

- Minimum building setback lines on all lots and other sites.
- Location and description of monuments.
- Reference to recorded subdivision plats or adjoining public land by recorded name, date and number.
- Present ownership, tract designation and property lines of all adjacent unplatted land.
- Title, scale, north arrow, and date.
- Written metes and bounds description.

(2) Titles and Certificates

- Certification of registered professional engineer if necessary (not necessary if no infrastructure improvements involved in subdivision).
- Certification of registered Texas land surveyor certifying to accuracy of survey and plat.
- Certification of title showing that subdivider is land owner.
- Statement by owner dedicating streets, right-of-way and all sites for public uses as required by this ordinance.
- Certificate of PZC.

(3) Drawings

- In ink.
- 24" x 36"
- Scale: 1" = 100' or larger.
- Index if plat is more than one sheet.

SECTION 6 – MANUFACTURED HOMES

6.1 **Manufactured Home Parks**

See relevant provisions of City of Seven Points Zoning Ordinance.

6.2 **Manufactured Home Subdivisions**

This type of subdivision shall meet the same requirements and standards as a subdivision for single family detached residences.

SECTION 7 – TOWNHOUSE DEVELOPMENT

7.1 General

1. Preliminary Plat

- a. The developer shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this ordinance. The preliminary plat for phase one or other phases must be approved by the PZC.
- b. Form and Content

See Preliminary Plat – Section 5.8

2. Final Plat

- a. No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved 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 portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

A final plat of an approved preliminary plat shall be submitted to the PZC within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the PZC shall become null and void, unless an extension is applied for and granted by the PZC.

If a final plat is not filed with the County or its construction substantially underway within nine (9) months of its approval, then the plat and documents shall be reprocessed for approval in order to assure that it complies with the then current policies, standards, and procedures required by this ordinance before filing is authorized.

- b. Form and Content

See Final Plat – Section 5.9

7.2 Streets

1. All townhouse subdivisions shall have a direct access street to at least one dedicated and accessible public street having a right-of-way width of not less than 50 feet.
2. Alleys, where used, shall have a minimum right-of-way of 20 feet and shall be developed in accordance with City of Seven Points Construction Standards.

7.3 Utilities

Utilities shall be provided for each dwelling unit on an individual basis.

7.4 Fire Hydrants

Standard fire hydrants shall be installed as part of the water distribution system per specifications of the Texas Department of Insurance and in accordance with City of Seven Points Construction Standards.

7.5 Covenants

Any townhouse developer whose development has a common maintenance or ownership agreement shall be required to file all covenants and declarations governing those agreements at the time of platting. The plat shall reflect the volume and page reference of such covenants and declarations filing.

7.6 Length of Groupings

Townhouse groupings shall not exceed a length of more than 300 feet for any one group.

SECTION 8 – PATIO HOME DEVELOPMENT

8.1 General

1. Preliminary Plat

- a. The developer shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this ordinance. The preliminary plat for phase one or other phases must be approved by the PZC.

- b. Form and Content

See Preliminary Plat – Section 5.8

2. Final Plat

- a. No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved 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 portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

A final plat of an approved preliminary plat shall be submitted to the PZC within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the PZC shall become null and void, unless an extension is applied for and granted by the PZC.

If a final plat is not filed with the County or its construction substantially underway within nine (9) months of its approval, then the plat and documents shall be processed for approval in order to assure that it complies with the then current policies, standards, and procedures required by this ordinance before filing is authorized.

- b. Form and Content

See Final Plat – Section 5.9

8.2 Streets

1. All townhouse subdivisions shall have a direct access street to at least one dedicated and accessible public street having a right-of-way width of not less than 50 feet.
2. Alleys, where used, shall have a minimum right-of-way of 20 feet and shall be developed in accordance with the City of Seven Points Construction Standards.

8.3 Utilities

Utilities shall be provided for each dwelling unit on an individual basis.

8.4 Fire Hydrants

Standard fire hydrants shall be installed as part of the water distribution system per specifications of the Texas Department of Insurance and in accordance with City of Seven Points Construction Standards.

8.5 Covenants

Any townhouse developer whose development has a common maintenance or ownership agreement shall be required to file all covenants and declarations governing those agreements at the time of platting. The plat shall reflect the volume and page reference of such covenants and declarations filing.

SECTION 9 – CONDOMINIUM DEVELOPMENT

9.1 General

1. Preliminary Plat

a. The developer shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this ordinance. The preliminary plat for phase one or other phases must be approved by the PZC.

b. Form and Content

(See Preliminary Plat – Section 5.8)

2. Final Plat

a. No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved 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 portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

A final plat of an approved preliminary plat shall be submitted to the PZC within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the PZC shall become null and void, unless an extension is applied for and granted by the PZC.

If a final plat is not filed with the County or its construction substantially underway within nine (9) months of its approval, then the plat and documents shall be processed for approval in order to assure that it complies with the then current policies, standards, and procedures required by this ordinance before filing is authorized.

b. Form and Content

(1) Data

- Primary control points, approved by the City Engineer or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- Tract boundary lines, right-of-way lines, streets, easements and all other rights-of-way, property lines of residential lots, and other sites with accurate dimensions, bearings, or deflection angles and radii, arcs, and central angle of all curves.
- Name and right-of-way width of each street or other right-of-way.
- Location, dimension, and purpose of all easements.
- Number to identify each lot, site, and block.
- Purpose which all sites other than residential lots are dedicated or reserved.

- Minimum building setback lines on all lots and other sites.
 - Location and description of monuments.
 - Reference to recorded subdivision plats or adjoining public land by recorded name, date, and number.
 - Present ownership, tract designation, and property lines of all adjacent unplatted land.
 - Title, scale, North arrow, and date.
 - Written metes and bounds description.
- (2) Titles and Certificates
- Certification of registered professional engineer.
 - Certification of registered Texas land surveyor certifying to accuracy of survey and plat.
 - Certification of title showing that subdivider is land owner.
 - Statement by owner dedicating streets, right-of-way and all sites for public uses, as required by this ordinance.
 - Certificate by PZC.
- (3) Drawings
- In ink.
 - 24"X 36".
 - Scale: 1" = 100' or larger.
 - Index if plat is more than one sheet.
- (4) Deed Restrictions

The owner/developer may submit with the formal application for final plat approval a set of deed restrictions that clarifies and controls the general nature, density of the land use previously designated on the approved preliminary plat, such designations being only for the purpose of establishing the design and size of public services and infrastructure. A copy of these deed restrictions shall be filed with the filing of the approved final plat at the County Clerk's Office. The owner/developer shall be responsible for the filing fee of deed restrictions as required by the County Clerk's Office.

9.2 Streets, Alleys, and Fire Protections

See Section 11.

SECTION 10 – CLUSTER DEVELOPMENT

10.1 General Description

The concept applies to a land development project which may include dwelling units in detached, semi-detached, attached multi-storied structures, or any combination of these and other uses. Common land is an essential and major element of the development and is owned by an association of all homeowners. Covenants shall establish appropriate land use restrictions on all parcels of the development, including the areas of common property.

10.2 Platting/Re-platting Requirements

1. Preliminary Plat

- a. The developer shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this ordinance. The preliminary plat for phase one or other phases must be approved by the PZC.

- b. Form and Content

See Section 5.8.

2. Final Plat

- a. No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved 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 a manner that no portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

A final plat of an approved preliminary plat shall be submitted to the PZC within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the PZC shall become null and void, unless an extension is applied for and granted by the PZC.

If a final plat is not filed with the County or its construction is not substantially underway within nine (9) months of its approval, then the plat and documents shall be reprocessed for approval in order to assure it complies with the then current policies, standards, and procedures required by this ordinance before filing is authorized.

- b. Form and Content

See Section 5.9.

SECTION 11 – STANDARDS AND SPECIFICATIONS/GENERAL

11.1 Conformity With Standards/Specifications Required

No preliminary or final plat shall be approved by the PZC and no completed improvements shall be accepted by the City unless they conform to the following standards and specifications. All streets and alleys shall be dedicated to the public in accordance with these requirements. No private streets will be permitted, except under the applicable provisions herein.

11.2 Staff May Promulgate Standards/Specifications

The Mayor shall designate in writing the staff person(s) who is (are) hereby authorized and directed to promulgate rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalks. Such designated person(s) shall file same with the PZC for approval, and thereafter, file with the City Secretary at least ten (10) days before it becomes effective. Such designated person(s) may amend the same from time to time, upon the approval of the PZC, and such amendment shall be filed with the City Secretary at least ten (10) days before it becomes effective. No such rules, regulations, standards, and specifications shall conflict with this or any other ordinances of the City of Seven Points, Texas. All such improvements shall be constructed, installed, designed, located, and arranged by the subdivider in accordance with such rules, regulations, standards, and specifications.

11.3 Conformity With Comprehensive Plan

The subdivision shall conform to the comprehensive plan of the City of Seven Points and the parts, amendments, and/or supplements thereof.

11.4 Reserve Strips Prohibited

There shall be no reserve strips or land arrangements created as part of any subdivision activity that inhibit access from public or private tracts or parcels of land dedicated or intended to be dedicated to public use.

11.5 Provision for Future Subdivisions

If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and alleys.

11.6 Alleys

1. Alleys Not Required

Provision of alleys in subdivisions is not required.

2. Dead-End Alleys

Dead-end alleys shall not be permitted.

3. **Intersection of Alleys or Utility Easements**

Where two alleys or utility easements intersect or turn at a right angle, a cutoff of not less than 10 feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

4. **Width and Paving**

Alleys are optional in residential areas but where alleys are provided, shall be not less than 20 feet in right-of-way width and must be paved, in accordance with City of Seven Points Construction Standards. Alleys shall be approximately parallel to the frontage of the street.

5. **Alleys Which Do Not Connect On A Straight Course**

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, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

11.7 Blocks

Block length shall not exceed 1,200 feet, except along collector and arterial streets. Maximum block length along a collector or arterial street shall be 600 feet except under special conditions determined by the PZC.

11.8 Building Lines

Building lines, or setback lines, shall be established and so indicated on all subdivision plats as stipulated in the City of Seven Points Zoning Ordinance.

11.9 Drainage and Stormwater Management

Subdivision stormwater management shall be in accordance with the City of Seven Points Standard Specifications and design criteria established by the City Engineer and adopted by the City Council.

11.10 Easements

1. **General Requirements**

- a. Each subdivision shall establish those easements necessary for design, construction, and maintenance of those public services that will serve and/or cross the said subdivision.
- b. Subdivisions with alleys may be required to provide parallel easements adjacent to alleys if such is deemed necessary.

2. Adjustments in Easement Contents

Where any public or private utility line is required by the developer to be adjusted in location or elevation, then the developer shall cause such changes to be made with the approval of the appropriate city representatives and shall bear all costs of such changes.

3. Alignment of Easements

Where utility easements are not themselves straight within each block, or if the same do not connect on a straight course with the utility easements adjoining blocks, then an additional easement shall be provided for the placing of guy wires, preferably on lot division lines, in order to support poles set on curving or deviating rights-of-way or alleys.

4. Intersection of Easements

Same requirements as for the intersecting of alleys shall be applied to this subpart.

5. Width

- a. Each block shall have a utility easement at the rear of all lots. Said easement shall be reserved for the use of all public utility lines, conduits, and equipment.
- b. Where all utilities are to be underground, these utility easements shall be a minimum of 15 feet in width. However, depending on services required and project design, easement width may be increased in increments of 5 feet.
- c. Where any aerial utilities will be installed, these utility easements shall be a minimum of 20 feet in width. However, depending on services required and project design, easement width may be increased in increments of 5 feet.
- d. Where a public alley is to be dedicated at the rear of lots, utilities may be placed within said right-of-way. Parallel easements adjacent to each alley may be required for additional width if deemed necessary.

6. Street Lights

Street light easements of 5 feet in width (2 ½ feet on each side of lot line) shall be provided when necessary for service.

7. Curb Frontage

Where curb frontage utility easements intersect with a street right-of-way, the easements shall have the same curb return radii as said street right-of-way.

11.11 Fire Prevention and Protection

Standard fire hydrants shall be installed as part of the water distribution system in accordance with the rules and regulations of the Texas Department of Insurance and the City of Seven Points Fire Prevention Ordinance as adopted and amended. The maximum vehicle lay-of-hose distance between the fire hydrant and the furthest point of any structure shall be 500 feet.

11.12 Flood Hazard Prevention

All persons subdividing land within the city limits and within the extraterritorial jurisdiction of the city shall comply with the provisions of the Flood Damage Prevention Ordinance of City Code, and any amendments thereto.

11.13 Lots

Lot area, width, depth, and other regulations are found in the City of Seven Points Zoning Ordinance.

11.14 Monuments

1. All block corners, angle points, and points of curve, and all corners of boundary lines of the subdivision shall be marked with concrete monuments.
2. The exact intersection point of the monument shall be marked by a 3/4 inch diameter galvanized iron pipe 3 feet in length with the top of the pipe one (1) inch above the top of the concrete which shall be flush with the existing ground surface.
3. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be set so as to assure a clear view between adjacent monuments. All such intermediate property corners shall be marked with reinforcing iron bars 1/2 inch in diameter by 2 feet long driven nearly flush with the ground or counter-sunk slightly to avoid being disturbed.
4. All final plats must be in full accordance with the certification signed by the surveyor in regard to the plat being properly staked on the ground and in compliance with requirements concerning the marker or monuments used.

11.15 Sewage Disposal

1. All subdivisions shall be provided with an approved sewage disposal system approved by the City Engineer in accordance with City of Seven Points Construction Standards.
2. Connection with the sanitary sewage system shall be required except where the City Engineer determines that such connection will require unreasonable expenditures when compared with other approvable methods of sewage disposal. Where septic tanks are installed, the subdivider shall conduct percolation tests in order to determine the adequacy of proposed lot sizes. If a sanitary sewer disposal system is to be installed, the plans for such system must be approved by Henderson County prior to approval of the final plat by the PZC.
3. Septic tanks shall conform to meet health standards as administered by the County.

11.16 Sidewalks

1. Sidewalks shall be installed by the developer in accordance with construction standards of the City of Seven Points as follows:

- a. On the subdivision side or sides of all arterial streets.
 - b. On the subdivision side or sides of all collector streets.
 - c. On the residence side or sides of all local streets where such streets parallel arterial streets adjacent to or within a subdivision.
 - d. As deemed necessary by the PZC in commercial, industrial, public grounds, schools, and multi-family dwelling areas.
2. Pedestrian easements of at least six (6) feet in width shall be dedicated as deemed necessary by the PZC to provide circulation around or access to schools, playgrounds, shopping centers, and transportation and other major community facilities, or to provide pedestrian circulation within the subdivision. Pedestrian easements shall be provided with an all-weather sidewalk with a minimum width of four (4) feet.

11.17 Streets, Curbing, and Rights-of-Way

1. Comprehensive Street or Thoroughfare Plan

Where a street is shown in the comprehensive plan of the city, such street shall be platted in the location and of the width indicated by the comprehensive plan. All major arterial and collector street locations, alignments, right-of-way widths, pavement widths, and cross sections shall be determined by the PZC in accordance with this ordinance and the City's comprehensive plan.

2. Cul-de-sacs

Cul-de-sacs shall not exceed 800 feet in length and shall have a turnaround right-of-way of not less than 120 feet R.O.W. in diameter in residential areas and not less than 160 feet R.O.W. in diameter in commercial and industrial areas. Pavement diameter shall be not less than 100 feet in residential areas and 120 feet in commercial and industrial areas.

3. Curbs and Gutters

Curbs and gutters shall be installed by the subdivider on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision, in accordance with City of Seven Points Construction Standards.

4. Curb Cuts

No curb cut shall be allowed on collector or arterial streets unless maneuvering space is provided on the site.

5. Dead-End Streets

Dead-end streets shall be prohibited, except cul-de-sacs as provided in Section 11.17.2.

6. Half Streets, or Adjacent Streets

Half streets or adjacent streets shall not be permitted.

7. Intersections

- a. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. All streets, unless otherwise approved by the PZC, shall intersect at or near 90 degree angles.
- b. All intersections shall have a minimum of 25 foot property line radius at each corner.
- c. Streets intersecting with or extending to meet an existing street shall be tied to the existing street on center line with distances and angles to show relationship.

8. Layout of Streets

- a. 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.
- b. Local streets shall be laid out so as to discourage their use by through traffic.

9. Marginal Access Streets

Where a subdivision has frontage on an arterial street the PZC may require marginal access streets be provided on both sides, or on the subdivision side, of the arterial street, if the arterial street borders the subdivision, unless the adjacent lots back up to the arterial street or unless the PZC determines such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.

10. Names of Streets

- a. Names of new public or private streets whether within the City of Seven Points corporate limits or within its extraterritorial jurisdiction shall not duplicate or cause confusion with the existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing street shall be used.
- b. Street signs shall be:
 - (1) Installed at the intersections of all public streets with other public streets, all public streets with private streets, and all private streets used as public access by city services with other private streets.

- (2) Installed by the city at subdivider's cost, the payment being due and payable before any final plat or re-plat is recorded at the office of the County Clerk.
- (3) Standards for placement of signs and street naming conventions shall be those adopted by the city.

11. Pavement Standards

All streets of any type, both public and private, shall be paved in accordance with the Construction Standards of the City of Seven Points (see Figure 1). Also see Section 11.17.14.

12. Projection of Streets

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision, both public and private, shall make provision for property projection of streets into such unsubdivided areas.

13. Relation of Adjacent Street Systems

Where necessary to the neighborhood pattern, existing streets, in adjoining areas, both public and private, shall be at least as wide as such existing streets and in alignment therewith.

14. Right-of-Way and Pavement Widths

FIGURE 1
STREET CLASSIFICATION

	RESIDENTIAL		NON-RESIDENTIAL		
	LOCAL CUL-DE-SAC	MINOR COLLECTOR	MAJOR COLLECTOR	MINOR ARTERIAL	MAJOR ARTERIAL
Right-of-way	50'	60'	60' - 70'	70' - 90'	90' - 120'
Number of Lanes	N/A	2	4	4	4 - 6
Paved Section	27' - 31'	37'	45'	49'	63' - 89'
Lane Width	N/A	N/A	N/A	12'	12'
Maximum Length	Cul-de-sac: 800'	3/4 mile	3/4 mile	1 1/2 mile	Variable
Block Length	1,200	1,200	600	600	Variable
On-Street Parking	Per Thoroughfare Plan	Prohibited except in specified areas	Prohibited	Prohibited	Prohibited
Sidewalks	Desirable - one side	Required - both sides	Required - both sides	Required - both sides	Required - both sides
Left Turn Lane	N/A	As designated	As designated	As designated	Continuous or channelized

*Back to Back of Curb

15. Street Lights

Street lights shall be installed at all street intersections and other locations within the City of Seven Points in accordance with Construction Standards of the City of Seven Points. Street light costs shall be provided by the subdivider. Payment shall be made by check to the City of Seven Points to cover all costs of street light installation. Payments shall be submitted prior to the plat being released for filing at the County Clerk's Office. No plat shall be filed with the County Clerk until the total cost of street lights has been received.

16. Utility Installation

When it is necessary that utility lines pass under the street or alley pavement, they shall be installed before the street or alley is paved and extended to a point at least 3 feet beyond the edge of the pavement. If utilities are to cross under an existing street, they shall also extend 3 feet beyond the edge of the pavement.

11.18 Water System Installation

All subdivisions shall be provided with water supply and water distribution systems approved by the City Engineer in accordance with City of Seven Points Construction Standards.

SECTION 12 – STANDARDS FOR PUBLIC FACILITY DEVELOPMENT

12.1 Parks and Playgrounds

The location, size, and shape of any proposed park or playground shall be in accordance with the Park and Open Space Plan of the City of Seven Points, as amended or supplemented.

12.2 Public Facilities

The location, size, and shape of any proposed public facility shall be subject to approval by the City Council.

12.3 Effect of Disapproval

The disapproval of any proposed park, playground, or public facility as above described by the PZC and/or the City Council shall be deemed a refusal by the proper authority to accept the offered dedication.

SECTION 13 – RESPONSIBILITY FOR INSTALLATION OF FACILITIES

13.1 General

In general, the owner and his agents shall be required to construct, at his expense, all streets, alleys, sidewalks, crosswalks, sanitary sewers, sewage lift stations, septic tanks or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights, fire hydrants, and other appurtenances in strict accordance with the Construction Standards of the City of Seven Points, as necessary and required to adequately serve the land area to be developed.

13.2 Ownership of Facilities

All streets, drainage facilities, and other appurtenances constructed by the owner within the city limits, excepting water and sewer facilities, shall become the property of the City of Seven Points, upon completion and acceptance by the city.

13.3 Streets

When a person owns land within the city limits of Seven Points and requests city participation in the cost of construction, the City of Seven Points, to the extent that funds and materials are available, ~~shall~~ participate pursuant to the following provisions:

- a. ^{may} The city shall be responsible for the additional cost of constructing the street over thirty-seven (37) feet in width, back of curb width.
- b. The owner shall be responsible for preparation of the plans and specifications in accordance with criteria established by the City Engineer, and the plans and specifications shall be approved by the City Engineer.
- c. When constructed and approved, the street shall be and become the property of the city subject to all of its rules and regulations free and clear of all liens, claims, and encumbrances.
- d. The owner shall award the contract for labor and materials to construct the street subject to the same statutory requirements that govern municipal corporations. All bid proposals shall be delivered to the Director of Public Works and awarded to the lowest responsible bidder. The determination of the lowest responsible bidder shall be made by the City Council. The contract, in the form acceptable to the City of Seven Points, shall be executed by the successful bidder and the owner constructing the street.
- e. The owner and the Mayor or his designee are the parties to enter into a contract whenever the streets are to be constructed with city participation. The owner shall execute the contract prior to the approval of the final plat and the Mayor is authorized to execute on behalf of the city. The Contract shall incorporate therein and be subject to the provisions set forth herein.
- f. Boundary streets which abut an area to be subdivided on one side only shall be considered as part of the subdivision. The subdivider shall dedicate adequate

right-of-way to bring the street up to minimum required standards as specified by the City of Seven Points. The subdivider shall construct the street or shall place on deposit in a street construction fund account with the City of Seven Points a sum equal to the estimated cost of the street construction.

- g. Owners/Developers of subdivided tracts shall not be eligible to request or participate in "Petition Paving" or "Participation Paving" programs administered by the city for the purpose of improving an existing boundary street or construction of a new boundary street.
- h. The City Council must determine the necessity and order the improvement of streets for the city to participate in costs.
- i. City participation in streets located outside the city limits shall be prohibited.

13.4 Drainage Facilities

When a person owns land within the city limits of Seven Points and requests city participation in the cost of construction, the City of Seven Points, to the extent that funds and materials are available, may participate pursuant to the following provisions:

1. Drainage facilities eligible for city participation are bridges, box and pipe culverts, channel lining, storm sewers and appurtenances, excluding inlets, and having a waterway opening in excess of a 36-inch diameter pipe.
2. City participation will be based on the ratio of the portion of the drainage area extending beyond the limits of the property owned or controlled by the owner as compared with the total drainage area. City's maximum will not exceed fifty percent (50%) of the total cost.
3. City reserves the right to consider each facility on its own merits and to not participate at all at its discretion.
4. The owner shall be responsible for preparation of the plans and the specifications in accordance with criteria established by the City Engineer and the plans and specifications shall be approved by the City Engineer as acceptable.
5. When constructed and approved, the drainage facilities shall be and become the property of the city subject to all of its rules and regulations free and clear of all liens, claims, and encumbrances.
6. The owner shall award the contract for labor and materials to construct the drainage facilities subject to the same statutory requirements that govern municipal corporations. All bid proposals shall be delivered to the Director of Public Works and awarded to the lowest responsible bidder. The determination of the lowest responsible bidder shall be made by the City Council. The contract, in the form acceptable to the City of Seven Points, shall be executed by the successful bidder and the owner constructing the drainage facilities. The city shall pay its portion of the cost to the owner after the drainage facilities have been constructed pursuant to the plans and specifications. The owner will make payments for the construction of the drainage facilities to the contractor pursuant to the contract and in accordance with state law.

7. The owner and the city shall enter into a contract whenever the drainage facilities are to be constructed with city participation. The owner shall execute the contract prior to the approval of the final plat and the Mayor is authorized to execute on behalf of the city.

SECTION 14 – GUARANTEE OF PERFORMANCE

14.1 Construction of Improvements Prior to Recordation

If the subdivider chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the City Engineer, and must be approved upon completion by the City Engineer. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the PZC prior to approval of the final plat.

14.2 Posting of Security Prior to Recordation

If the subdivider chooses to file security in lieu of completing construction prior to final plat approval, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the approval plat shall not be filed unless the subdivider has provided one of the following:

1. Performance Bond

Has filed with the PZC a bond by a surety company holding a license to do business in the State of Texas and acceptable to the City of Seven Points, in a form acceptable to the city, in an amount equal to the cost of the improvements required by this ordinance and prior to the final plat approval.

2. Trust Agreement

Has placed on deposit in a bank or trust company in the name of the city, and acceptable to the City of Seven Points, in a trust account a sum of money equal to the estimated cost of all site improvements required by this ordinance. Selection of the trustee shall be subject to approval by the City of Seven Points and the trust agreement shall be executed on a form acceptable to the city. Periodic withdrawals may be made from the trust account for progressive payment installation costs. The amounts of such withdrawals shall be based upon progress work estimates acknowledged by the city. All such withdrawals shall be approved by the trustee.

3. Unconditional Guarantee from Local Bank or Local Federally Insured Savings and Loan Association or Other Financial Institution

Has filed with the PZC a letter, in a form acceptable to the city, signed by a principal officer of a local bank or local federally insured savings and loan association or other financial institution, acceptable to the City of Seven Points, agreeing to pay to the City of Seven Points, on demand, a stipulated sum of money to apply to the estimated costs of installation of all improvements which the subdivider or developer is required to provide. Said letter of credit shall not be dated to expire until six (6) months after the completion of all improvements.

14.3 Guarantee of Materials and Workmanship

The subdivider or developer shall require of his construction contractor with whom he contracts for furnishing materials and installing the improvements required under this ordinance, and shall

himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the city.

14.4 Inspections

If one of the above three types of security is filed by the subdivider under Section 14.2, the city shall inspect such improvements while under construction, and shall inspect again such improvements upon completion of construction. After final inspection, the City Engineer shall notify the subdivider and the City Attorney in writing as to his acceptance or rejection of the construction and reason therefor.

SECTION 15 – DEDICATIONS AND CERTIFICATES

15.1 Dedication Forms

Dedications of streets, alleys, easements and public use sites shall be according to the most recent forms in use by the City of Seven Points and as directed by the Director of Public Works.

15.2 Dedication By All Owners

All owners and/or lienholders must join in the dedication.

15.3 Plat Disapproval Deemed Dedication Refusal

If any plat or re-plat is disapproved by the PZC for any reason, such disapproval shall be deemed a refusal by the City of Seven Points to accept the offered dedication shown on the plat thereof and any planned or completed improvements within the area covered by any such plat or re-plat.

15.4 Acknowledgments

The following worded acknowledgments and dedications must appear, as appropriate, on all plats, re-plats, and vacatings and resubdivisions:

1. Owner's Acknowledgment and Dedications and Notary

STATE OF TEXAS
COUNTY OF HENDERSON

I, (We) _____ the owner(s) and developer(s) of the land shown on this plat, being the tract of land (being part of the tract of land) as conveyed to me (us) in the Deed Records of Henderson County in Volume _____, Page _____, and designated herein as the _____ in the City of Seven Points, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner

Lienholder Approval

STATE OF TEXAS
COUNTY OF HENDERSON

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 acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given under my hand and seal of office this _____ day of _____, 19____.

Notary Public in and for Henderson County, Texas

2. Certification by the Engineer

STATE OF TEXAS
HENDERSON COUNTY

I, _____, Registered Professional Engineer No. _____, in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

(Engineer's Seal)

Registered Professional Engineer

3. Certification by the Surveyor

STATE OF TEXAS
HENDERSON COUNTY

I, _____, Registered Public Surveyor No. _____, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the grounds and that the metes and bounds describing said subdivision will describe a closed geometric form.

(Surveyor's Seal)

Registered Public Surveyor

4. Certification by the County Clerk

STATE OF TEXAS
COUNTY OF HENDERSON

I, _____, County Clerk in and for Henderson County, Texas, do hereby certify that this plat together with its certificates of authentication was filed for record in my office the _____ day of _____, 19____, in the Official Records of Henderson County in Volume _____, Page _____.

(SEAL)

County Clerk, Henderson County, Texas

5. Approval of the PZC

I, _____, Chairman of the PZC of the City of Seven Points, Texas, hereby certify that the attached plat was duly filed for approval with the PZC of the City of Seven Points on the _____ day of _____, 19____ and same was duly approved on the _____ day of _____, 19____ by said Commission.

Chairman, PZC
Seven Points, Texas

6. Approval by Henderson County Commissioners Court (for subdivisions in extraterritorial jurisdiction area):

I, _____, County Judge of Henderson County, Texas, do hereby certify that the attached plat was duly approved by the Henderson County Commissioners' Court on the ____ day _____, of 19__.

County Judge, Henderson County, Texas

7. Approval of the City Engineer

I, _____, the undersigned, City Engineer of the City of Seven Points, Texas, hereby certify that this plat is in compliance with the appropriate codes and ordinances of the City of Seven Points.

City Engineer, Seven Points, Texas

SECTION 16 – APPEALS

1. Appeals of Administrative Matters - See Section 17 (Variances)
2. Appeals of PZC Actions

An appeal of any decision made by the PZC except as to abandonments is to the City Council.

SECTION 17 – VARIANCES

1. The PZC may recommend the City Council authorize a variance from these regulations when, in its opinion, undue hardship will result from strict compliance. In recommending the City Council grant a variance, the PZC shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the PZC shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
2. No variance shall be granted unless the PZC or City Council finds:
 - a. That there are special circumstances or conditions affecting the land involved and the strict application of provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
 - b. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
 - c. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - d. That the granting of the variance will not have the effect of preventing the orderly subdivision of adjoining land and/or land in the vicinity in accordance with the provisions of this ordinance.
3. Such findings of the PZC and City Council, together with the specific facts upon which they are based, shall be incorporated into the official minutes of the PZC meeting, and City Council meeting, at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of ordinance so that the public health, safety, and welfare may be secured and substantial justice done.
4. All requested variances from the ordinance shall be submitted in writing at the time of formal application for plat approval. The request for any variance shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 18 – COMPLIANCE AND ENFORCEMENT

In 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 referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this ordinance.

The provisions of this ordinance shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of the City of Seven Points Subdivision Ordinance of 1978 nor shall it be construed to prohibit repair, maintenance, or installation of any street or public utility services

- (1) for, to, or abutting any lot the last recorded conveyance of which prior to passage of the City of Seven Points Subdivision Ordinance of 1978 was by metes and bounds and/or
- (2) any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of the City of Seven Points Subdivision Ordinance of 1978.

SECTION 19 – INTERPRETATION, CONFLICT, AND SEVERABILITY

19.1 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

19.2 Conflict With Other Laws

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

19.3 Severability

If any part or provision of these regulations or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

SECTION 20 – SAVING PROVISION AND SUPERCEDING REGULATIONS

20.1 Interpretation

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in these regulations.

20.2 Superseding Regulations

Upon the adoption of these regulations, all Subdivision Regulations of the City of Seven Points previously in effect are hereby superseded, except that all applications for plat approval, including final plats, pending on the effective date of these regulations shall be reviewed under regulations in effect immediately preceding the date of adoption of these regulations.

SECTION 21 - PENALTIES

21.1 Violation and Penalties in Corporate Limits

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, is punishable not to exceed Two Thousand Dollars (\$2,000.00) for each incidence of violation.

21.2 Violation and Penalties in Extraterritorial Jurisdiction

No violation of any provision of the aforesaid ordinance outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under such ordinance, nor shall any fine provided for in such ordinance be applicable to a violation within such area of extraterritorial jurisdiction.

In the event any provision of the aforesaid ordinance is violated within the area of extraterritorial jurisdiction of the city, and outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such ordinance.

21.3 Civil Enforcement

Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the city or within the city's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

PASSED on this the 20 day of April, 1999, by the following vote of the City Council:

AYE: All
NAY: _____
ABSTAIN: _____

APPROVED:

ATTEST:

Mayor

 Debbie Masley
City Secretary

APPROVED AS TO FORM:

City Attorney

