

ARTICLE III. PROCEDURE FOR SUBMISSION OF PLATS

Sec. 50-61. Preliminary conference.

Prior to the official filing of a preliminary plat, the subdivider, his planner or other appropriate representative shall consult with the city staff for comments and advice on the procedures, specifications and standards required by the city as conditions for subdivision plat approval. If requested in writing, the commission shall place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist the subdivider on matters affecting such proposed subdivision.

(Ord. No. 819, § 2.01, 2-9-98)

Sec. 50-62. Application for preliminary plat approval.

(a) *Generally.* Any person desiring approval of a preliminary plat shall first file, in triplicate, an application for preliminary plat approval. Forms for such applications shall be kept on file with the city secretary and shall be in a form approved by the commission. Consideration of a preliminary plat by the commission shall not occur unless a fully completed and executed application has been filed in accordance with this chapter. The chairman of the commission is hereby authorized and directed to deny, on behalf of the commission, any application for preliminary plat approval that is not fully completed and executed in accordance with this chapter.

(b) *Submittal date and time.* All plats, maps, reproductions, fees, applications and related materials shall be submitted to the city secretary not later than 1:00 p.m. 12 days prior to the next regular commission meeting. Materials received after 1:00 p.m. on the date specified in this subsection shall automatically be placed on the agenda of the second regular meeting of the commission following submittal.

(c) *Copies required.* The applicant shall provide ten copies on 24 by 36-inch paper of the original drawing of the plat, reproduced on white paper with blue or black lines, each of which shall be folded to 8 1/2 by 14 inches.

(d) *Filing fees.* An application for preliminary plat approval shall be accompanied by a nonrefundable application fee tendered by certified check made payable to the city, in the amounts adopted, and from time to time amended, by the city council and on file with the city secretary of the city.

(e) *Encumbrances information.* Initial plat submittals shall be accompanied with a title opinion or a statement or certificates, either in separate writing or on the face of the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances other than liens, such as various types of easements, fee strips or significant topographical features of the land being platted are fully shown and accurately identified on the face of the plat and further stating whether the plat being submitted includes all of the contiguous land which the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.

(f) *Notice to utilities.* Evidence of notice to all utility companies which provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a

statement of the intent to subdivide, the intended use of the property within the subdivision and shall have attached to such notice a copy of the preliminary plat that is filed within the city.

(Ord. No. 819, § 2.02, 2-9-98)

Sec. 50-63. Form and content of preliminary plats.

All preliminary plats submitted to the commission shall be in the form and contain fully all information and/or language required pursuant to this section:

- (1) The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within the county;
- (2) The legal description of the property proposed to be subdivided, including the name of the county, survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
- (3) The total acreage and total number of lots, blocks and reserves;
- (4) The name of the owner of the property. If the owner is other than a natural person, the name of the principal officer, or owner, of the entity which owns such property;
- (5) The name of the person who prepared the plat;
- (6) The date on which the plat was drawn;
- (7) The north point. The drawing of the subdivision shall be oriented with north to the top of the drawing;
- (8) The scale shall be drawn numerically and a graphic scale shall be provided. The scales acceptable for a preliminary plat shall be either one inch equals 100, 200, 300 or 400 feet, or for small projects (less than ten acres) one inch equals 20, 30, 40, 50 or 60 feet;
- (9) A scale vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, watercourses and similar features in all directions from the subdivision to a distance not less than one-half mile. The scale of the vicinity map shall be to legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;
- (10) The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines;
- (11) The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous and drainageways, acreage and all existing streets, easements, pipelines and other restricted uses;
- (12) The location and approximate width of existing and proposed watercourses, ravines and drainage easements, topographical elevations and the boundaries of designated flood zones, as provided in the then latest edition of the federal insurance rate map. All such information required by this subsection shall be certified by a registered professional land surveyor and/or a registered professional engineer;
- (13) Contours with intervals of 0.5 foot referred to sea level (U.S. Coast and Geodetic Survey) datum, as required to show at least two contours within and adjacent to the

subdivision. If the change in elevation throughout the property to be subdivided is less than one foot, then the plat is to clearly show the outfall drainage plan. Identify the basis of control and temporary benchmark set within the subdivision;

(14) The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "unrestricted reserve." "Restricted reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park or recreational, or school;

(15) The location, widths and names of all existing or platted streets, roads, alleys and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries and all existing easements and other important features, such as section lines, political subdivision or corporate limit lines on all sides for a distance of not less than 200 feet;

(16) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto;

(17) The location of all lots, blocks, building setback lines and other features within the plat boundaries, with approximate dimensions;

(18) Existing sewers, water and gas mains, culverts, bridges, pipelines, structures or public utilities within the tract and immediately adjacent thereto, with pipe sizes, grades and locations indicated;

(19) The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines and parks with principal dimensions; and

(20) A letter from the Memorial Villages Water Authority to the commission stating that it has examined the preliminary plat being submitted and whether it will certify approval of the easements shown thereon for water and sanitary sewer services on the final plat if submitted in the same form, and, further, whether such authority will provide such water and sanitary sewer services to the lots indicated thereon.

(Ord. No. 819, § 2.03, 2-9-98)

Sec. 50-64. Application for final plat approval.

(a) *Generally.* Any person desiring approval of a final plat shall first file an application for final plat approval. Forms for such applications shall be kept on file with the city secretary and shall be in a form approved by the commission. Consideration of a final plat by the commission shall not occur unless a fully completed and executed application has been filed in accordance with this chapter. The chairman of the commission is hereby authorized and directed to deny, on behalf of the commission, any application for final plat approval that is not fully completed and executed in accordance with this chapter.

(b) *Time for filing.* All plats, maps, reproductions, fees, applications and related materials shall be submitted to the city secretary not later than 1:00 p.m., 15 days prior to the next regular commission meeting. Materials received after one o'clock p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the commission following submittal.

(c) *Copies required.* The applicant shall provide ten copies on 24 by 36-inch paper of the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to 8 1/2 by 14 inches.

(d) *Filing fees.* An application for final plat approval must be accompanied by a nonrefundable application fee tendered in the form of a certified check made payable to

the city, in the amount as shall be specified by the schedule of fees of the city as adopted, and from time to time amended, by the city council and on file with the city secretary.

(e) *Certificates of availability of utilities.* Each final plat shall be accompanied by a written certification from each entity, whether public or private, from which utility services are to be received, certifying the availability of same, and that such entity agrees to provide its respective utility service to the subdivision. In addition, where applicable, each such entity providing utility services shall certify approval or conformance of the construction plans to insure compliance with such utility entity's construction standards. (Ord. No. 819, § 2.04, 2-9-98)

Sec. 50-65. Form and content of final plat.

All final plats shall incorporate all of the provisions relating to preliminary plats in section 50-63 and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the commission, together with the following additional requirements:

(1) The final plat shall be drawn on linen tracing cloth or stable plastic film or positive photographic film with black lines and image and shall be suitable for the reproduction of direct positive prints and reproductions;

(2) Scale for a final plat drawing shall be one of the following: one inch equals 100, 60, 50, 40, 30 or 20 feet;

(3) All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainageways, gullies, creeks and bayous, together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, outtracts or any other tracts designated separately within the plat boundaries, fee strips or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;

(4) The name of the current record owner and address. If the record owner is a company or corporation, the name of the responsible individual such as the president or vice president;

(5) The name and seal of the registered professional land surveyor and/or registered professional engineer responsible for preparing the plat;

(6) The date of submittal, and the date of submittal of each subsequent revision;

(7) All streets and alleys with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C. and P.T.) length and bearing all tangents between curves;

(8) Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;

(9) All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the Manual of Practice Standards for

Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings in degrees, minutes and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not be degree of curve;

(10) The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided in subsection 50-63(14); and

(11) All dedication statements and certificates shall be made a part of the final plat drawing and shall conform in form and content to the form of statements and certificates set forth in article V of this chapter.

(Ord. No. 819, § 2.05, 2-9-98)

Sec. 50-66. Plat drawing, reproductions and filing.

The original plat drawing for an approved final plat shall be submitted to the commission on a suitable permanent translucent material that the commission shall, by written rule, from time to time, designate, including, but not limited to, tracing linen, plastic film or positive photographic film with lines, with lettering and signatures in black ink or image. The names of all persons signing any such plat shall also be lettered under the signature. Two paper prints from the original plat drawing (white paper with blue or black lines) and one positive vellum or film transparency shall also be provided. Filing of such final plats with the county clerk for recording shall be made by the city. Such filing shall not be made until the earlier of:

(1) The completion by the developer of the improvements required as a condition of plat approval and acceptance of such improvements by the city engineer and city council; or

(2) The filing of a sufficient guarantee of such performance by the developer in accordance with section 50-40. Such filing by the city shall be made promptly upon the satisfaction of either condition.

(Ord. No. 819, § 2.06, 2-9-98)

Sec. 50-67. Title report.

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within 30 days prior to the date the final plat is dated and filed with the commission, a search of the appropriate records was performed covering the land proposed to be platted, and providing the following information concerning the title to the land:

(1) The date of the examination of the records;

(2) A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of such land;

(3) The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;

(4) The names of all lienholders, together with the recording information and date of the instruments by which such lienholders acquired their interests;

- (5) A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
 - (6) A tax certificate from each city, county, school, utility or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.
- (Ord. No. 819, § 2.07, 2-9-98)

Sec. 50-68. Commission action.

The commission shall review each plat submitted to it on a preliminary basis and upon a final basis. The commission shall approve any plat if it is in compliance with the provisions of this chapter and other rules and regulations as may have been or may be adopted by the city council governing plats and/or the subdivision of land. Upon the receipt of a plat, the commission's authorized actions are as follows:

- (1) Grant preliminary approval or preliminary approval with conditions;
- (2) Defer preliminary action until the next regular meeting;
- (3) Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions; or
- (4) Disapprove any plat, either preliminary or final, if the commission determines that it fails to comply with the policies, standards or requirements contained in this chapter or other rules or regulations as may have been adopted by the city council governing plats and/or the subdivision or land.

(Ord. No. 819, § 2.08, 2-9-98)

Sec. 50-69. Expiration of plat approval.

All preliminary plat approvals granted by the commission and the conditions thereon, if any, shall be valid for a period of six months from the date on which the approval was granted. All final plat approvals granted by the commission and the conditions thereon, if any, shall be valid for a period of six months from the date on which the final approval was granted. The commission may, upon receipt of a written request from the subdivider or his authorized agent, prior to the expiration date of the final plat approval, extend this term of approval for any time period not to exceed an additional six months. The maximum term for approval of any final plat granted by the commission that has not been duly recorded shall not exceed a total of 12 months from the date on which final plat approval was granted by the commission.

(Ord. No. 819, § 2.09, 2-9-98)

Secs. 50-70--50-90. Reserved.