

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING APPENDIX B, SUBDIVISIONS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR DEFINITIONS; PROVIDING FOR FINAL PLAT AND PLANS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Appendix B, of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Section III to read as follows:

APPENDIX B

SUBDIVISIONS

Section III. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "City" or "Town" shall mean the Town of Addison, Texas.

B. "City Council" or "Council" shall mean the City Council of the Town of Addison, Texas.

C. "Director of Public Works" shall mean the Director of Streets.

Published 10/22/87



D. "Subdivision" shall mean the division of any tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale or building development, and shall include resubdivision. "Subdivision" shall also mean the division or redivision of an existing subdivision together with any change of lot size therein or with the relocation of any street. "Subdivision" shall also mean a tract of land intended to be built upon and for which a building permit is required.

SECTION 2. That Appendix B of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Section IX to read as follows:

Section IX. Final plat and plans.

The developer or his engineer shall submit the final plat and complete construction plans to the public works department and city engineer for review. Submittal shall include a letter of transmittal requesting review and payment of the required filing fees.

The final plat shall contain the following:

A. the boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract;

B. true bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county or section lines accurately tied to the lines of the Subdivision by distances and bearings;

C. an accurate location of the Subdivision with reference to the abstract and survey records of Dallas County;

D. The exact layout including;

1. street names;

2. the length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents;

3. all easements for rights-of-way provided for public services or utilities and any limitations of the easements; and

4. all lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines;

E. the accurate location, material and approximate size of all monuments;

F. the accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision;

G. setback building lines;

H. private restrictions;

I. proposed name of the Subdivision;

J. name and address of the subdivider;

K. north point, scale and date;

L. certification by a registered professional surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size and material description are correctly shown;

M. proof of ownership of the property;

N. a certificate of ownership and dedication of all streets, fire lanes, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land subdivided and the streets dedicated;

O. names of lenders and lieholders on the property;
and

P. Additional certificates to properly dedicate easements or rights-of-way as may be necessary and in the form as required by the City. Such easement certificates shall be in the following form, which form shall be required to be attached to and made a part of the final plat:

NOW, THEREFORE, KNOW ALL MEN BY THESE
PRESENTS:

That _____ ("Owner")
does hereby adopt this plat designating the hereinabove
property as _____,
an addition to the Town of Addison, Texas, and, sub-
ject to the conditions, restrictions and reservations
stated hereinafter, owner dedicates to the public use
forever the streets and alleys shown thereon.

The easements shown on this plat are hereby reserved for the purposes as indicated, including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, electric, telephone, gas and cable television. Owner shall have the right to use these easements, provided however, that it does not unreasonably interfere or impede with the provision of the services to others. Said utility easements are hereby being reserved by mutual use and accomodation of all public utilities using or desiring to use the same. An express easement of ingress and egress is hereby expressly granted on, over and across all such easements for the benefit of the provider of services for which easements are granted.

Any drainage and floodway easement shown hereon is hereby dedicated to the public's use forever, but including the following covenants with regards to maintenance responsibilities. The existing channels or creeks traversing the drainage and floodway easement will remain as an open channel, unless required to be enclosed by ordinance, at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easement. The City will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury of private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of water run-off shall be permitted by construction of any type building, fence or any other structure within the drainage and floodway easement. Provided, however, it is understood that in the event it becomes necessary for the City to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the City shall have the right, but not the obligation, to enter upon the drainage and floodway easement at any point, or points, with all rights of ingress and egress to investigate, survey, erect, construct or maintain any drainage facility deemed necessary by the City for

maintenance or efficiency of its respective system or service.

Water main and sanitary sewer easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water service and sewer services from the main to curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Addison, Texas.

The construction plans shall be prepared under the supervision of a registered professional engineer in the State of Texas and shall bear his seal on each sheet.

The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the standard specifications of the Town of Addison.

Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

After review of the plat and plans by the public works department and city engineer, the plat and plans shall be submitted to the planning and zoning commission and the city council for their consideration. If approved by those bodies subject to changes, the engineer for the owner shall make all changes required. The Director of Public Works or his designated agent will approve all plans and return sufficient approved sets of the plans to the engineer for the owner for use by the contractors. Each contractor shall maintain one set of the plans, stamped with city approval, on the project at all times during construction.

SECTION 3. That Appendix B of the Code of Ordinances, Town

of Addison, Texas, is hereby amended by amending Section XVI to read as follows:

Section XVI. General Requirements.

A. Streets and alleys. In general, streets shall conform to the following standards:

1. Streets shall be in line and consistent with existing streets in adjoining Subdivisions.

2. Streets shall be named so as to provide continuity with existing streets.

3. Dead-end streets shall be avoided except where planned for future extension.

4. Blocks shall be platted to allow two (2) tiers of lots.

5. The Subdivision shall be platted with appropriate regard for all topographical features lending themselves to treatment and layout of utilities.

6. Streets and alley shall generally not exceed one thousand two hundred (1,200) feet in length.

7. No cul-de-sac shall be developed which exceeds six hundred (600) feet in length measured from the center line of the street it intersects with to the center point of the cul-de-sac.

8. In platting the Subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the master thoroughfare plan or other plan approved by the City Council.

9. When land is subdivided or developed in areas adjacent to existing city streets or county roads that are not improved to city standards, the developer shall include the improvements of these streets in the overall development of the area. Should the City Council determine that it is not feasible to develop said street at the time of development of the area, the developer shall put his pro rata share for the improvements of said street in escrow until such time as improvement is deemed necessary by the City Council.

10. Streets and alleys shall be platted and constructed in accordance with the master thoroughfare plan or other plans approved by the City Council and shall conform to the following general requirements;

(a) Thoroughfares. Thoroughfares shall generally be constructed as required in the master thoroughfare plan. The developer's pro rata share shall include the outside eighteen-and-one-half foot lanes (measured from back of curb) adjoining his property, the outside curb, and any lime-treated subgrade. If requested by the City Council, the developer shall construct additional width pavement with reimbursement from the City for such additional pavement when city funds become available. Reimbursement will be Sixteen and no/100 Dollars (\$16.00) per square yard which price includes the cost of base, lime stabilization, excavation and concrete.

(1) Concrete. Pavement shall be a minimum of eight (8) inch reinforced concrete (three thousand (3,000) psi) and shall include six (6) inch monolithic curbs. The subgrade shall be thoroughly compacted and stabilized with hydrated lime for a minimum depth of six (6) inches below the pavement.

(2) Asphalt. Asphalt shall be eight (8) inches with the concrete curbs. Subgrades shall be thoroughly compacted and stabilized with hydrated lime to a minimum depth of six (6) inches below the asphaltic pavement. The contractor shall employ and pay for a testing laboratory, approved by the City, and shall pay for continuous inspection during the processing of subgrade stabilization. Density and the thickness tests shall be performed by the independent testing laboratory for every five thousand (5,000) square feet of pavement or portion thereof during the construction of paving. Certification of these tests, and their results, shall be furnished to the City by a registered professional engineer.

(b) Collector streets. Collector streets shall generally be constructed within sixty (60) foot right-of-way and consist of a thirty-six (36)

foot roadway measured from face to face of curb. The developer shall construct, at his own cost, the entire width of the roadway if it is located in the interior of the subdivision.

(1) Concrete. Pavement shall be six (6) foot thick, reinforced concrete (three thousand (3,000) psi) with six (6) inch monolithic curbs placed on six (6) inch lime stabilized subgrade.

(2) Asphalt. Asphalt shall be eight (8) inches thick and be placed on six (6) inch thick lime stabilized subgrade if the street is in an industrial/commercial area. The asphalt street shall be six (6) inch thick asphalt on six (6) inch six six percent (6%) lime stabilized subgrade if the collector street is within a residential area. Testing for asphalt shall be same as listed above.

(c) Residential streets. Residential streets shall generally be constructed within a fifty (50) foot right-of-way and shall consist of a twenty-six (26) foot wide roadway measured from face to face of the curbs.

(1) Concrete. Pavement shall be six (6) inch thick reinforced concrete (three thousand (3,000) psi) with six (6) monolithic curbs placed on six (6) inch lime stabilized subgrade.

(2) Asphalt. The asphalt shall be six (6) inch thick placed on six (6) inch lime stabilized subgrade with six (6) inch concrete curbs with reinforcing. Testing requirements for asphalt shall be same as listed above.

(d) Alleys. Alleys shall be constructed within a fifteen (15) foot right-of-way and shall be ten (10) feet in width. Alley turnout shall be twelve (12) feet wide at the property line then narrowing to ten (10) feet.

(1) Concrete. The pavement shall be six (6) inch reinforced concrete (three

thousand (3,000) psi) with a four (4) inch invert for drainage.

(2) Asphalt. Asphalt shall be six (6) inches thick placed on six (6) inches of lime stabilized subgrade with a four (4) inch invert for drainage. All asphalt testing shall be the same as listed above.

B. Storm Sewers. An adequate storm sewer system, consisting of inlets, pipes and other underground drainage structures, shall be constructed to conform with current drainage requirements of the Town of Addison. The following policy shall govern the installation of all drainage facilities within the city:

1. Residential Subdivisions or additions.

(a) The developer shall pay the total cost of storm drainage systems where pipe seventy-two (72) inches in diameter or less is installed.

(b) In cases where the storm drain is larger than seventy-two (72) inches in diameter, but not larger than eighty-four (84) inches, twenty-five (25) percent of the cost of providing the additional pipe larger than seventy-two (72) inches but smaller than eighty-four (84) inches will be borne by the City and shall be reimbursed to the developer when the city funds become available. The developer shall pay for the remaining seventy-five percent (75%) and the cost of constructing the pipe to seventy-two (72) inches in diameter. The developer shall also bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures and all other items required to complete the system.

(c) In those cases where the runoff cannot be handled by a pipe eighty-four (84) inches in diameter or smaller, the developer shall dedicate at his own expense a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. If deemed necessary by the public works department, the channel shall be lined with reinforced concrete to prevent erosion.

The City will pay for twenty-five percent (25%) of the cost of such lining, and shall reimburse the developer for such costs when city funds become available.

(d) In street crossings (bridges or culverts) with an opening larger than that of a double seventy-two (72) inch pipe culvert, the City will participate to the extent of twenty-five percent (25%) of the cost of the structure as approved by the Director of Public Works, and shall reimburse the developer for such costs when city funds become available.

(e) Creeks may remain in open natural condition or excavated channels may be constructed provided they meet the criteria and standards set by the Town of Addison.

(f) When a creek or excavated channel is allowed to remain open, or in its natural condition, it shall be dedicated to the City through the use of the drainage and floodway easement form described in Section IX. N. The Planning and Zoning Commission may recommend waiving this dedication requirement only for the following exceptions:

(1) replats which were originally platted prior to the dedication requirement; or

(2) Subdivisions of five lots or less.

(g) The developer must provide sufficient access on each side of creeks and drainage ways for maintenance purposes. The location and size of the access ways shall be determined by the City Engineer and the Director of Public Works. The maximum width of the accessway shall be fifteen (15) feet. Permanent physical markers, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the accessway and private property. The accessway shall be included in the dedication requirements of (f) above.

2. Commercial and industrial developments.

(a) The developer shall pay the total construction cost of storm drainage systems where a double seventy-two (72) inch diameter pipe or smaller pipe will carry the runoff.

(b) In those cases where the runoff cannot be handled by a double seventy-two (72) inch pipe or smaller, the developer shall dedicate, at his own expense, a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall excavate the channel with reinforced concrete. The city shall participate to the extent of ten percent (10%) of the cost of such lining when city funds become available.

(c) In street crossings (bridges or culverts) with an opening larger than that of a double seventy-two (72) inch pipe culvert, the City will participate to the extent of ten percent (10%) of the total construction cost of the structure as approved by the Director of Public Works and shall reimburse the developer for such costs when city funds become available.

(d) A creek may remain open in its natural condition, provided that the requirements of subsection 1 (e), (f) and (g) above shall apply.

C. Sanitary sewers. Sanitary sewer facilities shall be provided to adequately service the Subdivision and conform to the Town of Addison sewer plan.

1. Sewer pipe shall have a minimum internal diameter of eight (8) inches. Construction and materials shall conform to the standard specifications of the Town of Addison.

2. Sewer services for each lot shall be carried to the property line.

3. Should the Subdivision or addition abut and use a sewer main of the city, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the city for the use of the same.

4. The developer shall construct all manholes, cleanouts and other appurtenances as required on the plans.

5. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct the stations and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will remain the property of the Town of Addison for disposal.

D. Water. Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots and to conform to the Town of Addison water plan.

1. Water pipe shall be a minimum of eight (8) inch nominal internal diameter. Construction and material shall conform to the standard specifications of the Town of Addison.

2. Water services for each lot shall be stubbed out with an angle stop to the location required as shown on the standard details. A meter box conforming to the requirements of the standard specifications shall be installed over the end of each service.

3. Valves and fire hydrants shall be located at intervals of three hundred (300) feet in industrial, commercial or local retail areas and at intervals of five hundred (500) feet in apartment or residential areas.

4. Should the Subdivision or addition abut and use a water main of the City, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the City for use of the same.

E. Other utilities.

1. The developer shall furnish all easements and rights-of-way necessary for construction of electrical, gas and telephone service to the Subdivision.

2. The developer shall pay for the number of street lights required in the Subdivision as determined by the Director of Public Works. Maximum distance between street lights shall be approximately six hundred (600) feet. After acceptance of the Subdivision, service charges for electricity will be paid by the City.

3. The developer shall be responsible for all damage to improvements caused during installation of utilities.

F. Miscellaneous.

1. The developer shall provide street signs for the Subdivision. There shall be one sign for each three (3) way intersection and two (2) signs for each four (4) way intersection. The signs will be ordered by the Public Works Department and the developer billed a fixed fee for each sign. Such price shall include cost of the sign assembly, pole and installation.

2. Sidewalks shall be constructed in accordance with the sidewalk ordinance of the Town of Addison on all lots adjoining dedicated streets. Sidewalk construction may be delayed until development of the lot, except across bridges or culverts. In these cases, the sidewalks shall be constructed with the other improvements to the Subdivision.

3. All lot corners shall be located and marked with a one-half (1/2) inch reinforcing bar eighteen (18) inches in length and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.

4. Permanent concrete monuments, six (6) inches in diameter and twenty-four (24) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. A copper pin one-fourth (1/4) inch in diameter embedded at least three (3) inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that after construction, the top of the monument will be not less than twelve (12) inches below the ground surface.

5. Where Subdivisions are platted so that the rear yards of single family residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the developer shall provide, at his sole expense, a six (6) foot reinforced concrete or masonry wall to be located on the street right-of-way line for the purpose of screening the rear yards from the street. The City Council and the Planning and Zoning Commission may waive or modify, in exceptional cases, this requirement. Plans and speci-

fications for the wall shall be approved by the public works department. The wall shall conform to the requirements of the ordinance of the City governing the sight distance for traffic safety and other City ordinances.

6. Where landscaping in public rights-of-way or other public property is required or planned, such work shall first be approved by the public works department. Such approval is intended to assure that plant materials used in the work will not create maintenance problems or require excessive amounts of city labor during future maintenance. The work shall also conform to the city ordinance governing sight distance for traffic safety.

7. Before any street is opened to traffic in the Town of Addison all necessary pavement markings necessary to comply to the Manual on Uniform Traffic Control Devices for streets and highways shall be completed. All work must first have the approval of the public works department.

8. Maintenance of any and all easements shall be the responsibility of owners of the properties traversed by or adjacent to such easements. The City shall have the right, but not the obligation, to enter upon such properties to abate any nuisances thereon in accordance with the Code of Ordinances, Town of Addison, Sec. 10-16 et seq, with costs attendant to such abatement charged to such property owners, which costs shall become a lien against said property in favor of the City, pursuant to Code of Ordinances, Town of Addison, Secs. 10-28 and 10-29.

G. Filing of Subdivision plans and final plats.

1. That all Subdivision plats filed with and submitted to the City Council for approval shall:

a. set forth a full and accurate description of the land subdivided;

b. set forth a full and accurate description of all streets and other areas dedicated;

c. contain a certificate of ownership;

d. dedicate all streets, alleys, parks and playgrounds to public use forever;

e. grant required easements for utilities, drainage floodway, fire lanes and other appropriate purposes with applicable language for responsibility for maintenance of the easements by owners of the property or properties traversed by the easements or adjacent thereto;

f. be signed by the owner of the land;
and

g. the final plan to be submitted to the City Council shall also indicate, on the mylar sepia copy, easement locations.

2. That no Subdivision plat or site plan filed with or submitted to the City for approval on or after June 23, 1982, shall be approved unless such plan or plat requires all electric Utility Lateral and Service Lines to be constructed underground. In special or unique circumstances or to avoid undue hardship, the City Council may authorize variances and exceptions from this requirement and permit the construction and maintenance of overhead electric Utility Lateral or Service Lines and may approve any plat with such approved variances or exceptions. It is the intent of this section that no overhead electric Utility Lateral or Service Lines be constructed without a variance or exception having been obtained for the Subdivision plat or site plan.

3. That all wires and lines providing other utility services, and electric lines serving street lights, shall be placed underground in all Subdivisions and on all sites where the final Subdivision plat or site plan approved by the City requires electric Utility Lateral and Service Lines to be placed underground. Utility support equipment, such as transformers, amplifiers, switching devices, etc., necessary for or used in connection with underground installations shall be deemed to be placed underground if actually constructed underground or if pad-mounted on the surface.

4. Anything in this ordinance to the contrary notwithstanding, temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception.

5. That nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

6. As used in this ordinance, the terms "utility services," "feeder lines," "lateral lines" and "service lines" shall have the following meanings:

(a) "Utility services" shall mean the facilities of any person, firm or corporation providing electrical, telephone, television cable or any other such item or service for public use which services are not normally or already required to be placed underground and are within the present or future city limits of the Town of Addison, Texas.

(b) "Feeder lines" shall mean those high voltage supply electric lines that emanate from substations used to distribute power throughout an area.

(c) "Lateral lines" shall mean those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

(d) "Service lines" shall mean those electric lines used to connect between the utilities' supply system and the end user's service entrance.

SECTION 7. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 8. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 9. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. The fact that the present code of Ordinances does not provide for certain easements and is therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 13th day of October, 1987.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY