.

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

ARTICLE IX

DEVIATIONS

IX. 1. Deviations from the specific rules and regulations stated in the ordinance may be granted by the Commission when, in its judgement, conditions warrant such deviations; however, such action by the Commission shall not have the effect of subverting the spirit or intent of the afore mentioned requirements.

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

IX. 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 X

SEPARABILITY AND CONFLICT

X. 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

A D D E D U M A.

ARTICLE II

II. 14. SUBDIVISION : (Preface present wording)

THE SUBDIVISION AND EVERY LOT IN THE SUBDIVISION
MUST BE ACCESSIBLE BY A PUBLIC STREET.

ARTICLE VI

VI. 3. STREETS: (Add following wording after
paragraph one)

THE SUBDIVISION AND EVERY LOT IN THE SUBDIVISION
MUST BE ACCESSIBLE BY A PUBLIC STREET.

VI. 15-C. STREET IMPROVEMENTS: NON ASPHALT
MINIMUM STANDARD: Delete as such streets are not
acceptable.

Approved by action of Board of Aldermen: 13 September 1984
12 September 1985

13 September 1984