

# CITY of EMORY

## CITY OF EMORY SUBDIVISION ORDINANCE

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CITY OF EMORY, TEXAS

ORDINANCE NO. \_\_\_\_\_

SUBDIVISION ORDINANCE

AN ORDINANCE OF THE CITY OF EMORY, TEXAS, PRESCRIBING RULES GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF EMORY, TEXAS; PROVIDING DEFINITIONS; PROVIDING FOR A PRELIMINARY PLAT; PROVIDING FOR A FINAL PLAT 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 (1) 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 HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 212 of the Local Government Code, the laws of the State of Texas provide that the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, these rules may be in force both within the municipal limits and within the extraterritorial jurisdiction of the municipality; and

WHEREAS, the City Council of the City of Emory has held a public hearing regarding possible adoption of these rules; and

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

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

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

- A. All land within the city limits and the extraterritorial jurisdiction to be subdivided or re-subdivided shall be under supervision.
- B. No officer or employee of the City shall authorize work unless rules have been complied with.
- C. The subdivider may avail himself of the advice and assistance of the 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

- 1. *City* means the City of EMORY, Texas.
- 2. *City Council* means the elected Mayor and Council members of the City of EMORY, Texas, acting as both the chief legislative body and the “planning commission” for the City.
- 3. *City Planner* is the City Manager of the City unless otherwise designated by the City Council.
- 4. *City Engineer* means the individual or firm licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act and who represents the City of EMORY.
- 5. *City Officials* means the Mayor, City Planner, and City Engineer.
- 6. *Drinking water* means all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption or food or beverages for human beings, human bathing, or clothes washing.

7. *Final plat* means a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.
8. *Lot* means an undivided tract or parcel of land.
9. *Non-public water system* means any water system supplying water for domestic purposes which is not a public water system.
10. *Platted.* means recorded with the county in an official plat record.
11. *Public utility* means any entity meeting the definition of a retail public utility as defined in Water Code Section 13.002.
12. *Rules* means the regulations governing subdivision of land described herein.
13. *Sewerage facilities* means the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.
14. *Subdivider* means any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.
15. *Subdivision* means any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.
16. *Water facilities* means any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

#### SECTION 4: PROCEDURES FOR SUBDIVISION

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:

- A. Submittal of preliminary plat to City.
- B. Review of preliminary plat by City Council within 30 days of submittal, or by the City Planner in circumstances outlined in Section 5.

- C. Approval of the final construction plans by the City Engineer.
- D. Filing of approved plat with the City of Emory and the County Clerk and the recording of all executed easements, dedications, and other documents required to be filed of record.
- E. 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, the provisions concerning annexation and zoning shall be disregarded. All other shall remain in force.

#### SECTION 5: ANNEXATION

If the property is not within the City limits of Emory 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: PRELIMINARY PLAT AND PLANS

- A. The Developer shall submit five (5) copies of the preliminary plat and plans of the subdivision to the City Secretary at least thirty (30) days prior to the regular meeting at which such 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 Council to review overall platting 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 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 Rains 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 of intended to be dedicated for public use or reserve in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions of 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, 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 7: FINAL PLAT AND PLANS

- A. The Developer shall submit four (4) copies of the final plat and complete construction plans, on sheets 24" X 36", plus seven (7) final plats of the subdivision to the City Secretary 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.
- 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 Rains 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 parks and playgrounds to public use acknowledged before a Notary Public by Holder of the land along with complete and the land subdivided and the streets dedicated.
  13. Additional certificates to properly dedicate easements or right-of-way as may be necessary.
  14. Proper blanks for certification of approval to be filled out by the City Council.
  15. A receipt indicating that all taxes have been paid.
  16. 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 wall. All materials specified shall conform to the specifications set forth in Appendix A.

- 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 their consideration. City Council shall approve the plat if it is not disapproved during the 30 days following the date the final plat is filed.
- G. 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 Contractor 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 8: FILING OF PLAT

- A. After approval of the Final plat by the City Council and correction for the plat as required by that body, the Developer shall submit filing fees and the required number of copies for filing with the County Clerk of Rains County. These copies shall bear all signatures of the City Officials. After signature by the City Officials, the Developer shall complete the filing process and return the required number of filed copies to the City. Said copies shall show the volume and page of the Map and Plat Records into which the plat was filed by the County Clerk. If the final plat has not been submitted for signatures to City officials within six (6) months after approval by the City Council, the plat shall be deemed null and void, resubmittal shall be required, and current subdivision regulations shall apply.

#### SECTION 9: SUBMITTALS REQUIRED FOR CONSTRUCTION

Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:

- A. The Final Plat shall be complete to the requirements of the City Council at the time of approval.
- B. All required contract documents shall be completed and filed with the City Engineer.
- C. 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 EMORY, Texas, with proper signatures affixed. The original of the documents and filing fees shall be returned to the City Engineer prior to approval and release of the engineering plans.

- D. 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.
- E. If required by the City Engineer, all parties participating the construction shall meet for a pre-construction conference discuss the project prior to beginning work.
- F. 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.
- G. Manufacturers' drawings for all fabricated appurtenances or special construction time shall be submitted to the City Engineer.

#### SECTION 10: SUBDIVISION - CONSTRUCTION

Construction shall be inspected by the City Engineer or his representative. Completion of construction to the approved plans and specifications of the City of Emory 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 area shown on the plans and shall be accepted by the City Engineer.

#### SECTION 11: 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 EMORY. 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.

## SECTION 12: 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.

## SECTION 13: ISSUANCE OF BUILDING PERMITS

Generally, building permits will not be issued until completion of all improvements within the subdivision and acceptance by the City. The City Engineer shall have the authority, after reviewing progress of construction and other relevant matters, to release portion of the subdivision for building permits.

## SECTION 14: FILING FEES

- A. The following schedule of fees and charges shall be paid to the City when any plat is submitted to the Planning Commission or any other authorized board of agency of the City. Each of the fees and charges provided herein shall be paid in advance, and the Planning Commission or any other authorized board 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 the fees and charges in accordance with the following schedule:
1. Land Study \$100 plus \$2 per acre (for 1.25 acres or more only)
  2. Preliminary Plat \$100 plus \$2 per lot
  3. Final Plat (Non-Residential) \$100 plus \$20 per acre (Residential) \$100 plus \$2 per lot
  4. Replat \$100 plus \$2 per lot These fees shall be charged on all plats, regardless of the action taken by the City Council.
- B. The City Engineer shall compute the Construction Permit Fee for the development of a subdivision, or parts thereof, based on the following schedule: Complete Subdivision and any separate projects: Streets, Storm Sewers, etc. 2.0% of construction.

## SECTION 15: 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 (1) mile thereof, into two or more parts for the purpose of laying out any subdivision of any tract or land or any addition to the City of EMORY, Texas, or for 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 entitled 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 Emory and are made as part hereof for all purposes.

No person shall create a subdivision of land, as herein defined, within the corporate limits of the City or within one (1) 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 16: 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 is such prior ordinance or ordinances has not been repealed.

## SECTION 17: 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 18: ENFORCEMENT

Any person, firm, or corporation in violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of 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.

Prosecution or conviction pursuant to any provision herein shall not be a bar to the City to seek any other remedy or relief for enforcement of this ordinance.

The City of EMORY may seek enforcement of this ordinance by any powers granted to it by State law including but not limited to, seeking an injunction, restraining order, abatement, or other appropriate proceeding pursuant to State law.

All remedies provided herein shall be cumulative. To the extent that State law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedies shall remain available for other violations or other parts of the same violation.

**SECTION 19: 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 EMORY, TEXAS, ON THE \_\_ day of \_\_\_\_\_, 2004.

APPROVED:

\_\_\_\_\_  
MAYOR, CITY OF EMORY, TEXAS

ATTEST:

\_\_\_\_\_  
CITY SECRETARY, CITY OF EMORY, TEXAS

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY, CITY OF EMORY, TEXAS

## APPENDIX

### SPECIFIC REQUIREMENTS AND DESIGN CRITERIA

#### I. STREETS AND ALLEYS

##### A. Policy

1. Streets constructed within the City and its Extraterritorial Jurisdiction (ETJ) shall be classified according to the following minimum criteria:

Minor	50 feet right-of-way
Collector	60 feet right-of-way
Arterial	80 feet of right-of-way

All minor residential streets shall have curbs and gutters constructed with concrete of intrical rolled type unit, not less than eighteen inches (18) in overall width and not less than six inches (6) thick where curb abuts the street pavement.

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 Planning Commission.
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 80 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. Alleys shall have a minimum right-of-way width of 15 feet.
10. Blocks shall be platted to allow two tiers of lots, each tier bounding at least one dedicated street right-of-way to allow proper access and to prevent the platting of "flag lots."
11. All lots shall conform to the minimum requirements of the zoning classification district in which the subdivision is located. No lot shall be less than 12,000 square feet in size
12. 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.
13. Blocks lengths, generally, should not exceed 1,200 feet in length as measured from street centerline.
14. Alleys, or loading courts, of a minimum width of 24 feet of paved surface, or in lieu thereof, adequate off-street loading space shall be provided in business blocks.
15. 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 Emory standards, the Developer shall be required to improve the existing road to bring the same to the City of Emory standards.
  - 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 Emory 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 difference between the Developers actual proportionate costs 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.

#### 16. Engineering Design

- a. All streets and roads shall be graded to a minimum of fifty feet (50) in width to include a minimum of twenty feet (20) of paved surface and a minimum of fifteen feet (15) of graded right of way on each side. Before grading is started, the entire right of way area shall be first cleared of all stumps, roots, brush and other vegetation and objectionable materials and all trees not intended for preservation.
- b. All trees stumps, boulders and other obstructions shall be removed to a depth of a minium of two feet (2) below the sub-grade. Fills shall be used in sufficient quantities to prevent future sinking and in cases where no fill is required on the roadway subsurface, the finished subsurface grade shall be compacted.
- c. All suitable material from roadway cuts may be used in the construction of the fields, approaches, or other places as needed. The fill shall be spread in layers not to exceed eight inches (8) loose and compacted by compaction equipment as is necessary to adequately pack any fill spread.
- d. After preparation of sub-grade, the road bed shall be surfaced with crushed rock, stone or gravel a minium of twenty two feet (22) in width. After spreading, the materials shall be watered and rolled until thoroughly compacted, conforming with the current Texas Highway

Department Standard Specifications. The compacted thickness of this material shall be no less than six inches (6).

- e. The paved surface shall meet or exceed the minimum requirement of the current Texas Highway Department Standard Specifications and shall consists of at least a minimum of one-half inch of hot mix asphalt pavement or one and one-half inches of hot mix cold laid pavement.

## II STORM SEWERS

### A. Policy

An adequate storm sewer system, consisting of inlets, pipes and other drainage structures shall be constructed to conform to the current drainage requirements of the City of EMORY. If open channels are used, side slopes of 4:1 with concrete pilot channels shall be constructed.

1. An adequate storm sewer system consisting of inlet, pipes and/or excavated channels or natural creeks and other underground drainage structures with approved outlets shall be constructed where run-off of storm water and the prevention of erosion cannot be accomplished satisfactory by surface drainage facilities. 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, underground drainage shall be constructed in streets and alleys. If approved by the City Engineer, the Developer may provide, at his own expense, a right-of-way easement of sufficient width to permit excavation and maintenance of an open channel 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. Location, and type of construction of open channels shall be approved by the City Engineer.
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 floodway 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 floodway shall be provided as a park or floodway management area. Prior to acceptance of any drainage way as a floodway 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 floodway management areas. The creeks or drainage ways in these areas shall not be maintained by the City. Adequate utility access and floodway 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. The City may assume maintenance responsibilities for this type of facility, if approved by the City Council; however, easements shall be provided to assure protection of these areas for maintenance purposes.
- 4) Other innovative drainage concepts will be considered if approved by the City Engineer.
- 5) Brick or Masonry Headwalls: Headwalls constructed in Public Road right-of-way are suggested to have brick or stone facing. Safety grates shall be provided on all storm sewers.
- 6) Storm sewers may be constructed across the front and sides of all developments other than residential.

### III. WASTEWATER

#### A. Policy

All subdivisions shall be provided with adequate utility easements where the subdivision is inside the City limits or ETJ of the City of EMORY, for future connection to the City's sanitary sewer system when developed.

#### B. Public Wastewater Systems

1. Where wastewater treatment is to be provided by an existing retail public utility, including the City of EMORY, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the public utility. Before final plat approval,

an appropriate permit to dispose of wastes shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

2. Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the TCEQ. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the TCEQ and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

C. On-site Facilities

1. No on-site facilities for water or waste water treatment shall be allowed.

IV. DRINKING WATER SUPPLY

A. Policy

All subdivisions shall be provided with adequate utility easements where the subdivision is inside the City limits or ETJ of the City of EMORY, for future connection to the City's sanitary sewer system when developed.

B. Public Water Systems

- (1) Where water supplies are to be provided by an existing public water system, including any owned and operated by the City of EMORY, Texas, the subdivider shall furnish an executed contractual agreement between the subdivider and the public utility to provide such service. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the City the TCEQ and the county health department. If groundwater is to be the source of the water supply, a final engineering report shall include a groundwater availability study which shall include comments regarding the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision.
- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TCEQ and include evidence of the CCN issuance with the plat. Before final

plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, a final engineering report shall include a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

C. Non-public water systems

No non-public water systems shall be allowed.

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 shall be underground except where conditions do not warrant underground installations. The use of above-ground utilities may be considered on an individual case basis. Preference will be given to placement of these services 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.
- D. The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.
- E. The Developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone and cable television service to the subdivision.
- F. Overhead services will not be permitted to cross public rights-of-way.

## VI. STREET LIGHTING IMPROVEMENTS

Street lighting improvements shall be installed to serve all properties within the subdivision. Such improvements shall be consistent with the specifications as set forth by the City Engineer.

## VII. CONCRETE SIDEWALKS

Concrete sidewalks shall be provided throughout the subdivision to serve the anticipated needs of its residents. Such sidewalks shall be located in accordance with proper land planning procedures and with due regard for public safety and anticipated concentration of pedestrian traffic. Sidewalks shall be not less than five feet (5) in width.

## VIII. FIRE HYDRANTS

Fire hydrants shall be installed every five hundred feet (500) and shall be of a make to meet the standards as specified by the City Engineer, State and Federal law.

## IX. MISCELLANEOUS

- A. Street Signs: The Developer shall pay the City for street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersections. The signs will be ordered by the City and the Developer billed a fixed fee for each sign. The fee shall include cost of the sign assembly and pole.
- B. All lot corners shall be located and marked with one-half ( $\frac{1}{2}$ ) 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. Setbacks: Setbacks from roads and right-of-ways shall be a minimum of 15 feet, setbacks from adjacent property lines shall be a minimum of 15 feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the ordinances or rules of the City shall control to the extent greater setbacks are therein required.
- D. Number of Dwellings Per Lot. No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate detailed planning materials are required for determination of proper water and wastewater utility type and design.