

Motion was made by George H. Parker, seconded by Gary Kessler, that the following Ordinance be passed:

NO. 56

AN ORDINANCE BY THE TOWN OF STAGECOACH, TEXAS, PROMULGATING RULES AND REGULATIONS FOR APPROVAL OF SUBDIVISIONS WITHIN ITS TOWN LIMITS OR EXTRATERRITORIAL JURISDICTION AS A PREREQUISITE TO RECORDING WITH THE COUNTY CLERK OF MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of the Town of Stagecoach, Texas, has considered the matter and deems it appropriate to set up and establish rules, regulations and requirements relating to approval and acceptance of subdivision plats for recording; and,

WHEREAS, it is incumbent upon the Town Council to approve the plats of subdivisions within its limits and extraterritorial jurisdiction before same can be recorded:

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STAGECOACH, TEXAS:

THAT the following rules, regulations and requirements be adopted as conditions precedent to the Council approving Plats of subdivisions for recording, to-wit:

I.

The procedure for receiving approval for, and the filing of, subdivision and re-subdivision plats, and for acceptance of the subdivision into the Town of Stagecoach, and its extraterritorial jurisdiction, shall be as follows:

- (a) A Preliminary Plat, as required under Section II, below, shall be presented to the attention of the Town Secretary, at the Secretary's office, Stagecoach, Texas, accompanied by the stipulated filing fees made payable to Town of Stagecoach.
- (b) When the Preliminary Plat has been approved by the Town Council, the Final Plat, accompanied by the required information set forth hereinafter, maintenance bonds, and by the stipulated fees, shall be presented to the Town Council for consideration. Upon approval by the Town Council, said plat will be filed by the County Clerk of Montgomery County, Texas.

- (c) The streets, roads, storm sewers, drainage ditches, bridges, and other subdivision improvements shall be inspected during the course of construction, from time to time, by the Town Council, or its designated inspector. No subdivision improvements will be accepted by the Town Council until a qualified Engineer issues his letter advising of the satisfactory completion of the subdivision improvements and his recommendations for acceptance. The date of this recommendation shall be the beginning of the 12-month maintenance period in the required bond hereinafter described.

II.

A Preliminary Plat of any proposed subdivision or re-subdivision shall be submitted to the Town Council before any work is commenced on the site. The plat shall show the following information:

- (a) Proposed name of subdivision (no name is acceptable which is the same as one used on an existing subdivision of record in Montgomery County or used sufficiently to become well known for an existing unrecorded subdivision in Montgomery County).
- (b) Names of the person or organization who is, or will be at time of filing, the owner; the names of mortgage holders or present owners in fee; the name of the Registered Public Surveyor responsible for the land boundary surveys; the name of the Registered Professional Engineer who will be responsible for design and supervision of subdivision improvements.
- (c) Boundary of tract to be subdivided; relative location of existing streets, roads and easements on this tract as well as contiguous areas; lots, tracts, or other occupied building sites on all sides of the proposed subdivision in sufficient detail to show the pattern of adjacent current development.
- (d) Approximate width and depth of proposed lots.
- (e) Elevation, grade and contours referenced to U. S. Coast and Geodetic Survey datum in sufficient detail to illustrate the drainage pattern, together with approximate location and sizes of existing culverts, bridges, ditches, and similar features germane to the drainage design.
- (f) Approximate location of available utilities and a preliminary plan illustrating the general pattern of proposed utility extensions to provide service to the new lots, and the preliminary requirements, if any, for easements therefor.

III.

Upon filing the Preliminary Plat, same shall be accompanied by a fee of \$10.00 plus 70 cents per lot, plus \$2.00 per acre for any land within the boundaries of a plat that is not divided into normal residential lots, but is intended for apartments or commercial and industrial improvements.

Approval of the preliminary plat by the Town Council authorizes the developer to proceed with the final plat and development.

IV.

The final plat shall be submitted to the Town Council. It shall be accompanied by payment of additional fees, payable to Town of Stagecoach, as follows: A fee of \$5.00 plus 30 cents per lot, plus \$2.00 per acre for any land within the boundaries of a plat that is not divided into normal residential lots, but is intended for apartments or commercial and industrial improvements.

The final plat, certificates of dedication, survey and other required information shall meet the following requirements:

- (a) The final plat submitted for approval shall not exceed an overall dimension of twenty (20) inches by twenty-four (24) inches; and, where the area being subdivided will not fit in the aforesaid dimension, two or more sheets shall be used. The plat submitted may be on tracing cloth, tracing paper, or may be a clear and legible print of the original drawing but with original signatures on the print submitted. The plat shall be neat and legible and drawn to a scale of not over three hundred (300) feet to the inch, with a larger scale preferred that can be made within the plat overall dimensions as set forth above. Where recommended, plats of large size reduced photographically to the governing overall dimension will be considered. The following information indicated by (Plat) shall be shown, with the exception of maps or plats of land partitioned between owners, or by court order, or to heirs of an estate, where the public welfare is not a consideration:

- (b) (Plat) The plat must be made by a Registered Surveyor or Registered Engineer, with certification made of the correctness of the surveying on the ground and the work shown on the plat, and the control points have been adequately marked with permanent markers. The surveyor shall certify that he has carefully complied with all requirements set forth by the Court, and has shown the property lines as actually surveyed, with ties to survey corners as required by law.
- (c) (Plat) The name of the proposed subdivision must not be so similar to an existing subdivision as to cause confusion; a letter from the County Tax Collector stating that the proposed name does not conflict with the name of an existing subdivision shall be presented.
- (d) (Plat) Boundary lines must be shown by bearings and distances calling for the lines of established surveys or landmarks, and other data furnished sufficient to locate the plat on the ground.
- (e) (Plat) The North point must be indicated. The scale must be prominently shown and a graphic scale placed on the original plats that are larger than the standard required.
- (f) (Plat) The numbering of lots and blocks are to be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (g) (Plat) Location of lots, roads, public highways, alleys, parks, and other features must be shown and accurately dimensioned. Length of radii and arc of all curves, with bearings of all tangents, must be shown; also, dimensions from angle points and points of curve to lot lines. In addition to other plans required, the developer shall prepare and present for approval plan and profile sheets showing in detail the roadway and ditch grades as proposed and the existing ground elevations before construction.
- (h) (Plat) The plat must show the acreage of all land in the subdivided area such as lakes, parks, reserved areas, etc., that are not specifically dimensioned, to the end that all the area can be accounted for by the Tax Collector.
- (i) (Plat) A certificate of dedication, duly acknowledged, of all streets, public highways, alleys, parks, playgrounds, and other land intended for public use shall be a part of the plat, together with restrictions which are to apply to the subdivision, particularly a restriction enforceable by injunction by the Town, or any citizen, prohibiting the drainage of septic tanks into road ditches, either directly or indirectly. The dedication shall also include a sufficient easement (which easement should be shown on plat) for drainage purposes on all gulleys, ravines, draws, sloughs, etc., in the subdivision.

- (j) (Plat) Certificate of approval to be filled out by the Town Engineer or Inspector, and the Town Council shall be provided on plat.

V.

The minimum width of right-of-way for any road shall be sixty (60) feet, and a suitable base, such as iron ore gravel or other material receiving prior approval by the Town Council, or its Engineer, shall be placed on a minimum width of twenty (20) feet and for a depth of at least four (4) inches compacted. (See paragraph XVIII for required surface.)

VI.

Where an existing road is continued in a new subdivision, the right-of-way in the new subdivision shall not be of less width than the right-of-way of the existing road.

VII.

Where roads of an adjoining subdivision end at the property line of the new subdivision, the said roads shall be continued through the next subdivision, either on a straight line or on curves as approved by the Town Council.

VIII.

Roads which are a continuation of any existing road shall take the names of the existing road.

IX.

Where part of a road has been dedicated in an adjoining subdivision adjacent to and along the common property line of the two subdivisions, enough right-of-way from the new subdivision must be dedicated to obtain the necessary sixty (60) feet minimum width.

X.

The subdivision developer will be required to construct the improvements such as roadways, drainage structures, ditches, etc., necessary for the subdivision. Sufficient plans shall be prepared to show in reasonable detail the proposed roadway construction, road and ditch grades, the type and size of drainage structures, and the type and quantity

of road surfacing to be placed. The plans shall be submitted for approval of the Town Council. In addition, the subdivision developer will be required to properly install, in conformance with the Town's current standards, the following signs:

- (a) Street Signs: At each street intersection, one minimum 1-1/2 inch I.D. galvanized pipe standard, set in concrete, on which is attached, with acceptable four-way assembly hardware, baked enamel bonderized steel plate signs (4-inch letters on 6-inch background). Height at sign above natural ground shall be approximately seven (7) feet.
- (b) Traffic Signs: At intersections and locations designated by the Town Council, or its Engineer, "Stop" signs and "Yield" signs, mounted on galvanized pipe, meeting current Town standards.

XI.

The Town Council will not approve any map or plat of any subdivision or re-subdivision unless such map or plat is accompanied by a bond, the amount of which shall be determined by the Town Council, payable to the Mayor, to the effect that the owner or owners will construct the roads or streets therein shown in accordance with the specifications set out herein, and will maintain such roads and streets for a period of not less than one (1) year thereafter; provided, however, in lieu of the above bond, the Town Council may, at its discretion, require the subdivider to furnish the Town with a signed copy of a Performance Bond executed by a surety company authorized to do business in Texas, with an agency or home office in Montgomery County, together with a copy of the contract upon which said bond is written. Said bond or contract shall contain a provision that the roads or streets in such subdivision shall be maintained for a period of one (1) year from the date of completion.

XII.

A Certificate from the County Tax Collector must accompany the plat to be recorded, showing that all taxes owing to the State and County have been paid in full to date.

XIII.

Certificate from an abstractor, or written opinion from the attorney of the developer must be attached, showing ownership of property and all liens against same.

XIV.

The location of each producing oil, gas or other wells, storage tanks and separators in connection with the production under any oil or gas lease or contract covering such land, must be accurately shown on said plat.

XV.

The location of each and every pipeline (oil, chemical, gas) or telephone cable, except gathering lines which may be located on any portion of the subdivision at the time the map is submitted for approval, together with the width of the easement therefor, must be accurately shown on said plat.

XVI.

The copy of the map presented to be recorded must be drafted with such skill and distinctness that, when recorded by photostat or other mechanical process, all of the lettering and figures thereon will clearly show upon the record.

XVII.

Where a subdivision is sold in tracts or lots or more than one acre, showing lots of irregular dimensions, each lot is to bear upon its face the amount of acreage contained therein.

XVIII.

The following minimum specifications for a road mix type, when properly placed, will meet the approval of the Town Council for road surfacing on an approved base of not less than four (4) inch compacted iron ore, twenty (20) feet wide.

0.178 cubic yards of iron ore gravel, or other acceptable material, per lineal foot, meeting State Highway Department Standards for quality (940 cubic yards per mile), and 2.3 gallons of asphalt (MC-3) per lineal foot (or 12,000 gallons per mile).

The iron ore gravel, or other acceptable base material, and asphalt mixed and manipulated by blading on the roadway in such a manner that will result in a uniform surface of eighteen (18) feet wide and approximately 0.2 feet in thickness.

XIX.

These rules, regulations and requirements are subject to change, amendment, or alteration, whenever the Town Council in its judgment deems it to be in the best interest of the public. In those cases where it is not practical to meet these requirements, the developer will submit necessary data so that consideration may be given by the Town Council, in regular or called meeting, to granting a waiver of specific requirements.

XX.

These rules, regulations and requirements, and any and all future additions thereto and changes thereof, will be binding on all new subdivisions or re-subdivisions in the limits and extraterritorial jurisdiction of the Town of Stagecoach, Texas. These rules, regulations and requirements shall apply in any subdivision, whether dedications therein are intended for private or public use. Said rules, regulations and requirements must be complied with before approval or acceptance of the streets, roads, sanitary sewers, storm sewers, drainage ditches, and utility easements of a subdivision or re-subdivision by the Town Council. That all subdivisions and re-subdivisions located within the statutory extraterritorial jurisdiction of the Town of Stagecoach are subject to the rules, regulations and requirements of all of the laws of the State of Texas, applicable thereto.

PASSED AND APPROVED this the 22nd day of
February, A. D. 1977.

C. C. Powell
Mayor

ATTEST:

Ben R. Meath
Town Secretary

APPROVED AS TO FORM AND CONTENT:

Geo. B. Darden, Town Attorney