

TOM BEAN



SUBDIVISION ORDINANCE
CITY OF TOM BEAN, TEXAS

Prepared By

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CITY OF TOM BEAN, TEXAS

ORDINANCE NO. 2019-01

SUBDIVISION ORDINANCE

AN ORDINANCE OF THE CITY OF TOM BEAN, TEXAS, PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF TOM BEAN, TEXAS; PROVIDING DEFINITIONS; PROVIDING FOR A PRELIMINARY PLAT; PROVIDING FOR A FINAL PLAT, FRACTIONAL OR REPLATTING AND PROVIDING FOR FINAL APPROVAL OF SUBDIVISIONS AND FILING PLATS, SUBDIVISION CONSTRUCTION, ACCEPTANCE OF SUBDIVISIONS AND ISSUANCE OF BUILDING PERMITS; PROVIDING REGULATIONS FOR STREETS AND ALLEYS, STREET SURFACING, STORM SEWERS, ASSESSMENT FOR THOROUGHFARE IMPROVEMENTS; PRESCRIBING FEES TO BE CHARGED; ESTABLISHING JURISDICTION WITHIN THE CORPORATE LIMITS OF THE CITY AND WITHIN ONE-HALF (1/2) MILE THEREOF; REPEALING ANY PART OF ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, by Article 974a, Texas Revised Civil Statutes, the laws of the State of Texas provide that every owner of any tract of land situated within the corporate limits, or within one-half mile of the corporate limits of any city in the State of Texas, who may divide the same in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of said subdivision or addition, and the dimensions of all streets, alleys, squares, parks, or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto; and

WHEREAS, the City Council of the City of Tom Bean, Texas, being so empowered by law, does hereby promulgate and establish such a subdivision plan for the City of Tom Bean, Texas, and this Ordinance shall hereinafter be known as the Subdivision Ordinance of the City of Tom Bean, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS:

SECTION 1: DIVISION OF LAND TO BE UNDER SUPERVISION OF THE CITY

- A. All land within jurisdiction of City not heretofore subdivided.
- B. No officer or employee of the City shall authorize work unless regulations have been complied with.
- C. The subdivider may avail himself of the advice and assistance of the City staff and City Council.

SECTION 2: WITHHOLDING IMPROVEMENTS

City shall withhold all City improvements and issuance of building permits from subdivisions not officially approved by the City Council. No improvements should be initiated, nor contracts executed until approval of the City Council has been given.

SECTION 3: DEFINITIONS

- A. City - means the City of Tom Bean, Texas.
- B. City Council - means the elected Mayor and Council persons of the City of Tom Bean, Texas.
- C. City Engineer - means the engineer representing the City of Tom Bean.

SECTION 4: PROCEDURES FOR SUBDIVISION

- A. In order to allow orderly processing of a proposed subdivision, the procedures discussed in the following sections shall be followed. In general, the steps necessary for the subdivision shall include:
 - 1. Preparation of Sketch Plan and/or Preliminary Plat.
 - 2. Annexation by the City Council (if applicable).
 - 3. Approval of a land study by the City Council.
 - 4. Approval of the final plat and plans by the City Council.

5. Approval of the final construction plans by the City Engineer.
6. Filing of approved plat with the City of Tom Bean and the Grayson County Clerk and the recording of all executed easements, dedications, and other documents required to be filed of record.
7. Completion of construction and acceptance of all improvements by the City and submission of as-built drawings.

This procedure may be varied at the discretion of the City Council. For those areas to be subdivided which lie outside the corporate limits but are being submitted for review and approval to satisfy the requirements of extraterritorial jurisdiction and Article 974(a), Vernon's Revised Civil Statutes, the provisions concerning annexation and zoning may be deleted. All other provisions shall remain in force.

SECTION 5: ANNEXATION

If the property is not within the City limits of Tom Bean and the owner desires that it be annexed so as to be qualified to receive City services, when available, owner must petition the City for annexation through lawful annexation proceedings.

SECTION 6: PREAPPLICATION

The subdivider shall present such general subdivision information as will outline the existing conditions of the site, including utilities and available community facilities. A simple rough sketch shall indicate the location of the proposed subdivision, number of residential lots, typical lot width and depth, commercial areas, park and playground areas, proposed protective covenants or restrictions and proposed utilities and street improvements.

At the time the sketch plan is presented to the City Staff, a preliminary conference should be held for the general comments and clarifications which are usually necessary. At that time, the subdivider shall purchase copies of all forms, publications, design criteria and standards available from the City for his reference and for the benefit of his engineer.

After meeting with the City Staff, the subdivider may, at his option, request a preliminary hearing with the City Council for clarification of unresolved questions which might affect preparation of the preliminary planning information.

SECTION 7: LAND STUDY

In the development of any tract to be annexed by the City, either by sections or as one subdivision, the City can request the Developer to submit a Land Study to the City. Submittal to the City shall include a letter of transmittal requesting review and payment of the required filing fee.

The purpose of the Land Study is to allow the City Council to review proposed major thoroughfare and collector street patterns, land use, and the property's relationship to adjoining subdivisions or properties. The study shall be prepared as follows:

- A. The study shall be drawn to a scale of 1" = 200' or larger.
- B. The lower right-hand corner shall contain a title block clearly showing the proposed name of the subdivision, name and address of the subdivider and the Engineer or Surveyor responsible for the design or survey, scale, date the drawing was prepared, and the location of the tract according to the abstract and survey records of Grayson County, Texas.
- C. The study shall clearly show the limits of the tract and scale distances. True North shall be clearly indicated.
- D. The study shall show the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land.
- E. The study shall contain the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as political subdivisions, corporate limits and school district boundaries.
- F. The study shall show the layout and width of proposed thoroughfares and collector streets and shall show a general configuration of proposed residential streets.

SECTION 8: PRELIMINARY PLAT AND PLANS

- A. The Developer shall submit five (5) copies of the preliminary plat and five (5) copies of construction plans of the subdivision to the City Council by filing the same with the City Secretary, Tom Bean City Hall, at least thirty (30) days prior to the regular meeting. The preliminary plat shall carry the legend "Preliminary Plat - For Review Only". Submittal shall include letter of transmittal requesting review and the required filing fees.
- B. The purpose of the submittal is to allow the City staff, city engineer and City Council to review overall platting and plan review of the tract, and street patterns within the subdivision for conformance with the requirements of the City. It also provides the City an opportunity to make preliminary estimates of City participation, if any, on street costs in the subdivision.

C. The preliminary plat and plans shall be prepared as follows:

1. Preliminary Plat shall be drawn to a scale of 1" = 100' or larger.
2. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the Engineer or surveyor responsible for the design or survey, tract designation, and other descriptions according to the abstract and survey records of Grayson County, Texas.
3. North point, scale and date.
4. The boundary lines of tract, accurate in scale, shall be shown.
5. It shall show the names of adjacent subdivision or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted streets, easements or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivision or corporate limits and school district boundaries.
6. It shall show all parcels intended to be dedicated for public use or reserve in the proposed subdivision, together with the purpose and conditions or limitations of such reservation.
7. It shall show the layout, names and width of proposed streets, alleys and easements.
8. It shall show the layout, numbers and approximate dimensions of proposed lots and all building lines.
9. The location of proposed screening walls shall be clearly indicated.
10. A complete topographic map showing existing structures of the proposed area to be subdivided shall be submitted with the preliminary plat. Contours of the tract shall be intervals of five (5) feet or less, referred to sea level datum.
11. The plans shall show existing culverts, utilities or other underground structures within the tract and immediately adjacent thereto with pipe sizes and location indicated.
12. Preliminary plans of proposed on-site and off-site drainage system and street improvements.

- D. The Developer shall submit a letter, along with the preliminary plat, requesting any variances to the subdivision.
- E. It is to be understood that the approval of the preliminary plat by the City Council does not constitute official acceptance of the proposed subdivision by the City. There shall be no work done in the field on the proposed subdivision until the final plat has been accepted.
- F. Following review of the preliminary plat and other materials submitted, or conformity thereof to the regulations of this chapter and other City codes, the City Council shall, within thirty (30) days, act thereon as submitted, or as modified and, if approved, the City Council shall express its approval as conditional approval and state the conditions of such approval, one of which shall be the filing of a final plat or, if disapproved, shall express its disapproval. Approval of the preliminary plat expires at the end of nine (9) months unless the final plat has been submitted for approval.

SECTION 9: FINAL PLAT AND PLANS

- A. The Developer shall submit five (5) copies and one (1) sepia mylar of the final plat and five (5) complete construction plans, on sheets 24" X 36", plus one (1) final plat of the subdivision to the City Secretary at Tom Bean City Hall, at least thirty (30) days prior to the date of the regular meeting of that body at which consideration is requested and on which date such plat shall be deemed filed. This plat shall carry the legend "Final Plat." Submittal shall include a letter of transmittal requesting review and payment of the required filing fees. It shall also be accompanied by a letter from the owner requesting any variances to the Subdivision Regulations.
- B. The Final Plat shall show or be accompanied by the following information:
 - 1. Final Plat shall be drawn to a scale of 1" = 100' or larger.
 - 2. It shall contain the subdivision name or identifying title and name of the city, county and state in which the subdivision is located; the name and address of the record owner or subdivider.
 - 3. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets interacting with the boundary of the tract.
 - 4. An accurate location of the subdivision with reference to the abstract and survey records of Grayson County.
 - 5. The exact layout including:

- a. Street names.
 - b. Length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - c. All easements for right-of-way provided for public services or utilities and any limitations of the easements.
 - d. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
6. The accurate location, material and approximate size of all monuments.
7. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and for all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
8. Setback building lines.
9. Private restrictions.
10. North point, scale and date.
11. Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size and material description are correctly shown.
12. A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever, signed and acknowledged before a Notary Public by the Owner and Lien Holder of the land along with complete and accurate description of the land subdivided and the streets dedicated.
13. Additional certificates to properly dedicate easements or right-of-way as may be necessary.
14. Drainage easements, utility easements and public open space restriction statements to be placed on plats:
 - a. Drainage Easement Restriction (DER) - No construction, or filling without the written approval of the City of Tom Bean, Grayson County, Texas shall be allowed within a drainage easement. No obstruction of the natural flow of water shall occur. All owners of property affected by such construction or filling shall be a party to the request.

- b. Utility Easements (UE) - Any public utility, including the City of Tom Bean, Grayson County, Texas shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
 - c. Public Open Space Restriction (POSR) - No structure, object or plant of any type may obstruct vision from a height of thirty (30) inches to a height of eleven (11) feet above the crown of the road, including but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat with the exception of one Utility Pole and one Street Sign and or one Fire Hydrant. The easement will remain in effect until vacated by an order issued by the City of Tom Bean, Grayson County, Texas, and the property is replatted.
- 15. Proper blanks for certification of approval to be filled out by the City Council.
- 16. A receipt indicating that all taxes have been paid.
- 17. A surveyor closure shall be added.
- 18. Construction plans for all required utilities such as:
 - a. Plan and profile of proposed streets.
 - b. Plan and profile of on-site and off-site proposed drainage facilities, including storm sewers where required.
 - c. Proposed street lighting plan and any utility pole relocations.
- C. The Construction Plans shall be prepared by or under the supervision of Registered Professional Engineer in the State of Texas and shall bear his seal on each sheet.
- D. The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the specifications set forth in Appendix A and the engineering design standards and master plan as adopted by the City.
- E. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

- F. After review of the plat and plans by the City Engineer, the plat shall be submitted to the City Council for its consideration. If approved subject to changes, the Engineer for the owner shall make all changes required. The City Engineer or his designated representative will approve all plans to the Engineer for the owner for use by the Contractors. Each Constructor shall maintain one (1) set of the plans, stamped with City approval, on the project at all times during construction. If construction has not commenced within one (1) year after approval of the plans, re-submittal of plans may be required by the City Engineer for meeting current standards and engineering requirements.

SECTION 10: FRACTIONAL FINAL PLAT

- A. If desired by the subdivider and approved by the Council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop; however, such portion shall conform to all the requirements of this Ordinance.
- B. If final plats are submitted for approval by portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

SECTION 11: REPLATTING OR RESUBDIVISION

No structure shall be placed, constructed, reconstructed or enlarged that extends across a property line, and no building permit shall be issued until such tracts or lots have been replatted or resubdivided and following approval of the City Staff and Council and filed for record with Grayson County. Exception, structures designed for multiple occupancy under one roof and/or where property line extends along a common wall of separation.

- A. In order to replat a tract of land for which a final plat is filed of record in the Records of Grayson County, the tract must be either (a) fully owned by the person desiring to replat, or b) the person desiring the replat must furnish the City with written acknowledgment and consent by all other property owners.
- B. The procedure for replatting (resubdividing) shall be the same as for subdividing as stipulated by this Ordinance.

SECTION 12: FILING OF PLAT

- A. A pre-construction meeting shall be conducted between the City and Developer before filing any plat with the Grayson County Clerk. After approval of the Final plat by the City Council, the City Engineer and correction for the plat as required, the Developer shall submit filing fees and the required number of copies for City to file plat with the

Grayson County Clerk. These copies shall bear all signatures of the City officials. After signature by the City officials, the City shall complete the filing process providing the City Engineer has approved the construction plans and documents and the required bonds have been posted with the City. Said copies shall show the volume and page of the Map and Plat Records into which the plat was filed by the Grayson County Clerk. If the final plat has not been submitted for signatures by City officials within six (6) months after approval by the City Council, the plat shall be deemed null and void, re-submittal shall be required, and current subdivision regulations shall apply.

SECTION 13: SUBMITTAL REQUIRED FOR CONSTRUCTION

- A. Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
1. The Final Plat shall be complete and in compliance with the City of Tom Bean Construction Standards and Specifications and Master Plan at the time of approval.
 2. All required contract documents shall be completed and filed with the City Engineer.
 3. All necessary off-site easements or dedications required for City maintained facilities not shown on the Final Plat must be conveyed solely to the City of Tom Bean, Texas, with proper signatures affixed. The original of the documents and filing fees shall be returned to the City Secretary prior to approval and release of the engineering plans.
 4. All Contractors participating in the construction shall be presented with a set of accepted plans bearing the stamp of acceptance of the City Engineer. These plans shall remain on the job site.
 5. If required by the City Engineer, all parties participating in the construction shall meet for a pre-construction conference to discuss the project prior to beginning work.
 6. A complete list of the Contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
 7. Manufacturers' drawings for all fabricated appurtenances or special construction time shall be submitted to the City Engineer.

SECTION 14: SUBDIVISION - CONSTRUCTION

Construction shall be inspected by the City Engineer or City representative. Completion of construction to the approved plans and specifications of the City of Tom Bean is the responsibility of the Developer and Contractors. The responsibility of the City Engineer is to assure conformance to the accepted plans and specifications. Any change in design required during construction shall be made by the Engineer whose seal and signature are shown on the plans and shall be accepted by the City Engineer prior to making such changes.

SECTION 15: ACCEPTANCE OF THE SUBDIVISION

- A. After completion of all items required in the plans and specifications, the Contractor shall submit to the City a bond in the amount of one hundred percent (100%) of the Contract amount guaranteeing workmanship and materials for a period of one (1) year from the date of final acceptance by the City. The City Engineer shall verify that all items have been completed, including the filing of the plat and all related easements and documents, payment of pro rata fees for streets. The City Engineer, or his designated agent, shall conduct a final inspection of the project and, if all work is found to be acceptable, shall issue a Letter of Acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.
- B. Acceptance of the subdivision shall mean that title to all improvements is vested in the City of Tom Bean. The Developer and his Contractors shall, however, be bound to the City for a period of one (1) year to repair any defects in the improvements. A maintenance bond of 10% of improvements shall also be required for one (1) additional year.

SECTION 16: AS-BUILT PLANS

Prior to final acceptance by the City of the improvements in the subdivision, the Engineer for the Developer shall submit to the City Engineer a complete, reproducible set of drawings of paving, drainage, and other improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Engineer and the date. An electronic file of the plat and any engineering plans shall also be submitted to the City.

SECTION 17: ISSUANCE OF BUILDING PERMITS

Generally, building permits will not be issued until completion of all improvements within the subdivision or resubdivision and acceptance by the City. The City Engineer shall have the authority, after reviewing the progress of construction and other relevant matters, to release portions of the subdivision for building permits. No building permit will be issued until the

Developer pays to City the assessed Impact Fee. All Developer Agreements shall be submitted to City prior to issuance of a building permit.

SECTION 18: FILING FEES

A. The following schedule of fees and charges shall be paid to the City when any plat is submitted to the City Council. Each of the fees and charges provided herein shall be paid in advance, and the City Council shall take no action until said fees and charges have been received by the officer designated herein. The City Council or their deputies or assistants, shall calculate and charge only those fees necessary to recoup all costs which have been incurred by the City.

These fees shall be charged on all plats, regardless of the action taken and whether the plat is approved or denied by the City Council.

B. Construction Permit

The City Staff shall compute the Construction Permit Fee for the development of a subdivision, or parts thereof, and charge only those fees necessary to recoup all costs which have been incurred by the City.

SECTION 19: ADOPTION OF SUBDIVISION REGULATIONS

The term "subdivision" means the division of any tract of land situated within the corporate limits of the City or within one-half (1/2) mile thereof, into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the City of Tom Bean, Texas, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. "Subdivision" includes re-subdivision. "Subdivision" shall also mean a tract of land intended to be built upon and for which a building permit is required.

The rules and regulations attached hereto, including the attached Appendix A, Specific Requirements and Design Criteria is incorporated herein as if copied herein in their entirety and are hereby adopted as the subdivision regulations of the City of Tom Bean and are made as part hereof for all purposes.

No person shall create a subdivision of land, as hereinabove defined, within the corporate limits of the City or within one-half (1/2) mile thereof, without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations herein adopted.

SECTION 20: VARIANCES

The City Council may authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings hereinbelow required. The Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance will be granted unless the council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
2. That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, 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 variances will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance. Such finding of the Council together with the specific facts on which such findings are based shall be incorporated under 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.
4. The Council may not authorize a variance that would constitute a violation of any other valid ordinance of the City.

SECTION 21: REPEALING CLAUSE

All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed. However, the repeal of existing ordinance by this Ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this Ordinance in violation of any ordinance hereby repealed; and prosecution for such offenses may be instituted and causes presently pending proceeded with in all respects as if such prior ordinance or ordinances had not been repealed.

SECTION 22: SEVERABILITY CLAUSE

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

SECTION 24: PENALTY CLAUSE

Any person, firm, or corporation in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 25: EFFECTIVE DATE

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

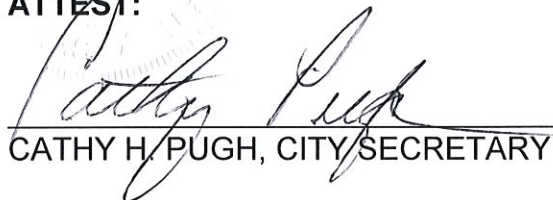
DULY PASSED BY THE City Council of Tom Bean, Texas, this the 21st day of January 2019.

APPROVED:



SHERRY E. HOWARD, MAYOR

ATTEST:



CATHY H. PUGH, CITY SECRETARY

APPENDIX A
SPECIFIC REQUIREMENTS
AND
DESIGN CRITERIA

I. STREETS AND ALLEYS

A. Policy

1. Street alignment centerline offset shall be 175 feet. When a Developer undertakes the development of a tract that would require the extension of streets across an undeveloped tract, lot or block, the expense of the extension of such streets shall be borne by the developer. Also, should the Developer be required to oversize streets in accordance with the Thoroughfare Plan in order to accomplish future development of adjacent tracts, lots or blocks, the expense of the oversizing shall be the responsibility of the Developer. In either or both development requirements listed above a "pro-rata" agreement can be obtained by City Council agreement whereby the Developer can recoup the additional expenses for extension or oversizing of streets as future development occurs.
2. Residential streets shall be so laid out that use for through traffic will be discouraged.
3. Arterial streets intersect at 90-degree angles unless otherwise approved by the City.
4. Half-streets shall be prohibited, except when essential to the responsible development of the subdivision and where the City Council finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided.
5. Strips of privately-owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where control is definitely placed in the City under conditions approved by the City Council.
6. Street alignments with centerline offsets of less than 125 feet shall be prohibited.

7. A cul-de-sac shall not be longer than 600 feet and at the closed end shall have a turnaround provided, having a minimum outside roadway diameter of 85 feet and a minimum street property line diameter of 100 feet. Parking islands shall be required if on-street parking is desired in the cul-de-sac. If parking islands are included, the diameter of the cul-de-sac shall be designed to facilitate circular movement of traffic around the cul-de-sac.
8. At the intersection of a new subdivision street with an existing boulevard arterial, the Developer of the subdivision shall construct a median opening in the boulevard, unless otherwise directed by the City.
9. No alleys are permitted in residential subdivisions.
10. Blocks shall be platted to allow two tiers of lots.
11. All lots shall be adjacent to a dedicated street to which access is allowed. Where a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate re-subdivision.
12. Blocks lengths, generally, should not exceed 1,200 feet in length as measured from street centerline.
13. Loading courts of a minimum width of 20 feet of paved surface, or in lieu thereof, adequate off-street loading space, shall be provided in business blocks.
14. Escrows for Adjacent Streets.
 - a. When a proposed subdivision of land abuts on both sides of an existing substandard road according to the then existing current City of Tom Bean standards, the Developer shall be required to improve the existing road to bring the same to the City of Tom Bean standards. Any reimbursement, if due, to the Developer by the City will be made when funds become available.
 - b. If the proposed subdivision is located along only one side of a substandard road, and when in the City Council's judgment, it is not feasible to reconstruct said substandard road at the time of development of said subdivision, the City Council may permit the Developer to pay into escrow an amount equal to the Developer's share of the cost of said improvements as a condition for the approval of the final plat of the subdivision. The amount of escrow shall be determined by a "pro rata" charge as prescribed by the City and shall be payable prior to approval of plans by the City Engineer.
 - c. When funds have been provided and placed in escrow with the City of Tom Bean for the development of a substandard road and the road is reconstructed by others at no cost to the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the escrowed funds and accrued interest, if any, shall be refunded to the

Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the difference between the Developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements.

- d. Whenever under any of the provisions of this section, funds are required to be escrowed for the cost of future improvements to substandard roads, the form of such escrow shall be cash or its equivalent.

B. Engineering Design

The engineering design of streets in the City of Tom Bean shall conform to the then current street standards as adopted by the City of Tom Bean.

II. STORM SEWERS

A. Policy

An adequate storm sewer system shall be constructed to conform to the current drainage requirements of the City of Tom Bean. Open channels shall be designed based upon City Staff recommendation and City Engineer approval to accommodate the volume of water to be channeled. When a Developer undertakes the development of a tract that would require the extension of a storm sewer system across an undeveloped tract, lot or block, the expense of the extension of such storm sewer system shall be borne by the developer. Also, should the Developer be required to oversize the storm sewer system in order to accomplish future development of adjacent tracts, lots or blocks, the expense of the oversizing shall be the responsibility of the Developer. In either or both development requirements listed above a "pro-rata" agreement can be obtained by City Council agreement whereby the Developer can recoup the additional expenses for extension or oversizing of the system as future development occurs.

1. Areas subject to flood conditions as established by the City will not be considered for development until adequate drainage has been provided.
2. In general, the Developer shall provide, at his own expense, a right-of-way easement of sufficient width to permit excavation and maintenance of open channels of satisfactory depth and width. The Developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. Unless the excavated channel bottom is in Chalk, Limestone, or other similar acceptable rock, a reinforced concrete pilot channel or concrete channel lining may be required by the City to prevent erosion or for access purposes. However, concrete lined channels shall not have a side slope greater than 4:1. Location, and type of construction of open channels shall be approved by the City Engineer and City Council.
3. Creeks may remain in open natural condition or excavated channels may be constructed provided they meet one of the following requirements:

- a. Creeks or excavated channels with side slopes of 4:1 or flatter from bottom of channel to top of bank may be platted as part of individual lots. Adequate access and flood way easements shall be provided to insure protection of these areas for maintenance purposes.
- b. Creeks of drainage ways with banks which have slopes steeper than 4:1 must be maintained by a maintenance entity other than individual lot owners. In such cases, the creek or excavated channel shall meet one of the following two requirements:
 - 1) The area of the flood way shall be provided as a park or flood way management area. Prior to acceptance of any drainage way as a flood way management area by the City, the drainage way shall be cleared of all debris, trash and all objectionable underbrush and weeds. All provisions of Paragraph 2 above must be met.
 - 2) Creeks or drainage ways in any areas which have private maintenance provisions other than individual lot owners, shall not be required as flood way management areas. The creeks or drainage ways in these areas shall not be maintained by the City. Adequate utility access and flood way easements shall be provided to ensure protection of these areas for maintenance purposes.
 - 3) Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. All detention ponds shall be maintained by the Developer and/or the Homeowners Association.
 - 4) Other innovative drainage concepts will be considered if approved by the City Engineer and City Council.
 - 5) Open storm sewers may be constructed across the front and sides of all developments other than residential.

III. WATER

A. Policy

All subdivisions shall be provided with adequate water facilities and appurtenances to serve the subdivision in accordance with the then current standards, specifications and master plan as adopted by the City.

1. When a Developer undertakes the development of a tract that would require the extension of water mains across an undeveloped tract, lot or block, the expense of the extension of such mains shall be borne by the developer. Also, should the Developer be required to oversize water mains in order to accomplish future development of adjacent tracts, lots or blocks, the expense of the oversizing shall be the responsibility of the Developer. In either or both development requirements listed above a "pro rata" agreement can be obtained by City Council agreement whereby the Developer can recoup the additional expenses for extension or oversizing of mains as future development occurs.
2. Should oversizing of water mains be required by the City Engineer to conform with the City's current master plan, a "pro rata" arrangement may not be applicable.
3. All subdivisions shall have at least two sources of water supply for that subdivision and all interior mains in the subdivision shall be looped.
4. Developers that provide water service lines to lots from street right-of-way shall be consistent as to the location of such service lines on all lots in the subdivision and the location of each service line shall be marked at the curb by permanently inscribing in the curb face a "W" indicating water service lines.
5. The engineering design or plans for installing a private sewerage facility in the City shall conform to the then current standards as adopted by the County of Grayson.

IV. EASEMENTS

A. Policy

Easements shall be provided on subdivision plats when the following criteria indicate that an easement is required.

Where not adjacent to a public way, easements at least twenty (20) feet wide for utility construction, service, and maintenance shall be provided where necessary in locations approved by the City Council. Easements of at least ten (10) feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for utilities such as electric, telephone, street lights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way. For lots facing on curvilinear streets, the rear easement should consist of straight lines with a minimum of points of deflection.

B. UTILITY EASEMENTS

Any public utility, including the City of Tom Bean, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Tom Bean, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

C. EMERGENCY EASEMENTS

Emergency easements and fire lane easements shall be provided in locations required by the Chief of the Tom Bean Fire Department. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet. Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty (80) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications recommended by the City Engineer.

D. OPEN SPACE EASEMENT

A twenty by twenty (20 x 20) foot triangular public "open space" easement is required on corner lots at the intersection of two streets. A fifteen by fifteen (15 x 15) foot triangular public "open space" easement is required on corner lots at the intersection of an alley and a street.

E. PUBLIC OPEN SPACE RESTRICTIONS

No structures, object or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of eleven (11) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on this plat. These Open space easements will remain in effect until vacated by ordinance adopted by the City Council of Tom Bean and the property replatted.

The preceding Public Open Space Restrictions may be altered to permit, on commercially zoned lots, the placement within the easement area of one (1) single pole sign and said pole not to exceed twelve (12) inches in diameter and with every portion of said sign allowing a minimum height clearance between it and the ground of eleven (11) feet.

V. UTILITY SERVICES

- A. All services for available utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
- B. All electric, telephone utilities, street lighting, and cable television can either be above or underground. The use of above-ground utilities may be considered on an individual case basis if the services are placed on the rear property line.
- C. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground, where applicable.
- D. Where underground electric utilities are installed at the request of the subdivision developer, the subdivision developer shall additionally pay the differential cost between actual underground electric utility service construction and the most economical overhead electric utility service installation which could be installed, as calculated by the City's engineer. All conduits from electric, telephone and cable TV shall be installed and buried at the expense of the developer and in accordance with the City standards and City franchisee specifications.
- E. Overhead services will not be permitted to cross public street rights-of-way.

VI. MISCELLANEOUS

- A. Street Signs: The Developer shall pay for and install all street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersections.
- B. All lot corners shall be located and marked with one-half (1/2) inch diameter reinforcing bar, eighteen (18) inches long, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.
- C. The City shall install street lighting in the subdivision. In subdivisions, street lights shall be placed each 500 feet along the streets, at each intersection and at each cul-de-sac. The cost of such lighting shall be dependent upon the type of fixture, wattage and type of pole desired by the developer plus 20% for installation. These fees for lighting shall be remitted to the City following billing by the City and prior to final acceptance by the City of the developers' water and/or wastewater and/or street improvements. The City shall furnish power and perpetual maintenance and replacement as needed for such street lighting.
- D. Where traffic lights or flashing lights are required or requested, the cost shall be determined by the actual cost plus such lighting shall be metered and payable to the City monthly. This policy in no way shall alter the City's practice of installing security, guard or yard lighting to customer.
- E. A street light plan shall be prepared for City approval at Developer's expense.

