

ORDINANCE NO. 2002-01-03

AN ORDINANCE OF THE CITY OF LAVON,
COLLIN COUNTY, TEXAS AMENDING AND
SUPERCEDING SUBDIVISION ORDINANCE
NUMBER 98-01-01; AMENDING AND
SUPERCEDING SUBDIVISION ORDINANCE
NUMBER 2000-02-01; PROVIDING FOR
PENALTY CLAUSE; PROVIDING FOR AN
EFFECTIVE DATE

ORDINANCE NO. 2002-01-03

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AMENDING AND SUPERSEDING SUBDIVISION ORDINANCE NUMBER 98-01-01; AMENDING AND SUPERSEDING SUBDIVISION ORDINANCE NUMBER 2000-02-01; PROVIDING FOR PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE City of Lavon, TEXAS:

SECTION 1. GENERAL

These regulations shall govern every person, firm, association or corporation owning any tract of land within the city limits of the City of Lavon, Texas, who may hereafter divide the same into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots or any lots, streets, alleys, parks or other portions intended for public use or the use of purchasers of lots fronting thereon or adjacent thereto.

SECTION 2 DEFINITIONS:

2.01 CITY OR THE CITY shall mean City of Lavon, Texas

2.02 SUBDIVISION shall mean:

- (a) the division for a tract or a parcel of land into two (2) or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership and shall include re-subdivision; or
- (b) The placing of two or more houses on a single lot; or
- (c) The placing of one or more additional houses on a lot that has one or more existing houses.

2.03 RE-SUBDIVISION shall mean the division of an existing subdivision, together with any changes or lot size therein, or with the relocation of any street lines.

2.04 The word "SHALL" shall be deemed as mandatory. The word "MAY" shall be deemed as permissive. The word "WILL" shall be deemed as mandatory.

2.05 PLAT shall mean a map or chart of the subdivision. It shall include plan, plat or replat on both singular or plural.

2.06 COMMISSION shall mean the city Planning and Zoning Commission of the City of Lavon, Texas.

2.07 City Council shall be the duly elected governing body of the

City of Lavon, Texas

2.08 ADMINISTRATIVE OFFICERS are every officer referred to by title, i.e., city manager, city attorney, city secretary, city engineer, director of public works, and shall be the person retained in this position by the city or his or her duly authorized representative.

2.09 ENGINEER shall be the city engineer of the City of Lavon, Texas, the city's consulting engineers or their duly authorized representatives.

2.10 MASTER PLAN shall be the comprehensive plan of the city and adjoining areas as adopted by the City Council and the city Planning and Zoning Commission, including all its revisions and parts. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

2.11 PRELIMINARY PLAT shall be any plat of any lot, tract, or parcel of land that is not to be recorded but is only a proposed division of land for review and study by the city.

2.12 FINAL PLAT shall be any plat of any lot, tract or parcel of land requested to be recorded for record in the deed records of Collin County, Texas.

2.13 REPLATTING shall be the re-subdivision of any part or all or any block or blocks of a previously platted subdivision, addition, lot or tract.

2.14 STREET means a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

2.15 SUBSTANDARD STREET means any street, drive, throughway, thoroughfare, pavement or non-pavement surface, whether public or private, that does not meet the construction standards set forth in this ordinance and for which no variance has been granted.

2.16 PRIVATE STREET is any:

(a) street, drive, throughway, thoroughfare, pavement or non-pavement surface where vehicles may travel that is existing and whose ownership, maintenance and responsibility remains with any current and future landowners and shall include any street returned to the adjoining property owners.

(b) street, drive, throughway, thoroughfare, pavement or non-pavement surface where vehicles may travel that is

that is approved for construction by the City of Lavon and who's ownership, maintenance and responsibility shall remain with any current and future landowners.

2.17 STREET WIDTH shall be the shortest distance between the lines which delineate the rights-of-way of a street.

2.18 ARTERIAL STREET OR THOROUGHFARE shall be a principal traffic way more or less continuous across the city or areas adjacent thereto and shall act as a principal connecting street.

2.19 EASEMENT shall mean an area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements.

(a) Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, 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.

2.20 BUILDING LINE shall be a line beyond which buildings must be set back from the street or road right-of-way line or property line.

2.21 STANDARD SPECIFICATIONS AND CODES of the City shall be applied to all improvements constructed within the City and shall be in accordance with all revisions as may be adopted by the City of Lavon, Texas.

2.22 RE-SUBMITTAL OF PLANS shall be considered as being the same as any new or original submittal.

SECTION 3 PURPOSES, AUTHORITY AND JURISDICTION

3.01 Under the authority of V.T.C.A., Local Government Code, Ch. 212, which provisions are hereby made a part of these regulations, the City Council of the City of Lavon, Texas, does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Lavon in order to provide for the orderly development of the areas and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities.

3.02 As used herein, the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots

for the purpose, whether immediate or future, of sale or building or development and shall include re-subdivision. "Re-subdivision" shall mean any change in the division of any existing subdivision or any change in lot size therein, or the relocation of any street lines.

3.03 Any owner of land inside the corporate limits of the City of Lavon wishing to subdivide such land shall submit to the Planning and Zoning Commission a plan of subdivision which shall conform to the minimum requirements set forth in these regulations.

3.04 No subdivision plat shall be filed or recorded inside of the corporate limits of the City of Lavon shall be improved or sold until the plat shall have been considered by the Planning and Zoning Commission and approved by the City Council.

The City shall have the authority to prohibit the installation of public utilities in unapproved subdivisions and to prohibit the issuance of building permits for structures on lots in an unapproved subdivision.

3.05 It shall be unlawful for any owner or agent of any owner to layout, subdivide or plat any land into lots, blocks and streets within the City or to sell portions of the property therein which has not been laid out, subdivided and platted according to these regulations and the rules of the Planning and Zoning Commission.

3.06 The City hereby defines it's policy to be that the City will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits or furnishing of sewerage and water service, until the subdivision plat has been approved by the City Council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider.

SECTION 4 PROCEDURE

4.01 Pre-Application Conference

Prior to the filing of a preliminary plat, the subdivider shall consult with the City Staff or the staff's duly authorized representative concerning the ultimate land-use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots and the layout of utility lines and availability of service from trunk mains. A written record of the meeting shall be kept by the City and a copy provided to the developer.

4.02 Application Procedure

(a) All property not subdivided into lots, blocks and streets or property to be subdivided with the City or within its jurisdiction shall hereafter be laid out under the direction of

the Planning and Zoning Commission and subject to the approval of the City Council and no other subdivision will be recognized by the City. Prior to the consideration of the plats by the Planning and Zoning Commission, the City Staff shall check the plats and make recommendations.

(b) At such time the preliminary plat is filed with the City for review and approval, it will be immediately passed to the City engineer who will make a preliminary study of the plat. If it appears substantially complete, the City Engineer will make a visit to the area to determine if there are apparent insurmountable problems with development of subject land.

If the City Engineer determines that the preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be immediately returned to the developer's engineer, requesting that it be completed before re-submission. The developer, upon re-submittal, shall return all original sheets marked by the City Engineer in this review.

(c) It shall be unlawful for any owner or agent of any owner to lay out, subdivide or plat any land into lots, blocks and streets within the City or to sell portions of the property therein which has not been laid out, subdivided and platted according to these regulations and the rules of the Planning and Zoning Commission.

(d) The City hereby defines its policy to be that the City will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits or furnishing of sewerage and water service, until the subdivision plat has been approved by the City Council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider.

(f) Any owner or developer of any lot, tract or parcel of land located within the corporate limits of the City who may wish to erect a subdivision of such land shall conform to the general procedure described as follows:

(1) The subdivider shall prepare and submit a preliminary plat to the City planning and zoning commission for it's study and recommendations to the developer. The preliminary plat shall show the entire subdivision and the various phases by which the subdivision will be developed and that lots may be sold within the phase to be developed upon approval of the final plat of that phase by the City Council. The preliminary plat shall then be submitted to the City Council for final action. The planning and zoning commission and City Council shall act on the preliminary plat within thirty (30) days from the date such plat was filed with each body for their approval.

(2) After approval of the preliminary plat by the City

Council, the subdivider may then prepare a final plat of all or a portion of the land included in the preliminary plat for submission to and consideration by the planning and zoning commission for final recommendations.

(3) Upon final action on any such final plat by the City planning and zoning commission, the same shall be referred to the City Council and the City Council shall, at its next succeeding meeting, consider such final plat for approval. Upon approval action of the City Council in the affirmative, the mayor is authorized to sign the signature block "approved for construction". At this time, the developer may pay his or her required developmental inspection fees as set out in the City of Lavon Fee Schedule Ordinance and begin construction of the public facilities to be dedicated to the City of Lavon, upon completion and certification of acceptable construction by the City staff. These construction areas include, but are not limited to, public streets, alleys, water lines, sewer lines, storm drainage lines, channels and all associated construction relative to the above and intended to be dedicated. The City Council's vote that the final plat as presented is approved for construction is the developers assurance that no changes will be required from the approved final plat.

(4) As construction of the required public dedicated facilities continues, inspections will be made during the progress of all items intended for dedication to the City. Upon completion of the "intended for dedicated improvements", the developer shall apply to the City Council for final acceptance of the plat and the dedications and easements for construction. The City staff shall certify in writing to the City Council that all public improvements have been completed in accordance with the requirements of the City of Lavon. This procedure will be followed for an entire development unless phased development has been indicated and approved in the earlier steps in which case, this step will be repeated for each phase.

(5) Upon final acceptance of such plat and public properties; and certification that all public improvements meet the town's requirements, the City Council may accept and sign the final plat document.

(6) Following the completion and acceptance of the public works facilities and the filing of the final plat, with Collin County, Texas, the issuance of building permits may begin. Building permits may only be issued on a completed development or within a completed phase when phase development was originally proposed, passed and approved.

4.03 Preliminary Plat

An application in writing for the approval of the preliminary

plat, together with three (3) prints, shall be filed with the city secretary at least fifteen (15) consecutive calendar days before the meeting of the planning and zoning commission if the plat is to be considered at such meeting. No plat will be considered by the City until the prescribed filling fees have been paid.

The preliminary plat sheet shall not be greater than twenty-four inches (24") by thirty-six inches (36"). Two (2) or more sheets may be used providing self explanatory matching lines are used to connect the subdivision parts.

The developers shall submit with the preliminary plat a copy of the boundary traverse calculations of the subdivision. The error of closure of the boundary shall not be greater than one in ten thousand (1:10,000).

The plat shall be drawn to a scale not to exceed one hundred feet to the inch (1"=100'). A graphic scale shall be provided and all figures and lettering shall be of such a size that if reduced the information is readable and distinct. The information to be included and the procedure for submittals are as follows:

(a) Existing Features

(1) The boundary line (accurate in scale and orientation) of the tract to be subdivided.

(2) The locations, widths and names of all existing or platted streets or other public ways within and adjacent to the tract, existing permanent buildings, rights-of-ways and other important features, such as abstract lines, political subdivision or corporation lines and school district boundaries.

(3) Existing sewer mains, water mains, drainage culverts or other underground structures within the tract and immediately adjacent thereto with pipe size, grades and locations indicated.

(4) Contours with intervals of two feet (2') or less, referred to mean sea level datum, by actual field survey.

(5) The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land.

(b) New Features

(1) The proposed name of the subdivision

(2) North point, scale, date and approximate acreage of the proposed subdivision

(3) The names and addresses of the subdivider and the engineer, surveyor or planner

(4) The tract designation and other description according to the real estate records of the City or County Auditor and Recorder: also, designation of the proposed uses of land within the subdivision.

(5) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitation of such reservations.

(6) The layout, names and widths of proposed streets, alleys and easements.

(7) The layout, numbers, set-back lines and approximate dimensions of proposed lots, blocks, parks, etc.

(8) Provision for the connection of streets with other streets adjacent to the subdivision and for extension of streets to undeveloped property.

(c) Utilities

A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, provisions for discharging onto and crossing adjacent properties and calculated runoff and points of concentration.

(d) Location Map

A location map of the proposed subdivision on a scale of one inch to one thousand feet (1"= 1,000') showing existing and proposed streets and thoroughfares covering an area at least one-half mile (1/2) outside the proposed subdivision.

(e) Cross-Sections

Typical cross-sections of proposed streets showing the width of pavement, type of pavement and location and width of sidewalks, at least minimum of every fifty (50') feet to extend to right-of-way line or as determined by City Engineer.

(f) Approval Block

The following notice shall be placed on the face of each preliminary plat by the subdivider:

"Preliminary Plat for Review Purposes Only"

The following certificate shall be placed on the preliminary plat by the subdivider:

"Recommended for Approval:

Date: _____
Chairman, Planning and Zoning Commission

Approved for preparation of Final Plat:

Date: _____
Mayor, City of Lanyon, Texas

(g) Submission

The planning and zoning commission shall be furnished with three (3) prints of the preliminary plat along with a letter of transmittal stating briefly the type of streets, drainage facilities, sanitary facilities and water system at least fifteen (15) days before the meeting date of the planning and zoning commission.

(h) Approval

The approval of the preliminary plat by the City Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the City Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat.

If a final plat for the subdivision, or a portion thereof has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the one hundred eight (180) days after approval, then the City Council will declare the preliminary plat null and void, unless the subdivider has, in writing, requested and received an extension of time.

4.04 FINAL PLAT

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

Six (6) direct prints and three (3) mylar prints shall be filed with the city secretary at least fifteen (15) consecutive calendar days prior to the meeting of the planning and zoning commission at which action is requested. Planning and Zoning Commission and the City Council shall act on the final plat within thirty (30) days from the date such plat was filed with each body for their approval. No plat will be considered by the City as being filed until the prescribed filing fees have been paid. The final plat may constitute all or only a portion of the

approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.

If final plats are submitted for approval for portions of sections of the proposed subdivision, each portion of section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle.

The planning and zoning commission will either recommend approval or disapproval of the final plat and forward it to the City Council. Any action taken by the City Council shall be final, regardless of the previous action by the planning and zoning commission.

The final plat shall be officially approved and dedications accepted by the City Council when all fees and expenses incurred have been paid and when all requisites of the subdivision have been met. One (1) of the final plats on reproducible material shall be drawn on sheets measuring seventeen and one-half inches by twenty-three and three quarters inches (17 1/2" X 23 3/4"). Two (2) or more sheets may be used providing self explanatory matching lines are used to connect the subdivision parts. A graphical scale shall be provided and all figures and lettering shall be of such a size that if reduced the information is readable and distinct.

A final plat shall show or be accompanied by the following information:

(a) The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary (error of closure shall not exceed one (1) in ten thousand (10,000), exact acreage, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. One (1) copy of the traverse closure sheet shall be enclosed.

(b) True bearings and distances to the nearest established street lines, official monuments or subdivision corner, which shall be accurately described on the plat. Municipal, township, county or abstract lines shall be accurately tied to the lines of the subdivision by distances and bearings.

(c) An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided.

(d) The exact layout including:

(1) Street and/or alley names

(2) The length of all arcs, radii, internal angles and points of curvature, length and bearing of the

tangents

(3) All easements for right-of-way provided for public services or utilities and any limitations of the easements; and

(4) All lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second

(e) The accurate location, material and approximate size of all monuments

(f) The accurate outline description of all property that may be offered for dedication for public use such as parks, etc., with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

(g) building set-back lines

(h) Private restrictions

(i) Name of the proposed subdivision

(j) Name and address of the subdivider

(k) North point, scale and date

(l) A certification shall be made on the plat by a registered land surveyor and the plans by a registered professional civil engineer, and both be registered in the State of Texas, to the effect that the plat or plans represents a survey made by him or her or under his or her direct supervision and that all monuments shown thereon actually exist, and that their location size and material are correctly shown.

(m) 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 and a complete and accurate description of the land subdivided and the streets dedicated.

(n) The following certificate shall be placed on the plat, in a manner that will allow the filling in of the certificate by the proper party.

"Recommended for Approval:

Date

Chairman, Planning & Zoning Commission
City of Lavon, Texas

Approved for Construction:

Date: _____
Mayor, City of Lavon, Texas

Accepted:

Date: _____
Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the _____ subdivision or addition to the City of Lavon was submitted to the City Council on the _____ day of _____, 19____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as hereinabove subscribed.

Witness my hand this _____ day of _____, AD, 19____.

City Secretary, City of Lavon, Texas

(o) Certificate showing that all taxes and fees have been paid on the tract to be subdivided.

(p) Construction Plans

(1) Six (6) sets of plans and specifications for water, sanitary sewer, paving and drainage improvements prepared by a registered professional civil engineer, shall be approved and retained by the City prior to any construction in the subdivision.

(2) Construction plans and profiles shall be drawn on sheets measuring twenty-four inches by thirty-six

inches (24" X 36").

(3) A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date and bench mark description to mean sea level datum. Unless otherwise approved by the City, scales shall be one inch equals twenty feet (1" = 20') horizontally and one inch equals five feet (1" = 5') vertically. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.

(4) The cross-section of proposed streets showing the width of roadways, type of pavement, location and width of sidewalk and various slopes of earthwork, sidewalks and drives.

(5) A plan and profile of proposed sanitary sewer with grades and pipe sizes indicated and showing locations, manholes, clean outs, etc., and a plan, and if required, a profile of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc. Unless otherwise approved by the City, scales shall be one inch equals one hundred feet (1" = 100') horizontally and one inch equals five feet (1" = 5') vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date and bench mark description to the mean sea level datum.

(6) A plan and profile of the proposed storm sewers, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, storm water detention, etc. Scale shall be the same as stated in (5). Each plans shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date and bench mark description to mean sea level datum.

The approval of construction drawings by the City Council shall be effective for a period of two (2) years after the approval date, unless the subdivider has requested in writing and received an extension of time. Construction drawings which have expired shall be resubmitted to the City for approval before any construction is begun. The design of the proposed improvements shall be based on the construction requirements which are in effect at the time of resubmittal.

(g) The final plat shall be recorded by the city secretary in the office of the county clerk of the county within

thirty (30) days from and after the date of final acceptance by the City Council; the subdivider shall, however, pay to the City in advance, the required fees for filing of such plat with the county clerk.

(r) Payment of inspection fees for inspecting the public works construction during the construction phase shall be due at the time the City Council passes the "approved for construction" paragraph. Said fee is set by the City of Lavon's fee ordinances and should be referred to for the amount and method of calculation. In no case shall any work begin on any development until said fee is received by the City of Lavon.

4.05 REPLATS

(a) Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, street, alleys, building setback lines, etc., then no engineering plans or preliminary plat will be required.

4.06 FINAL WARRANTY INSPECTION PROCEDURE

Not later than thirty (30) days prior to the end of a given warranty period for any publicly dedicated facilities which have been required by this chapter to be installed within a subdivision and subsequently dedicated and accepted by the City of Lavon, the City shall inspect those facilities and call for any necessary repairs prior to the termination of the warranty period. The results of this inspection shall be kept by the City as a written record for a period not less than five (5) years. The results of this inspection, any repairs noted and the subsequent action of the developer or contractor concerned shall be part of this record. Copies of this documentation will be delivered to the developer and/or contractor concerned. This notification and inspection procedure shall extend the warranty period until all specified repairs and inspections are completed.

5.00 GENERAL PLAT REQUIREMENTS

All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening contained in the current zoning ordinance of the City shall be adhered to for development under this chapter.

5.01 Streets

The arrangement, character, extent, width, grade and location of all proposed streets shall conform to the general plan of the community and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets. All streets shall be constructed with concrete including curb and gutter in accordance with the North Central Texas Council of Governments Standard Specifications for Public Works Construction.

5.02 Lots

All lots shall conform to the regulations as set forth in the City Zoning ordinance. All main buildings shall front a street; no ¶ flag lots¶ are to be acceptable.

5.03 Easements

Utility and drainage easements shall be provided for and shall be at least fifteen feet (15') from back of curb.

5.04 Survey Monuments and Lot Markers

(a) Permanent Survey Reference Monuments

A concrete monument, six inches (6") in diameter and twenty-four inches (24") long, shall be placed at all boundary corners, block corner, curve points and angle points. A iron pin one fourth inch (1/4") in diameter embedded at least three inches (3") in the monument shall be placed at the exact boundary point. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than twelve inches (12") below the finished grade of the development.

(b) Lot Markers

Lot markers shall be one-half inch (1/2") diameter, reinforcing bar, eighteen (18) inches long or approved equal and shall be placed vertically at all lot corners flush with the ground or below ground if necessary in order to avoid being disturbed.

5.05 SIDEWALKS

Concrete sidewalks shall have a width of not less than four feet (4') and a thickness of not less than four inches (4") and shall be constructed of two thousand five hundred (2,500) p.s.i.

concrete on both sides of all streets and thoroughfares within the subdivision. Sidewalks shall be constructed one foot (1') from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the side of corner lots and block ends.

All concrete for sidewalks shall be placed on two inch (2") sand cushion and shall be reinforced with a minimum 6X6 No. 10 gauge welded wire fabric.

Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be one-fourth inch (1/4") per foot starting at the back of the curb.

6.00 RECORD DRAWINGS (AS BUILT PLANS)

Prior to the acceptance of the subdivision and within thirty (30) days of the completion of the subdivision, the engineer for the developer shall submit to the City a complete set of reproducible construction drawings twenty-four by thirty-six inches (24" X 36") of the paving, drainage, water and sanitary sewer improvements with all changes made in the plans during construction and containing on each sheet and "As Built" stamp bearing the signature of the engineer and the date.

Within ten (10) days of the receipt of the "record drawings", the City Engineer shall make a recommendation for acceptance or non-acceptance of the subdivision to the City Council and a determination of review cost and the receipt of the required maintenance bond.

No final acceptance of the subdivision will be made by the City Council until these requirements have been made to the satisfaction of the City.

7.00 FILING FEES AND CHARGES

7.01 Fees Required to be Paid Before Action can be taken

A subdivider and/or developer is hereby required to pay the current fees, as established by the City Council through a separate ordinance, when any plat is tendered to the city secretary for consideration by the planning and zoning commission. Each of the required fees and charges shall be paid in advance and no action by the planning and zoning commission, or any official or employee of the City shall be valid until the fee or fees shall have been paid to the city official designated to receive said fee or fees.

7.02 Fees are Nonrefundable

The fee shall be charged on all plats regardless of the action taken by the planning and zoning commission and whether or not the City Council approves or disapproves the plat.

7.03 Development Inspection fee

Before commencing construction, the developer shall pay a development inspection fee as specified by the City of Lavon's fee ordinances. No construction or development work may commence until such fee has been paid in full for the entire development or for the phase which is under construction. This fee is paid to cover the cost of inspections made during the construction of the public works facilities which are anticipated to be dedicated to the City of Lavon upon completion and final acceptance. Such fee does not cover any of the cost associated with the testing or laboratory work which may be required of the developer in order to establish that such construction does meet City specifications.

8.00 BONDS AND INSURANCE

(a) Any subdivider/developer shall furnish a maintenance bond for one (1) year from date of acceptance, or place in escrow for one (1) year from date of acceptance, an amount that represents ten percent (10%) of the total cost of public improvements (streets, drainage, water/sewer lines, etc.) for said development in order to indemnify the City against any repairs which may be necessary in connection with construction of said improvements arising from defective workmanship or materials for a period of one (1) full year from final acceptance of each phase of the development. Final acceptance of a subdivision or a phase of a subdivision will be withheld until said maintenance bond or proof of establishment of escrow account has been furnished to the City.

(b) The subdivider or developer shall furnish a labor and materials payment bond equal to fifty percent (50%) of the cost of the public improvements to be supplied prior to approved for construction stage process.

(c) Proof of liability insurance to cover any and all accidents that are attributable to the construction activity both on site and off site, to be supplied prior to approved for construction stage process.

9.00 PENALTY

Any person, firm or corporation who shall violate any of the provisions of this subdivision ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and each day

that such violation continues shall constitute a separate offense and shall be punishable accordingly.

PASSED AND APPROVED ON THIS THE 3RD DAY OF January, 2002.

Jim Albright
JIM ALBRIGHT, MAYOR

ATTEST:

Chrisless
City Secretary

