

ORDINANCE NO. 10-82-2

AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OF LAND INTO SUBDIVISIONS IN THE CITY OF JEWETT, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF JEWETT, TEXAS, AND REQUIRING PLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY OF JEWETT: DEFINING TERMS: FORBIDDING TRANSFERS OF LAND WITHOUT COMPLYING WITH THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith: PROVIDING PENALTIES FOR THE VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE: PROVIDING FOR PARTIAL VALIDITY OF THIS ORDINANCE: PROVIDING FOR AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary for the purpose of promoting health, safety, and general welfare of the citizens of the City of Jewett and promoting the same, orderly, and healthful development of the City of Jewett and the area within the Extraterritorial Jurisdiction of the City of Jewett and to lessen congestion in proposed streets, and to provide adequate light and air, and to prevent over-crowding of land, and to avoid undue concentration of population, and to facilitate the adequate provision of water, sewerage, and other utilities, that a platting ordinance be promulgated for the City of Jewett; and,

WHEREAS, the rules and regulations as herein set forth governing the platting of land into subdivisions in the City of Jewett and the land within the Extraterritorial Jurisdiction of the City of Jewett are herein promulgated and adopted in accordance with Acts 1927, 40th Leg., p. 342, ch. 331; as amended, Acts 1949, 51st Leg. p. 321, ch. 154; as Clarified Acts 1951, 52nd Leg., p. 745, ch. 403; same being codified as Article 974a, and Article 6626 Vernon's Texas Civil Statutes; and,

WHEREAS, the City of Jewett herewith and hereby adopts ratifies, and promulgates all the intent, purposes, and power of said Articles, as amended, and further herewith and hereby adopts as the general plan, as contemplated by Section 4 of said Article 974a, for the growth and extension of the City of Jewett subject however to any future modifications and changes thereof that may be adopted by official actions of the City Council necessitated by future growth, progress, and unforeseen exigencies;

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

SECTION I. GENERAL

Before any plan, plat or re-plat of a subdivision or addition of land inside the City of Jewett or within the Extraterritorial Jurisdiction of the City Limits thereof shall be recorded with the County Clerk of Leon County, it shall first be approved by the City of Jewett in conformity with Article 974a, V.A.C.S. and the provisions of this ordinance. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this ordinance even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat, or re-plat without complying with the requirements of this Ordinance, or the transfer of land by filing of any instrument in the nature of a conveyance without having first complied with the requirements of this Ordinance, shall be deemed a violation of the provisions of this Ordinance. There is, however, excepted from the provisions of this Ordinance any conveyance transferring any land or interest in land to or from the State of Texas, County of Leon, City of Jewett, Texas, Leon County Independent School District, or any other public entity.

SECTION II. DEFINITIONS

- A. STREETS. The term "street" means a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- B. SUBDIVISION. A subdivision is the division of any lot, tract, or parcel of land into two or more parts, lots, or sites for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the resubdivision of land or lots which are a part of a previously recorded subdivision. Divisions of land for agricultural purposes, and where no building construction is involved, in parcels of five acres or more shall not be included within this definition of subdivision, unless any such subdivision of five acres or more includes the planning or development of a new street or access easement. An addition is a subdivision as is defined herein.

C. SUBDIVIDER AND/OR DEVELOPER. The term "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation, and/or any officer, agent employee, servant, and trustee thereof, who does, or participates in the doing of, any act toward the subdivision of land within the intent, scope, and purview of this ordinance. The singular shall include the plural, and the plural shall include the singular.

D. SHALL AND MAY. As used herein, the word "shall" is mandatory, the word "may" permissive.

E. DEFINITIONS. As not expressly prescribed herein are to be determined in accordance with customary usage in Municipal Planning and Engineering practices.

SECTION III. PROCEDURE AND PLAT REQUIREMENTS

A. PRELIMINARY PLAT. All persons desiring to subdivide a tract of land within the area above described, shall first prepare and submit to the City of Jewett, not less than seven (7) days prior to any meeting at which such plat is to be considered, the following information which shall be certified by a state registered professional engineer or by a state licensed or registered land surveyor:

1. Four (4) copies of a preliminary plat showing the general features of the proposed development. This preliminary plat shall be drawn on a scale of two hundred (200) feet to the inch or larger (one hundred (100) feet to the inch preferred) and shall show the following:

- (a) The outline of the tract the plat is proposed to subdivide with principal dimensions.
- (b) The proposed plan of subdivision, showing streets, blocks, lots, easements, building lines, parks, with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the developers or developer to file plats and install improvements for parts of said tract by sections or units. If it is the intent to develop the area by sections or units, the first unit to be developed shall be definitely identified.

- (c) The location width and name of existing streets and any block, lots, easement, building lines, and water courses or other natural features in the area affected with principal dimensions, and any other significant information on all sides of the subdivision for a distance of not less than two hundred (200) feet.
 - (d) The names of proposed streets. Such names shall conform to the names of existing streets and shall not duplicate or conflict with the designated name of any other street in the City of Jewett and within the area subject to these regulations.
 - (e) The location of existing sewers, water and gas mains, power lines, transmission pipelines, oil, and gas wells, tank batteries, pump stations, and other public or private utilities.
 - (f) Proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures, the direction of flow, and the proposed improvements to existing natural drainage channels within or abutting the area being platted.
 - (g) The name of the proposed subdivision, North point, scale, and date.
 - (h) The name of the owner or owners and the engineer or surveyor.
 - (i) The total acreage of the area being platted.
 - (j) Topography, using a contour interval of at least ten (10) feet, in the area to be platted.
2. On receipt of the preliminary plat and other information required by this Ordinance, the City Council shall take the following action within thirty days from the date of the filing of such plat:
- (a) Approval.
 - (b) Disapproval.
 - (c) Conditional approval.

Conditional approval shall be considered to be approval of a plat or re-plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plat or re-plat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished by the City to the subdivider in writing.

If such plat be not disapproved within thirty days from the filing date, it shall be deemed to have been approved.

3. When a preliminary plat has been approved by the City Council, the subdivider may thereafter file plans and specifications, as per Section IV of this ordinance, for the section of sections intended for immediate development. The remainder of the preliminary plat shall be considered approved or conditionally approved as provided above for a period of one year, and for such additional period as the City Council may elect.

SECTION IV. REQUIRED IMPROVEMENTS

A. GENERAL.

1. When a preliminary plat of a subdivision has been approved by the City Council the developer may submit to the City Council, or its duly authorized agent, plans and specifications prepared by a registered professional engineer for all improvements pertinent to said subdivision. The City Council shall approve same if they conform to the requirements of this ordinance, or disapprove same giving reasons therefore to the subdivider. Thereafter when the subdivider has met the objections, if any, the Mayor shall sign the plans and specifications and forth-with deliver same to the subdivider, his agent, or his engineer.

2. Before beginning any construction of the improvements outlined in this section on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of this ordinance, a complete set of plans and specifications of such constructions shall be filed with the City of Jewett. These shall show such features as roadways, cross-sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slopes, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground, specifications of materials and construction, and plan-profile maps of all sanitary and storm sewers showing both ground surface and flow line, and any other pertinent information required by the City.

3. Improvements shall be installed within all of the area of any subdivision or portions thereof given final approval.

4. All improvements shall be designed and constructed in conformity with the provisions of this ordinance and no construction shall be commenced until this ordinance is so complied with.

5. It shall be the responsibility of the developer to provide construction staking, cut sheets, shop drawings, and construction change orders, as-built plans, and other information required to complete the construction.

6. All construction contracts between the developer and his contractor shall include a provision guaranteeing the contractor's materials and workmanship to the City of Jewett and the developer for a period of one (1) year after acceptance of improvements by the City.

7. It shall be the responsibility of the developer to emplace permanent survey reference monuments and lot and block corner markers.

It shall also be the responsibility of the developer to replace any such monuments and corner markers that are destroyed or removed during construction of subdivision improvements. Such corners and monuments shall be of three-quarter (3/4) inch iron pipe of five-eighths (5/8) inch iron rod and shall meet the following standards:

(a) Lot corners shall be twenty-four to thirty (24-30) inches long with the top set in concrete flush with the ground.

(b) Block corners shall be twenty-four to thirty (24-30) inches long set in concrete with the top set flush with ground and shall include the beginning and end of all curves within each block.

B. IMPROVEMENTS STANDARDS.

The following minimum standards for improvements shall apply and shall be agreed to and complied with in each subdivision.

1. All roadways shall be improved in accordance with the plans and specifications approved by the City of Jewett, Texas.

2. Water Lines and Sanitary Sewer. Water lines providing access to water to each lot in the subdivision where an approved public water supply is reasonably accessible or procurable, and sanitary sewer

system lines providing access to sanitary sewer to each lot in the subdivision where a public sanitary sewer system is reasonably accessible or procurable, shall be constructed or installed in accordance with approved plans and specifications.

SECTION V. WATER AND SEWER SERVICE

A. WATER SUPPLY CONTROL

Neither the City of Jewett nor any other person, firm, or corporation distributing water which is subject to the jurisdiction and control of either the City of Jewett or the rules and regulations of the City of Jewett governing the distribution of water shall make any connections to any residence, business building, or other structure upon any subdivided area, the subdivision of which has not been accomplished in accordance with the terms and provisions of this Ordinance.

B. EXTENSION OF WATER AND SEWER SYSTEMS

All extensions of the City water and sewer system that are necessary to serve the subdivision shall be provided by the Developer. The City may participate in the cost of the extensions based on a case-by-case evaluation of economic feasibility. The City shall have the right to require a developer to lay larger water and sewer mains than actually required to serve the subdivision by payment of the difference in cost of the pipe as required by the City and the smaller size required to serve only the subdivision.

SECTION VI. FINAL PLAT

A. After the acceptance by the City of all required improvements within the subdivision, the subdivider shall prepare and file with the City the following information:

1. The original on mylar or linen paper and four copies of the final plat of the subdivision or section to be developed. This plat shall be drawn to scale of one inch equals one hundred feet (1"=100'), or larger with all figures and letters legible and the whole proper for filing for record in the office of the County Clerk. The final plat shall contain the following information:

(a) The title or name by which the subdivision is to be identified, North Point, the scale of the map, and the name of the Texas state registered professional engineer, licensed land surveyor, or registered public surveyor responsible.

- (b) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale.
- (c) The boundaries of the subdivided property, the location or designation of all streets, parks, easements, and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivision shall be indicated by a heavy line and shall be tied by dimension to the established centerline of all existing boundary streets.
- (d) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designated by number of lots and blocks. If adjoining property is undeveloped, the name of the owner of record shall be designated.
- (e) All headright survey boundary lines, city limits boundary lines, county boundary lines, school district boundary lines, and boundary lines of other developed subdivisions, including but not limited to water districts and any other public entities, adjacent to or within the subdivision.
- (f) All lot, block, and street boundary lines, with block numbers as designated by the City and lots numbered consecutively. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing given and any deviations from the norm shall be indicated.
- (g) Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in ten thousand (1:10,000). Linear dimensions may be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all

essential information given; circular curves shall be defined by actual length of radius and not be degree of curvature.

(h) The location of all lot and block corners with a descriptive legend.

(i) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgement shall be in the form required in the conveyance of real estate.

(j) A certificate by the responsible Texas State registered surveyor or engineer in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. The certificate should show whether or not the tract is within the Extraterritorial Jurisdiction of the City of Jewett, measured in a straight line from the nearest points in the City Limits, unless the information is shown in suitable manner elsewhere of the face of the plat.

(k) The following sample certificate is included herein to illustrate the minimum information required in said certificate. Any additional information or changes in form may be made provided the minimum information is contained therein.

I _____ (Registered Public Surveyor, Licensed Land Surveyor, Registered Professional Engineer) of the State of Texas, do hereby certify that this plat is true and correct and represents the results of a survey made on the ground of a subdivision of _____ acre tract. Said tract being more particularly described in warranty deed recorded in Volume _____, Page _____ of the deed records of Leon County, Texas; all visible encroachments are shown hereon. All of said subdivision is (inside of, or partly inside of and partly outside of) the boundaries of the City of Jewett, Texas, or all of said subdivision is outside the boundaries of the City of Jewett, Texas, with its nearest point measured in a straight line being _____ miles and its furthest point measured in a straight line being _____ miles.

(Registered Public Surveyor, Licensed Land Surveyor, or Registered Professional Engineer)

License Number _____

(seal)

- (1) The final plat shall not show construction features such as curb lines or public utility lines or other structures not involved in the title covenant.
2. Upon the approval of the plat by the City Council and the Mayor of the City of Jewett, the same shall be allowed to be filed with the County Clerk of Leon County, Texas.

SECTION VII. DESIGN STANDARDS

A. STREETS.

1. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. The arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding area, or

(b) Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical.

3. The alignment of minor streets shall be such that their use by through traffic will be discouraged.

4. Streets shall not be designed with jogs with centerline offsets of less than one hundred fifty (150) feet.

5. Streets shall intersect as nearly as possible at right angles.

6. Property lines at street intersections shall be rounded with a radius of twenty (20) feet or of a greater radius where the Council may deem it necessary.

7. Street right-of-way and pavement widths shall be not less than as follows, except where excessive cuts or fills will require additional right-of-way:

<u>STREET</u>	<u>RIGHT-OF-WAY WIDTH</u>	<u>PAVEMENT WIDTH</u>
Major thoroughfare	75 feet	50 feet
Collector	60 feet	36 feet
Subcollector/Lane	50 feet	25 feet

8. Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least seventy-seven (77) feet, and a street property line diameter of at least one hundred (100) feet.

9. Street grades shall be established with due regard being had for topography and contemplated land use, provided that the minimum street grade shall be five-tenths of one percent (0.5%).

10. All streets shall be paved with four (4) inches of crushed limestone or iron-ore base or the equivalent thereof.

B. UTILITIES.

1. All utilities shall be located along and in the street right-of-way wherever possible, but not within or under the roadway itself, except where crossings and connections are necessary or required.

2. The water and sanitary sewer lines shall be located on opposite sides of the roadway wherever possible. If both are on the same side of the roadway, they shall be separated by a distance of no less than nine (9) feet.
3. Water utility systems shall be designed and constructed in accordance with applicable sections of standards for materials, installation, and testing from the American Water Works Association (AWWA) and the Texas Department of Health (TDH). Fire hydrants shall be provided on minimum six (6) inch diameter looped waterlines so that no house will be more than five hundred (500) feet from a fireplug.
4. Sanitary sewer systems shall be designed and constructed in accordance with applicable sections of standards for materials, installation, and testing from the American Society for Testing and Materials (ASTM) and the Texas Department of Water Resources (TDWR).

C. EASEMENTS.

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
2. Where a subdivision is traversed by a water course drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way, and such further width of construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. BLOCKS.

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Needs for convenient access, circulation, control, and safety of street traffic.
 - (c) Limitations and opportunities of topography.
2. Block lengths shall not exceed sixteen hundred (1600) feet.

E. LOTS.

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use proposed.
2. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
3. The subdivision of the land shall be such as to provide by means of a public street, each lot with satisfactory access to an existing public street.
4. Side lot lines shall be substantially at right angles or radial to street lines.

SECTION VIII. VARIATIONS

Where the City Council of the City of Jewett, Texas, finds that extraordinary hardships may result from a strict compliance of this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations. Such variances and modifications as may be granted shall be by at least a two-thirds (2/3) majority of the City Council present.

SECTION IX.

All ordinances or parts of ordinances found to be in direct conflict with this Ordinance are hereby repealed to the extent of the direct conflicts only.

SECTION X.

If any section, paragraph, subdivision, phrase, or clause of this Ordinance shall be held invalid, it shall not have the effect of invalidation of the remaining provisions of this or any other Ordinance of the City of Jewett to which these rules and regulations relate.

SECTION XI. PENALTIES

Violations of any provision or provisions of this Ordinance shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$200.00. Each day upon which a violation occurs shall constitute a separate violation.

SECTION XII. PENAL CONVICTION NO BAR TO OTHER LEGAL ACTION

No conviction or convictions under any penal provisions of this Ordinance or any of the Statutes of the State of Texas shall ever be considered as any bar to any injunctive or other legal relief, remedy, right, or power existing in the City of Jewett, Texas, to enforce the application and provisions of this Ordinance by virtue of the Constitution and Laws of the State of Texas and this City.

SECTION XIII. APPEAL

Any subdivider not satisfied with the rulings or decision of the City Council shall have the right to appeal such rulings or decisions to the City Council of the City of Jewett by giving written notice to the City Secretary within fifteen (15) days after the final hearing before the Council.

SECTION XIV. ENABLING ACT

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Jewett which publication shall contain the caption stating in summary the purpose of the Ordinance and penalty for violation thereof.

A.D. 1982 .
PASSED AND APPROVED THIS THE 9th DAY OF October .



ATTEST:

/s/
Joyce Looney
City Secretary

Deborah H. Kovacevich
Deborah H. Kovacevich, Mayor