ORDINANCE NO. 7-022011

AN ORDINANCE AMENDING ORDINANCE 7-042006, 7-092008 AND ALL AMENDMENTS THEREAFTER ADOPTED, RELATED TO THE RULES AND REGULATIONS GOVERNING PLATS, PLANS AND SUBDIVISIONS OF LAND WITHIN THE INCORPORATED AREA AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF GARDEN RIDGE, TEXAS; ESTABLISHING A REQUIREMENT TO PROVIDE TRANSFERABLE WATER RIGHTS OR OTHER WATER RESOURCE ACCEPTABLE TO THE CITY AS AN ALTERNATE WATER SOURCE TO ADD T TO THE WATER SYSTEM INFRASTRUCTURE, TO ALLOW AMPLE WATER SUPPLY TO THE SUBDIVISION, APPLICABLE TO ALL SUBDIVISIONS OF LAND AS PROVIDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code, as heretofore or hereafter amended, the owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a **subdivision** of the tract, including an addition to a municipality, to lay out suburban, building, or other **lots**, or to lay out **streets**, **alleys**, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of **lots** fronting on or adjacent to the **streets**, **alleys**, squares, parks, or other parts, must have a plat of the **subdivision** prepared and have the plat approved by the City;

WHEREAS, pursuant to the Ordinances of the City of Garden Ridge, which require the provision of an adequate water supply when subdividing land, including Ordinance 7-042006, 7-092008 and any amendment thereto; and pursuant to the requirements contained in Chapter 212 of the Texas Local Government Code requiring that a plat conform with the municipality's access to and extension of water mains and the instrumentalities of public utilities, a plat proposed for final approval is not considered to conform with these requirements and the application for plat approval is not considered complete for purposes of consideration by the City Council for approval unless the subdivision is also shown to comply with this Ordinance and any other Ordinance and/or Rule promulgated by the City under its authority provided by §212.002 of the Texas Local Government Code.

WHEREAS, Ordinance No. 7-042006, 07-092008 and all amendments thereafter adopted, prescribing the rules and regulations governing plats and **subdivisions** of land, must be amended to adequately promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City of Garden Ridge, Texas; and,

WHEREAS, the City of Garden Ridge, Texas, held a public hearing on the subject matter of this ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT ORDINANCE 7-042006 and 7-092008 AND ALL AMENDMENTS THEREAFTER ADOPTED, IS HEREBY FURTHER AMENDED TO READ AS FOLLOWS:

DEFINITIONS APPLICABLE TO THIS AMENDMENT:

Alley: A minor public right-of-way not intended to provide the primary means of access to abutting **lots**, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a **street**.

Lot: An undivided tract or parcel of land having frontage on a public **street** or an approved open space having direct **street** access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract number, lot number, or other symbol in a duly approved **subdivision plat** which has been properly filed of record.

Private Street: A **street** that is not a public thoroughfare.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a **subdivision** as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the City of Garden Ridge, in two or more parts to lay out a subdivision of the tract, including an addition to the municipality, to lay out suburban, building, or other **lots**, or to lay out **streets**, **alleys**, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of **lots** fronting on or adjacent to the **streets**, **alleys**, squares, parks, or other parts. "Subdivision" includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. "Subdivision" includes **resubdivision**, but it does not include a division of land for agricultural purposes into parts greater than five acres where each part has **street** access and no public improvement is being dedicated.

Street: A public right-of-way, however designated, other than an **alley**, which carries vehicular traffic or provides vehicular access to adjacent land. All streets are classified by other definitions in this section.

Resubdivision: The division of an existing **subdivision**, together with any change of **lot** size therein, or with the relocation of any **street** lines.

TRANSFERABLE WATER RIGHTS - REQUIREMENT:

In addition to any and all other obligations provided by local ordinance, or other law, the **subdivider** of property must provide transferable water rights or accessible water rights or sources for use by the City of Garden Ridge, Texas to ensure ample water supply necessary to support the **subdivision.** Such source must meet or exceed all standards, requirements and specifications applicable to a water source used by an approved public water supply system pursuant to Texas law and regulations.

The City of Garden Ridge, based on use and intensity of water consumption reasonably anticipated through the examination of the subdivision and land use project as presented in the master planning process, annexation process or request for extension of service within the extraterritorial jurisdiction of the City, shall define the ample water supply necessary for the

proposed subdivision or land use project. The amount of accessible or transferable water rights necessary to ensure ample water supply for the City, considering and including the additional water demands placed on the system by the **subdivision** or land use project shall be determined by the City of Garden Ridge at the time of master plan or land use project approval or upon obtaining service through a voluntary annexation agreement, or upon obtaining service within the extraterritorial jurisdiction of the City, which is within the City's existing or proposed extension of the Certificated of Convenience and Necessity (CCN) establishing the water service area.

All subdividers or property owners requesting water service from the City of Garden Ridge for new residential development or commercial development, to include annexation of property into the city limits or extension of the city's existing CCN must submit a master plan for the property before the City Water Commission prior to submission of such plan is complete for consideration by the Planning and Zoning Commission. The City Water Commission shall determine the use and intensity of water consumption reasonably anticipated through the examination of the land use project presented. After such determination has been made the City Water Commission shall make recommendation to the City Council of the amount of accessible or transferable water rights necessary to ensure ample water supply to the subdivision, land use project, annexation or CCN extension. The City Council shall make the final finding on the City Water Commission recommendation prior to submission of the master plan, land use project or annexation request to the Planning and Zoning Commission. Any extension of CCN that does not involve subdivision, platting or annexation of property or the extension of any city infrastructure or services other than water may not require Planning and Zoning consideration therefore the finding by the City Council shall be final.

SEVERABILITY CLAUSE:

If any section, paragraph, subdivision, clause or phrase 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 of any provision thereof other than the part so decided to be invalid or unconstitutional.

EFFECTIVE DATE:

This Ordinance shall take effect immediately upon passage and the publication of its caption, as required by state law.

PUBLICATION:

The caption of this ordinance shall be published as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, this, the 2nd day of February 2011.

JAY FEIBELMAN, MAYOR

ATTEST:

Yolanda Benitez, City Secretary

ORDINANCE NO. 7-092006, Amendment #2

AN ORDINANCE AMENDING ORDINANCE NO. 07-042006, THE SUBDIVISION ORDINANCE OF THE CITY OF GARDEN RIDGE, TO AMEND ARTICLE I. GENERAL PROVISIONS, SECTION 3. DEFINITIONS, TO ADD THE DEFINITION OF A MINOR PLAT AMENDMENT; TO AMEND ARTICLE IV. THE PRELIMINARY PLAT, TO ARTICLE IV. MINOR PLAT AMENDMENTS AND PRELIMINARY PLATS; TO AMEND ARTICLE IV SECTION 1. PRELIMINARY CONFERENCE TO ADD NEW SUBPARAGRAPHS A. AND B.; TO AMEND ARTICLE IV, TO ADD A NEW SECTION 2. ENTITLED MINOR PLAT AMENDMENTS AND ADOPTING THE AUTHORITY TO DELEGATE TO THE CITY ADMINISTRATOR THE AUTHORITY TO APPOVE MINOR PLAT AMENDMENTS AS DELINEATED IN TEXAS LOCAL GOVERNMENT CODE SECTION 212.016 AND 212.0065 AND RENUMBERING THE FORMER ARTICLE IV, SUBPARAGRAPHS A. AND B. AND SECTION 2 AND SUBSEQUENT SECTIONS OF ARTICLE IV OF THE SUBDIVISION ORDINANCE OF THE CITY OF GARDEN RIDGE ACCORDINGLY.

Whereas, the City of Garden Ridge, Texas is a Type A, General Law Municipality incorporated pursuant the laws and Constitution of the State of Texas;

Whereas, Chapter 212.0065 of the Texas Local Government Code provides the authority to the Municipality to delegate approval of minor plat amendments to one or more officers or employees of the municipality the ability to approve amending plat described by Texas Local Government Code § 212.016;

Whereas, the City of Garden Ridge, Texas finds that the delegation of this authority to the City Administrator is in the best interest of the municipality and promotes the efficient and effective operation of the municipal government; and,

Whereas, the City of Garden Ridge, Texas finds that the delegation of this authority promotes the general health, safety, and welfare of the community at large;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

The City of GARDEN RIDGE Subdivision Ordinance is amended as follows:

1. Article I. General Provisions, Section 3. Definitions, is amended to add the definition of "Plat, Minor" to read as follows:

Definition:

Plat, minor means a one-step platting process for subdivisions that do not require new public streets or public utilities, or other major infrastructure improvements. Review procedures for Minor Plat Amendments are to be provided by the City Administrator to the applicant at the conference with the City Administrator and may include all or part of the procedures contained in Article IV Section 3.

Plat Amendment, minor means an amendment or change to an existing plat that is permitted under Texas Local Government Code §212.0065, as amended.

2. Article IV. THE PRELIMINARY PLAT is amended to read as follows:

Article IV. MINOR PLAT AMENDMENT AND PRELIMINARY PLATS

3. Article IV MINOR PLAT AMENDMENT AND PRELIMINARY PLATS, Section 1. Preliminary Conference, is amended to add new subparagraphs A. and B. which shall read as follows:

A. Before submitting a Minor Plat Amendment or preliminary plat, the subdivider should request a conference with the City Administrator or Council's designated employee. At this conference, the subdivider should present a preliminary plan for advice on the procedures, specifications and standards required by the City for the subdivision of land. A fee schedule will also be discussed during this preliminary conference. City fees are established by the City Council and are nonrefundable.

B .No application for approval of a preliminary or Minor Plat Amendment shall be considered complete and filed until all the items required by State law and the City is received and the City Administrator or the Council's designated employee certifies the application. The approval procedure as set out in Texas Local Government Code Chapter § 212.009 or §212.0065 shall not begin until: (1) the City Administrator or Council's designated employee has certified that the minor plat amendment application or plat application is complete in accordance with this ordinance and State law; and, (2) a formal application for review and submission is acknowledged "received" by the City Administrator or the Council's designated employee.

4. Article IV MINOR PLAT AMENDMENT AND PRELIMINARY PLATS, is amended to add a new Section 2 entitled *Minor Plat Amendments* which shall read as follows:

(a) The City Council hereby adopts and incorporates by reference Texas Local Government Code § 212.0065 Delegation of Approval.

The City Council hereby delegates responsibility to the City Administrator to approve Minor Plat Amendments as described in Texas Local Government Code 212.0065, as amended, including:

(1) Amending plats described by Texas Local Government Code § 212.016 which is also hereby adopted and incorporated by reference;

(2) Minor Plat Amendments involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

(3) A replat under Texas Local Government Code § 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

(b) The City Administrator may elect to present the minor plat amendments for approval to the municipal authority responsible for approving plats for any reason.

(c) The City Administrator shall not disapprove a minor plat amendment, but shall instead be required to refer any plat which the City Administrator refuses to approve to the municipal authority responsible for approving plats within the time period as specified in Texas Local Government Code § 212.009.

(d) For purposes of subsection (c) above, no application for approval of a preliminary or Minor Plat Amendment shall be considered completed and filed until all the items required by State law and the City have been received and the City Administrator or the Council's designated employee certifies the application. The approval procedure as set out in Texas Local Government Code Chapter § 212.009 shall not begin until: (1) the City Administrator has certified that the plat application is complete in accordance with this ordinance and State law; and, (2) a formal application for review and submission has been acknowledged as received by the City Administrator or the Council's designated employee.

3. The former subparagraph A and B and the former Section 2 and all subsequent subparagraphs and sections of Article IV of the Subdivision Ordinance shall be renumbered accordingly.

BE IF FURTHER ORDAINED BY THE CITY COUNCIL OF GARDEN RIDGE, TEXAS, THAT THE FOREGOING AMENDMENT TO THE SUBDIVISION ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS IS PASSED AND APPROVED this 6th day of September 2006.

JAY FEIBELMAN, MAYOR

ATTEST:

LINDA KNOWLSON, CITY SECRETARY

AN ORDINANCE REGULATING PLATTING AND DEVELOPMENT OF SUBDIVISIONS WITHIN THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS AND ITS EXTRATERRITORIAL JURISDICTION; AMENDS ORDINANCE 7-102004 APPROVED OCTOBER 4, 2004; PROVIDES A PENALTY CLAUSE FOR A FINE OF NOT LESS THAN $200.00 NOR MORE THAN $500.00 WITH EACH DAY BEING A SEPARATE OFFENSE; A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

ARTICLE I -- GENERAL PROVISIONS

SECTION 1. AUTHORITY. This ordinance is adopted under the authority of the constitution and Laws of the State of Texas, including particularly Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Article 974a. Vernon's Texas Civil Statutes and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Article 970a, Vernon's Texas civil Statutes).

SECTION 2. PURPOSE. The purpose of this ordinance is to provide for the orderly development of subdivisions within the city limits of Garden Ridge, Texas and within its extraterritorial jurisdiction (ETJ).

SECTION 3. DEFINITIONS. Words, phrases and terms used in this ordinance are to be construed in accordance with customary usage in municipal planning and engineering practices. In addition, the following specific definitions will apply herein:

A. Alley: A minor public right of way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties abutting on a street.

B. Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent front, side and rear property and City right-of-way.

C. City: The City of Garden Ridge, Comal County, Texas, and its extraterritorial jurisdiction.

D. Crosswalk Way: A public right of way, six (6) feet or more width, between property lines ,which provides pedestrian circulation.

E. Cul-De-Sac: A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

F. Dead End street: A street, other than a cul-de-sac, with only one outlet.

G. Engineer: A person duly authorized and properly registered under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended to practice the profession of engineering.

H. Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

I. Office/Title: Any office referred to in this ordinance by title means the person employed or appointed by the city in that position, their duly authorized/appointed representative, or a duly elected official/officer.

J. Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid it is the portion between the faces of the curbs.

K. Person: Any individual, association, entity, firm, corporation, government agency or political subdivision, whether in singular or plural.

L. Shall: The word "shall" is always mandatory.

M. Plat: A plan of a subdivision or land creating building lots or tracts and showing all dimensions and other information essential to compliance with the subdivision standards of the City and subject to review by the Planning and Zoning Commission and approval of the City Council Reference to a plat in this ordinance means an official plat of record which has been signed and sealed by a licensed surveyor, signed by each land owner shown on the plat, approved by the Planning and Zoning Commission and filed in the plat records of Comal county.

N. Street: Any right of way dedicated or deeded for public use.

O. Subdivider: Any person or agent thereof dividing or proposing to divide land so as to constitute a subdivision as defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

P. Subdivision: A division of any tract of land situated within the corporate limits, or within or partly within the ETJ of the City, into two or more parts for the purpose of laying out building lots, or any lots, and streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Any division or consolidation of land constitutes a subdivision.

Q. Surveyor: A licensed state land Surveyor or Registered Public Surveyor, as authorized by the state statutes to practice the profession of surveying.

R. Utility/Public Service Easement: Access to land granted to the City, and/or to a utility corporation or pubic service activity franchise by the City, for installing or maintaining utilities/public services across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

SECTION 4. CONSTITUTIONALITY. In the event that any portion or this ordinance should be held unconstitutional, other parts hereof shall not be affected thereby and they shall be held in effect unless and until otherwise changed by the City Council of Garden Ridge, Comal County, Texas, and so recorded in its Minutes.

ARTICLE II --SPECIAL PROVISIONS

SECTION 1. SEPTIC SYSTEMS. The City shall not authorize a building permit for the installation of a septic tank upon any lot of a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

A. Owners of properties in Garden Ridge and its extra territorial jurisdiction subdividing or re-subdividing or consolidating land, shall comply with the sanitation rules and regulations for on-site treatment and disposal of wastewater of Comal County and the rules and regulations of the Texas Natural Resource Conservation Commission, Texas Department of Health and/or other local, state or federal regulations.

B. Owners of property in Garden Ridge and its extra territorial jurisdiction shall comply with the criteria set forth by the Federal Insurance Administration, Department of Housing and Urban Development, for the construction of buildings and septic systems in designated potential flood areas as outlined in Title 24, Section 1909 and 1910 as amended and other applicable laws.

SECTION 2. BUILDING REPAIR, PLUMBING AND ELECTRICAL PERMITS AND CERTIFICATE OF OCCUPANCY. The city shall not issue a building, repair, (restoration, remodel, alteration,) plumbing, or electrical permit, or certificate of occupancy for any structure on a lot in a subdivision for which a final plat has not been approved

and filed for record, nor for any structure on a lot within a subdivision for which the standards herein or referred to herein have not been complied with in full.

SECTION 3. STREETS AND UTILITY/PUBLIC SERVICES. The City shall not permit repair, maintenance, installation or construction of any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

SECTION 4. WATER. GAS. ELECTRICAL AND SEWERAGE SERVICES. The City shall not sell or supply or permit the sale of any water, gas, electrical, sewerage or other services within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

SECTION 5. NONCOMPLIANCE. If a subdivision exists for which a final plat has not been approved or which fails to meet the standards contained or referred to in this ordinance, the City Council shall pass a resolution reciting the fact of such noncompliance and reciting the fact that the fact of such noncompliance and reciting the fact that the provisions of Section l, 2, 3 and 4 will apply to the subdivision and the lots contained therein. The aforementioned action will be taken only after legal and engineering recommendations have been received from the City attorney and City engineer. Further, the City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under, the corporate seal of the city to be filed in the Deed of Records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution the city Secretary shall forthwith file an instrument in the Deed Records of such county or counties stating that Section 1, 2, 3 and 4 no longer apply.

SECTION 6. PUNITIVE DIRECTION. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards set forth to herein with respect to any violation thereof which occurs within the City, or within the extraterritorial jurisdiction of the City of Garden Ridge, Comal County, Texas.

SECTION 7. PREEXISTING SUBDIVISION. The provisions of this Article shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists that was in existence prior to the passage of this ordinance, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot the last recorded conveyance of which prior to the passage of this ordinance was by metes and bounds, and/or any subdivision, or lot -thereon, recorded or unrecorded, which was in existence prior to the passage of this ordinance.

SECTION 8. INSPECTION, TESTING AND CHARGES.

A. Inspections. The City Engineer or his/her authorized inspector for the City shall inspect all subdivision site work. The City Engineer and Inspector will have the following powers and duties, in addition to other powers and duties authorized by this Ordinance:

1. The City Engineer, Inspector, and/or city official, as properly identified may enter the subdivision premises during reasonable hours to perform any duty imposed by this Ordinance.

2. The City Engineer or Inspector shall assure that all work done is accomplished in accordance with this ordinance and other applicable City ordinances, rules and regulations and the project specifications as approved by the City Council.

3. The City Engineer or Inspector has the authority to issue verbal and written instructions to effect immediate correction of any defective or deficient aspects of a project for which the City has review and approval authority for plans and specifications and/or which will be dedicated to public use or which cause or will cause conditions that may be injurious to public health.

4. The City Engineer or Inspector has the authority to issue a "STOP WORK ORDER", without prejudice or liability to the city, the City engineer, City attorney, or other City representative or agent, for any part of the project that is being accomplished in violation of the city code, rules, regulations or ordinances; creates or

poses a hazard to life; constitutes a fire hazard; be otherwise dangerous to life or property; or is being done in a dangerous or unsafe manner. Such notice shall be in writing and shall be given to the developer, landowner, or to the person doing the work. The notice shall state the conditions under which work may be resumed.

Where an emergency exists, a "STOP WORK ORDER" can be issued verbally provided a written notice is given within two work days following a verbal "STOP WORK ORDER".

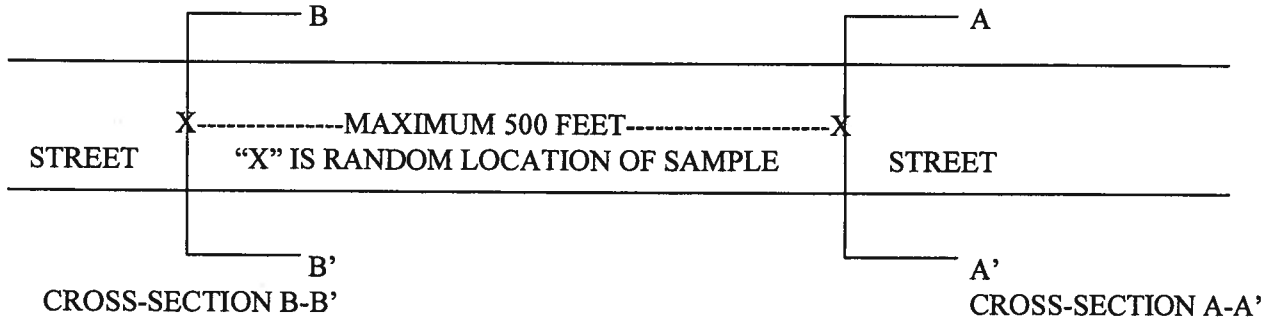
The City Engineer and Inspector will jointly develop and agree to procedures for conducting all required inspections and testing prior to the start of the project. Procedures adopted will be in written form and signed by the City Engineer and the developer with copy provided to each party prior to commencement of construction. The developer shall pay all agreed City inspection, engineering, legal and other review fees prior to commencement of construction. The City's copy will become a part of the project files.

Attachment 1 to this ORDINANCE provides general inspection requirements guidance and is to be used, in developing joint inspection procedures.

Before final acceptance of a subdivision is given by the City for streets, drainage work, underground utilities (electric, telephone, gas, TV) and extension of water system, the developer's engineer responsible for the design of said project shall issue a letter to the City stating that he/she has made an inspection of the subdivision improvements, and that such improvements comply with the city approved plans and specifications as amended, and requests their acceptance by the City. Three sets of reproducible "AS BUILT" drawings, sealed by the developer's engineer, indicating the improvements to be accepted for use by the City shall be attached to the request letter.

B. Testing. All testing is the responsibility of the developer and at the cost of the developer. Test results for each phase will be furnished to the City Engineer in a timely manner for review and clearance to proceed with subsequent work phases. Copies of documented test results will be provided to the City before final approval of the subdivision or development project is granted. All testing will be performed by an independent testing laboratory approved by the City. The following test schedule shall be adhered to:

1. Street sub-grade moisture, density test at the rate of one test per each block or five hundred (500) linear feet of sub-grade material, Whichever is less, or at spacing intervals directed by the City Engineer. One (1) density test at each spacing interval shall be obtained at a random location along the interval cross-section or at a location specified by the City Engineer, as shown below.



2. Flexible base- Tests for plasticity index, liquid limit, moisture content, density (proctor test) and gradation of material shall be made at the rate of 1 set of tests per 2000 cu. yd. of material placed or for each change in source material.

3. For all concrete structures, concrete cylinders and compression tests shall be taken. One set of three cylinders per 50 cubic yards of concrete or each day's placement (whichever is less). Cylinders shall be tested at 7, 14 and 28 days of curing time.

4. Leak test or pressure test as recommended by the City Engineer will be conducted on all water and/or sewer mains and lateral water lines prior to backfill of trenches/excluding selected areas where deemed appropriate to backfill before testing. Each fire hydrant will be tested for rated flow at the expense of the developer.

C. Charges. The developer shall bear the cost of all inspections, re-inspections and testing. The judgment of the City concerning the need for any re-inspection of any part at any stage shall be final. Additional inspections, when directed by the City Engineer, will be at the expense of the City and shall not exceed $750.00 without further; City Council approval.

Section 9. Requirements for Burning Permit. The developer is responsible for obtaining any required permits from the Texas Natural Resource Conservation Commission, Comal County and/or Bracken Volunteer Fire Department as related to burning of trees, brush, stumps, or any debris or trash at development sites within the City prior to commencement of any burning activities.

ARTICLE III -- VARIANCES

SECTION 1. CONDITIONS FOR GRANTING VARIANCES. The City Council may authorize, upon recommendation of the Planning and Zoning Commission, a variance from these regulations when, in its opinion, undue hardship will, result from requiring strict compliance. In granting a variance, the Council shall prescribe only those conditions that it deems necessary or desirable in the public interest. No variance shall be granted unless the council finds:

A. Land Use Deprivation. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land; and

B. Preservation Clause. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

C. Public Interest Clause. That the granting of the variance will not be detrimental to the public health safety or welfare, nor injurious to other property in the area; and

D. Orderly Development Clause. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with provisions of this ordinance.

SECTION 2. COUNCIL FINDINGS CONCERNING VARIANCES. The findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the Official Minutes of the Council Meeting; at which such variance is granted or denied. The applicant for a variance shall be advised in writing of the Council's finding.

ARTICLE IV-- THE PRELIMINARY PLAT

SECTION 1. PRELIMINARY CONFERENCE.

A. General. Prior to the official filing of a preliminary plat, the subdivider and his engineer(s) and/or planner(s) shall consult with, and present a proposed plan of subdivision to, the Chairman of the Planning and Zoning Commission and the City Engineer jointly, for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

B. Conceptual Presentation. Prior to the official filing of a preliminary plat (or of a final plat under the Short Form Subdivision procedures) the subdivider shall schedule a conceptual presentation with the City Council at an official meeting. The following information shall be furnished by the subdivider at the conceptual presentations:

1. A print or copy of an aerial photograph showing the tract boundaries and conceptual plans for land use, roadways, drainage, utility services, lots and other design features.

2. A description of existing conditions of the site, data on land characteristics and natural site features, information describing the proposed number and size of lots, proposed protective covenants and physical improvements.

3. A map showing the relationship of the proposed subdivision to existing landmarks and community facilities within a one (1) mile radius, including thoroughfares, adjacent subdivisions, shopping centers, public schools, parks, playgrounds and the development name and location, scale, north arrow and date.

4. Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the conceptual plan shall be accompanied by a layout of the entire area showing the tentative improvements for such uses.

C. Report to Council. After the conceptual presentation, the Chairman of the Planning and zoning commission shall make a written report to the City Council which includes a review of the plans, relationship to the City's adopted comprehensive plan and any recommendations for area wide improvements affecting said tract. The subdivider and City Council shall be provided with a copy of the report.

D. Property Inspection. Any person or his successor and assigns who has presented a conceptual plan of subdivision or who has submitted a preliminary plat for approval shall agree to allow entry on their land or premises or proposed subdivision, or on the larger tract if the proposed subdivision is intended to be subsequently subdivided as additional units of the same subdivision. The entry is for the purposes of inspection of conditions of the premises during the review period approval stage and during development and construction by duly authorized representatives and inspectors of the City.

E. Fees. Such conceptual presentation shall not proceed until the subdivider has paid a fee as set forth in the City Ordinance on permit and user fees. That fee is non-refundable and no review or action by the City Council shall be made until the fee is paid.

F. Council Review. Within thirty days following the subdivision presentation and final written report of the City Planning and Zoning Commission, the City Council at the next regularly scheduled meeting shall discuss any interests or concerns of an area wide nature which may directly affect the review of the proposed preliminary plat and shall so inform the
subdivider in writing.

SECTION 2. PRELIMINARY PLAT AND ACCOMPANYING DATA.

A. General. The subdivider shall cause to be prepared a preliminary plat by a licensed engineer in accordance with this ordinance.

B. Copies Required. The subdivider shall file three (3) blue or black line copies of the preliminary plat with the City Secretary.

C. Filing Fees. The preliminary plat shall be accompanied by a filing fee in the amount as defined in the City's Permit and User Fee ordinance. No action by the City Council, in relation to the preliminary plat shall be valid until all applicable filing fees have been paid. The filing fee is nonrefundable should the developer not make formal application for preliminary plat approval or should the plat be disapproved.

D. Form and Content of the Preliminary Plat. The plat shall be drawn on sheets that are at least eighteen (18) inches wide by twenty-four (24) inches long. Sheets shall have a binding margin of not less than two and one-half (2-1/2) inches on the left side of the sheet and margins on the other three sides of not less than three-eights (3/8) of an inch. The plat shall be drawn to a scale of one (1) inch per one hundred (100) feet. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

1. Names and addresses of the subdivider, owner of record and engineer.
2. Proposed name of the subdivision, which shall have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within five (5) miles of the City.

3. Names of contiguous subdivisions and an indication of whether or not contiguous properties are platted.

4. Subdivision boundary lines indicated by heavy lines and the approximate acreage of the subdivision

5. All existing and proposed improvements as follows:

   a. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements, or other public right of way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.

   b. The location, dimensions, description and name of all existing, proposed, or recorded, residential lots, parks, public areas and other sites within or contiguous with the subdivision.

   c. Name and address of all contiguous land owners.

6. The location, dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights of way, blocks, lots and other sites within the subdivision.

7. Date of preparation, scale of plat and North arrow.

8. Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with and average slope of five (5) percent or more, and on a basis of two (2) vertical feet in terrain with an average slope of less than five (5) percent.

9. A number or letter identifying each lot or site and each block. These identifiers shall be arranged in a systematic order and shown in a distinct and legible manner on the plat.

10. The plat shall show all existing and proposed natural drains and water courses as they exist or would exist on the ground and indications of the following:

    a. Drainage courses in subdivisions containing lots and blocks shall be dedicated. In subdivisions entirely containing acreage tracts of five (5) acres or more in size, an easement may be accepted. A minimum width of twenty (20) feet shall be provided. Private drainage easements authorized will be maintained in accordance with any ordinance adopted by the City of Garden Ridge applicable to maintenance of drainage easements..

    b. Unconventional layouts, or layouts that will cause unsatisfactory drainage conditions, or that will complicate maintenance of streets or any land dedicated for public use, will not be accepted.

11. Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways.

12. Location map at a scale of not more than one (1) inch per four thousand (4000) feet shall show existing adjacent subdivisions and major streets located within two (2) miles of the proposed subdivision.

E. <u>Accompanying Data.</u> When submitted, the preliminary plat shall be accompanied by:

1. A proposed master plan of all the developer's property when the subdivision is a part of a larger tract, which shall be prepared at a scale of not more than one (1) inch per four hundred (400) feet and which shall show:

a. Existing and proposed subdivisions, including streets, lots, parks, drainage easements, rights-of-way, and other improvements.

b. Location of City Limits line and the outer border of the City's extraterritorial jurisdiction.

c. The general drainage plan, flow line, of existing water courses, existing drainage structures, and ultimate destination of water.

d. The preliminary design of all entryway signs identifying the subdivision and gateways to include dimensions and materials of construction.

2. A certificate of dedication duly acknowledged, of all streets, alleys, parks, playground and other land intended for public use forever, shall be a part of the plat. All dedications shall be absolute.

SECTION 3. PROCESSING OF THE PRELIMINARY PLAT.

A. Action by the City Engineer and Planning and Zoning Commission. The city Engineer shall check the preliminary plat for conformity with the standards and specifications set forth herein or referred to herein and shall return the preliminary plat to the Planning and Zoning Commission with a recommendation in writing to forward it to the City Council for approval as is, or with suggestions for alterations or modifications, in the event alterations or modifications are suggested, these will be discussed between the Planning and Zoning Commission and the subdivider before the preliminary plat is forwarded to the City Council for action. If agreement cannot be reached between the Planning-Zoning Commission and the subdivider, the points of non-agreement will be noted in writing to the City Council as a basis for recommending approval or non-approval of the preliminary plat.

B. City Council Action. After the preliminary plat is forwarded to the City Council by the Planning-Zoning Commission, the City Council shall approve it, conditionally approve it with modifications or disapprove it within thirty (30) days of receipt from the planning and Zoning commission. The City Council shall advise the subdivider, in writing, of the action taken and the reasons therefore.

C. The Scope of Approval or Conditional Approval. Approval or conditional approval of a preliminary plat does not authorize a subdivider to embark upon site improvements. Such approval or conditional approval constitutes initial acceptance of the proposed layout of streets, utilities, drainage and other required improvements and clears the way for final plat submission. The contents of this paragraph do not deny a subdivider's right to request a variance within the parameters of ARTICLE III of this ordinance. Nor does approval of the preliminary plat constitute approval or commit the city to approval of the final plat.

D. The Time Span For Approval or Conditional Approval. Conditional approval or approval of a preliminary plat shall be effective for one (1) year unless reviewed by the City Council in the light of new and significant information which would necessitate a revision of the preliminary plat. If the City Council should deem changes in the preliminary plat to be necessary they shall so inform the subdivider in writing. If no development has occurred which would affect the proposed plat after one (1) year from the date of approval, the City Council may, upon the application of the subdivider, extend the approval six months.

ARTICLE V--THE FINAL PLAT

SECTION 1. FINAL PLAT AND ACOMMPANYING DATA SUBMISSION. The final plat and the accompanying site improvement data and detailed cost estimates (required for Surety Bond) shall be submitted to the planning-Zoning commission for review and forwarded to the City Council for action. The City Council shall approve, approve with modifications or disapprove the plat within thirty (30) days of receipt from the Planning and Zoning Commission.

SECTION 2. FORM AND CONTENT OF THE FINAL PLAT. The final plat shall conform to the preliminary plat as approved or conditionally approved by the City Council, incorporating any and all changes, modifications, alterations, ections and conditions imposed by the City Council, and shall meet the following requirements:

A. Makeup of the Final Plat. The final plat shall be drawn on 3 mil. mylar, matte finish/double sided and/or vellum sheets eighteen (18) inches wide by twenty-four (24) inches long. There shall be a left margin of two and one half (2-1/2) inches and a margin of not less than three eights (3/8) of an inch on the other three sides. The plat shall be drawn to a scale of one (1) inch to one hundred (100) feet. Where more than one sheet is necessary to accommodate the entire proposed subdivision, an index sheet showing the entire subdivision drawn to an appropriate scale shall be attached to the plat. All copies shall be signed using a black felt tipped permanent marker. All seals and signatures shall be clear, legible, and identifiable.

B. Number of Copies: Seven (8) sets of the final plat shall be submitted: one (1) original vellum, three (3) reproducible mylar copies (18 inches by 24 inches), three (3) blueline copies (18 inches by 24 inches) and one (1) reduced mylar copy (11 inches by 17 inches).

C. Content of the Final Plat: The final plat shall include all of the features required for preliminary plats and shall also include the following:

1. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights of way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, computed area, and central angle, tangent distance and length of all curves, where appropriate.

2. The exact location, dimensions, description and names of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights of way, blocks, lots, monuments, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area and central angles, tangent distance and length of all curves, where appropriate.

D. Owner's Acknowledgement.

A certificate of ownership of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by the owners of any interest in said land. The acknowledgement shall be in the form required in conveyance of real estate. Approval and acceptance of all lien holders shall be included. Certificate as follows:

STATE OF TEXAS
COUNTY OF COMAL
CITY OF GARDEN RIDGE

The owner of the land shown on this plat, and whose name is subscribed hereto, and in person or through a duly authorized agent, dedicates to Garden Ridge, Texas, for use of the public forever all streets, alleys, parks, water courses, drains, easements, in all of the aforesaid public places and all other public places thereon shown for the purpose and consideration therein expressed.

_____
Owner

STATE OF TEXAS
COUNTY OF COMAL
CITY OF GARDEN RIDGE

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he uted the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this _____day of _____, ____.

_____
Notary Public

E. CERTIFICATE OF RESPONSIBLE SURVEYOR OR ENGINEER. As follows:

STATE OF TEXAS
COUNTY OF COMAL
CITY OF GARDEN RIDGE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property and made under my supervision on the ground.

(Surveyor's Seal)

_____
Registered Public Surveyor or Engineer

STATE OF TEXAS
COUNTY OF COMAL
CITY OF GARDEN RIDGE

Sworn to and subscribed before me on the _____ day of _____, ____.

_____
Notary Public

F. CERTIFICATION OF RESPONSIBLE ENGINEER. As follows:

STATE OF TEXAS
COUNTY OF COMAL
CITY OF GARDEN RIDGE

I hereby certify that proper engineering consideration has been given this plat to the matters of streets, lots and drainage layout.

(Engineer's Seal)

_____
Registered Professional Engineer

STATE OF TEXAS

COUNTY OF COMAL
CITY OF GARDEN RIDGE

Sworn to and subscribed before me on the _____ day of _____, _____.

_____
Notary Public

G. CERTIFICATION BY CITY ENGINEER. As follows:

The City Engineer of the City of Garden Ridge, Comal County, Texas, hereby certifies that this subdivision plat conforms to all the requirements of the subdivision regulations of the City as to which his approval is required.

(Engineer's Seal)

_____
City Engineer

H. APPROVAL OF THE CITY COUNCIL. As follows:

This plat of _____ has been submitted to and considered by the City Council of Garden Ridge, Texas, and is hereby approved by such Council.

Dated this _____day of _____, _____.

By: _____
Mayor

By: _____
City Secretary

I. COUNTY CLERK'S RECORDING ACKNOWLEDGEMENT. As follows:

STATE OF TEXAS
COUNTY OF COMAL

I, _____, County Clerk of said County, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on this _____, day of _____, A.D. _____, at _____.M. in the Records of Deeds and Plats of said county, in book Volume _____, on Page_____.

In testimony whereof, witness my hand and official seal of office, this _____ day of _____, A.D. _____.

County Clerk, Comal County, Texas

By: _____

SECTION 3. ACCOMPANYING DATA. When filed, the final plat shall be accompanied by the following site improvement data with all plans and calculations bearing the seal of an engineer:

Streets, Alleys, Sidewalks and Crosswalk Ways. Six (6) copies of plats and profiles of all streets, alleys, sidewalks and crosswalk ways and six (6) copies of construction specifications and detailed cost estimates.

B. Water Systems and Lines.

1. Six (6) copies of all proposed water lines and fire hydrants, showing types and sizes of lines. The plan shall be prepared at a scale of at least one (1) inch per one hundred (100) feet and shall contain scaled lot dimension as shown on the plat.

2. When a separate water line or lines are planned three copies of the plans and specifications shall be submitted, including details for water lines, house services, meters, valves, system looping, and, fire hydrants.

3. Six (6) copies of construction specifications and detailed cost estimates.

C. Storm Drainage.

1. Six (6) copies of the storm drainage plan prepared to a scale of one (1) inch per one hundred (100) feet and with the same contours and scaled lot sizes as shown on the plat. All street widths and grades shall be indicated and runoff figures shall be indicated on the outlet and inlet sides of drainage ditches and storm sewers (if provided), and, at the request of the City Engineer, at all points in the street at changes of grade or where the water enters another street, or storm sewer (if provided) or drainage ditch. Drainage easements shall be indicated.

2. A general location map of the subdivision showing the entire watershed. (U.S.G.S. 7.5 minute quadrangle(s) is satisfactory.)

3. Calculations showing the anticipated storm water flow, including watershed areas, percent run-off and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.

4. When a drainage channel or storm sewer is proposed, six (6) copies of complete plans, profiles and specifications shall be submitted showing construction details.

5. When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on twenty-five year and one hundred year frequency shall be shown, based upon completed subdivision conditions and ultimate upstream watershed development.

F. ELECTRICAL SERVICE. All electric distribution and service lines will be placed or installed underground in accordance with the design standards of San Antonio City Public Service. Three copies of the electric distribution plan, prepared to a scale of one hundred (100) feet to an inch shall be submitted to the City for approval and subsequent submittal to City Public Service for their approval prior to the start of any construction.

G. Utility Layout. A utility layout is required showing all existing and proposed utilities (e.g., electric, natural gas, water, sewer, telephone, cable TV). All utilities shall be placed or installed underground utilizing city Public Service common trench (where appropriate), except that water service shall be placed in a separate trench.

H. Entry Design. The final design of all entryway signs identifying the subdivision and gateways to include dimensions and materials of construction.

SECTION 4. ADDITIONAL REQUIREMENTS. When filed, the final plat shall also be accompanied by:

A. Tax Certificates. Tax certificates from County, School District and all other political subdivisions authorized to levy ad valorem taxes which indicate that all ad valorem taxes have been paid up to and including the current year on all land included within the final plat.

B. Letter of Certification. A Letter of certification from each public utility company servicing the subdivision, stating that such agencies have received and approved the proposed utilities layout and plat, that they have received agreements, deposits or bonds as and if required and that they will provide adequate service to each lot of the subdivision.

If the proposed subdivision is adjacent to a state regulated highway, a letter of certification from the Texas Department of Transportation (TXDOT) Area Engineer, stating that TXDOT has received and received and reviewed the plat for driveway cuts, easements, rights-of-way and building footprints that may be affected by future widening of the State highway.

C. Recording and Mapping Fee. The subdivider shall pay a fee as set forth in the City's Permit and User Fee ordinance.

SECTION 5. PROCESSING THE FINAL PLAT

A. Timing of Submission. The subdivider shall submit to the City Secretary the final plat of the division or portion thereof as soon as practicable after he has been notified of the approval of the preliminary plat. In any event.1 the final plat shall be submitted within twelve (12) months of the date of the approval of the preliminary plat; otherwise, the approval o£ the preliminary plat by the City Council shall become null and void, unless an extension of time is applied for and granted by the City Council.

B. Final Plat a Portion of preliminary Plat. If desired by the subdivider and approved by the City Council, the final plat may constitute only that portion of the approved preliminary plat which the subdivider wishes to record and develop at that time. However, such portion shall conform to all the requirements of this ordinance.

C. Plat Requirement for Increasing Lot Size. No final plat shall be considered unless a preliminary plat has been submitted. If an approved plat has been duly recorded and the subdivider wishes to increase the size of lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such a manner that no lot will contain less than the minimum of thirty-two thousand six hundred seventy (32,670) square feet required by city ordinance, the subdivider shall file a replat for the subject property.

D. Minimum Lot Width. Each lot within a subdivision shall have a minimum width as defined in the City's Planning and Zoning Ordinance for buildings and structures.

E. Notification of Disapproval of Final Plat. If the final plat is disapproved, the City Council shall inform the subdivider in writing of the disapproval and the reasons therefore within five (5) working days following the Council action.

F. Recording Final Plat and Payment of Filing Fees. When the final plat as been approved and the subdivider has filed the Guarantees of Performance required by Section 6, the City Council shall cause the final plat to be recorded with the County Clerk in the county in which the subdivision lies. The City Council shall also cause the instrument or instruments for the recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.

SECTION 6. GUARANTEE OF PERFORMANCE

A. Payment Bond. The subdivider shall obtain a payment bond in an amount equal to 130% of the cost of the improvement required by the ordinance as estimated by the "developer's design engineer and approved by the city. The bond shall be from a bonding company licensed to do business in the state of Texas and shall be

approved as to form and legality by the City Attorney. This amount shall include the City's cost (30%) of administering the completion of the improvement in the event the subdivider defaults as provided herein. Further, the city shall be named as a co-insured on the bond and the subdivider shall provide the City a certificate of payment of all prime and sub-contractors at the completion of the project (see EXHIBIT A) .

B. Security/Performance Bond.

1. The subdivider shall file an agreement to provide a performance bond prior to final plat approval. The plat shall not be recorded unless the subdivider has filed with the City Council a bond executed by a surety company holding a license to do business in the state of Texas, and acceptable to the City, in an amount equal to 130% of the cost of the improvements required by the ordinance as estimated by the developer's design engineer and approved by the City, such bond shall be approved as to form and legality by the City Attorney, and conditioned that the subdivider shall complete such improvements within the (2) years of approval of the final plat. This amount shall include the City's cost of administering the completion of the improvement in the event the subdivider defaults as provided herein. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations (see EXHIBIT B).

2. The subdivider shall build and pay for all costs of temporary improvements required by the Planning and Zoning Commission. Prior to construction of any temporary facility or improvement, the developer shall file a separate suitable performance bond for temporary facilities, which bond shall insure that the temporary facilities shall be properly constructed, maintained, and removed.

3. All required improvements shall be made by the applicant, at his expense, without reimbursement by the City except as approved by the City Council.

C. Trust Agreement in Lieu of Security Bond.

1. In lieu of performance bond, the subdivider may execute a trust agreement or letter of credit from a bank whereby he/she shall be required to deposit with an approved institution or escrow agent a sum of money in trust equal to 130% the estimated cost of all the improvements required by this ordinance, upon the same conditions as a bond set forth above. The form of the trust agreement shall be approved by the city Attorney. This amount shall include the city's cost of administering the completion of the improvement in the event the subdivider defaults as provided herein. The subdivider shall remain obligated on either the bond or the trust agreement until the city Engineer has certified compliance with these provisions to the City Council (see EXHIBIT C).

2. If a bank escrow is chosen, or if a letter of credit is submitted, the subdivider shall file with the city an agreement between the bank and the subdivider guaranteeing the following:

   (a) That the funds of said escrow account shall be held in trust until released by the City and shall not be used or pledged by the subdivider as security in any other matter during that period;

   (b) And that in the case of a default on the part of the subdivider, the bank shall immediately make the escrowed funds available to the City for use in the completion of the required improvements.

D. Maintenance Bond.

1. The subdivider shall also file an agreement in writing to furnish a maintenance bond prior to final plat approval. The bond, executed by a surety company licensed to do business in the state of Texas, and acceptable to the City, shall be in an amount equal to 130% of the total cost of the streets, curbs, sidewalks, sewers and drainage improvements to be constructed in said subdivision, as estimated by the developer's design engineer and approved by the City, conditioned that upon completion thereof, and

upon approval of same by the city Engineer, the subdivider shall maintain these improvements in good condition at his expense for a period of at least one year. This amount shall include the City's cost of administering the completion of the improvement in the event the subdivider defaults as provided herein. The City Council shall not accept such improvements in behalf of the City for a period of at least one year after completion, as certified by the city Engineer, unless and until the City Engineer again certifies that they have been maintained in good condition for said period of one year and are in good condition at such time. The City shall accept the improvements only by written resolution duly passed at a regular or special meeting of the City Council and the subdivider shall remain responsible for the maintenance of such improvements until they are legally accepted by the City. Maintenance on the streets is to include such items as damage by others, spilled concrete on" the streets, mud and debris in the streets, unknown springs, or other causes of damage. Maintenance of the drainage improvements includes removing debris, resodding eroded areas and the addition of concrete rip-rap or other control devices as required by the City engineer, where designated by the City to prevent erosion (see EXHIBIT D).

2. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twelve (12) hours notice effect emergency repairs and charge same to subdivider.

3. In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage; the City, may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced, at the cost of the developer.

E. Extension of Time for Completion. Where good cause exists, the City may extend the period of time for completion under Paragraph A of this section for an additional period of time not to exceed six (6) months if the subdivider has not completed the required site improvements in compliance with this ordinance. No such extension shall be granted unless additional security of the type provided in Paragraph A is first submitted by the subdivider to cover the extended period of time.

F. Performance Guarantee When Subdivision is in Extraterritorial Jurisdiction. When all or part of a subdivision lies in the Garden Ridge extraterritorial jurisdiction, site improvements outside of the Garden Ridge City Limits may become a maintenance responsibility of Comal County, if and when accepted by the County one year after final approval by the County. In that event, Comal County and the City of Garden Ridge shall have joint inspection responsibility and performance guarantees of the subdivider will be made jointly to Comal County and Garden Ridge. The design criteria for streets, alleys, drainage and other site improvements of this ordinance are patterned after those required by Comal County and will be the basis for final approval of completed work.

SECTION 7. STANDARDS AND SPECIFICATIONS. The standards and specifications for public improvements set forth in this Section and other applicable sections of this Ordinance shall apply to all subdivision improvements whether such improvements are to be held in the public interest or owned and shall be approved by the City Council and no completed improvements shall be accepted by the City Engineer or City, unless they conform with the following standards and specifications:

A. General Information. The following is applicable throughout the city of Garden Ridge, Comal County, Texas and its Extraterritorial Jurisdiction:

1. The subdivision shall conform to the comprehensive plan of the City of Garden Ridge and the parts thereof.

2. If a tract is divided into parcels larger than thirty-two thousand, six hundred seventy square feet (32,670 SF) building lots, such parcels shall be arranged to allow the opening of required future streets.

3. There shall be no reserve strips controlling access dedicated or intended to be dedicated to public use.

B. Streets.

1. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

2. Where necessary to neighborhood development patterns, existing streets in adjoining areas shall be continued and the continued streets shall be at least as wide as such existing streets and in alignment therewith.

3. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

4. Street jogs with center line offsets of less than one hundred and fifty (150) feet shall be avoided.

5. All street intersections shall be as nearly at right angles as possible, giving due regard to terrain and topography.

6. Dead end streets shall be prohibited except as short stubs to permit future expansion of the city such proposed stubs shall be reviewed by the Planning and zoning commission for compatibility with the proposed city growth pattern.

7. Subdivision Cul-De-Sacs shall not exceed five hundred (500) feet in length and shall have a turnaround of not less than one hundred (100) feet in diameter in residential areas, and not less than two hundred (200) feet in commercial and industrial areas.

8. Where a subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted in the location and of the width substantially indicated by the comprehensive plan.

9. Minor streets shall be laid out so as to discourage their use by through or circulating traffic.

10. Subdivisions with lot sizes of thirty-two thousand six hundred seventy (32,670) square feet to five (5) acres shall have street pavement widths and rights of way as follows:

    a. All streets in such subdivision shall have a right of way of at least sixty (60) feet and a pavement width (exclusive of curbing) of at least twenty-four (24) feet. (figure 1)

    b. Off street parking shall be provided to the maximum extent possible as a normal improvement to residential lots/areas.

11. Pavement widths and rights of way of streets forming part of the boundary of the subdivision shall be as follows:

    a. The subdivider shall dedicate a right of way of at least sixty (60) feet in width for new adjacent streets, and pavement widths as directed in paragraph B.10. of this Section.

    b. Where the proposed subdivision abuts upon an existing street that does not conform with paragraph B, 10 of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraph, and there shall be paved so much of said right of way as to make the full pavement, as required by such paragraph. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub/base and pavement joint.

12. All proposed street names shall be approved or disapproved by the City Council and shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

13. Reflecting street signs and traffic control signs meeting city approval shall be installed by the subdivider at all intersections and other points, as may be specified by the City Council, within or abutting the subdivision. The subdivider shall consult with the city Engineer for placement approval prior to installation of street and other signs. Definitive sign standards are contained in Garden Ridge Ordinance #55.

14. A rolled type curbing (see Figure 2) will be required on all streets throughout the approved subdivision development. The developer must submit design and construction specifications to the City for approval including but not limited to: reinforcing steel, concrete strength, expansion joints and dowels, and other requirements as generally illustrated in Figure 2. Rolled curbs will not be cut for driveways or other uses. Where natural drainage is a significant concern, the curbing will be modified as shown in Figure 3. In the event that a rolled type curb IS considered inappropriate by the City Engineer, the Planning and Zoning Commission may recommend that the City Council approve another type of curbing. An alternate would be a "ribbon curb" with bar ditch as shown in Figure 4.

15. Primary ingress and egress subdivision streets sha1 1 be designed and constructed to facilitate safe traffic flow, minimize traffic congestion and/or to improve aesthetic appearance. As such, the Planning and Zoning Commission may require that ingress and egress subdivision streets contain divided landscaped medians with or without turning lanes and other traffic controls.

C. Alleys.

1. Alleys of not less than twenty-two (22) feet in right of way and pavement width of eighteen (18) feet shall be installed by the subdivider in all business and industrial areas. (figure 5)

2. Where two alleys intersect or turn at a right angle a cutoff of not less than fifteen (15) feet from the normal intersection of the property or easement shall be provided along each property or easement line.

3. Dead-end alleys shall not be permitted

4. If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, an easement may be provided for the placement of guy wires on lot division lines in order to support poles set on curving or deviating right of ways or alleys.

D. Easements. Easements shall be allowed when required for proper drainage or topographic reasons.

E. Water Installations.

1. All subdivisions shall be provided with adequate water supply and water distribution systems as required by the standards o£ the city of Garden Ridge, Comal County, Texas and as approved by the City Engineer. All water supply shall be provided by the city at the cost of the developer. Any variance requested for not providing a connection to the existing city water system, or for the installation of individual wells, must be submitted with full justification through the Planning and Zoning Commission to the City Council for approval.

2. Any extension to the existing water distribution system now serving the city shall be made with not less than eight (8) inch diameter pipe or larger, if required by the city Engineer.

3. Standard fire hydrants shall be installed as part of the water distribution system per the city of Garden Ridge design standards and shall conform to the following:

a. Standard fire hydrants (Mueller or approved equal) shall be connected to not less than a eight (8) inch diameter main or larger if required by the city engineer.

b. standard fire hydrants shall have one (1) four and one- half (4-1/2) inch connection and two (2) two and one-half (2-1/2) inch connections, with a hydrant capable of discharging 250 gallons per minute through each of the 2-1/2 inch outlets at the same time (500 gallons per minute) and with a friction loss not to exceed three (3) pounds per square inch for each three-way outlet.

c. standard fire hydrants shall be spaced and distributed not more than five hundred (500) feet from the buildings to be protected.

d. standard fire hydrants shall be installed in such a manner that the bottom of the 4-1/2 inch outlet shall be no lower than twelve(12) inches above the ground level.

4. Water mains, lateral service lines and all appurtenances shall be installed prior to and/or along with street construction.

5. All water service lines that are required to cross a street shall be sleeved in conductor pipe. The inside dimension of the sleeve will be at least two (2) inches larger than the outside dimension of the required water service line.

6. The water service lines from a water main to meter locations shall be continuous, without joints, and be type "K" copper. Minimum size will be 1 1/4 inch. U and Y branches will be provided as required. City approved water meter boxes shall be installed at corner property lines.

7. Each lot in the proposed subdivision will be provided with a water service line with shut off valve and a meter box meeting city standards. Two lots may share a double meter box.

8. The water distribution mains *or* lines within the proposed subdivision shall be looped to preclude "dead-ends". Size of lines and flow direction shall be determined by the City Engineer.

9. Magnetic location tape shall be provided at all fire hydrants, main lines and valves, tee-joints, bends in water mains of 45 degrees and larger, street crossings, and at locations of service line connection to main supply line. The tape will extend for at least 10 feet on each side of connection points and 10 feet on each side of street crossings.

10. All water distribution lines shall be C-900 pipe or better as approved by the City engineer.

F. <u>Drainage.</u>

1. Where a subdivision is traversed by a water course, drainage way, natural channel or stream, an easement or right-of-way, dedicated to the City, for a 100 year storm based on ultimate watershed building orders shall be provided conforming substantially to the limits of such water course, plus additional width to accommodate future needs.

2. Drainage facilities shall be provided and constructed in accordance with ARTICLE V, SECTION 3C and ARTICLE VI, SECTION 5A of this ordinance.

3. The developer shall submit a letter signed and sealed by a Texas licensed engineer stating that the peak rate of run-off (discharge) for a 25 year storm from a subdivision after development shall not exceed the peak rate of run off under "natural" or pre-development conditions for the proposed subdivision. The rate of run-off shall be calculated for 10, 25, and 100 year storms and submitted to the City Engineer for review.

G. Blocks. Block lengths shall not exceed eighteen hundred (1800 feet, nor shall they be less than two hundred twenty (220) feet in length.

H. Crosswalk Ways. Crosswalk ways of at least ten (10) feet in width shall be dedicated where deemed necessary by the City Council to provide circulation or access to schools, playgrounds, shopping centers, and/or transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalk ways shall be provided with a reinforced concrete sidewalk which shall be a minimum of four (4) feet, in width.

I. Lots.

1. Lot Size: Any lot or tract of land located within the City of Garden Ridge and served by a public water supply system, as defined by the Texas Natural Resource Conservation Commission shall have a minimum area of at least thirty-two thousand, six hundred seventy square feet (32,670 sq. ft.) unless such lot or tract is located over the Edwards Aquifer Recharge Zone or is not served by a public water supply system, then it shall have a minimum area of forty-three thousand five hundred sixty square feet (43,560 sq. ft.) as provided for in the Rules of Comal County, Texas for on-site sewerage disposal systems.

2. Lot Width: Each lot shall front upon a public street and shall have a minimum of one hundred twenty feet (120 ft.) at the front property line as shown on the plat. On a cul-de-sac, the frontage shall be a minimum of fifty (50) feet at the front property line.

3. Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

J. Aesthetic Considerations

1. Care shall be taken to minimize damage or removal of existing native trees on lots', especially valuable species such as oaks, cedar elms, Texas pistachio and Texas persimmon.

2. Utility boxes for lots shall be located in the rear.

SECTION 8. RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS OF IMPROVEMENTS. The responsibility for all costs of in-place improvements, as required by this ordinance, shall be borne by the subdivider.

SECTION 9. PARKS AND OTHER AREAS FOR PUBLIC USE. The subdivider's attention is directed to the advantage of dedicating a reasonable percentage of the tract for use as a community playground and recreational area. Specific requirement for dedication of such areas shall be provided by the planning and Zoning Commission, during the preliminary conference referenced herein.

SECTION 10. AUTHORITY OF CITY ENGINEER. The City Engineer is hereby authorized to develop and recommend rules, regulations, standards and specifications for the construction, installation, design, location, and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, requirements for drainage easements, drainage facilities and crosswalk ways and other improvements. He/She shall recommend to the City Council any changes to be made. No such rules, regulations, standards and specifications shall conflict with any other City ordinance of Garden Ridge, Comal County, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

SECTION 11. CONFLICT WITH OTHER ORDINANCES. Whenever the standards and specifications in this ordinance conflict with those contained in another Garden Ridge ordinance, the most stringent and restrictive provisions shall govern.

SECTION 12. EXHIBITS. Attached to this ordinance and made a part hereof for every purpose as fully as if copied out in full in the body hereof are the following exhibits:

A. Exhibit A. Payment Bond.

B. Exhibit B. Performance Bond.

C. Exhibit C. Trust Agreement in lieu of performance Bond.

D. Exhibit D. Maintenance Bond.

ARTICLE VI – DESIGN CRITERIA

SECTION I. STREET. ALLEY AND CROSSWALK WAY IMPROVEMENT PLANS. The plans and profiles for street, alley, crosswalk ways and drainage easement improvements submitted shall include the following information:

A. Typical sections showing the proposed pavement width, type, thickness and crown; the proposed parkway grading slopes. This information shall be given for all streets and alleys in the subdivision. Construction details of all drainage structures shall include dimensions, reinforcing and components such as grates and manhole covers.

B. Alignment of each street, alley, crosswalk way and drainage easement showing beginning and ending stations; each deflection angle of the centerline and the station of the point of the intersection; the station of the point of curvature and the point of tangency of each curve; the station and angle of intersection of each intersection with another street, alley or drainage easement and the location of adjacent right-of-way lines; the location of each drainage structure; the location and site of all storm sewers.

C. Location, description and elevation of bench marks; the centerline grade at each end and at each fifty (50) foot station of alleys and drainage ditches; the gradient of each tangent grade and the location and length of each vertical curve; the direction of storm drainage flow at each intersection; the flow line elevation of each storm sewer at each point of change of grade and each of the intervening gradients. The profiles of streets, alleys and drainage ditches shall show the natural ground at adjacent property lines and proposed centerline.

D. Scale, north arrow and date. The plan and profile shall be drawn to scales of one inch equals fifty (50) feet horizontally and one inch equals five (5) feet vertically on sheets not larger than twenty-four (24) inches by thirty-six (36) inches in dimension.

E. All streets and alley plans and profiles shall bear the seal of a registered Texas professional engineer.

SECTION 2. DESIGN STANDARDS.

A. At each intersection the property line at each block corner shall be rounded with a curve radius "R:, varying with the interior angle as specified in the following table, unless sufficient data is presented to show that strict adherence to this requirement is impractical due to topography or engineering considerations.

TABLE OF INTERSECTION RETURNS

INTERIOR ANGLE IN DEGREES	RADIUS (FEET) AT INTERSECTION OF STREETS
150-145	15
145-140	18
140-135	18
135-125	20
128-85	20
85-75	25
75-65	30
55-45	50
45-0	75

B. The minimum thickness of the compacted base shall be eight (8) inches for commercial alleys and eight (8) inches for streets in accordance with details shown on the typical cross sections and details of Figures 1 and 2. The City engineer may require base stabilization in areas of high clay content or unstable conditions. Where rock is encountered which, in the opinion of the City engineer has a substantial bearing strength equivalent to the thickness of the base required, the thickness of the base required may be reduced to four (4) inches. Prior approval for this section must be obtained from the City Engineer.

*** SEE FIGURES 1 AND 5 FOLLOWING
ATTACHMENT #2 AT THE END OF THIS ORDINANCE***

C. Street, and alley shall, in genera!, conform to the terrain but shall not exceed the following:
Street ---------- 8 percent grade
Alley ---------- 8 percent grade

D. No street or alley grade shall be less than three-tenths (0.3) of one (1) percent unless otherwise approved by the City Engineer. A minimum of three-tenths (0.3) feet fall around returns and six-tenths (0.6) feet fall across street intersections is required.

E. The horizontal curves on all streets shall have a centerline radius of not less than four hundred (400) feet for collector streets and one hundred (100) feet for minor streets.

F. Parkway slopes shall be on quarter (1/4) inch per foot toward the street except in heavy cuts, where a minimum of one (1) inch per foot may be permitted.

SECTION 3. CONSTRUCTION SPECIFICATION FOR STREETS AND ALLEYS. When the term "the Engineer" is ' in Texas Highway Specifications referred to herein, it shall be interpreted to mean the City Engineer of Garden Ridge or his authorized representative.

A. Preparation of Sub-Grade.

1. All unstable or otherwise objectionable material of the sub-grade shall be removed and replaced with approved materials. All holes, ruts and depressions shall be filled with approved materials and, if required, the sub-grade shall be thoroughly wetted with water, reshaped and rolled to the extent directed, in order to place the sub-grade in an acceptable condition to receive the base material. The surface of the sub-grade shall be finished to line and grade as established in conformity with typical sections, and any deviation in excess of one half (1/2) inch in cross section and in length of sixteen (16) feet measured longitudinally shall be corrected by loosening, adding or removing materials, and reshaping and compacting by sprinkling and rolling. Sufficient sub-grade shall be prepared in advance to insure satisfactory prosecution of the work.

2. Sub-grade materials shall be compacted by approved mechanical tamping equipment to an apparent dry density of the total material of not less than ninety [90) percent of the maximum dry density as determined by the modified Proctor compaction test made in accordance with the procedure outlined in the Texas Highway Department Testing Manual. Tests for density will be made within twenty-four (24) hours after compaction operations are completed. If the materials fail to meet the density specified, they shall be reworked as necessary to obtain the density required.

3. When a fill is required to achieve the prescribed sub grade elevation, such fill shall be placed in uniform lifts covering the entire width of the cross section. Prior to compaction, the layers shall not exceed a six (6) inch depth where pneumatic tire rolling is to be used and shall not exceed eight (8) inches, in depth for rolling with other types of rollers. Each lift shall be compacted to the required density before the succeeding lift is placed.

4. All earthwork within the right of way, including parkway grading required to achieve the Typical Section shown on the plans, shall be done in conjunction with the preparation of sub-grade and in no case will it be allowed to remain incomplete after the paving is completed.

5. Sub grade stabilization may be required by the City Engineer.

B. Flexible Base.

1. The flexible base course shall have a compacted thickness as designated by the typical cross sections and shall be constructed as herein specified in two or more courses of equal compacted thickness, not to exceed five (5) inches each.

2. The material shall conform to the requirements of the Texas Highway Department Specifications, Item 242 (Crushed Stone). The crushed stone shall have an abrasion of not more than forty (40) when subject to the Los Angeles abrasion test (AASHO-T96). Caliche or other materials are specifically prohibited.

   a. The required amount of material for the first course shall be delivered in each one hundred (.100) foot station. Material deposited shall be spread and shaped the same day. In the event inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first twenty-four (24) period, the material shall scarified and spread as directed by the City engineer. The material shall be sprinkled, if directed, and shall then be bladed, dragged and shaped to conform to typical sections, as shown on the plans. All areas and nests of segregated coarse or fine material shall be corrected or removed and replaced with well graded material, as directed by the City engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in the amount directed by the city engineer. Such binder material shall be carefully and evenly incorporated with the material in place by scarifying, harrowing, brooming, or by other approved methods. The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Throughout this entire operation, the shape of the course shall be maintained by blading. The surface upon completion shall be smooth and in conformity with the typical sections shown on the plans and to the established lines and grades.

   b. construction methods for succeeding courses shall be the same as prescribed: for the" first: course:. Any deviations in the finished course in excess of one-fourth (1/4) inch in cross section and in length of sixteen (16) feet measured longitudinally shall be corrected by loosening, adding, or removing material, reshaping and recompacting by sprinkling and rolling. All irregularity depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling. Flexible base materials shall be compacted by approved mechanical tamping equipment to an apparent dry density of the total material of no less than ninety-five (95) percent of the maximum dry density as determined by the modified Proctor compaction test made in conformance with the procedure outlined in the Texas Highway Department Testing Manual. Test§, for density will be made within twenty-four (24) hours after compaction operations are completed. If the material fails to meet the density specified; it shall be reworked as necessary to obtain the density required. Each course of five (5) inches or less shall be compacted to full required density before succeeding layers are placed.

C. Prime Coat. The asphalt material for Prime Coat shall meet the requirements for Cutback Asphalt, MC-30, item 300, Texas Highway Department Specifications. Prime Coat shall be applied, as directed by the City engineer, with an approved sprayer at a rate not to exceed 0.20 gallon per square yard of surface.

D. Tack Coat. The asphalt material for Tack Coat shall meet the requirements for Cutback Asphalt, RC-1, item 300, Texas Highway Department Specifications. Tack Coat shall be applied when and as directed by the Engineer, with an approved sprayer at a rate not to exceed 0.10 gallon per square yard of surface.

E. Surface Course.

1. The compacted surface course shall be applied at the rate of at least one hundred sixty-five (165) pounds per square yard on alleys and of at least one hundred ninety (190) pounds per square yard on streets, constructed as herein specified in accordance with details shown on typical cross sections.

2. Measurement by weight shall be on truck scales approved by the City engineer. Records shall be kept on the tare load, total load and net load of the mixture for each load of same.

3. The paving and construction methods shall conform to Item 340, "Hot Mix Asphaltic Concrete", Type "D", of the Standard Specifications adopted by the State Highway Department of Texas, March 1, 1993, with the exception of the amended clauses cited below:

4. Stability of Item 340, Description, is hereby supplemented by the following: The stability of the compacted mixture shall not be less than forty-five percent nor more than sixty-five percent.

5. Coarse Aggregate,, of Item 340.02, materials, is hereby supplemented by the following: The coarse aggregate for Type "D" shall have an abrasion of not more than thirty-five (35) when subjected to the Los Angeles Abrasion Test (AASHO-T-96). If crushed gravel is used for Type "D" it shall be so crushed that ninety (90) percent of the particles shall have more than one crushed face.

6. Spreading and finishing machine, of Item 340.4, Equipment is hereby supplemented as follows: The surface shall be laid by use of a spreading and finishing machine of the screening and traveling type, or of a type approved by the Engineer. The surface of the finished pavement shall meet the requirements of the typical cross section and the surface test.

F. Alternate Number 1 – Two Course Surface Treatment.

1. Except for streets where curbs are used, a two course surface treatment may be used in lieu of the specified Hot Mix Asphalt Surface, if approved by the City Engineer. The two course surface treatment shall conform to Item 322 of the Texas Highway Department Standard Specifications for construction of highways, streets, and bridges dated 1972 with the following requirements.

   a. Prime Coat shall be MC-30 (Item 300)

   b. Tack Coat shall be AC-5

   c. First course stone shall be Grade 3, Type PD (Item 303.4).

   d. Second course stone shall be Grade 4, Type PD (Item 303.4).

   e. The rate of application of the AC-5 shall be .25-.35 gallons per square yard for the first course and .10 - .20 gallons per square yard for the second course.

   f. Rock shall be applied at the rate of one (1) cubic yard per ninety (90) square yards for the first course and one (1) cubic yard per one hundred square yards for the second course.

   g. Rolling shall be required to achieve a uniform embedment and the contractor shall broom off loose aggregate remaining, using a vacuum broom. If bleeding occurs, the contractor shall apply sand to the finish surface for whatever period is required to absorb the excess asphalt.

G. Utility Conduits. All new streets and alleys in subdivisions shall contain under-the-street conduits of sufficient size and spacing that gas and water extensions from mains to building sites can be provided without cutting cross

trenches after street completion. Conduits shall be placed prior to the placement of street base materials. Prior approval of the City Engineer shall be obtained when it is necessary to cut or otherwise damage paving.

H. Backfill of Trenches. All utility trenches within the limits of proposed paving shall be backfilled by one of the following methods, upon prior approval by the City engineer:

1. Select material taken from the trench shall be placed in uniform layers of not more than twelve (12) inches in depth (loose measurement) and shall be compacted to the dens1ty specified herein, except that up to, and including, the first twelve (12) inches of backfill above the pipe may be settled by jetting with water. Each layer of backfill material, if dry, shall be wetted uniformly to the moisture content required to obtain the specified density and shall be compacted to the required density by means of a mechanical tamper. The compaction shall be such that the apparent dry density of the minus 1/4 inch material in each layer shall be not less than ninety (90) percent of the maximum dry density as determined by tests on samples of the "Proctor Compaction Test" (AASHO...Method T-99-38).

2. Select material taken from the ditch shall be placed in uniform layers not more than five (5) feet in depth (loose measurements) and shall be compacted to the density specified herein, except that up to and including the first twelve (12) inches above the pipe may be settled by jetting with water. Each layer of backfill, if dry, shall be wetted uniformly to the moisture content required to obtain the specified density and shall be compacted to the required density by means of a mechanical "Ditch Tamping Machine" having a five hundred (500) pound, twelve (12) inch square tamper, capable of developing four thousand (4000) foot pounds at full stroke. The compactions shall be such that the apparent dry density of the minus 1/4 material in each layer shall not be less than ninety (90) percent of the maximum dry density as determined by tests on samples of the material by the "Proctor Compaction Test" (AASHO-Method T-99-38).

3. Select material taken from the trench shall be placed along side and on top of the pipe for a depth of twelve (12) inches, wetted if required by the Engineer, and compacted thoroughly or settled by jetting with water. The remaining depth of the ditch shall then be backfilled with a uniform plastic mixture of "Flexible Base", cement and water. Each cubic yard of the mixture shall contain a minimum of one (1) sack (94 pounds) of cement and the necessary amount of water to obtain a plastic mixture. The cement and aggregate shall be mixed in an approved mechanical mixer. Cement stabilized backfill may, as an alternate, consist of commercial transit mix concrete containing a minimum of one (1) sack (94 pounds) of cement per cubic yard. Cement stabilized backfill shall be placed within one year after mixing and shall be placed and rodded in such manner as to completely fill the backfill area. Before placing cement stabilized backfill, the trench shall be cleaned of any extraneous material and thoroughly wet. All surplus dirt excavated .from the ditch shall be removed from the site and properly disposed.

4. Trench backfill within the limits of alley pavements shall be compacted in the same manner prescribed for streets.

5. In addition to the above described methods of backfill, and where soil conditions permit utility lines may be installed by jacking or boring. When pipe is jacked into place, without boring, the top of the pipe shall be not less than four (4) feet below sub grade. When holes are bored, the top of the pipe shall be not less than three (3) feet below sub grade. Ordinarily, the pipe will be pushed into position as the boring auger drills out of the ground. Pipe will be placed after the hole is completed, only in cases approved by the Engineer. In no case will bored holes be appreciably larger than the pipe installed.

I. Drainage structures.

1. All drainage structures shall be constructed in accordance with the plans and to the lines and grades approved by the Engineer. All work shall be done in compliance with the provisions of those

specifications and Item 420 "Concrete structures of the Texas Highway Department Standard Specifications.

2. All concrete in drainage structures shall develop a compressive strength of not less than three thousand (3000) pounds per square inch in 28 days and shall conform to the requirements, of Item 421 Concrete for structures of the Texas Highway Department Standard Specifications. The maximum size of coarse aggregate shall be one and one-half (1-1/2) inches.

3. All culverts, metal or concrete shall have a reinforced concrete headwall and aprons that extend four (4) feet on all three sides at the inlet and outlet culvert ends or shall be longer than four (4) feet on all three sides if required to prevent ditch erosion and deposition of sediment and debris. Drainage culverts where required by the City inspector or engineer shall be placed in public drainage path(s) and/or easements, underneath any and all driveways roadways or other access path(s)/road(s) that connect private and/or public property to public streets. No person, organization, association, or corporation whether public, or private, shall, be allowed to connect to a public street for the purpose of vehicular access without providing the required drainage culverts. The minimum culvert barrel diameter allowed for installation within the City is 15 inches or the size required to carry the 25 year storm whichever is greater. The culvert will not extend beyond the headwalls. If box or other types of culvert(s) is used, the minimum inside dimensions must allow for the same equivalent flow for that occurring in a 15 inch diameter circular culvert. For drainage areas and watersheds requiring culvert barrel diameters larger than 15 inches, culverts shall be designed to transport runoff from a 25 year frequency storm, unless otherwise specified for in the City's: subdivision and engineering ordinances or by the City Engineer/City Building Inspector.

4. All drainage structures snail have a minimum of thirty-eight (38) feet of roadway clearance.

5. All castings shall conform to the requirements of the Standard Specifications for Gray Iron Castings. Castings shall be boldly filleted at angles and the arises shall be sharp and perfect. Castings shall be true to pattern in form and dimensions, free from pouring faults, sponginess, cracks, blow holes and other defects in positions affecting their strength for the services intended. Bearing surfaces shall be cast with such precision or shall be so machined that perfect bearing will be attained. Manhole covers which rock in the ring will not be accepted.

6. Outlet pipes shall be filleted into the forms with the ends flush with the inside face of the inlet walls and the concrete shall be placed and rodded around the pipe so as to form a water tight joint.

7. Drainage structures shall be backfilled in accordance with Item 400.5 of the Texas Highway Department standard Specifications.

8. All bridges and culverts shall be designed for H-20 loading.

J. <u>Private Driveways</u>

1. Private driveways intersecting with a street shall be constructed so as not to restrict the flow of drainage water in ditch line.

2. Where feasible, that portion of the driveway from the individual property line to the street shall follow the contour of the ditch line.

3. If drainage pipe is used, the pipe shall be a minimum of fifteen (15) inches in diameter and be specifically approved by the City Engineer.

4. Concrete approaches shall be permitted between the front and side (corner lots) property lines and the street provided a minimum five (5) foot wide "knock-out panel" is installed as determined by the city

Building Inspector in accordance with the City ordinance on Building and Inspection Requirements. The "knock-out" panel allows the city access to existing buried utilities or for the installation of a new utility. Subsequent replacement of a knock-out panel removed for whatever purpose will be at the property owner's expense. Owner has option to have the City complete such work or may arrange for private contractor. Replacement panel must conform to city requirements. Street curbing will not be altered to accommodate a private driveway.

5. All construction within the street right of way shall have prior approval of the City Engineer.

Section 4. Iron Pins.

A. Iron pins no less than eighteen (18) inches long and no less than one-half (1/2) inch in diameter shall be set flush with the ground at every lot corner, at all angle points and at points of curves.

B. Monuments and iron pins shall be set immediately after completion of utility installations and street construction, as the city Engineer may require.

Section 5. Storm Drainage

A. Design criteria.

1. In all cases, in the development of runoff criteria, wet antecedent conditions shall be assumed. Runoff rates shall be computed on the basis of ultimate development of the entire watershed contributing run off water to and within the proposed subdivision. For determination of time of concentration, velocities shall be assumed on the basis of concrete-lined channels and streets carrying storm waters in the contributing watershed area. Run off rates shall be computed at not less than the following:

Character of Area	Percent Run Off			
	Up to 1%	Up to 3%	Up to 5%	Over 5%
Business or Commercial Area (90% or more impervious)	95	96	97	97
Densely Developed Area (80% to 90% impervious)	85	88	91	95
Closely Built Residential Area	75	77	80	84
Developed Area	68	70	72	75
Average Residential Area	65	67	69	72

2. Streets shall not be used for storm water drainage. Exception to this rule will require the approval of the City Council, upon written recommendation from the Planning and Zoning Commission and the City Engineer. Bar drainage ditches or storm sewers will be provided as the primary drainage system for all new subdivision development. Bar ditches designed to convey a minimum of a 25 year storm will be shaped to direct water run off to the lower part of the ditch, cleared of all rock and nuisance vegetation. The developer shall use hydro mulch with native grasses, fertilizers, and growth stimulants to establish a dense vegetation at catchment basins and points of runoff concentration, (developer is responsible for viable growth for a period of one year to prevent erosion and stabilize exposed slopes or install City approved erosion control mats or other devises. Temporary runoff control measures contained in Attachment 2 shall be installed and maintained throughout the construction period. They shall be coordinated with the permanent or existing temporary runoff control features specified elsewhere on the plans and in the specifications to assure effective and continuous water control throughout the construction and post construction period. These control measures shall not be used as a substitute for the permanent control measures, unless otherwise directed by the City Engineer in writing. The controls may include sediment control fences, inlet protection, baled hay, rock filter dams, dikes, swales, sediment traps and basins, pipe slope drains, paved flumes, construction exits, temporary seeding, sodding, mulching, soil retention blankets or other approved structural or non-structural water runoff controls. The developer's erosion control program shall be approved by the City Engineer prior to construction of the

subdivision. The developer shall maintain all drainage ditches and culverts free of erosion scars and rills and free of sediment deposition, until acceptance of the improvements by the City or for a period of one year following acceptance of the subdivision by the City, whichever is greater.

3. All drainage channels shall be grass or concrete-lined in accordance with the following criteria:

    a. The maximum permissible velocity for grass-lined channels is six (6) feet per second for the twenty five (25) year storm. All channels shall be designed to convey the 100-year flood. Flow velocities shall not exceed six (6) feet per second for the twenty five (25) year storm when exiting a riprap section back onto grass-lined channels. Approved energy dissipaters shall be used as required.

    b. Grass-lined channels shall have a minimum of one (1) percent slope where possible.

    c. Grass-lined channels shall have side slopes of three (3) horizontal to one (1) vertical or flatter.

    d. The center line curvature of grass-lined channels shall have a minimum radius of twice the top width for the design flow.

    e. The bottom width for grass-lined channels having a trapezoidal. cross-section shall be six (6) feet minimum.

    f. There is no freeboard requirement for grass lined channels.

    g. When channel flow velocity exceeds six (6) feet per second for the twenty five (25) year storm, the channel shall be concrete-lined. All concrete lined channels shall be designed to convey the 100 year flood, and shall be designed to prevent supercritical flow conditions, when possible, and unanticipated hydraulic jumps in the channel for the 25-year and 100-year storms. If supercritical flow does occur, then freeboard and super elevation must be included in the design. Approved energy dissipaters shall be used as required. Side slopes for concrete lined channels may be as steep as vertical with appropriate structural methods applied.

4. Storm sewers shall be designed on a twenty-five (25) year frequency and shall be subject to the approval of the Engineer.

5. Alleys may be designed on a twenty-five (25) year frequency to carry water only from the lots within the block abutting the alleys.

6. Low water crossings are prohibited.

PENALTY CLAUSE. Any person, firm, corporation violating any portion of this amendment to: ORDINANCE 7, within the corporate limits of Garden Ridge, or to the extent it is applicable within the Garden Ridge ETJ, is subject to punishment by a fine of not less than two hundred dollars ($200) nor more than, five hundred ($500.00), with each day that the violation persists being a new and separate offense.

SEVERABILITY. If any section, paragraph, sub-paragraph, clause or phrase of this amendment shall be adjudged to be invalid or held to be unconstitutional, the same shall not affect the validity of this amendment or ORDINANCE 7 as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

This ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

SED AND APPROVED by the City Council of Garden Ridge, Texas this 5th day of April, 2006.

Jay F. Feibelman, Mayor

ATTEST:

Linda Knowlson, City Secretary

Attachment #1-General Inspection Requirements
Attachment #2-Temporary Runoff Control Measures

Exhibit #1-Payment Bond
Exhibit #2-Security/Performance Bond
Exhibit #3-Trust Agreement in Lieu of Performance Bond
Exhibit #4-Maintenance Bond

Figure #1-Typical street section
Figure #2-Rolled Type Curbing
Figure #3-Modified Rolled Curbing
Figure #4-Ribbon Curb
Figure #5-Standard Cross section -- Alleys -- Commercial

Exhibit A – Performance Bond

State of Texas §

County of Comal §

Know All Men By These Presents:

That we, _____, the undersigned subdivider, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Garden Ridge, a municipal corporation of the County of Comal and State of Texas, in the full and just sum of $ _____for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal has petitioned the City Council, City of Garden Ridge, for permission to develop a subdivision within the jurisdiction of the City of Garden Ridge, more particularly described as follows, to-wit:

which Is shown on a subdivision plat, entitled _____ Subdivision, hereto conditionally approved by the City Council; of the City of Garden Ridge on _____, __ ____; and

Whereas, under the provisions of the City of Garden Ridge subdivision control ordnance, being Ordinance Number 7, passed and approved on the ____ day of _____, _____, the City Council of the City of Garden Ridge requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he w Ill construct, or cause to be constructed, according to the requirements of such subdivision control ordinance, the following site Improvements within two (2) years after final approval of the plat of said subdivision.

Now, Therefore, the condition of this obligation is such that if the Principal shall, on or before the _____ day of _____, _____, construct, or cause to be constructed, the above mentioned improvements in accordance with the requirements of the City of Garden Ridge subdivision control ordinance and the amendments thereto, if any, then this obligation shall be void; otherwise, the obligation made under this bond will remain in full force and effect.

_____
Subdivider and Principal

Surety By: _____
Attorney In Fact

Approved and Accepted, this the _____ day of _____, _____.

The City of Garden Ridge

By: _____
Title:

Exhibit B -- Trust Agreement In Lieu Of Performance Bond

This agreement is between _____, Subdivider, _____, Trustee, and the City of Garden Ridge, Comal County, Texas.

Subdivider has deposited (or herewith deposits) subject to the order of the subdivider and trustee jointly as provided In this agreement In the _____ (name and location of bank, trust company or qualified agent) _____ , Texas, the sum of $ _____ for the purpose of constructing site improvements in Subdivision In Comal County, Texas, for the benefit of the public represented by the City of Garden Ridge, more particularly described as follows:

Type of Site Improvement -- Water, gas, and electric lines not to be included.

Estimated Cost:

Streets	$ _____
Alleys	$ _____
Sidewalks	$ _____
Storm Drainage	$ _____
Utility Easements	$ _____
Other (Specify)	$ _____
(Specify)	$ _____
Total	$ _____

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvement shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustee shall provide the City Council with a statement of such expenditures In said subdivision (by type of site improvement) within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of $1,000.00 or more, or a combination of withdrawals of $1,000.00 or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site Improvements, indicating the percentage of site Improvements completion and estimating the date of site Improvements completion. Said affidavit shall be submitted substantially n the following form:

AFFIDAVIT

State of Texas §

County of Comal §

Before me, the undersigned authority in and for the State and County aforesaid, on this day personally appeared _____, who, being by me first duly sworn, upon his oath deposes and says:

I, _____, subdivider of the _____ Subdivision under date(s) of _____, 19____, withdrew the sum(s) of $ _____ from the trust account heretofore posited with _____, Trustee, and created for such use and purpose, and expended said funds so withdrawn on prescribed sire improvements to said _____ Subdivision as follows:

Site Improvement	Amount	Percentage of Completion
_____	$ _____	_____
_____	$ _____	_____
_____	$ _____	_____

with the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by _____, _____.

_____
Subdivider

Sworn to and Subscribed Before Me this _____ day of _____, _____

_____
Notary Public in and for Comal County, Texas

Until this affidavit is accomplished, no further withdrawals shall be made from said Trust Account. The Trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefore from the City Council to do so.

Subdivider agrees to construct all site Improvements within two (2) years from the date of final approval f said subdivision. Upon the failure of said subdivider to provide such Improvements as herein provided, any remaining balance in such trust account shall be paid by trustee to the City of Garden Ridge for the purpose of completing, repairing, maintaining or otherwise working on the site Improvements In such subdivision. A resolution of the City Council of the City of Garden Ridge declaring that such site improvements have not been complete as required by applicable subdivision regulations, shall be final and inclusive on the parties to this agreement. Payment to the City shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein Is on deposit In the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official hereof, Is attached hereto.

A copy of this contract has been supplied to the bank, trust company or qualified escrow agent named by he undersigned trustee.

City of Garden Ridge

By: _____

Date of Execution: _____

Subdivider: _____

By: _____

Date of Execution: _____

Trustee: _____

By: _____

Date of Execution: _____

Exhibit C --- Maintenance Bond

State of Texas §

County of Comal §

Know All Men By These Presents:

That we, _____, the undersigned subdivider, as Principal, and _____ , as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Garden Ridge, a municipal corporation of the County of Comal and State of Texas, in the full and just sum of $_____ (being ten percent (10%) of the estimated cost of the hereinafter enumerated site improvements) for the payment of which well and truly made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal has petitioned the City Council, City of Garden Ridge, for permission to develop a subdivision within the jurisdiction of the City of Garden Ridge, more particularly described as follows, to-wit:

which is shown on the subdivision plat, entitled _____ Subdivision, hereto conditionally approved by the City Council of the City of Garden Ridge on _____, ____.

Whereas, under the provisions of the city of Garden Ridge subdivision control ordinance, being Ordinance Number 7, passed and approved on the _____ day of__ _____, ___ , the City Council of the City of Garden Ridge requires as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will maintain and cause to be maintained, according to the requirements of such subdivision control ordinance, the following site Improvements for a period of one (1) year after final acceptance of the construction thereof by the City Engineer.

Now, Therefore, the condition of this obligation is such that if the Principal shall maintain, and cause to be maintained, the above mentioned Improvements in accordance with the requirements of the City of Garden Ridge subdivision control ordinance, and the amendments thereto, If any, for the period of one (1) year after the final acceptance of the construction thereof by the City Engineer of the City of Garden Ridge, then this obligation shall be void, otherwise, the obligations made under this bond will remain In full force and effect.

In Testimony Whereof,. Witness Our Hands and Seal, This, The _____ day of _____, _____.

_____
Subdivider and Principal

Surety By: _____
Attorney in Fact

Approved and Accepted, this the _____ day of _____, __ ___.

The City of Garden Ridge

By: _____
Title:

GENERAL INSPECTION REQUIREMENTS GUIDANCE
JOINT INSPECTION PROCEDURES FOR
SUBDIVISION DEVELOPMENT

New subdivisions approved by the City Council, within the framework of this Ordinance, will necessitate selective improvements normally involving expansion of the water system, street construction, water drainage and culverts, electrical distribution service, natural gas distribution, telephone, cable TV service and other improvements. Such improvements are relatively complex and will require inspection and testing to assure compliance with the project specifications. The following are minimal guidance for the development of inspection procedures (see Article II, Section 8, Paragraph A) to effectively inspect and control an approved subdivision project:

A. GENERAL

1. Review project drawings and specifications to assure pertinent data and requirements are identified with regard to inspection or testing during the development period.

2. Coordinate with San Antonio City Public Service (electric), Entex (natural gas), Southwestern Bell (telephone), cable TV Company (if noted in specification), Bracken Volunteer Fire Department, Garden Ridge Water Company, Texas Department of Transportation and other entities to resolve any conflicts and coordinate utilities construction. These utility services are to be provided in the subdivision per the utility companies' respective specifications, and in accordance with sound engineering practices and agreements between utility companies and the City. The City does retain the right to point out and require correction of any identified hazard or unsafe situation to the utility providers.

B. WATER SYSTEM AND OTHER UTILITIES t-

Factors to be considered include at least the following:

1. Is depth and location of ditches and lines proper?

2. Are size and type (materials and classification) of water lines (mains, laterals, and services), valves and meters correct and in the proper location?

3. Do ditches have required thickness of bedding and backfill material on bottom, sides, and top of water lines?

4. Are procedures and tests for water lines for pressured leak(s) prior to or after backfill of ditches properly identified and executed?

5. Do fire hydrants meet specifications? Are they properly positioned and located as per the drawings? Is a flow test required?

6. Is the magnetic location tape installed per the specifications and in accordance with City requirements?

7. Are water meter locations as per the drawing? For dual meter boxes, has a U or Y joint been provided?

8. Are lateral lines properly connected to the water main line?

9. Have sleeves or conductor pipe been placed under the proposed street for water lines and are they of the specified type and size?

10. Are service lines type "K" copper and of continuous (no joints) length?

11. Are all water mains "looped" and situated in proper easements or rights-of-way?

12. Are there any conflicts between water mains and other utilities or with drainage/street systems?

13. Are utilities properly planned, located, and constructed?

C. STREETS

1. Is the layout and construction of all proposed streets in accordance with plans and specifications, and in accordance with City requirements?

2. Are culverts and drainage facilities correctly positioned and of the correct size?

3. Coordinate with developer on testing of subgrade. Placement of base course material will not start until all tests of subgrade are accepted.

4. Coordinate with developer on testing of base course density and other requirements. Assure all testing is complete and approved prior to placement of surface course.

5. Is forming for curbing correct and of the correct design? Is reinforcing steel the proper size and location? Coordinate with developer for approval to pour concrete.

6. Coordinate with developer on day/time to apply surface course. Test material for proper temperature, grade, etc.

D. DRAINAGE

1. If street is approved to carry off rainstorm water, is the street properly crowned to assure runoff?

2. Are culverts, bar ditches, storm sewers, and channels properly sized for the specified design storms and flow velocities given in this ordinance?

3. Are ditches within specified widths, slopes, grades and easements?

4. Are culvert headwalls and basins formed and located as per the specifications?

5. Are approved energy dissipation devices installed in ditches and channels where required?

6. Are temporary runoff and sedimentation control devices per specifications?

7. Are disturbed earth areas and intended grass lined ditches and channels stabilized within required time limits and per specifications?

8. Are areas disturbed by construction limited to those shown on plans or directed by the inspector?

9. Are runoff and sedimentation controls properly maintained?

10. Is a rain gauge on site?

11. Are construction and staging areas located and built to minimize run-off of pollutants and sediment?

12. Is protected storage provided for chemicals?

13. Has vegetation been restored to 70% of undisturbed areas or controls established to control erosion and sedimentation until vegetative cover can be established?

14. Are runoff/sedimentation devices constructed and maintained per specifications?

15. Are construction entrances and exits properly located and built?

TEMPORARY EROSION, SEDIMENTATION AND WATER POLLUTION PREVENTION AND CONTROL

A. GENERAL REQUIREMENTS:

1. Developed areas which have been disturbed by construction activity and in which no construction activity will occur for a period of 7 days or longer will require stabiilzation through the use of vegetation, mulch, erosion control matting or other structural methods within 7 calendar days from the last site construction activity in the area. These areas shall be considered as active, disturbed construction areas, contributing to the sediment loading at the site control systems at all times prior to stabilization. After stabilization, these areas may be treated as undisturbed areas.

2. The developer/builder/contractor shall effectively control erosion and sedimentation within the development at the earliest practicable time as outlined in approved construction sequencing schedule. Control measures, where applicable, will be implemented prior to the commencement of each construction operation.

3. The developer/builder shall limit the area of disturbed earth to the area(s) shown on the plans or as directed by the City Inspector. The Inspector has the authority to limit the disturbed surface area exposed by construction operations. If, in the opinion of the City Inspector, the developer is not able to effectively control soil erosion and sedimentation resulting from construction operations, the Inspector will limit the amount of disturbed area to that which the developer/builder is able to control.

4. Should the installed control measures fail to function effectively, the developer/builder shall act immediately to bring the erosion and sedimentation under control by maintaining existing controls or by providing additional controls as directed by the City Inspector. When in the opinion of the City Inspector the site is adequately stabilized, the temporary control measures, excepting mulches and soil retention blankets will be removed and properly disposed of by the develop/builder. Soil retention blankets shall be removed only when, in the opinion of the City Inspector, final permanent perennial seeding would be adversely affected by the presence of an existing solid retention blanket.

5. All erosion, sediment and water runoff controls will be maintained in good working order. A rain gauge shall be provided by the developer and located at the project site within 24 hours of a rainfall event of 0.5 inch or more as measured by the project rain gauge, the developer and City Inspector will inspect the entire project to determine the condition of the control measures. Sediment shall be removed and devices repaired, if required, as soon as practicable but no later than 7 days after the surrounding exposed ground has dried sufficiently to prevent further damage from equipment needed for repair/removal operations.

6. In the event of continuous rainfall over a 24 hour period, or other circumstances that preclude equipment operation in the area, the developer/builder will hand carry and install additional backup devices as determined by the City Inspector. The developer/builder will remove silt accumulations and deposit the spoils in an area approved by the City Inspector as soon as practical. Any corrective action needed for the control measures will be accomplished in the sequence directed by the City Inspector. Areas adjacent to water bodies shall generally have priority followed by devices protecting storm sewer/drainage inlets and outlets.

B. PRACTICES AND CONTROLS. The developer/builder shall also conform to the following practices and controls:

1. Disposal areas, stockpiles and haul roads shall be constructed in a manner that will minimize and control the amount of sediment that may enter receiving ditches, channels or waters. Disposal areas shall not be located in any wetland, water body, streambed or drainage area/way.

2. Protected storage for paints, chemicals, solvents, fertilizers, oils, fluids, fuels, and other potentially toxic

materials will be provided by the Contractor at a location approved by the Inspector.

3. Construction staging areas and vehicle maintenance areas shall be constructed by the developer/builder in a manner to minimize the runoff of pollutants. The developer shall prevent pollution of ditches, channels and receiving waters with petroleum products or other hazardous or regulated substances. Care shall be taken during the construction and removal of control measures to minimize down-gradient sedimentation. When work areas or material sources are located adjacent to a water body, control measures shall be used to keep sediment and other contaminants from entering the adjacent water body.

4. Disturbance of vegetation shall be minimized and limited to only what is shown on the construction plans or as directed by the City Inspector in writing.

5. The developer/builder shall clean paved surfaces as necessary to remove sediment which has accumulated on the roadway.

6. Developer/Builder shall implement and maintain an effective dust control program to prevent fugitive dust from leaving construction areas, haul roads and stockpiles. Developer/Builder shall obtain City Inspector approval of this program prior to starting any construction activity.

C. PROJECT ACCEPTANCE: The project will not be accepted until the developer provides a uniform perennial vegetative cover with a density of *70%* of adjacent undisturbed areas, or, if in the opinion of the Engineer, permanent measures (such as riprap, gabions, or geotextiles) , supplemented by temporary measures (such as mulching with seed, hay bales, sediment control fences, earth dams, etc.) have been employed that will control erosion, sedimentation and water pollution until sufficient vegetative cover can be established.

D. FAILURE TO PERFORM: In case of failure on the part of the Developer/Builder to prevent and control soil erosion, sedimentation and water pollution which may degrade receiving, water, the City reserves the right to employ outside assistance or to use city forces to provide the necessary corrective measures. All costs including engineering costs will become due to the developer/builder.

E. PRACTICES AND SPECIFICATIONS: Accepted practices and specifications for meeting the above requirements for various conditions and applications are in Appendices numbers 1 through 6.

CURB OR DRAINAGE INLET GRAVEL FILTER

A. DESCRIPTION: Install temporary "Curb Inlet Gravel Filter(s)," in the locations shown on the plans and as required by these specifications during the construction period to prevent sediment from erosion of the construction area from being carried from the construction area into drainage inlets by rainwater runoff.

B. MATERIALS:

1. Gravel Filter Bags. Polypropylene, polyethylene, or polyamide woven fabric, minimum weight four (4) ounces per square yard, Mullen burst strength exceeding 300 psi and ultraviolet stability exceeding 70 percent. Length shall be approximately 24", width shall be 16" to 18" and the thickness shall be 6". Gravel bags shall be filled with 3/4" gravel. .

2. Concrete Masonry Units. Hollow, Non-Load-Bearing Concrete Blocks of 1500-2000 psi, 28 day compressive strength concrete shall be used with the following dimensions: 8"x 6"x 16" width, height, and length, respectively.

3. Wood Blocks. Wolmanized treated 2" x 4" lumber, length as per inlet size.

C. CONSTRUCTION METHODS: Install the curb inlet gravel filters in the following manner.

1. Place the 2" x 4'1 treated lumber in front of and parallel with the opening of the inlet.

2. Place the Concrete Masonry Units (CMUs) around the inlet, to be protected, in front of the 211 x 4" lumber, with the openings of the CMUs facing the inlet.

3. Surround the CMUS with gravel bags, making certain that there are no gaps evident between the gravel bags.

TEMPORARY SEDIMENT CONTROL FENCE
(Silt Fence)

A. DESCRIPTION. Install a temporary sediment control fence of the dimensions shown on the plans prior to and during construction to control erosion and sedimentation.

B. MATERIALS:

1. Fence Description. The fence shall be a net-reinforced fence, using woven geotextile fabric.

2. Fabric. Fabric may be manufactured from polyester, polypropylene or polyamide and shall be resistant to ultraviolet degradation, mildew and rot and shall be suitable for use in a wet soil and stagnant water environment. The edge of woven fabric shall be sealed or salvaged to prevent raveling. Fabric shall be at least 36 inches wide with 6 to 8 inches of the width buried in a trench to prevent undercutting, unless specified otherwise on the plans. The fabric shall exhibit the following physical properties when sampled and tested using the specified methods.

PHYSICAL PROPERTY	TEST METHOD	MIN REQ:
(1) Tensile strength, 1b	ASTM D 4632	90 MIN
(2) Elongation @ Yield, %	ASTM D 4632	100 MIN
(3) Trapezoidal Tear, lb	ASTM D 4533	35 MIN
(4) Apparent Opening Size	ASTM D 4751	50-80
(5) Permittivity, 1/sec	ASTM D 4491	1.0 MIN
(6) Ultraviolet stability original tensile strength retained after 500 hrs exposure, %	ASTM D 4355	80 MIN

3. Posts. Posts shall be a minimum of 48 inches long, essentially straight, and shall be wood or steel, unless otherwise shown on the plans. Soft wood posts shall be at least 3 inches in diameter or nominal 2 x 4 inches. Hardwood posts shall have a minimum cross section of 1.5 x 1.5 inches. Steel posts shall be "T" or "L" shaped with a minimum weight of 1.3 pounds per linear foot.

4. Net Reinforcement. Net reinforcement shall be galvanized. welded wire mesh of a minimum 12.5 gauge wire or equal as approved by the Engineer with a maximum opening size of 2 inches by 4 inches and shall be at least 24 inches wide unless otherwise shown on the plans.

5. Staples. Staples used to secure reinforcement and fabric to wood posts shall have a crown at least 3/4 inch wide and legs 1/2 inch long.

6. Used Materials. Previously-used materials, meeting the above requirements and when approved by the Inspector, may be used.

C. Construction Methods:

1. The temporary sediment control fence shall be used during construction near the downstream perimeter of a disturbed \ area to intercept sediment from sheet flow. The fence may be incorporated into the erosion control measures used to control sediment in areas of higher flow. The fence installation methods shall be as specified below, unless otherwise shown on the plans. The physical alignment and location of the fence shall be as shown on the plans or as directed by the city Inspector.

2. Installation of Posts. Posts shall be embedded 18 inches deep, or adequately anchored if in rock, with a spacing of 6 to 8 feet, and installed on a slight angle toward the anticipated run-off source.

3. Fabric Anchoring. Trenches shall be dug along the uphill side of the fence to anchor 6 to 8 inches of fabric. The trench shall have a minimum cross section of 6 x 6 inches. The fabric shall be installed in the trench such that 4 to 6 inches of fabric is against the side of the trench and approximately 2 inches of fabric is across the bottom in the upstream direction. The trench shall then be backfilled and hand tamped as approved by the Inspector.

4. Fabric Attachment. The reinforcement shall be attached to the end posts, if wood, by staples, or if steel, by T-clips or sewn vertical pickets at a minimum of 4 locations. The reinforcement shall be attached to each succeeding post as approved by the engineer. The ends of successive reinforcement, sheets or rolls shall be connected at a fence post at least 6 times with hog rings. The fabric shall be fastened to the top strand of reinforcement by hog rings or cord at a maximum spacing of 15 inches.

5. Fabric Splices. Splices shall occur at a fence post and shall have a minimum lap of six (6) inches attached in at least six (6) places. Splices in concentrated flow areas will not be permitted.

D. MAINTENANCE: The temporary sediment control fence shall be maintained in good condition (including staking, anchoring, tension adjustment, etc.) by the developer/builder. All necessary work and materials to maintain the integrity of the fence, including keeping fabric free of accumulated silt, debris, etc., shall be provided until earthwork construction and permanent erosion control features are in place and / or the disturbed area has been adequately stabilized. The areas damaged by the removal process shall be stabilized by the developer/builder using appropriate methods as approved by the City Inspector.

1. Torn or punctured fabric shall be repaired by the placement of patch consisting of an additional layer of fabricover the damaged area. The patch shall have a minimum overlap of 18 inches in all directions and be securely attached to the repaired fabric.

2. When the accumulated sediment deposit reaches a depth of approximately 6 inches, it shall be removed and disposed of at approved sites in a manner that will not contribute to additional siltation. If the structure ceases to function as intended, the City Inspector may direct that the fence or portions thereof be replaced.

CONSTRUCTION ENTRANCE OR EXIT

A. DESCRIPTION: Install construction entrances or exits of the type and dimensions shown on the plans during construction to control the tracking of sediment, mud, gravel, etc. from a construction site or other areas identified by the City Inspector to a public right of way, street, sidewalk or parking area.

B. MATERIALS: Rock used for long and short-term construction entrances or exits shall consist of crushed stone. The aggregates shall be clean, hard, durable materials free from adherent coatings, salt, alkali, dirt, clay, loam, shale, soft or flaky materials, or organic and injurious matter.

C. CONSTRUCTION METHODS: When tracking conditions exist, traffic shall not be allowed to cross or leave the construction site and move directly onto a public roadway, alley, sidewalk, parking area, or other right of way in areas other than at locations of construction entrances or exits. Construction entrances or exits can be either for long or short-term use. Foundation courses, if needed, shall be used with the long- term construction entrances or exits.

1. Long-Term Construction Entrance/Exit. The entrance/exit shall be placed over a foundation course, if needed. The foundation course and/or compacted subgrade shall be properly graded to direct runoff from the construction exit to a sediment trap as shown on the plans or as directed by the City Inspector. The entrance/exit shall normally be constructed a minimum length of 50 feet. The width shall be at least 14 feet for one-way traffic and 20 feet for two-way traffic but shall not be less than full width of all points of ingress and egress and shall be sufficient for all ingress and egress. This entrance/exit shall consist of open-graded crushed stone with a size of four to eight inches as shown on the plans. The depth of the "aggregate shall not be less than eight inches.

2. Short-Term Construction Entrance/Exit. This entrance/exit shall be either open-graded crushed stone with a size of two to four inches, or plywood or wafer board. This entrance/exit shall be used for daily operations when tracking conditions exist such as traffic crossing the construction site at locations where long- term entrances/exits are not practicable.

D. MAINTENANCE:

1. Entrances or exits shall be maintained in a condition which will prevent tracking or flowing of sediment onto public right of way. This may require periodic removal and replacement of stone or other material as conditions demand and repair and/or clean out of any measures used to trap sediment. Sediment spilled, dropped, washed or tracked onto public right of way shall be immediately removed by the developer/builder and disposed of at an approved site and in a manner that will not contribute to additional siltation.

3. When necessary, wheels shall be cleaned to remove sediment prior to entrance onto public right of way. When washing is required, the construction exit shall be graded to drain into a sediment trap or sediment basin. Sediment shall be prevented from leaving the construction site.

4. The construction entrances/exits shall be removed promptly when directed by the City Inspector. Discarded materials shall become the property of the developer/builder for his disposal at an approved site. The area beneath the construction entrance/exit and any area damaged by the removal process shall then be stabilized by the developer/builder using appropriate methods as approved by the City Inspector.

ROCK FILTER DAMS FOR EROSION AND SEDIMENTATION CONTROL.

A. DESCRIPTION: Install rock filter dams *of* the dimensions shown on the plans. The rock filter dams shall be constructed at the locations shown on the plans and as directed by the City Inspector to control erosion and sedimentation.

B. MATERIALS:

1. Unless otherwise specified, all aggregate used for the construction *of* the rock filter dams shall be hard, durable, clean, open-graded, and shall naturally resist crumbling, flaking and eroding. Aggregate gradation shall be 3 to 6 inches for rock filter dams Types 1,2 and 4 and shall be 4 to 8 inches for Type 3.

2. The galvanized steel wire mesh and tie wires for Types 2 and 3 shall be a minimum 20 gauge unless specified on otherwise on the plans.

3. The steel Wire mesh for Type 4 shall utilize a double twisted hexagonal weave. The mesh opening shall be a nominal 2.50" x 3.25". The steel wire for netting shall be 0.0866" (U.S. Gauge No. 13) minimum. The steel wire for selvedges and corners shall be 0.1063" (U.S. Gauge No. 11) minimum and the binding or tie wire shall be 0.0866" (U.S. Gauge No. 13) minimum.

4. Unless otherwise specified, the sandbag material shall be made *of* polypropylene, polyethylene or polyamide woven fabric, minimum unit weight four (4) ounces per square yard, Mullen burst strength exceeding 300 psi and ultraviolet stability exceeding 70 percent. The sandbag size shall be 24 to 30 inches in length, 16 to 18 inches in width, six (6) to eight (8) inches thick and weigh 90 to 125 pounds. The sand shall be coarse grade.

C. CONSTRUCTION METHODS:

1. Trees, brush, stumps and other objectionable material shall be removed and disposed of as necessary so as not to interfere with the construction of the filter dams.

2. The filter dams shall be constructed according to the following criteria unless otherwise shown on the plans:

   a. Type 1 (non-reinforced).

   (1) Height - 18 inches minimum, measured vertically from existing ground to top of filter dam.

   (2) Top Width - 2 feet minimum

   (3) Slopes - 2:1 maximum

   b. Type 2 (reinforced).

   (1) Height - 18 inches minimum, measured vertically from exiting ground to top of filter dam.

   (2) Top Width - 2 feet minimum

   (3) Slopes - 2:1 maximum

   (4) The aggregate shall be placed on the galvanized wire mesh to the lines, height and slopes specified without resulting in undue voids, and to the satisfaction of the City Engineer. The

mesh shall be folded at the upstream side over the aggregate and secured to itself on the downstream side. The mesh shall be attached to itself with wire ties, hog rings, or as directed by the City Engineer.

c. *Type 3 (reinforced).*

(1) Height - 36 inches minimum, measured vertically from existing ground to top of filter dam.

(2) Top width - 2 feet minimum Slopes - 2:1 maximum

(3) The aggregate shall be placed on the galvan1zed wire mesh to the lines, height and slopes specified without resulting in undue voids, and to the satisfaction of the Engineer. The mesh shall be folded at the upstream side over the aggregate and secured to itself on the downstream side. The mesh shall be attached to itself with wire ties, hog rings, or as directed by the Engineer.

d. *Type 4 (Sack Gabions).* Sack gabions are supplied folded flat, packed in bundles. Single sacks shall be removed from the bundle, unfolded flat on the ground, and all kinks and bends stepped out.

(1) For vertical filling, the two sides edge wires I are connected by using the lacing wire in a "single loop - double loop" pattern on a 4" to 5" spacing. At one end, the "end lacing rod" must be pulled tight, wrapped around the end and twisted 4 times. At the filling end, the rod shall. Be pulled tight, cut, leaving about 6" length and twisted 4 times.

(2) For horizontal filling, the sack shall be placed flat in a filling trough, filled with stone and then sides connected as described above. The ends shall be secured as described above.

(3) Lifting and placing shall be accomplished by placing a No.6 rebar (or equal) 5' (ft) long in the mesh, perpendicularly to the longitudinal axis and close to the knot of one end. Lifting should be made from the central point. Sack gabions shall conform to existing contours.

D. MAINTENANCE: The area upstream from the filter dams shall be maintained in a condition which will allow sediment to be removed following the runoff of a rainfall event. When the silt reaches a depth equal to 1/3 the height of the dam or 1 foot, whichever is less. The developer/builder shall remove the accumulated sediment and dispose of it at an approved site in a manner that will not contribute to additional siltation. The filter dams shall be reshaped as needed and as directed by the City Inspector.

BALED HAY FOR EROSION AND SEDIMENTATION CONTROL

A. DESCRIPTION: Install baled hay temporarily during construction to control erosion and sedimentation.

B. MATERIALS: Hay bales used shall weigh a minimum of 50 pounds, be composed entirely of vegetable matter, and measure at least 30 inches in length. They shall be bound by wire, nylon or polypropylene string.

C. CONSTRUCTION METHODS: The hay bales shall be installed in accordance with the details and at the locations shown on the plans by embedding in the soil a minimum of 4 inches, and where possible, approximately one half the height of the bale, or as directed by the City Inspector. Gaps between bales shall be filled with hay. Bales shall be staked with two (2) number 4 rebar placed at each end of the bale and driven at least 6 inches into the ground.

D. MAINTENANCE:

1. The baled hay installation shall be maintained in good condition by the developer/builder. All necessary work and materials to maintain the integrity of the installation shall be provided until permanent erosion-control features are in place and/or the disturbed area has been adequately stabilized. The area beneath the baled hay and area damaged by the removal process shall then be stabilized by the developer/builder using appropriate methods as approved by the City Inspector.

2. When the accumulated sediment reaches a depth of approximately 6 inches, it shall be removed and deposited at approved sites in a manner that will not contribute to additional siltation. If the installation ceases to function as intended due to washouts, etc., the City Inspector may direct that the installation or portions thereof be replaced.

GRAVEL FILTER BAG(S)

A. DESCRIPTION: Install temporary "Gravel Filter Bag(s)", in the locations shown on the plans and as required by these specifications, during the construction period to prevent sediment from erosion of the construction area from being carried (washed) from the construction area by rainwater runoff.

B. MATERIAL:

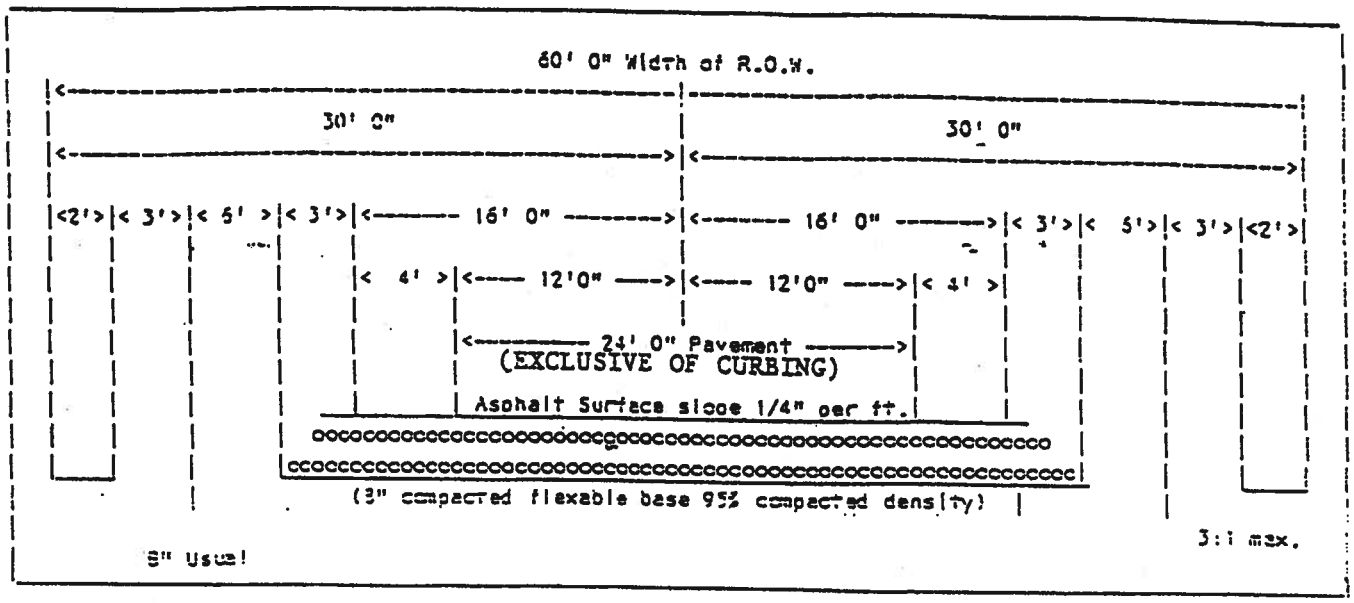
1. Gravel Filter Bags. Polypropylene, polyethylene, or polyamide woven fabric, minimum unit weight four (4) ounces per square yard, Mullen burst strength exceeding 300 psi and ultraviolet stability exceeding 70 percent. Length approximately 24", width 16" to 18" and thickness 6".

2. Fill gravel bags with ¾" gravel.

C. CONSTRUCTION METHODS: Install gravel filter bags at an angle which is perpendicular to the flow line of the curb gutter. The gravel filter bags are to be installed extending from the curb toward the centerline of the street, to a maximum distance of 4' from the curb line. Place gravel filter bags such that there are no apparent openings between bags. If necessary, as determined by the City Inspector, position additional gravel filter bag(s) sets downstream, or upstream, from the initial set of gravel filter bag(s). If possible, position successive sets such that the lowest ground elevation of the upstream set is approximately level with the top of the downstream set.

FIGURE 1.

TYPICAL STREET SECTION (60.0' R.O.W.)



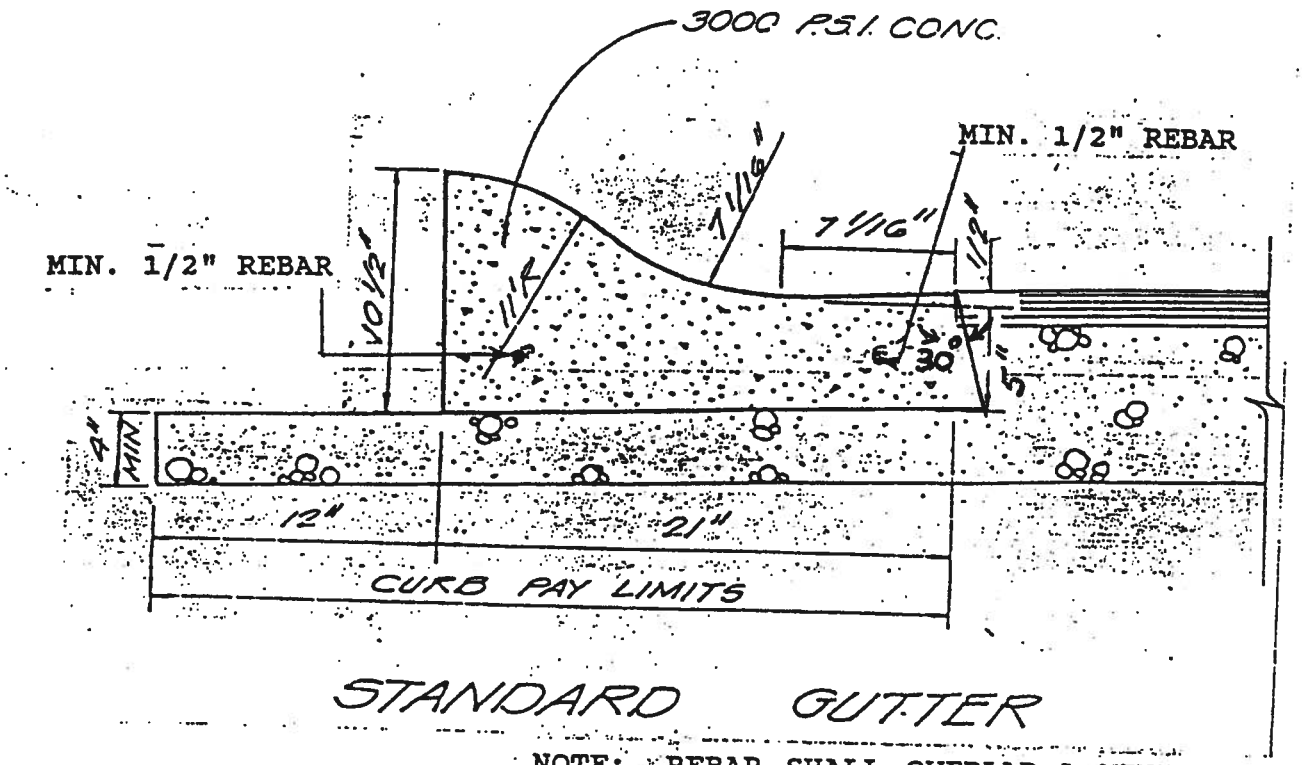
NOTE: The finished center line grade of the street should be 4" lower than the average elevation of the property line on each side shown hereon.

Before placing any material, the contractor shall furnish the City Engineer with reports of analysis of the proposed material made by an approved laboratory.

Increase R.O.W. width may be required for cut or fill sections.

Base material may be less where rock sub-grade is encountered, if approved by the City Engineer.

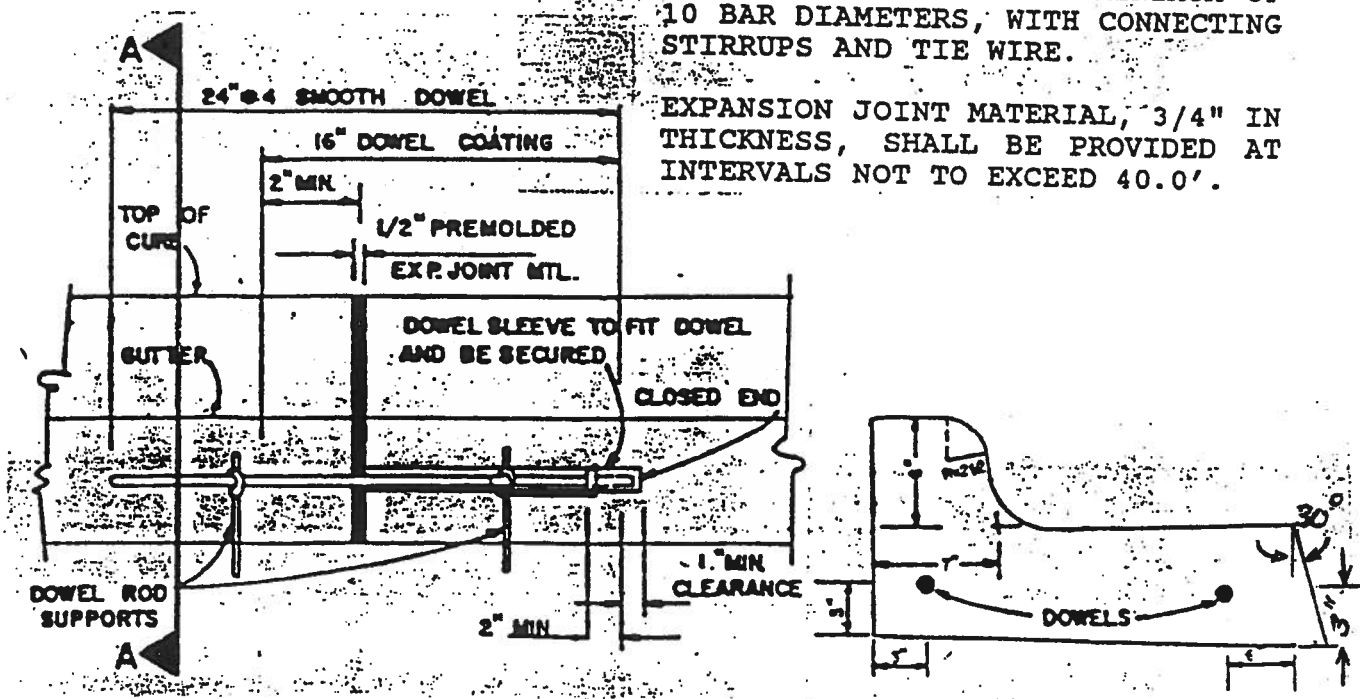
TYPICAL ROLL TYPE CURB



STANDARD GUTTER

NOTE: REBAR SHALL OVERLAP A MINIMUM OF 10 BAR DIAMETERS, WITH CONNECTING STIRRUPS AND TIE WIRE.

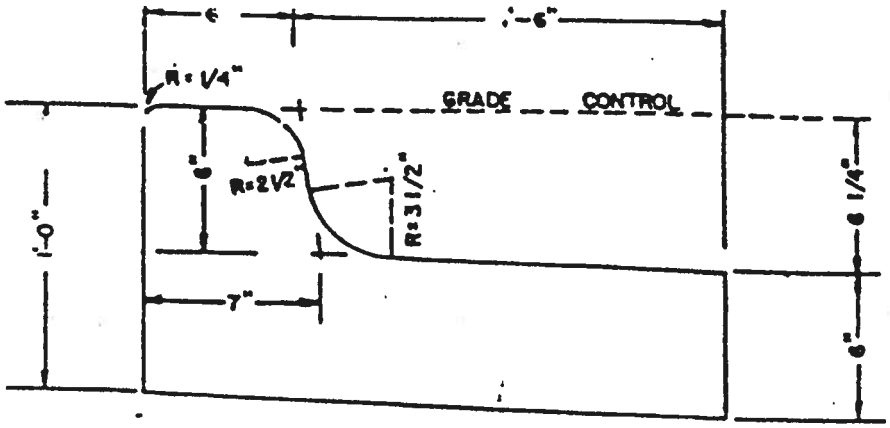
EXPANSION JOINT MATERIAL, 3/4" IN THICKNESS, SHALL BE PROVIDED AT INTERVALS NOT TO EXCEED 40.0'.



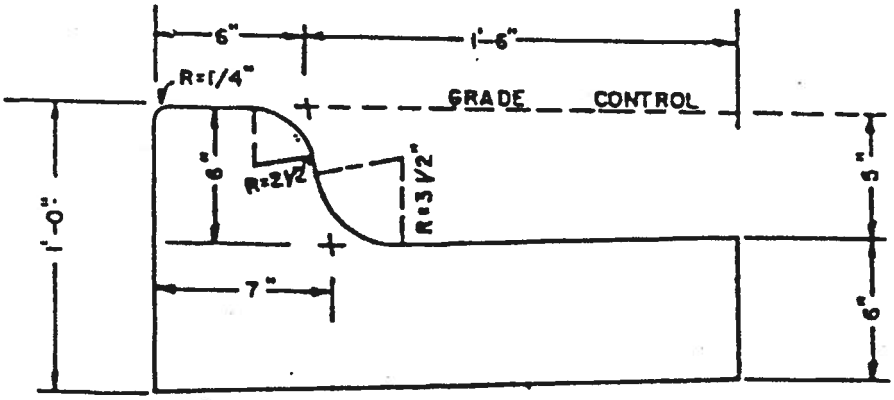
CURB EXPANSION JOINT DOWEL DETAIL

SECTION A-A

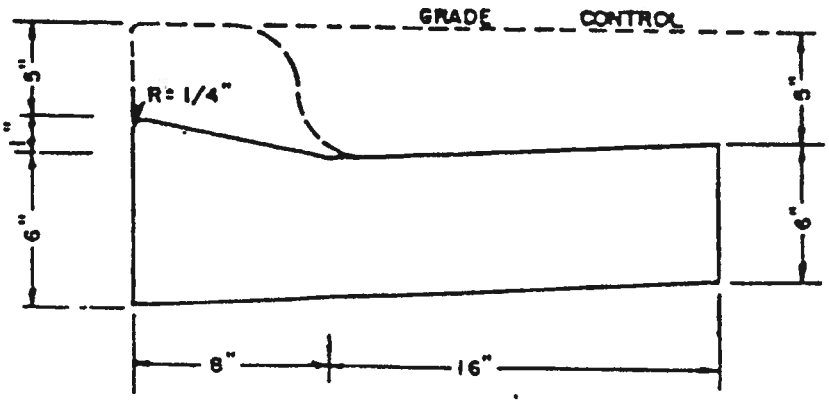
MODIFIED CURBING / NATURAL DRAINAGE



SPILL

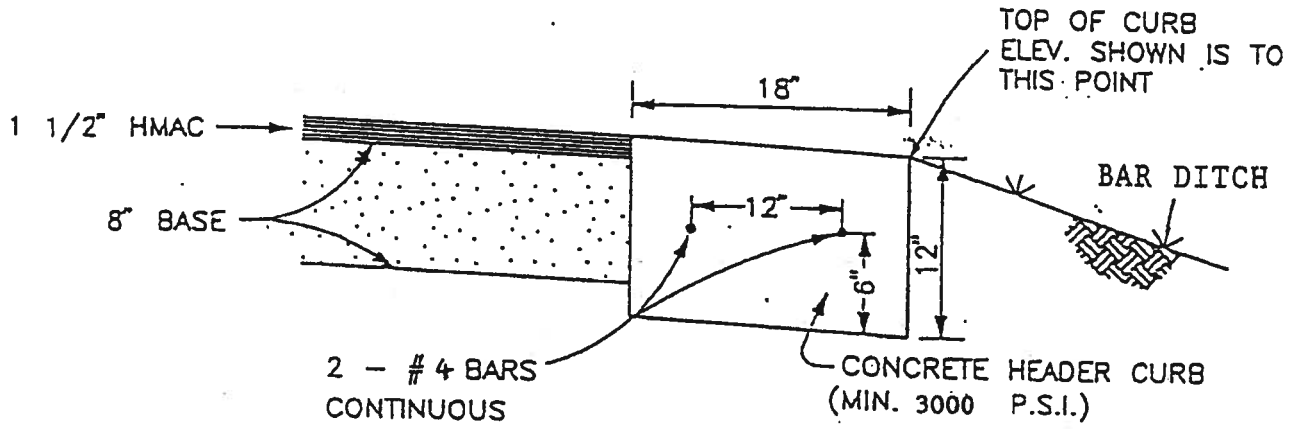


CATCH

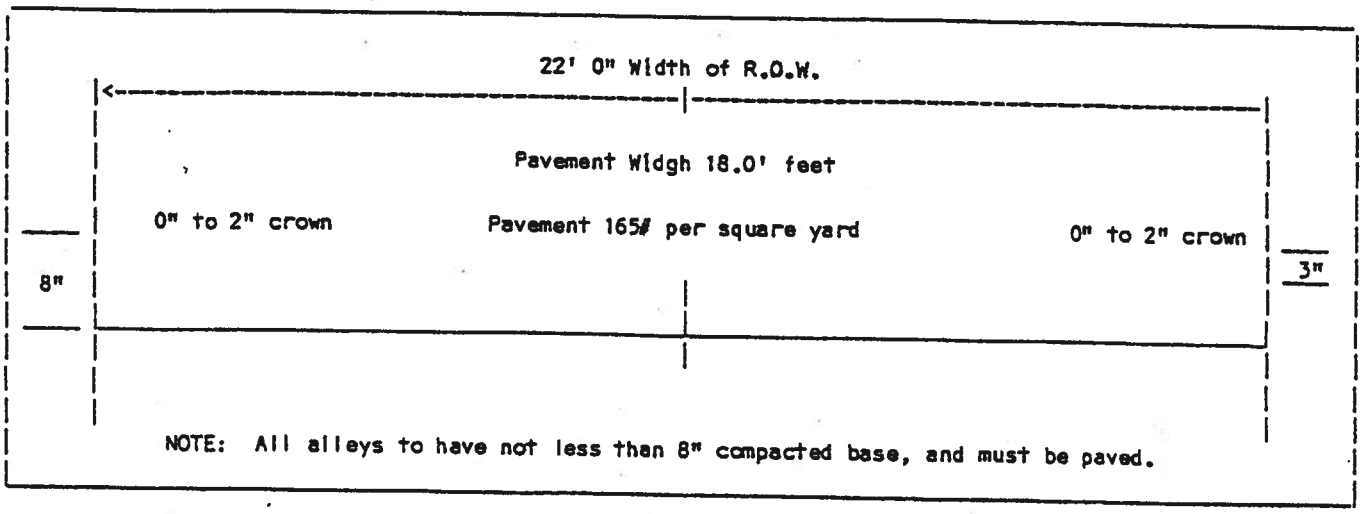


LAY DOWN CURB

HEADER (RIBBON) CURB DETAIL



STANDARD CROSS SECTION --- ALLEYS - COMMERCIAL



NOTE: All alleys to have not less than 8" compacted base and must be paved.

PAYMENT BOND

STATE OF TEXAS §
§
COUNTY OF _____ §

KNOW ALL MEN BY THESE PRESENTS: That _____, of the City of _____, County of _____, and the State of _____, as principal, and _____, authorized under the laws of the State of Texas to act as surety on bonds for principals, are held and firmly bound unto _____, OWNER, in the penal sum of _____ Dollars ($_____) for the payment whereof, the said Principal and Surety bind themselves and their heirs, administrators, executors, successors and assigns, jointly and severally, by these presents:

WHEREAS, the Principal has entered into a certain written contract with the Owner, dated the _____day of _____, 19___.

_____

_____

to which contract is hereby referred to and made a part hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall pay all claimants supplying labor and material to him or a subcontractor in the prosecution of the work provided for in said contract, then this obligation shall be void, otherwise to remain in full force and effect;

PROVIDED, HOWEVER, that this bond is executed pursuant to the pro- visions of Article 5160 of the Revised Civil Statutes of Texas as amended by the acts of the 56th Legislature, Regular Session, 1959, and all liabilities on this bond shall be determined in accordance with the provisions of said Article to the same extent as if it were copied at length herein.

Surety, for value received, stipulates and agrees that no change, extension of time , alteration or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications, or drawings accompanying the same, shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work to be performed thereunder.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this _____ day of _____, 19___.

_____	_____
Principal	Surety
By: _____	_____
Title: _____	Title: _____
Address: _____	Address: _____
_____	_____
(SEAL)	(SEAL)

The name and address of the Resident Agent of Surety is:

_____

_____

PERFORMANCE BOND
(Site Development)

STATE OF TEXAS §
§
COUNTY OF _____ §

KNOW ALL MEN BY THESE PRESENTS:
That we, _____hereinafter called principal(s) and _____, herein after called surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of _____, Texas, a Municipal Corporation of the Counties of _____, Texas, for the sum of $_____, the full payment of which we hereby bind ourselves, our respective heirs, administrators, executors, successors and assigns, jointly and separately and firmly by these presents. Said surety is currently licensed under the laws of the State of Texas, to act as surety on bonds for principals.

WHEREAS, the principal has made application to develop a certain tract of land within the City of _____, Texas, and is responsible for provision, installation and/or construction of certain improvements in accordance with the Zoning Ordinance (Section _____) and all other applicable codes, standards and policies of the City of _____ in conjunction with said development which is more particularly described as follows:

WHEREAS, under the provisions of the Zoning Ordinance (as referenced herein) of the City of _____, Texas, the Site Plan Review committee, as a condition precedent to the granting of such application, requires the principal to furnish a guarantee that he will construct or cause to be constructed or provided in accordance with the Zoning Ordinance and all other applicable codes, standards and policies of the City of _____, Texas, the following Site Development requirements:

AS PER ATTACHMENT # _____ WHICH IS HEREBY INCORPORATED AS IF REPEATED IN ITS ENTIRETY

Said improvements shall be installed, constructed or provided in accordance with the Zoning Ordinance and all other applicable codes, standards and policies of the City of _____, on or before _____.
In testimony whereof witness our hands and seal this _____ day of _____, A.D. _____.
Now therefore, the condition of this obligation is such that if said principal shall faithfully perform the required improvements in accordance with the Zoning Ordinance and all other applicable codes, standards and policies of the City of _____, then this obligation shall be void; otherwise it shall remain in full force and effect.

Principal :

_____
Name of Company

CORPORATE SEAL

_____
Signature

_____
Name & Title of Officer (typed)

The undersigned surety represents that it is duly qualified to do business in Texas and hereby designates _____ an agent in _____ County to whom any requisite notice(s) may be delivered and on whom service of process may be had in matters arising out of such suretyship and to establish venue in _____ County.

_____
Surety Name (type or print)

_____
Signature - Attorney-in-fact

Surety Seal

_____
Typed Name - Attorney-in-fact

MAINTENANCE BOND

STATE OF TEXAS §
§
COUNTY OF _____ §

KNOW ALL MEN BY THESE PRESENTS: That _____ , as Principal, and _____, a corporation authorized to do business in the State of Texas, as Surety, do hereby acknowledge themselves to be held and bound to pay unto the City of _____ , a Municipal Corporation of the State of Texas, its successors and assigns, at _____ , _____ County, Texas, the sum of _____ Dollars ($ _____), ten (10%) percent of the total amount of the contract for the payment of which sum said principal and surety do hereby bind themselves, their successors and assigns, jointly and severally.

This obligation is conditioned, however, that:

WHEREAS, said _____ has this day entered into a written contract with the said City of _____ to build and construct _____

_____

_____

which contract and the plans and specifications therein mentioned, adopted by the City of _____ , are filed with the City Secretary of said City and are hereby expressly incorporated herein by reference and made a part hereof as though the same were written and set out in full herein, and;

WHEREAS, under the said plans, specifications, and contract, it is provided that the Contractor will maintain and keep in good repair the work therein contracted to be done and performed for a period of one (1) year from the date of acceptance thereof and do all necessary backfilling that may become necessary in connection therewith and do all necessary work toward the repair of any defective condition growing out of or arising from the improper construction of the improvements contemplated by said contractor on constructing the same or on account of improper excavation or backfilling, it being understood that the purpose of this section is to cover all defective conditions arising by reason of defective materials, work, or labor performed by said Contractor, and in case the said Contractor shall fail to repair, reconstruct or maintain said improvements it is agreed that the City may do said work in accordance with said contract and supply such materials and charge the same against the said Contractor and its surety on this obligation, and said Contractor and surety shall be subject to the damages in said contract for each day's failure on the part of said Contractor to comply with the terms and provisions of said contract and this bond.

NOW THEREFORE, if the said Contractor shall perform its agreement to maintain said construction and keep same in repair for the maintenance period of one (1) year, as herein and said contract provided, then these presents shall be null and void and have no further effect; otherwise, to remain in full force and effect.

It is further agreed that this obligation shall be a continuing one against the Principal and Surety and that successive recoveries may be had hereon for successive breaches of the conditions herein provided until the full amount of this bond shall have been exhausted, and it is further understood that the obligation to maintain said work shall continue throughout said maintenance period, and the same shall not be changed, diminished, or in any manner affected from any cause during said time.

IN WITNESS WHEREOF, the said _____ as Contractor and Principal, has caused these presents to be executed by _____ and the said _____ as surety, has caused these presents to be executed by its Attorney-in-Fact _____ and the said Attorney-in-Fact has hereunto set his hand this _____ day of _____ ,19___.

SURETY:

_____

_____

_____
Attorney-in-Fact

PRINCIPAL:

_____

_____

_____