

ORDINANCE NUMBER 2014 - 34

AN ORDINANCE OF THE TOWN OF LAGUNA VISTA, TEXAS, ESTABLISHING A SUBDIVISION ORDINANCE FOR THE TOWN OF LAGUNA VISTA PROVIDING SEVERABILITY, AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the governing body of the Town of Laguna Vista desires to regulate the development and creation of subdivisions within its corporate town limits and extraterritorial jurisdiction to the extent authorized by law, and

WHEREAS, the governing body of the Town of Laguna Vista finds that this ordinance serves to promote the general health, safety and welfare of the residents of Laguna Vista by providing for the orderly and proper development of subdivisions;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL THE TOWN OF LAGUNA VISTA, TEXAS, THAT:

ARTICLE 1**GENERAL ADMINISTRATION****Section 1 Authority and Scope of Rules**

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, by the Town of Laguna Vista, Cameron County, Texas, under the authority of the Local Government Code, Chapter 212 and Water Code, §16.350.

Section 2 Purpose

This ordinance and its regulations are adopted for the following purposes:

- A.** To promote the public health of the Town's residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the corporate limits and extraterritorial jurisdiction of the Town, and to establish the minimum standards
- B.** for water and wastewater facilities.
- C.** To provide for and protect the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town.

- D. To promote the health, safety and general welfare of the community.
- E. To guide the future growth and development of the Town in accordance with the recently adopted Comprehensive Plan of the Town.
- F. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger.
- G. To prevent overcrowding of the land and undue congestion of population.
- H. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- I. To facilitate the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings.
- J. To provide for the proper location and width of streets and building lines.

Section 3 Severability

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

Section 4 Definitions

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

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

- C.** Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities or a block in a subdivision that consists of a grouping of lots that are contiguous or phases in a development plat.
- D.** Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
- E.** Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent property line.
- F.** CCN – Certificate of Convenience and Necessity (for water or sewer service area).
- G.** Capital Improvement: A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town of Laguna Vista.
- H.** Town Council: The governing body of the Town of Laguna Vista.
- I.** Town: The Town of Laguna Vista, Cameron County, Texas. Any reference to an act of the Town shall be deemed to include acts of the Town of Laguna Vista.
- J.** Collector Streets: Streets that carry traffic from the interior of neighborhoods or developments to adjoining arterial streets. Their primary role is land access but with a higher level of traffic movement than local streets. Collectors should provide two traffic lanes and two parking lanes, and in a few cases four travel lanes. (Requires a deduction of 80' of right-of-way).
- K.** Comprehensive Plan: The most current plan or collection of plans promulgated by the Town of Laguna Vista for the future development of the town.
- L.** Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning and Zoning Commission as a condition of the approval of the plat.
- M.** County: Cameron County, Texas.
- N.** Cul-de-sac: A street having only one, (other than an alley or easement), outlet to another street, and terminated on the opposite end by a vehicular turn-around. The length of a cul-de-sac shall be measured from the near side right-of-way line of the intersection street to the center of the cul-de-sac turnaround.
- O.** Dead-end Street: A street, other than cul-de-sac, with only one outlet, other than an alley or easement. (Maximum length allowed is 150')

- P.** Developer: The owner of land proposed to be subdivided or the owners' representative who is responsible for any undertaking that requires review and/or approval under these regulations. (See also Subdivider.)
- Q.** Drinking Water: - All water distributed by the Laguna Madre Water District or any individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing. (Also referred to as potable water.)
- R.** Easement: Authorization by a property owner for another to use the owner's property for a specified purpose (such as for utilities, access, etc.)
- S.** Engineer: A person licensed and duly authorized under the provision of Texas Engineering Registration Act to practice the profession of engineering.
- T.** Extraterritorial Jurisdiction: That territory outside corporate Town limits defined in the Texas Local Government Code as area that is subject to Town Subdivision regulations. (For the purpose of annexation that area is defined in V.T.C.A. Local Government Code, Chapter 42, Subchapter B, as amended, based on population. For the purpose of subdivision regulations that area is defined in V.T.C.A. Local Government Code, Section 212.001, as amended.)
- U.** Final Subdivision Plat: A map or drawing of a subdivision to be recorded after approval by the Planning and Zoning Commission and the Town Council and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.
- V.** Flag-Shaped Lot: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. (See Exhibit D). Flag shaped residential lots will not be allowed within the Town limits or within its ETJ.
- W.** Flood: A temporary rise in a stream level that results in inundation of areas not ordinarily covered by water.
- X.** Floodway: The channel of a watercourse and portions of the adjoining flood plain that are reasonably required to carry and discharge the regulatory flood.
- Y.** Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; the side of a corner lot is considered frontage for road assessment

purposes. For lot frontage requirements, only the front of the lot shall be considered in the measurements.

- Z.** Half-street: A street that is one-half the required street width constructed adjacent to a development for an interim period of time.
- AA.** Local Street: A street that serves primarily residential areas and commercial/industrial areas to some extent to provide access to individual properties. Through traffic on such streets should be discouraged by discontinuous, and often curving street layout. The paved width would desirably provide for two travel lanes and one or two parking lanes. (Requires 50' –60' R-O-W dedication. The 60' dedication is required on streets required to be paved 37' back to back).
- BB.** Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record. A flag shaped lot is an irregular shaped lot that has an area for a building site that complies with this Ordinance, which is located some distance from a public street or road and connected by a narrower, generally rectangular, strip of land.
- CC.** Lot Improvement: Any building, structure, work of art, or other object situated on a lot.
- DD.** Major Arterial: A street or roadway similar to a minor arterial in their function but serving higher traffic volumes, acting as principal cross-town surface routes, and in some cases serving as urban extensions of major inter -town routes. These streets will require two to six travel lanes depending on traffic, with considerable access control as necessary. (Requires a dedication of 120' of right-of-way).
- EE.** Major Outfall: A large pipe or open channel that has the capacity to accept drainage runoff collected through smaller systems (pipes, manholes, inlets, gutters, ditches, etc.) from a given drainage basin and has the ability to convey the volume of runoff generated on such basin to a discharge point on a stream that becomes the ultimate receiver.
- FF.** Major Subdivision: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of more than four (4) lots, or any number lots and size

- requiring any new street, drainage, extension of utilities or the creation of any other public improvements.
- GG. Minor Arterial:** A street or roadway that provides direct access between various sectors of the Town and connects residential areas with commercial and industrial land uses. Their width and directness promotes efficient traffic movement. Minor arterials should provide two or four travel lanes with parking an optional feature. Since traffic movement is their key functions, land access from minor arterials may be legitimately restricted. (Requires a dedication of 100' of right-of-way).
- HH. Minor Subdivision:** Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.
- II. Non-Access Easement:** An easement placed across the edge of lots generally used to prevent rear access driveways and curb cuts onto an arterial or collector road or to prohibit access near intersections.
- JJ. Non-Public Water System:** Any water system supplying water for domestic purposes that is not a public water system.
- KK. OSSF:** On-site sewage facilities as that term is defined in rules and/or regulations adopted by TNRCC, including, but not limited to, 30 TAC Chapter 285.
- LL. Pavement Width:** The portion of a street available for vehicular traffic. Where curbs are laid, "pavement width" is the portion between the back of curbs.
- MM. Person:** Any individual, association, firm corporation, governmental agency, or political subdivision.
- NN. Phased Subdivision Application:** An application for subdivision approval submitted pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, commercial or non-commercial developments.
- OO. Planning and Zoning Commission:** The Planning & Zoning Commission of the Town of Laguna Vista, Texas.

- PP.** Platted: Recorded with the county in an official plat record.
- QQ.** Public Improvement: Any street, drainage ditch, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility for which the Town of Laguna Vista may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- RR.** Public Water System: A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.
- SS.** Purchaser: Any person seeking to buy and acquire real property, including, but not limited to, purchasers under executory contracts for conveyance of real property.
- TT.** Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.
- UU.** Regulatory Flood Protection Elevation: The elevation of the regulatory flood.

- VV.** Re-subdivision (Re-plat): Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- WW.** Right-of-Way (or R-O-W): A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- XX.** Sanitarian: A person registered as a Professional Sanitarian by the Texas Department of Health under the authority of Texas Civil Statutes, Article 4477-3.
- YY.** Sewerage Facilities: The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.
- ZZ.** Shall, Should and May: The word "shall" is always mandatory. The word "should" is an advisory condition. The word "may" is merely directory.
- AAA.** Street: A public right-of-way, however designated, which provides vehicular access to adjacent land.
- BBB.** Subdivider: Any owner of land or any authorized agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided. (See also Developer.)
- CCC.** Subdivision: A division of any tract of land situated within the corporate limits of the Town or within the extraterritorial jurisdiction referred to in TEX. REV. CIV. STAT. ANN., Art. 974a, as amended, into one or more parts for the purpose of laying out suburban lots or building lots, or any lots and streets, alleys or parts or

other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes re-subdivision (replat) of land divided into one or more parts that results in the creation of two or more lots of five acres or less, but it does not include the division of land for agricultural purposes in parcels of tracts of five acres or more and not involving any new street, alley, or easement of access.

- DDD.** Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.
- EEE.** TAC: Texas Administrative Code, as compiled by the Texas Secretary of State.
- FFF.** TCEQ: Texas Commission on Environmental Quality.
- GGG.** Tract: A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of a subdivision, where a "tract" is subdivided into several lots, blocks, parcels, sites, units, tracts, or interests.
- HHH.** Utility Easement: An interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.
- III.** Water Facilities: Any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.
- Any office referred to in this Ordinance by title means the person employed or appointed by the Town in that position, or his duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Section 5 Plat Submittal and Review Procedures

General Process

Subdivision Process: The subdivision planning process consists of two (2) separate phases. The initial phase is the preparation and submittal of the preliminary plat of the proposed subdivision; this is the most significant phase in the planning process, as approval of the preliminary plat by the Planning and Zoning Commission will allow for the construction and/or financing of the required public improvements with construction plans approved by

the Town Engineer. The second and final phase is the preparation and submittal of a final plat. The final plat becomes the recording instrument in the Office of the County Clerk when approved by the Planning and Zoning Commission and containing all applicable signatures. Minor plats, replats, and development plats are considered final plats not requiring preliminary approval. The following are major steps in the subdivision process:

- A** The developer shall be responsible to provide ten (10) copies of the preliminary plat to the Town.
- B** The Town shall be responsible to disseminate copies of the preliminary plat to the utility companies for the review and schedule a Subdivision Review Committee and invite representatives from these utility companies to review the preliminary plats that have been submitted to the Town.
- C** Review of plat by Subdivision Review Committee (along with applicant and/or representative) and subsequent notification to Engineer/Surveyor and property owner of plat deficiencies by Planning Department.
- D** Timely submittal of revised plats by Engineer/Surveyor; revised submittal should address all plat deficiencies described in notification.
- E** Review of revised submittal by Town Staff for completeness. If not complete, look back to step "D" until plat requirements are met. (Completion of this step "E." constitutes a formal plat submittal).
- F** Preliminary plat is placed on Planning and Zoning Commission agenda for consideration.
- G** If approved, submit three copies of construction plans and profiles with cost estimates to the Planning Department. Construction plans will be routed to the Town engineer for review/approval. Construction plans released for construction by the Town Engineer allow for the commencement of construction or for the submittal of an appropriate financing mechanism (i.e. letter of credit) in lieu of said construction.
- H** Once construction is complete, a letter of acceptance by the public entity will be issued to the Engineer and copied to the Planning Department. Subsequently, a maintenance agreement contract shall be filed with the Planning Department. Submit a digital containing "as-built" plans in.
- I** Submittal of the final plat shall be subsequent to preliminary plat approval; however, said submittal is not considered a formal plat submittal unless:

- 1) the plat conforms significantly to the approved preliminary plat, and
 - 2) the required public improvements are completed and accepted by the Town or an appropriate financing mechanism has been submitted and accepted by the Town, and
 - 3) At least two original Mylar prints of the final plat with all signatures other than those that must be obtained by the Town of Laguna Vista (or those that must be obtained after approval by the Town if in ETJ) have been submitted.
- J** Final plat is placed on Planning & Zoning Commission agenda for consideration. The Mylar copies of the plat for recordation shall be signed by the Chair of the Planning and Zoning Commission at the meeting in which the plat is approved.
- K** All approved final plats for subdivisions located within the Town limits will be filed with the Cameron County Clerk by Laguna Vista Town Staff.
- L** Final plats for subdivisions located outside the Town limits, but within the ETJ, will be delivered to Cameron County Engineering Office.
- M** Responsibility of the Subdivider
 It is the subdivider's responsibility to satisfy all of the requirements set forth by other government entities such as the Laguna Madre Water District. Approval of subdivision by the Planning & Zoning Commission does not represent that the subdivider has met the requirements of any other agency.
- N** Series of Permits
 Approval of a subdivision plat is not tied to nor guarantees issuance of a building permit or zoning classification. The subdivision process constitutes a separate series of permits and completion of a subdivision plat does not vest a building permit or any other type of action from the Town of Laguna Vista.
- O** Number of Dwellings Per Lot on Residential Subdivisions
 No more than one single family detached dwelling shall be located on each tract or lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Notice of this restriction must be given by the seller to purchasers prior to execution of any binding agreement for sale or conveyance of any real estate. Proposals, which include multi-family residential, may note this on the plat and therefore not restrict the dwellings to one. They shall also include adequate,

detailed planning materials as required for determination of proper water and wastewater utility type and design.

P Minor Plat Approval Delegation

Any person proposing to subdivide a property under the conditions set out below may file a plat directly with the Town Staff. The Town Staff, upon the receipt of a plat filed under this section, shall verify the conditions set out below and upon verification thereof is hereby authorized to approve such plat as specified in V.T.C.A. Local Govt. Code Chapter 212.0065. Upon such approval, the signature and recording requirements for other plats covered by this section shall be carried out.

Q In order to qualify for approval under this section, the plat must conform to the following requirements:

- 1) There will be no more than four lots in the subdivision;
- 2) All lots front on an existing dedicated public street;
- 3) The subdivision does not require the creation of any new street; and,
- 4) All lots will be served by existing municipal facilities (water, sewer, drainage)
- 5) The plat must limit the use of lots for single family residential units or be limited under appropriate zoning limitations, if in Town limits.

All information necessary to make this determination must be provided to the Town Staff for consideration. If Town Staff determines that any of the foregoing conditions will not be met in such subdivision, then the subdivision shall be processed as otherwise provided under this Chapter.

R. Special Provisions

Postponement: At any point during the platting process, for both preliminary and final plats, the applicant may voluntarily postpone further action on the application by the Town by submitting a request for postponement, in writing, addressed to the Town Secretary. The postponement request should specifically identify the time period for which the postponement is requested, but may not exceed six (6) months. If the applicant fails to present a plat to the Town for review and approval by the date stated in the postponement letter, the plat will be automatically considered withdrawn. The filing of a request for postponement constitutes an agreement by the owner and the applicant, their successors

and assigns, that the statutory time period with which the Town must act shall become null and void.

Variations: When unnecessary hardships may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Town Council may approve variations to these subdivision regulations so that substantial justice may be done and the public interest secured. (See Section 27, A.)

Section 6 Requirements

- A.** A subdivision plat is required under nearly all circumstances. For specific exemptions to platting requirements, see Section 15.
- B.** The owner of a tract of land located within the corporate limits of Laguna Vista or within the Town's extraterritorial jurisdiction that divides the tract in any manner that creates one or more lots of five acres or less must have a plat of the subdivision prepared or the owner of a tract that has been previously split and inadequately subdivided.
- C.** A division of a tract is defined as any division regardless of whether it is made by using a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.
- D.** The owner of a tract of land located inside the corporate limits of Laguna Vista or its extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition, or to lay out suburban lots or building lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat prepared.
- E.** No subdivided land shall be sold or conveyed until the subdivider:
 - 1)** Has received approval of a final plat of the tract; and
 - 2)** Has filed and recorded a legally approved plat with the County Clerk of the County of Cameron in which the tract is located.

- F. These rules and any preceding rules shall apply to land that has been divided on or after November 1, 1978.

Section 7 Preliminary Conference

Prior to the official filing of a preliminary plat, the subdivider may consult with and present a proposed plan of subdivision to the Town Staff for comments and advice on the procedures, specifications, and standards required by the Town for the subdivision of land.

Section 8 Preliminary Plat

- A. General: The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.
- B. Time for filing and Copies Required: The subdivider shall file with the Town of Laguna Vista. Ten (10) blue line copies of the preliminary plat, folded with the name of the subdivision showing and an application on a form specified by the Town. Deadlines for submission are available on a yearly basis at the Town office.
- C. Preliminary Plat Form and Content: The plat shall be drawn to a scale of not smaller than 1" = 100' on a sheet 24" x 36" and shall contain the following:
- 1) Proposed name of the subdivision printed across the lots and blocks, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision within the Town or within its extraterritorial jurisdiction;
 - 2) Names of adjoining subdivisions and an indication of whether or not adjoining properties are platted;
 - 3) Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision;
 - 4) Primary control points with description and location of said points with ties to original block corners;
 - 5) Existing site information as follows:
 - (a) The location, dimensions, name and description of all existing or recorded streets, centerline and pavement width of existing roads, alleys, reservations, easements or other public rights-of-

- way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, all existing or recorded residential lots, parks, public areas, permanent structures, existing water courses, irrigation canals, drainage structures, and other sites within or contiguous with the subdivision;
- (b)** The location of all existing utilities within and immediately adjacent to the proposed subdivision;
 - (c)** Cross section of any ditches and canals on the proposed subdivision with ties to the property line;
 - (d)** Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known;
- D.** The location, R-O-W and pavement dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, lots with net square footage (net and gross acreage if septic tanks and/or wells are being proposed), blocks and other sites within the subdivision;
 - E.** Date of preparation, scale of plat and north arrow;
 - F.** Topographical information shall include high and low elevations within the subdivision, elevations on 100-foot centers each way on the property based on USGS datum and the location of the benchmark shall be shown (topographic and utility information may be shown on a separate sheet). Aerial photographs may be substituted at the Town Engineers' approval;
 - G.** A number or letter to identify each lot or site and each block;
 - H.** Building setback lines;
 - I.** Fire hydrants must be shown (existing and proposed) that together create a coverage of not more than 600' intervals not to exceed 500' of hose length measured along streets or other public access right-of-way for single family residential subdivisions. (In other subdivisions this distance must be 300' radius.) Standard hydrants shall be installed as per specifications of the State Board of Insurance and Town of Laguna Vista and Laguna Madre Water District;
 - J.** Street lighting plan (existing and proposed) that indicate placement of a standard streetlight at all street intersections, cul-de-sac ends and where a block exceeds 600' in length mid-block lighting shall be required;

- K.** Location of Town limits lines, the Town's extraterritorial jurisdiction boundary and/or zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary; and
- L.** A vicinity map at a scale of not more detail than one inch to two thousand feet (1"=2000') that shall show existing subdivisions and streets, Town limits and/or ETJ boundary. Along with the preliminary plat, the following shall be submitted:
 - 1)** Preliminary plans for the drainage system showing the location and flow direction of the discharge. (This information should also be submitted to the Drainage District where applicable.)
 - 2)** Proposed fills or other structure elevating techniques, levels, channel modifications, seawalls and other methods to overcome flood or erosion related hazards.
 - 3)** A non-refundable plat review fee in the amount of two-hundred dollars (\$200), subject to change upon Town Council approval.
 - 4)** An 8-1/2" x 11" reduced copy.

Section 9 Simultaneous Submission

Plats shall be simultaneously submitted by the applicant to the appropriate drainage/irrigation district for review (where applicable).

- A.** Approval Time Limit. The preliminary approval shall be good for a period of twenty-four (24) months from the date of the Planning & Zoning Commission's approval. If the development is a phased type development, then preliminary approval for the entire development shown is secured upon recordation of the first phase, and preliminary approval shall remain until such time as a revised preliminary plan submitted for the development is approved.
- B.** After the file has been inactive for twelve (12) months, the Town Staff will issue a letter to the subdivider or authorized agent that the file is no longer valid and will be discarded in three months if no response from the subdivider or authorized agent is made. Such letter is informational only and failure to issue such will not grant extension or further approval for said preliminary plat.
- C.** Processing of Preliminary Plat

- 1) A preliminary plat can be considered concurrently with a final plat if all items normally required for consideration of a final plat have been met.
- 2) If all information and other required submittals are contained within the submittal package and the preliminary plat is complete in every respect, the plat shall be recommended to the Planning & Zoning Commission for approval.

Section 10 Final Plat

- A. General: The subdivider shall cause to be prepared a final plat by a surveyor or engineer in accordance with this Ordinance. No Final Plat shall be approved until:
 - 1) The property is zoned in accordance with the Town of Laguna Vista Zoning Ordinance for the uses intended; and
 - 2) Public improvements required by this ordinance have been approved and accepted by the Town or an appropriate financing mechanism (i.e. letter of credit) has been submitted and accepted by the Town in lieu of the required improvements.
- B. Time for filing and Copies Required. The subdivider shall file with the Town of Laguna Vista ten (10) blue line copies of the plat, folded with the name of the subdivision showing, and an application on a form specified by the Town. Two original signed copies will be required after Planning and Zoning Commission approval for all subdivisions within the Town limits.
- C. Final Plat Form and Content. The final plat and accompanying data shall substantially conform to the preliminary plat as conditionally approved by the P & Z Commission, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Planning and Zoning Commission.
- D. The plat shall be drawn in ink on Mylar sheets with a minimum of a one and one half (1-1/2") inch margin on the binding side of the sheet, and margins of not less than one (1") inch on the other three sides. The plat shall be drawn to a scale of not smaller than one inch to 100 feet (1"=100') on a sheet 24" x 36" and shall contain the following:

- 1) Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale should be attached to the plat;
 - 2) Proposed name of the subdivision printed across the lots and blocks, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision within the Town or within its extraterritorial jurisdiction;
 - 3) Names of adjoining subdivisions and an indication of whether or not adjoining properties are platted and recording information for properties not platted;
 - 4) Subdivision boundary lines, indicated by heavy lines, a metes and bounds description and the computed acreage of the subdivision; and
 - 5) Primary control points (set concrete monuments on each corner of the subdivision) with description and location of said points with ties to original block corners including dimensions, angles, bearings and other similar data as per the requirements of the appropriate state statutes;
 - 6) The exact location, dimensions, name and description of all existing or recorded streets, existing right-of-way, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, all existing or recorded residential lots, parks, public areas, permanent structures, existing water courses, irrigation canals, drainage structures, and other sites within or contiguous with the subdivision;
 - 7) The exact location of all existing utilities within and immediately adjacent to the proposed subdivision;
 - 8) Cross section of any ditches and canals on the proposed subdivision with ties to the property line;
 - 9) Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.
- F. Additionally the final plant shall include and contain the exact location, dimensions, description and name of all proposed streets with full right-of-way dedication

indicated, alleys, parks, other public areas, easements or other rights-of-way, lots with net square footage, blocks and other sites within the subdivision, and

- 1) Date of preparation, scale of plat and north arrow;
- 2) A number or letter to identify each lot or site and each block;
- 3) Building setback lines;
- 4) Location of Town limits lines, ETJ boundary and/or zoning district boundaries, if they traverse the subdivision or form part of the boundary of the subdivision;
- 5) Vicinity map at a scale of not more detail than one inch to two thousand feet (1" = 2000') that shall show existing subdivisions and streets, Town limits and/or ETJ with true north arrow if different from overall plat;
- 6) Names of the subdivider, owner of record, lien holders, engineer and/or surveyor with signature lines as appropriate;
- 7) Owner's acknowledgement of the dedication to public use of all streets, alleys, easements, parks, and other public places, as applicable shown on such final plat;
- 8) The certification of the surveyor and/or engineer responsible for surveying the subdivision area, attesting to its accuracy, and for the preparation of the final plat and supporting data, attesting to its accuracy; (See Exhibit B)
- 9) A blank statement for the certification of the Town Manager, Town Engineer or other designated Town official that the final plat conforms to all requirements of the subdivision regulations of the Town of Laguna Vista, to be executed upon final approval;
- 10) A blank statement for the Planning and Zoning Commission Chairman that the final plat has been approved by such Commission, to be executed upon final approval;
- 11) A blank statement for the appropriate Laguna Madre Water District official that the final plat has been approved by such department, to be executed upon final approval;
- 12) A blank statement for the Mayor to sign that the final plat has been approved and conforms to the requirements of the subdivision regulations of the Town of Laguna Vista, to be executed upon final approval;

- 13) A blank statement for the appropriate Drainage or Irrigation District official that the final plat has been approved by such department, to be executed upon final approval by such District (where applicable); and
 - 14) An engineer's statement of the minimum permissive finished floor elevation that will protect improvements from the average flood waters in the flood zone location.
- G.** Along with the final plat the following shall be submitted:
- 1) Written statements from the various utilities that they have reviewed the subdivision, and that they can provide service and are prepared to do so when requested by the subdivider.
 - 2) Any restrictive covenants that will be imposed on the subdivision complete with recording information must also be submitted if information is not included on the plat.
 - 3) Tax certificates showing that all taxes payable shall have been previously paid in full.
 - 4) Subdivider shall submit with the final plat the opinion of an attorney, licensed to practice law in the State of Texas, showing good recorded liens and encumbrances affecting the title to said land as of the date of submission of the record plat for approval. A title commitment may be substituted for the attorney's opinion. Such opinion or title commitment may not be older than six months at the date of plat consideration by the Planning and Zoning Commission. If any liens appear of record, the subordination of such liens to the plat and dedications contained therein shall be secured by the subdivider prior to final approval through a statement on the final plat (See Exhibit F).
 - 5) A reduced copy 8-1/2" x 11" of the plat.
 - 6) When the final plat is submitted to Town Staff for review and for Planning and Zoning Commission approval, it shall be accompanied by a non-refundable plat review fee of two hundred dollars (\$200), subject to change the discretion of the Town Council.
 - 7) Any drainage or street assessments, street sign deposits, street light deposits, or other fees due must be submitted prior to recording of the final plat.

- 8) A check or checks payable to the County Clerk of the County of Cameron in the amount of the recording fee for filing the final plat (of subdivisions located inside Town limits).
- 9) The final plat shall be submitted with control points for incorporation into the Town map in digital format.

Section 11 Simultaneous Submission.

- A. Plats shall be simultaneously submitted by the applicant to the appropriate drainage/irrigation district for review (where applicable).

B. Processing of Final Plat:

- 1) No final plat will be considered unless a preliminary plat has been approved. However, if a preliminary plat has been approved by the Planning and Zoning Commission and the subdivider wishes to change the final plat by combining two (2) or more lots or by combining one (1) lot with a portion of an adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary replat will be necessary.
- 2) The final plat shall be filed at least fifteen (15) working calendar days prior to the next regularly scheduled meeting date of the Planning and Zoning Commission.
- 3) If all information and other required submittals are contained within the submittal packet and the final plat is complete in every respect, the plat shall be recommended to the Planning and Zoning Commission for approval. If the application is incomplete, Town Staff shall make note of such requirements in a letter to the applicant. Upon submittal of the requested additional information, the process of review will continue, and this process of review and resubmission shall continue until the application is complete in every respect.
- 4) Within thirty (30) days after the final plat is formally submitted and recommended by Town Staff, the Planning and Zoning Commission shall approve or disapprove such plat. A plat is considered approved unless it is disapproved during that period. If the final plat is denied, Town Staff shall inform the subdivider, in writing, of the specific reason(s) for denial.
- 5) Any person aggrieved by the decision of the Planning and Zoning Commission in granting approval or denial of the final plat may appeal such decision to the Town Council, requesting a determination by the Town Council. (See Section 27, E.)

- 6) Within thirty (30) days after the final plat is approved by the Planning and Zoning Commission, the Town Council shall approve or disapprove such plat. A plat is considered approved unless it is disapproved during that period. If the final plat is denied, Town Staff shall inform the subdivider, in writing, of the specific reason(s) for denial.

Section 12 Recording of Final Plat.

- A. After the final plat has been approved, the Town Staff shall cause the final plat to be recorded with the County Clerk's Office in the county in which the subdivision lies. They shall also cause the check or checks for the recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.
- B. Unsubdivided Land. No unsubdivided land shall be sold or conveyed until the subdivider:
 - 1) has received approval of the final subdivision plat; and,
 - 2) has filed and recorded with the county clerk of Cameron County a legally approved plat.
- C. No building, repair, plumbing or electrical permits shall be issued by the Town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full. No such permit shall be issued until all public improvements /utilities have been installed and accepted by the Town of Laguna Vista or where appropriate, the governing utility, provided however, if the final plat has been approved and recorded and the subdivider has complied with the requirements of the performance guarantees of Section 5 herein, a building permit may be issued prior to final installation of public improvements and utilities. However, no Certificate of Occupancy shall be issued until all public improvements have been installed and accepted by the various agencies involved.
- D. The Town shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for above.

- E. Neither the Town nor the Laguna Madre Water District shall sell or supply any water, gas, electricity, or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for above.
- F. Provided, however, that the provisions of this Section 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 this subdivision ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

Section 13 Amendments to Preliminary Plat

At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the Town Staff that an amendment be made in the approval of the preliminary plat. Under regulations established by this ordinance, the staff may agree to proposed amendments that are deemed to be minor as indicated in V.T.C.A Local Govt. Code Section 212.016. If the proposed amendment is major, the subdivider shall follow the same requirements for preliminary plat approval found in Section 5.

Section 14 Amendments to Final Plat

- A. A plat of a subdivision must accurately reflect the subdivision as it develops. If there is any change, either by the intentional act of the subdivider or by the forces of nature, including changes in the size or dimension of lots or the direction or condition of roads or streets, a plat must be revised in accordance with this section and Texas Local Government Code Section 212.016 as amended. All costs associated with replatting shall be borne by the subdivider(s) requesting the replat.
- B. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Planning and Zoning Commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of the preliminary plat

approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning and Zoning, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more.

- C. An applicant may not propose more than two (2) amendments, whether major or minor, to any preliminary plat. Amendments to a final recorded plat may take place only as a replat of the original plat and shall be reviewed and recorded in the same manner as an original plat.
- D. Exceptions to this may occur as specified in Texas Local Government Code Section 212.016 as amended and may include amendments only for the purposes as stated in that Section.

Section 15 Exemptions to Platting Requirements

- A. Property that was divided into its current configuration prior to November 1, 1978 and has not had a change in boundaries since such time can be exempted from platting requirements if owner can provide proof of such. A recorded property deed dated prior to that date with a metes and bounds or legal description exactly matching the current property holding can constitute necessary proof.
- B. Property that is divided into tracts larger than five acres where each part has public access and no public improvement is being dedicated may also be exempted from platting requirements.
- C. The Town Staff shall determine the subdivision exemption status of a tract of land upon receipt of a completed application form and accompanying documents by the property owner or authorized agent. The application form shall be accompanied by the following documents:
 - 1) Warranty deeds for the subject tract(s) indicating date of last conveyance;
 - 2) Evidence of a building on the subject tract prior to the effective date indicated above, if applicable;
 - 3) Current tax certificates;

- 4) Survey of the tracts showing property line, right-of-way widths, easements, proposed partition and existing improvements, signed and sealed by a registered public surveyor;
- 5) Separate instruments dedicating additional right-of-way along perimeter streets in accordance with the Major Thoroughfare Plan with appropriate recording fees (or provide recorded copy);
- 6) Upon receipt of all applicable data and upon determination that such tract is exempt from subdivision, the Town Staff can issue a letter of determination that the tract satisfies the exemption requirements of this section.

Section 16 Standards and Specifications

- A. No completed improvements shall be accepted by the Town of Laguna Vista unless they conform to the following standards and specifications.
- B. Standards for Plats within the Town Limits
 - 1) Conformity with Comprehensive Plan: The subdivision should conform to the current Comprehensive Plan, of the Town of Laguna Vista, as defined herein, as adopted or amended by the Town Council.
 - 2) Reserve strips prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- C. Lots
 - 1) All lots must front on a public street or other approved access. All streets accessing the development must have an all-weather surface for emergency vehicle access.
 - 2) Lots with a length to width ratio in excess of 4 to 1, as calculated by Town Staff, shall be prohibited.
 - 3) Lots of irregular shape shall not be allowed unless they have a street frontage of at least 50 feet measured at the front building setback line and no less than 20 feet at the front lot line.
 - 4) No Flag shape lots are allowed. (See Exhibit E)
 - 5) Lot sizes, set back lines, rear yards and side yards shall be in accordance with the Zoning Ordinance of the Town of Laguna Vista.

- 6) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

D. Streets

- 1) Street layout: 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 Town and shall be considered in 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. Local street layout shall be devised for the most advantageous current and future development of the entire neighborhood/area, as determined by the Planning and Zoning Commission and the Town Staff.
- 2) Relation to adjoining street system: Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- 3) Projection of streets: Where adjoining areas are not subdivided, the arrangement of streets in the subdivision being considered shall make provision for the proper projection of these streets into subdivided areas adjacent to it in the most logical and orderly fashion.
- 4) Street jogs: Street jogs with center line offsets of less than 125 feet measured center line to center line shall be prohibited.
- 5) Perimeter streets: When a perimeter street of a subdivision is deficient, the subdivider shall either improve the perimeter street or deposit an amount into escrow as described in Section 6 of this ordinance.
- 6) Street intersections: Street intersections shall be as nearly at right angles as practicable.
- 7) Dead-end streets: Dead-end streets shall be prohibited, except where necessary to provide for future extension of arterial or collector streets, in which case they may be no longer than 150 feet. (per Fire Dept Req. Standard 1141 NFPA)

- 8) Cul-de-sacs: Temporary or permanent cul-de-sac streets that do not exceed 750 feet in length shall have a right-of-way of no less than 50 feet in width and no less than 33 feet of pavement width; however, the turnaround area (bulb) shall contain no less than 100 feet of right-of-way and no less than 80 feet of pavement width. In non-residential areas, the right-of-way and pavement widths shall be no less than 120 feet and 100 feet, respectively.
- 9) Temporary or permanent cul-de-sac streets in excess of 750 but not exceeding 1,000 feet in length must meet the right-of-way requirements above, but have 37 feet of pavement width and place the fire hydrants on alternating sides of the street. The water line must also be looped for adequate water pressure and flow. Cul-de-sac streets shall not exceed 1,000 feet in length. The measurement of cul-de-sac street length shall be calculated as the distance from the centerline of the nearest intersecting through street to the center point of the cul-de-sac turnaround.
- 10) Access Points: Any subdivision with 75 or more lots must have a minimum of two points of access separated from each other by a distance of at least 250 feet whenever possible.
- 11) Local streets: Local streets shall be laid out so as to discourage their use by through traffic.
- 12) Pavement widths and rights-of-way within subdivision shall be follows:
 - (a) Major arterial streets shall have a right-of-way width of at least 120 feet, with a pavement width of at least 80 feet. Such streets shall occur, at a minimum, every one mile (5280') as near as practical.
 - (b) Minor arterial streets shall have a right-of-way width of at least 100 feet with a pavement width of at least 60 feet. Such streets shall occur, at a minimum, every one-half mile (2640') as near as practical.
 - (c) Collector streets shall have a right-of-way of at least 80 feet and pavement width of at least 48 feet. Such streets shall, at a minimum, occur every one-quarter (1320') to one-half (2640') mile as near as practical and between arterial streets.

- (d) Local streets shall have a right-of-way of at least 60 feet and a pavement width of at least 37 feet from back of curb to back of curb unless the land use density dictates the need for wider rights-of-way and paving as determined by the P & Z Commission. Local streets which are looped off perimeter local streets, collectors or arterials, and cul-de-sacs not exceeding the maximum length may be 37 feet in pavement width with a minimum right-of-way of 60 feet (See Exhibit G). Such streets shall occur as needed for efficient local property access.
- (e) Cross streets are required at a minimum of every ¼ mile (1320') as near as practical.
- (f) Pavement widths and rights-of-way of streets forming part of the subdivision boundaries (perimeter streets): shall be as follows
 - i. The subdivider shall dedicate a minimum of one half of the right-of-way required from centerline for new adjacent major arterial, minor arterial, collector or local streets as defined in the most recently adopted County Thoroughfare Plan. If the two plans conflict, that requiring the greater right-of-way dedication shall prevail.
 - ii. All right-of-way dedicated by plat shall have a statement indicating so on the final plat. (See Exhibit F for owner's signature block.)
 - iii. Required right-of-way dedications may be eligible for charitable contribution certificates. If the property owner gets an appraisal for the property (either the entire property or the section to be dedicated) and presents such to the Town along with a "Noncash Charitable Contributions" Form 8283 at the time of plat recordation the Planning Director or appointed designee shall execute the form to acknowledge the donation for the

value of the right-of-way portion dedicated by the plat upon its recordation.

- Corner clips: shall be provided as follows:
- 30' corner clip on major/minor arterials
- 30' corner clip on collector streets
- 15' corner clip on local streets
- 10' corner clip on alleys

- E. Curbs:** Curbs 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 development.
- F. Street names:** Names of new streets shall not duplicate or cause confusion with the name of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- G. Street light:** Street lights shall be installed by the subdivider at all street intersections and cul-de-sac ends within the subdivision, in accordance with Town of Laguna Vista standards. If a block exceeds 600' in length, street lights shall be installed mid-block to accommodate a maximum spacing of 600'.
- H. Street signs:** Street name signs shall be installed by the Town at the expense of the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the Town.
- I. Traffic control signs:** Traffic signs such as stop and yield signs shall be installed by the Town at the expense of the subdivider at all necessary locations as determined by Town Staff.
- J. Private Streets:** If streets are recorded as private streets, the Town shall never have any obligation or duty to receive, adopt, repair or maintain any private street within the limits of the Town of Laguna Vista. They shall be labeled as private on the final subdivision plat.
- K. Alleys**
 - 1)** Alleys dedicated to the public may only be proposed and constructed with the approval of the Town Staff, Town Engineer or authorized designee.

- 2) **Width and Paving:** Alleys shall be 20' wide and constructed of asphalt covering 18 feet of the right-of-way, in accordance with Town standards.
- 3) **Intersecting alleys or utility easements:** Where two alleys and/or utility easements intersect or turn at a right angle, a corner clip 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) **Dedication by Plat:** All right-of-way dedicated by plat shall have a statement indicating so on the final plat.
- 5) **Dead-end alleys:** Dead-end alleys shall not be permitted.
- 6) **Half alleys:** Half alleys shall not be permitted.
- 7) **Curb Cuts:** Standard curbs shall be required where alleys intersect streets.

L. Utility Easements

- 1) Each block that does not contain an alley as provided for in this Section shall have a utility easement either at the front of all lots next to street right-of-way or along the rear of the property which is to be reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be no less than 10 feet in width, and shall be continuous for the entire length of the block. Front easements shall be contiguous with and parallel as closely as possible the street line frontage of the block. Rear easements shall provide access back to a public street. There shall be no "dead end" utility easements permitted.
- 2) On phased developments all easements must be provided in their entirety in each phase as developed.
- 3) No new utilities will be permitted to run parallel under street pavement with the exception of sewer lines. Such utilities will be required to be located in remaining street right-of-way according to utility assignments.
- 4) Any utilities requiring sole dedication easements must take easements behind the 10' utility easement for general utility assignments indicated above if adjacent to street line frontage unless otherwise approved by the Town Staff.

- 5) Drainage Easements may not be shared with utility easements and drainage right-of-way may not be shared with street or alley right-of-way unless approved by the appropriate drainage authority and the Town.
- 6) Planting of trees, placement of fences and driveways should be discouraged on utility easements as they may later need to be removed by the entity accessing the easement and property owner will not be compensated for replacement or destruction of such items.

M. Sidewalks

Sidewalks shall be required as follows:

- 1) On the subdivision side of all arterial streets adjacent to the subdivision and on both sides of arterial streets within the subdivision (except on rural section roads – roads without curb and gutter).
- 2) On the subdivision side of all collector streets adjacent to the subdivision, and on both sides of all collector streets within the subdivision (except on rural section roads – roads without curb and gutter).
- 3) Sidewalks shall be five feet in width (except when necessary to match existing mid-block terminations in which case a transition area of 10 feet or less will be acceptable).
- 4) Such additional sidewalks as the Town staff or Planning & Zoning Commission may deem necessary or as the subdivider may desire;
- 5) Additionally, a sidewalk shall be installed on both sides of all streets within 1,000 feet of a school;
- 6) No sidewalk shall be terminated in mid-block, and shall be continued to the next street intersection or to the boundary of the subdivision.
- 7) Sidewalks shall be installed at subdivider's expense at the time the curb and gutter is installed and may be contiguous with the curb and gutter. Provided however that they shall be installed with due consideration being given to existing trees and shrubbery or proposed mailboxes which may require installation away from the curb for a short distance in order to prevent removal of such features.

- 8) All sidewalks installed shall connect with any existing sidewalks adjacent to, or part of the subdivision.
- 9) All sidewalks installed shall have ramps and pull outs installed for the handicapped in accordance with all State and Federal ADA requirements.
- 10) All sidewalks installed shall meet the specifications as set forth in the sidewalk ordinance section of the Zoning Ordinance. (Additional sidewalks not required by the Subdivision Ordinance may be required by the Zoning Ordinance in commercial areas.)

N. Street Lights

Installation: Street lights shall be installed at the cost of the subdivider to Town standards at all street intersections within the subdivision, at cul-de-sac ends and mid-block if the block exceeds 600' in length. A street lighting plan shall be submitted with preliminary plat for all subdivisions inside Town limits. Such plan shall receive the approval of Town staff prior to submission to electric utility company.

O. Fire Hydrants

- 1) Hydrants must be installed at a maximum of 300 foot intervals in commercial and industrial districts and 600 foot intervals in single family residential areas with a minimum arrangement being so that a 500 foot linear hose distance shall not be exceeded measured along roadway and other right-of-way surfaces.
- 2) Fire hydrants are required not to exceed 150 feet distance from any building requiring sprinklers and/or standpipes.

P. Water Facilities

Plans shall indicate the locations, size, depths and proposed and existing water lines, fire hydrants and service laterals. When connection to a water system other than to the Laguna Madre Water District is proposed, the plan shall show the point of connection and/or source of supply. When a separate water system is planned, the

plans shall show point of connection and/or source of supply along with the plans and specification of any treatment facilities.

Q. Wastewater Facilities

All subdivisions shall be provided with an approved wastewater disposal system. Plans shall be submitted indicating the location and dimensions of existing and proposed sanitary sewer lines, indicating the depth and grades of the lines. When a separate sewer system or treatment plant is proposed, the point of discharge or disposal area shall be shown. When a separate sewer system is planned the plans shall show point of connection along with plans and specifications of the treatment plant and a copy of the permit issued by TCEQ.

R. Utility Lines

All utility lines that are underground and run under a street or alley shall be approved by the Town and the Laguna Madre Water District, where applicable, before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement service lateral shall be installed to a point at least two feet beyond the back of the curb or eighteen inches from the property line in alleys. All underground utilities installed in a utility easement at the rear of the lot shall be offset from the centerline of the easement.

S. Monuments

- 1) Monument locations shall be prescribed by the Town Staff and Town Engineer and shall be sufficient to furnish survey control of the subdivision.
- 2) Monuments shall be set with concrete around an iron pin
- 3) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
- 4) Monuments shall be set after grading all lots to finish grade.
- 5) Elevations of all monuments shall be printed on the plats.

T. Drainage

- 1) **Rights-of-Way:** Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be a dedicated right-of-way provided conforming substantially to the high bank of such water course as determined by the Town Engineer. Additionally, a minimum of 20 feet on both sides of said water course shall be dedicated to accommodate future needs and maintenance as determined by the Town Engineer. The Drainage District or Irrigation District authority shall determine drainage right-of-way where applicable for facilities to be maintained by such agency.
- 2) **Drainage facilities:** Drainage facilities shall be provided and constructed as specified by the Town Engineer or authorized agent. Preliminary drainage plans must indicate direction of flow and outfall locations with a preliminary report. Final plats must be submitted with drainage plans that have detailed calculations and a final drainage report.
- 3) All street widths and grades with elevations shall be indicated on the plans. Final drainage reports shall have runoff figures in cubic feet per second (cfs) and shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade, or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
- 4) A general location of the subdivision showing the drainage area of any existing or proposed drainage facilities shall be provided. Calculations must be submitted showing the anticipated storm water flow, utilizing a rainfall frequency of not less than 5 years including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
- 5) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details. When construction is complete a set of "as-built" drawings shall be submitted electronically.
- 6) All property must be identified as being in a flood zone "A", "B", or "C". Property located in a flood zone "C" will be required to be no less than 18" above top of curb or highest point of the street (absent a curb). Property

located in a flood zone “B” or “A” will be required to present a flood elevation certificate and be 24” above top of curb or highest point of street or at a level as determined by the engineer’s flood certificate.

U. Planned Unit Developments

- 1)** Planned Unit Developments (PD) shall be developed in accordance with the Town of Laguna Vista Zoning Ordinance. A planned development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity.
- 2)** The regulations below will serve to identify maximum deviations from requirements that may be negotiated as follows:
 - (a)** Lots: may be smaller than the minimums provided overall density of the tract is not increased.
 - (b)** Streets: may be smaller than the minimum required local street, but in no case smaller than 30’ of pavements width. (R-O-W must conform to the Major Thoroughfare Plan regardless of pavement width.)
 - (c)** Front Building Setbacks: may be reduced to 10’ except at boundaries of the zone or street corners where ordinance requirements shall apply.
- 3)** Site Plan as required in the Zoning Ordinance must be submitted with the subdivision. A “PD” zoning must be obtained prior to, or concurrent with, subdivision development.

Section 17 Standards for Plats Outside Town Limits On An Adopted Municipal Annexation Plan (3 Year Plan)

Subdivisions outside town limits on an adopted Municipal Annexation Plan shall meet all standards required of subdivisions within the Town Limits except that an escrow may be paid on required street lights so that they may be placed when the subdivision comes into Town limits. (If for some reason, said subdivision does not get annexed within ten years

from the date funds were received by the Town, the original depositor shall be entitled to a refund of the escrow amount deposited. No interest shall be paid on such sums. The depositor must request such refund within one year of entitlement, in writing to the Town Staff, or such right shall be forfeited.

Section 18 Standards for Plats Outside Town Limits, within the Town's ETJ, and Not On An Adopted Municipal Annexation Plan

- A. Lots – all requirements are identical to inside Town requirements. No flag lots will be permitted.
- B. Streets – All requirements for interior streets are identical to inside Town requirements. It is strongly suggested that deficient perimeter streets are improved to the minimum county standard to allow for safe and orderly two-way vehicular travel; however, the perimeter street requirements described in Section 6 of this ordinance do not apply.
- C. Alleys - Same as inside Town limit requirements.
- D. Utility Easements - Same as inside Town limits requirements.
- E. Sidewalks - Not required.
- F. Street Lights - Not required.
- G. Fire Hydrants - Same as inside Town limits requirements.
- H. Water Facilities - Requirements shall meet standards of the utility in whose CCN it is located.
- I. Wastewater Facilities - Requirements shall meet standards of the utility in whose CCN it is located.
- J. Utility Lines - Same as inside Town limits requirements.
- K. Monuments - Same as inside Town limits requirements.
- L. Drainage - Same as inside Town limits requirements.

Section 19 Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the developer shall comply with one (1) of the following methods:

- A. The Town Staff may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions,

provided the portion derives access from an existing Town, township, county, or state highway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Town Staff simultaneously with the preliminary plat for the entire major subdivision. Subsequent to minor plat approval, the model homes may be constructed with the approval of the appropriate building permit(s).

- B. The property proposed for the model home(s) is exempt from the Town's platting requirements as it was divided into its current configuration prior to November 1, 1978, and owner can provide proof of such. In this event, a building permit for only one (1) main building may be issued on each such original separately owned parcel.

Section 20 Construction Plans Submission

- A. Time for Submittal - Prior to commencing construction of subdivision improvements, three sets of construction plans and specifications must be submitted to and approved by the Town Engineer, or the duly authorized representative, and/or Laguna Madre Water District Engineer.
- B. Review Process - The Town Staff shall review the construction plans for conformance to subdivision regulations for roadways and drainage improvements. The Laguna Madre Water District Engineer's Office shall also review the construction plans for general conformance to TCEQ requirements for water and wastewater improvements. This review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the engineer sealing the documents.
- C. Specifications - Three sets of construction plans and profiles shall be submitted.
- D. Streets and Alleys - All temporary facilities necessary to complete the job are the responsibility of the contractor. Any traffic control as required shall follow the most current version of the Texas Manual of Uniform Traffic Control Devices.

Section 21 Site Preparation and Grading

- A. Protection of Facilities. Existing utility lines (either overhead or underground), pavement and sidewalks designated on the drawings, shown to Contractor or mentioned in the specifications, shall be kept free of damage from

- Contractor's operations. If damaged, any utilities or pavement shall be restored at the Contractor's expense. Any utility not known in time to prevent damage, and if inadvertently damaged during operations, the Contractor shall notify Engineer and Owner of said utility at once so that emergency repair may be made. Some valve boxes and manhole lids will require adjustment to insure proper grades.
- B.** Excavation - Excavation of every description and of whatever material encountered within the grading limits of the project shall be performed to the lines and grades as shown on the drawings. Waste excavation shall be disposed of by the Contractor. During construction, excavation and filling shall be performed in a manner in sequence that will provide drainage at all times.
 - C.** If the material of the sub grade for paved areas is of unstable character and unfit for foundation, the Contractor shall make such additional excavation as the Engineer may direct, and refill with approved material.
 - D.** Sub grade Preparation - The sub grade shall be shaped in conformity with the typical sections shown on the plans and to the lines and grades established by the Engineer. All unstable or otherwise objectionable material shall be removed from the sub grade and replaced with approved material. All holes, ruts, and depressions shall be filled with approved material. The surface of the sub grade shall be finished to the lines and grades established, and be in conformity with the typical sections shown on the plans. Any deviation in excess of one-half inch in cross section and sixteen feet in length measured longitudinally shall be corrected by loosening, adding, or removing, sufficient sub grade and shall be prepared in advance to ensure satisfactory execution of the work.
 - E.** Unless otherwise indicated on plans, the surface of the ground of all unpaved areas which are to receive embankment shall be loosened by scarifying or plowing to a depth of not less than six inches. The loosened material shall be recompact with the new embankment as hereinafter specified. The embankment shall be placed in layers not to exceed six inches in thickness for the full width of the individual roadway cross section and in such lengths as are best suited to the sprinkling and compacted methods utilized.
 - F.** Where embankments are to be placed adjacent to or over existing roadbeds,

the roadbed slopes shall be plowed or scarified to a depth of not less than six inches and the embankment built up in successive layers, as hereinafter described if height is increased. Then if directed, the top of the old roadbed shall be scarified, and recompacted with next layer of new embankment. The total depth of the scarified and added material shall not exceed the permissible depth layer.

- G.** Except as otherwise required by the plans, all embankment shall be constructed in layers approximately parallel to the finished grade of the roadbed and unless otherwise specified each layer be so constructed as to provide a uniform slope of one quarter inch per foot to drain. Sub grade materials shall be compacted by approved mechanical tamping equipment to an apparent dry density of the total material of not less than 95 percent of the maximum dry density as determined in accordance with THD Test Method Tex-114-E. Test for density will be made within 24 hours after compacting operations are completed. If tests show the density to be less than the specified minimum or the moisture content to be more than 3% above or below the optimum, the course shall be reworked as necessary to obtain the specified compaction and moisture content. Unsuitable excavation or excavation in excess of that needed for construction shall be known as "waste" and shall become the property of the Contractor and it shall become his sole responsibility to dispose of this material in a manner approved by the Engineer.
- H.** Protection of Finish Grading
During construction, embankment and excavation shall be kept shaped and drained. Ditches and drains shall be maintained in such manner as to drain effectively at all times. Graded areas shall be protected against action of elements prior to acceptance of the work. Settlement or washing that may have occurred shall be repaired and grades shall be re-established to the required elevations and slopes. The Contractor is required to maintain pumping equipment to remove all standing water after a rainfall event. No water shall remain standing longer than twelve hours after it has stopped raining.
- I.** Subgrade Stabilization with Lime
- 1) Scope - This item shall consist of treating the sub grade, scarifying area to be treated, addition of lime, mixing and compacting the mixed material to the required density. This item applies to natural ground and embankment, and

shall be constructed as specified herein and in conformity with the typical section lines and grades as shown on the plans.

- 2) It is the primary requirement of this specification to secure a completed (lime stabilized sub grade) course of treated material containing a lime mixture, of uniform density and moisture content, well bound for its full depth and with a smooth surface for placing subsequent courses. It shall be the responsibility of the Contractor to regulate the sequence of his work, to use the proper amount of lime, maintain the work and rework the courses as necessary to meet the above requirements.
- 3) Prior to the application of the lime slurry, the road bed shall be excavated to sub grade, shaped to conform to the typical sections, lines and grades as shown on the plans or as established by the Engineer. The material, before lime is added, shall be scarified and/or excavated to the secondary grade (proposed bottom of the lime stabilized sub grade) and removed or windrowed to expose the secondary grade. Any wet or unstable materials below the secondary grade shall be corrected, as directed by the Engineer, by scarifying, adding lime, and compacting until it is of uniform stability.
- 4) If the Contractor elects to use a cutting and pulverizing machine that will remove the sub grade material at the same time, he will not be required to expose the secondary grade nor windrow the material. However, the Contractor shall be required to roll the sub grade, as directed by the Engineer, before using any of the pulverizing machines and correct any soft areas that this rolling may reveal.
- 5) This method will be permitted only where a machine is provided which will ensure that the material is cut uniformly to the proper depth and which has cutters that will plane the secondary grade to a smooth surface over the entire width of the cut. The machine shall be of such design that a visible indication is given at all times that the machine is cutting to the proper depth.
- 6) Materials and Equipment
 - (a) Lime shall meet the following requirements for hydrated lime slurry. Hydrated lime shall consist of dry powder obtained by treating quick lime with enough water to satisfy its affinity for

water under the conditions of its hydration. This material is to consist essentially of calcium hydroxide or a mixture of calcium hydroxide and a small allowable percentage of calcium oxide, magnesium oxide and magnesium hydroxide.

- (b)** The hydrated lime, when tested, shall conform to the following requirements for chemical composition: Hydrate alkalinity, percent by weight $\text{Ca}(\text{OH})$ minimum 90.0%. Unhydrated lime content, percent by weight CaO maximum 5.0%.
 - (c)** The percent by weight of residue retained shall conform to the following requirements:

 - i. Residue retained on No. 6 (3360-micron) sieve – none
 - ii. Residue retained on No. 10 (2000-micron) sieve – maximum 10%
 - iii. Residue retained on No. 30 (590-micron) sieve – maximum 2.5%
 - (d)** The above specifications apply specifically to the normal hydrate of lime made from "High-Calcium" type limestone. Hydrated lime shall be applied as provided in these specifications by mixing with water to form a slurry. The use of commercial lime slurry is acceptable under these specifications. The lime slurry shall be a pumpable suspension of solids in water. The water or liquid portion of the slurry shall not contain dissolved material in sufficient quantity and/or nature injurious or objectionable for the purpose intended. The solids portion of the mixture, when considered on the basis of "solids content," shall consist principally of hydrated lime of a quantity and fineness sufficient to meet the following requirements:
- 7) Chemical Composition:** The solids content of the lime slurry shall have a hydrate alkalinity $\text{Ca}(\text{OH})$ of not less than 90% by weight.

- 8) Residue:** The percent by weight of the residue in the solids content of the lime slurry shall conform to the requirements listed above for hydrated lime. The "Dry Solids Contents" shall be at least 31 percent by weight of the slurry.
- 9) Mixing Water:** Only water from Laguna Madre Water District water mains shall be used. Contractor will make arrangements with the water department to obtain a meter and pay for water used.
- 10) Equipment:** The machinery, tools and equipment necessary for proper execution of the work shall be on the project and approved by the Inspector prior to the beginning of construction operations.
 - (a)** Hydrated lime shall be stored and handled in closed weatherproof containers until immediately prior to mixing with water to form a slurry consistency for application with the material to be stabilized. If storage bins are used they shall be completely closed. Hydrated lime in bags shall be stored in waterproof buildings with adequate protection from ground dampness.
 - (b)** If the lime is furnished in trucks, each truck shall have the weight of lime certified on public scales.
 - (c)** If the lime is furnished in bags each bag shall bear the manufacturers certified weight.
 - (d)** Lime Slurry Machine: The use of a lime slurry machine (mixer) will be permitted. The lime slurry machine shall be capable of mixing and delivering an acceptable lime slurry suitable for use in the work, meeting all specification requirements.
- 11) Construction Methods**
 - (a)** Slurry Placing: The required amount of lime, as shown on the plans, or as recommended by the Materials Engineering Laboratory, at the Town's option, shall be mixed with water in trucks with approved distributors and applied as a thin water suspension or slurry. The lime slurry (including commercial lime slurry) shall be applied with a lime percentage meeting the limits and requirements as set out above. The distribution of lime at

the rates shown on the plans, as directed herein, and/or as directed by the Engineer shall be attained by successive passes over the measured section of roadway until the proper moisture and lime content has been secured. The distributor truck shall be equipped with an agitator that will keep the lime and water at a uniform consistent mixture.

- (b) Dry Placing:** The lime shall be spread by an approved spreader or by bag distribution at the rates shown on the plans or as directed by the Engineer. The lime shall be distributed at a uniform rate and in such manner as to reduce the scattering of lime by wind conditions such that blowing lime does not become objectionable to traffic or adjacent property owners. A motor grader shall not be used to spread lime. The material shall be sprinkled as directed by the Engineer, until the proper moisture content has been secured.
- (c) First Mixing:** The material and lime shall be thoroughly mixed by approved road mixers or other approved equipment, and the mixing continued until, in the opinion of the inspector a homogeneous friable mixture of material and lime is obtained, free from all clods or lumps. Materials containing plastic clays or other material which will not readily mix with lime shall be mixed as thoroughly as possible at the time of the lime application brought to the proper moisture content and left to cure for one to four days as directed by the inspector. During the curing period the material shall be kept moist as directed.
- (d) Final Mixing:** After the required curing time, the material shall be uniformly mixed by approved methods. If the solid binder lime mixture contains clods, they shall be reduced in size by raking, blading, disking, harrowing, scarifying or the use of other approved pulverizing methods so that when all non-slaking material retained on the No.4 sieve are removed, the remainder

of the material shall meet the following requirements when tested dry by laboratory sieves:

- i. Minimum Passing 1-3/4" Sieve.....100%
 - ii. Minimum Passing No. 4 Sieve.....60%
- (e)** During the interval of time between application and mixing, hydrated lime that has been exposed to the open air for a period of six hours or more or to excessive loss due to washing or blowing will not be accepted.
- (f)** If the total thickness of the stabilized sub grade material to be treated cannot be mixed in one operation, the previously mixed material shall be bladed to a windrow just beyond the area to be treated and the next layer mixed with lime (slurry) as specified above. The first layer of the treated material shall be compacted in such a manner that the treated material will be mixed with the underlying material.
- (g)** The lime slurry mixed material shall be sprinkled as necessary and rolled as directed by the inspector. All irregularities, depressions, or weak spots that develop in the grade shall be corrected immediately by scarifying the area affected, by adding or removing the material as required and reshaping and recompacting by sprinkling and rolling. The surface of the (sub grade) course shall be maintained in a smooth condition, free from undulations and ruts, until the base course and/or pavement is placed, or the work is otherwise accepted.
- (h)** The stabilized sub grade course shall be sprinkled as required and compacted to an apparent dry density of not less than 95% of the dry density (standard density) of the samples of the stabilized materials as determined by the Proctor Compaction Test (AASHTO Designation: T99 and T-180 or ASTM Designation: D-698-70 and D-1557-70 with subsequent revisions).

12) Testing

- (a) The materials Engineering Laboratory will sample and evaluate the sub grade material in accordance with established criteria to determine the percent of hydrated lime (lime slurry form) that will be required and successfully used as chemical stabilizing agent to accomplish satisfactory work. These tests will include Atterburg limit determinations of the raw soil and evaluations of Plasticity Index and/or strength with varying amounts of lime required for the stabilizing additive. The hydrate lime, in slurry form, mixtures will be sampled to establish the quality and compliances with the project plans and specifications. The moisture density relationship will be established in accordance with the specified procedures, AASHO Designation: T-99 and T-180 and/or ASTM Designation: D-698-70 and D-1557-70 with subsequent revisions. The Materials Engineering Laboratory will perform “in-place” the density and moisture tests of the “raw” or lime established sub grade soil to assure that the required compaction is maintained during the construction operations.
- (b) The frequency for performing the tests shall be at least one moisture and density test for each 250 square yards of area. The testing shall be as outlined above. In addition to the requirements specified for density, the full depth of the stabilized material shown on the plans shall be compacted to the extent necessary to remain firm and stable under construction equipment. After the sub grade (section) is completed, tests as necessary will be made. If the material fails to meet the density requirements, it shall be reworked to meet these requirements. Throughout the entire operation the shape of the sub grade course shall be maintained by blading, and the surface upon completion shall be smooth and in conformity with typical section shown on the plans and to the established lines and grades. Should the material due to any reason or cause, lose the required stability, density and finish before base or pavement is

placed, it shall be reconstructed and refinished at the sole expense of the Contractor.

(c) This testing shall be paid by the developer.

13) Finishing, Curing and Preparation for Base Course

After the lime treated sub grade has been compacted, it shall be brought to the required lines and grades in accordance with the plan typical sections. The completed section shall then be finished by rolling as directed with a pneumatic tire roller or other suitable roller sufficiently light to prevent hairline cracking. The complete section shall be moisture-cured for a period of one to four days, or as directed by the Engineer. In cases, where the stabilized sub grade sets up sufficiently to prevent objectionable damage from traffic, such sections of the completed sub grade may be opened to traffic two days after completion.

14) Measurement - Lime Stabilized Sub grade of the depth indicated on the plans shall be measured by the square yards completed with lime and accepted in place, to neat lines as shown on the Plan Typical Cross-Section. Approved truck and/or vehicles delivering lime slurry on the job site shall surrender on request, to the Inspector, a certified weight certificate for verification of the truck vehicle contents signed by the operator (Public Weightier) from a certified public truck scale. The weight of the lime slurry shall be calculated from the number of gallons of slurry applied to the sub grade material as directed by the Engineer. The calculations shall be based on the percent of solids by weight of the lime in the slurry, as delivered and incorporated into the sub grade material.

15) Flexible Base

(a) Materials - The material shall be crushed or uncrushed as necessary to meet the requirements hereinafter specified, and shall consist of durable stone or gravel, crushed and/or screened

to the required particle size, with or without other approved fine sized materials. The material shall be from approved sources.

(b) Testing - Testing of flexible base materials shall be tested in accordance with the following standard laboratory test procedures:

- i. Preparation for Soil
- ii. Constants and Sieve Analysis THD Tex101E
- iii. Liquid Limit THD Tex104E
- iv. Plastic Limit THD Tex105E
- v. Plasticity Index THD Tex106E
- vi. Linear Shrinkage THD Tex107E
- vii. Sieve Analysis THD Tex110E

(c) When requested by the Engineer, samples for testing the material shall be taken prior to the compaction operation. The flexible base will be composed of caliches calcareous limestone, calcareous or calcareous clay particles with or without stone, conglomerate, gravel, sand or granular materials.

(d) Flexible base (Type D Grade 6) shall conform to the following requirements:

- i. Before lime is added
- ii. Retained on Sq. Sieve Percent Retained
- iii. 2" ϕ
- iv. 1/2" 20 - 60
- v. No. 4 40 - 75
- vi. No. 40 75 - 85
- vii. Max. P.I. 12
- viii. Min. CBR at 95% (Modified) 50 minimum maximum by density
- ix. Los Angeles Abrasion 40 maximum

(e) If caliches base materials fail to meet the above requirements then the following shall apply:

- i. Lime shall be added to unlimed material to meet the following requirements:
 - ii. Max. P.I. 10
 - iii. CBR at 95% (Modified) maximum dry density >60
- (f)** The material shall be well graded and when tested shall meet the requirements as outlined in TXDOT 1993 Standard Specifications, Items 247, Type A, Grade 1.

16) Placement

- (a)** The flexible base material shall be placed on the approved sub grade in course not to exceed eight (8) inches compacted depth.
- (b)** It shall be the responsibility of the Contractor that the required amount of material shall be delivered and uniformly spread and shaped.
- (c)** All material shall be moved from the place where it is dumped by cutting into windrows.
- (d)** After the material has been cut into windrows, it shall be sprinkled, spread, shaped and rolled in proper sequence to prevent segregation and as necessary for required compaction.
- (e)** The surface upon completion shall be smooth and in conformity with typical sections and to the established lines and grades.
- (f)** Any deviation in excess of 1/4 inch in cross section and sixteen feet in length measured longitudinally, shall be corrected. All irregularities, depressions, or weak spots that develop shall be corrected.
- (g)** Flexible base shall be compacted to an apparent dry density of not less than 98 percent of the maximum dry density as determined in accordance with ASTM D698. Tests for density will be made within 24 hours after compaction operations are completed. If the material fails to meet the density specified, it shall be reworked as necessary to meet the density required.
- (h)** Prior to placing succeeding courses of flexible base or surfacing on a previously completed course, the moisture shall be no more

than 3 percent above or below the optimum content. The in-place density and depth tests shall be made as desired by the Engineer. The base material, when compacted to 98% standard proctor density shall be capable of passing a California Bearing Ratio (CBR) Test Value of 50 (80 for alternate limestone base). Prior to final acceptance, the Testing Laboratory will determine strength. Materials not meeting the strength requirements shall be removed and replaced.

- (i) Samples for testing the material for soil constants, gradation and CBR shall be taken from production or stockpile as directed by the engineer.

17) Prime Coat

- (a) Scope - "Prime Coat" shall consist of an application of asphaltic material on the completed base course and/or other approved areas in accordance with these specifications as directed by the Inspector.
- (b) Materials - The asphalt materials for Prime Coat shall meet the requirements for Cut-Back Asphalt, MC-30, Item 300, "Asphalts, Oils, and Emulsions" of the Texas Highway Department Standard Specifications.
- (c) Placement - When, in the opinion of the Engineer, the area and/or base is satisfactory to receive the prime coat, the surface shall be cleaned by sweeping or other approved methods as directed by the Engineer. If directed by the Engineer, the surface shall be lightly sprinkled with water just prior to application of the asphaltic material. The asphaltic material shall be applied on the clean surface by an approved type of self-propelled pressure distributor so operated as to distribute the prime coat at a rate not to exceed 0.20 gallon yard of surface, evenly and smoothly, under a pressure necessary for proper distribution. During the application of prime coat, care shall be taken to prevent

splattering of adjacent pavement, curb and gutters or structures. The entire caliche surface shall be covered with the prime coat. Any uncovered areas shall be manually covered in an approved method.

- (d)** Curing - Prime coat shall not be applied when the air temperature is below 60 degrees Fahrenheit and falling, but may be applied when the air temperature is about 50 degrees Fahrenheit and is rising. The air temperature shall be taken in the shade and away from artificial heat. Asphaltic material shall not be placed when general weather conditions, in the opinion of the Engineer, are not suitable. The Prime Coat must cure for a minimum of 48 hours before the succeeding course is placed.

J. Hot Mix Asphalt Concrete Pavement (See Exhibit B)

K. Concrete Curb and Gutter/Concrete Valley Gutter

1) "Concrete curb and gutter" and "Concrete Valley Gutter" shall consist of Portland cement combined concrete curb and gutter or separate concrete gutter or concrete valley gutter with or without reinforcing steel as required, constructed on an approved sub grade or foundation material in accordance with these specifications, in conformity with the lines and grades established by the Engineer and details shown on the plans. Width of valley gutter will be as shown on the plans.

2) Materials

The concrete mix will be designed with the intent of producing concrete which, when cured and tested, will have either compressive strength or flexural strength equal to or greater than the following:

- (a)** Compressive Flexural
- (b)** Strength
- (c)** Maximum Size Minimum Pounds per (Pounds per
- (d)** Aggregate Cement (Square inch) (Square inch)
- (e)** 1 1/2" 5 sacks 7 Day - 2,000 4 Day - 400
- (f)** 28 Day - 3,000 7 Day - 500

3) Testing

Concrete shall be tested during the progress of work. The minimum strength shall be 3000 PSI at 28 days.

L. Backfill and Excavation–

- 1) General -** Excavation shall conform to the line and grades shown on the plans or as directed by the Engineer.
- 2) Disposal of Excavation -** All material from excavation operations not required for backfilling will become the property of the Contractor. All surplus material shall be removed from the work site promptly following the completion of the portion of structure involved and disposed of in a manner satisfactory to the Engineer.
- 3) Excavation in Streets -** Where the structures are installed in streets, highways or other paved areas, the work shall include the cutting of pavement and base to neat lines and the restoration of pavement structure after structural excavation and backfill are completed. The type and thickness of replacement materials shall be as shown on the plans. Any work done or any damage to the base and/or pavement incurred outside the limits shown on the plans or authorized by the Engineer shall be restored at the contractor's expense. Maintenance and control of traffic shall be in accordance with the approved traffic control plan and the Texas Manual on Uniform Traffic Control Devices.
- 4) Protection of Utilities -** The contractor shall conduct his work with a minimum disturbance of existing utilities and it shall be his responsibility to coordinate all work in or near the utilities with the utility owners. The Contractor shall inform utility owners sufficiently in advance of his operations to enable them to identify and locate, reroute, provide temporary detours, or to make other adjustments to the utility lines in order that work may proceed with a minimum of delay. The Contractor shall cooperate with all utility owners concerned for any utility adjustments necessary.
- 5) Particular care shall be exercised to avoid the cutting or damaging of underground utility lines that are to remain in place. Such lines, if damaged, shall be restored promptly. When active sanitary sewer lines are cut during excavation operations, temporary flumes shall be provided across the**

excavation while open, and the lines shall be restored when the backfilling has progressed to the original bedding lines of the cut sewer.

- 6) **Removing Old or Abandoned Structures** - When old or abandoned structures or foundations are encountered in the excavation, such obstruction shall be removed for the full width of the excavation and to a depth of one foot below the bottom of the excavation. When old inlets or manholes are encountered and no plan provision is made for adjustment or connection to new structure, such manhole and/or inlet shall be removed completely to a depth of one foot below the bottom of the excavation. In each instance, the bottom of the excavation shall be restored to grade by backfilling and compacting by the methods provided hereinafter for backfill. Where the excavation cuts through abandoned sewers, these sewers shall be removed as required to clear the new structure and plugged in a manner approved by the Engineer.
- 7) **Backfill** - Initial backfill from the bottom of the ditch to the top of the box culvert shall be placed in six inch layers (loose measure) and consolidated by mechanical compaction. Backfill below top of box culvert shall be placed and compacted along sides of the box culvert equally to prevent strain on or displacement of the box culvert. When the density is not shown on the plans, compaction shall be 95% standard proctor density (ASTM D-698). Final backfill from a level at the top of the box culvert to the top of the sub grade shall be placed in six (6) inch layers (loose measure) and mechanically tamped to the density shown on the plans. When the density is not shown on the plans, compaction shall be 95% modified proctor density (ASTM D-698). Unless otherwise shown on the plans, suitable material selected from the excavation shall be used for this portion of the backfill. Material selected shall be free of large lumps or clods, which will not readily break down under compaction. Sand must meet the requirements of no more than 20% passing 200 sieve, or preapproved equal by the Town Engineer.

M. Driveways and Curb Cuts

Residential driveways may be a maximum of 12' wide for a single drive, or 24' for a double drive. Commercial driveways which are one-way drive cuts are to be no more

than 24' in width. Two-way drive cuts maximum width vary depending on front footage. Full radius requirements shall apply to all commercial driveways.

- N. Storm Drainage (See Exhibit H)
- O. Reinforced Concrete Pipe Storm Sewers

This specification shall govern for furnishing all plant, labor, equipment, supplies, materials and performing all operations required to complete the precast reinforced concrete pipe storm sewers of the sizes shown on the plans in accordance with the specifications herein.

1) Materials

- (a) Pipe - All pipe shall conform to the standard specification for reinforced concrete culvert pipe, ASTM Designation C-76, latest edition (Class III, Wal E) for standard strength pipe. Pipe joints shall be the tongue and groove, bell and spigot of type.
- (b) In addition to the tests specified in governing ASTM specification, the pipe shall be subject to inspection by the Engineer after delivery and immediately before being laid. Sections not meeting the specification requirements shall be rejected, plainly marked by the Engineer, and such sections shall be promptly removed from the site by the Contractor and replaced with acceptable pipe at his expense.
- (c) Concrete - All concrete required for connections, encasement, or other details shown on the drawings shall have a minimum compressive strength of 3,000 psi at 28 days and shall conform to the requirements of the ACI Codes.
- (d) Jointing Material - All jointing material shall be "Talcote" cold plastic sewer joint compound No. 052 as manufactured by American Petrofina, Dallas, Texas or approved equal. Primer shall be "Talcote" asphalt primer No. 041 or approved equal. A single gasket of "Ram-Nek" plastic joint material applied in accordance with the manufacturer recommendation will be accepted as equal.

2) Construction Methods

Excavation, General - All excavation for storm sewer shall be performed at such time and in such sequence as to present the least interference with other items of the work and to permit installation of storm sewers for drainage of roadways at the earliest practicable time.

- (a) Excavation in Streets** - Excavation in existing streets or alleys shall be executed in such a manner as to result in a minimum of interruption to traffic.
- (b) Trenches** - Unless otherwise specified, all storm sewers shall be constructed in open cut trenches with vertical sides. All trenches shall be sheathed and braced to the extent necessary to maintain the sides of the trench in a vertical position under all conditions. Trenches adjacent to railroad tracks, along streets or alleys, or in any other location where slides or cave-ins could damage or endanger adjoining property or installations, shall be sheathed and braced in a manner approved by the Engineer within twenty-four (24) hours following completion of each section of excavation. Security of the sheathing and bracing shall be the responsibility of the Contractor, but shall be subject to the approval of the Engineer. The minimum width of trench for pipe storm sewers shall be the outside diameter of the pipe plus two (2') feet and the maximum width shall be the outside diameter of the pipe plus three (3') feet. The bottom of the trench shall be excavated to the shape of an arc of a circle to provide full support for the lower third of each pipe.
- (c) Dewatering Trench** - No storm sewer shall be constructed or laid in a trench in the presence of water. All water shall be removed from the trench sufficiently ahead of the pipe placing operation to ensure a dry, firm bed on which to place the storm sewer pipe. The trench shall be maintained in an unwatered condition until all concrete and mortar is set. Removal of water may be accomplished by bailing, pumping, or pumping in connection with a well point installation or as the particular situation may warrant.

- (d) **Removing Existing Structures** - Where old masonry structures or foundations are encountered in the excavation they shall, unless otherwise provided, be removed for the full width of the trench and to a depth one foot below the bottom of the trench. In each case, the bottom of the trench shall be restored to grade by backfilling with selected backfill material and compacted by the methods provided hereinafter for initial backfill. Where the trenching operations cut through storm or sanitary sewers which are known to be abandoned, these sewers shall be cut off flush with the sides of the trench and plugged with concrete in a manner satisfactory to the Engineer.
- (e) **Protecting Utilities** - The Contractor shall so conduct this work as to result in a minimum of disturbances to existing utilities. Particular care shall be exercised to avoid breaking water and gas lines. Such lines, if broken, shall be promptly restored by the Contractor at his expense. When active sanitary sewer lines above the storm sewer pipe are cut in the trenching operation, temporary flumes shall be provided across the trench and the lines shall be restored at the Contractor's expense when backfill has progressed to the original bedding lines of the sewer so cut.
- (f) **Disposition of Excavated Materials** - Excavated material shall be used for backfill except under pavements unless noted otherwise on the drawings. When disposal areas are not indicated on the drawings all excess excavated material shall become the property of the Contractor to dispose of as he wishes, without injury to the Owner or any individual. Such excess material shall be removed from the site promptly following the completion of the portion of sewer involved.
- (g) **Laying Pipe** - No pipe shall be laid in the trench until the bedding and condition of the trench has been approved by the Engineer. The trench shall be free of water and maintained in that condition until the pipe has been laid and the joints have been completed. The Contractor shall, at his own expense, furnish and place in position as directed by

the Engineer, all the necessary batter boards for controlling the work. The batter boards shall be of such size timber as the Engineer directs and shall be substantially supported. The boards and all location stakes must be protected from drainage or change of location. The Contractor shall also furnish, at his own expense, good sound twilled lines for use in giving lines and grades, and the necessary grommets and graduated poles of a form approved by the Engineer.

- (h)** Jointing - All pipe shall be closely jointed and sealed with plastic sewer jointing compound, so placed as to form a durable water-tight joint. Jointing material shall be applied in strict accordance with the manufacturer's instructions and recommendations. The annular space of the joint is to be completely filled with jointing material unless directed otherwise by the Engineer. Excess plastic jointing compound shall be struck off the inside of the pipe to achieve a smooth interior surface. After placement, any pipe which is not in true alignment which shows any undue settlement after laying, or is damaged, shall be taken up and relaid or replaced, as may be required, without extra compensation.
- (i)** Connections - Where pipe storm sewers are connected to manholes, inlets or headwalls, and the section of pipe making the connections cannot be set flush with the inside wall face, the pipe shall be set or cut a minimum of three (3") inches short of a junction with that face and the inside pipe diameter formed to complete the intersection. Stub ends for the connection of future storm sewer pipe not included in this Contract shall be furnished by inserting a suitable plug, of a design acceptable to the Engineer, into the free end of the pipe and mortaring it into place to form a water-tight end which may be readily removed for future connections.
- (j)** Embedment and Backfill - a. Initial Backfill: Backfill from the bottom of the ditch to the spring line of the pipe shall be mechanically tamped. When a density is not shown on the drawings, compaction shall be 95% standard proctor density (ASTM D-698). Approved River

sand compacted to 95% standard proctor density shall be used for this portion of the backfill and embedment. Material will be subject to approval by the Engineer. Backfill below the top of the pipe shall be placed and compacted along the sides of the pipe equally to prevent strain on, or displacement of the pipe.

- (k)** Final Backfill - Contractor shall have the option of either mechanically tamping or water tamping the final backfill as follows: Mechanically Tamped: Backfill from a level at the top of the pipe to sub grade or ground surface shall be placed in layers and mechanically tamped to the density shown on the drawings. When a density is not shown on the drawings, compaction shall be 90% standard proctor density (ASTM D-698) throughout the fill and 95% standard proctor density in the final twelve (12) inches of the fill. Unless shown otherwise on the drawings suitable material selected from the excavation shall be used for this portion of the backfill and embedment. The material selected shall be free of large lumps or clods, which will not readily break down under compaction. Material will be subject to approval by the Engineer. Tractors for pulling rollers used to obtain compaction shall have a weight not exceeding eight (8) tons.
- (l)** Water Tamped is not permitted.

P. Storm Sewer Inlets

- 1)** This specification shall govern for furnishing of all materials and the construction of inlets composed of concrete constructed in conformity with the requirements of this specification and the lines, grades, and dimensions shown on the plans or established by the Engineer. Special care shall be taken in the construction of the inlets to insure the proper installation of the outlet pipe as provided for the respective inlets as shown on the plans. Inlet bottoms shall be shaped to provide proper slope to the outlet pipe.
- 2)** Materials - Inlets shall be constructed of 3000 psi concrete conforming to requirements of the Texas Department of Transportation (TxDOT) standard specifications for "Reinforced Concrete Structures."

- 3) Reinforcing steel shall conform to requirements of Standard Specifications 420 and ASTM A-432. The manhole rings and covers shall be of the sidewalk type Alamo Iron Works #860-93, or equal, and shall have the seating surfaces of Ring and Cover machined in order to secure a snug fit.
- 4) Excavation - The Contractor shall do all necessary excavation for the various inlets.
- 5) Such excavations shall be of sufficient size as to permit the proper installation of the base and wall forms, and allow room for the stripping of such forms. All such excavating shall conform to the size and dimensions as shown on plans plus a maximum of four (4) feet to permit working room. Care shall be taken to insure that the excavation is not carried to a greater depth than required. If it becomes necessary to shore the walls of the excavated area, such shoring shall be of two (2) inch material and shall be braced in such manner as to insure support of the walls and permit the construction of the inlet itself without necessitating the removal of any shoring until such time as the entire inlet is completed. No shoring shall be left or backfilled around unless authorized by the Engineer. Shoring shall remain in place at least twenty-four (24) hours after concrete work has been completed.
- 6) Construction - Inlets shall be constructed of 3000 psi concrete. Forms shall be constructed of either wood or metal. If wood is used, the material shall be of the standard type used for such construction. The forms shall be built true to line and grade and conforming to the dimensions for inlets shown on the plans. All inserts and openings shall be so formed that the concrete will not be injured when the forms are stripped. The forms shall be so braced and tied as to prevent spreading or bulging and shall meet the approval of the Engineer before placing the concrete. Forms shall remain in place a minimum of twenty four (24) hours after the concrete is placed before being stripped and shall be removed within a maximum of seven (7) days after completion of the work. Reinforcing steel shall conform to the details shown on the plans as to size, length, and location. The bottom of inlets shall be shaped to provide proper slope to the outlet pipe. All pipes shall be cut to fit the inside surface of

the wall and particular attention shall be given to providing water-tight joints between the pipes and walls. After the walls have been furnished the bottom of the inlet shall be shaped to conform to the details shown on the plans by the use of additional concrete. Where existing inlets are to be adjusted to new lines and grades, the surface of such inlets, which will be in contact with new construction, shall be thoroughly cleaned and coated with "Weldcrete", or equal, before new concrete is placed. Requirements of materials and construction, as herein specified, shall govern for adjusting or rebuilding existing inlets. The new portion of adjusted inlets shall conform to the dimensions as shown on the inlet details of the plans as near as possible.

- 7) **Backfilling -** Backfill will be with sand at streets areas, and excavated material behind curb. Backfilling adjacent to inlets shall begin as soon as the concrete has been cured in accordance with these specifications and the forms and the shoring have been removed. Backfill shall be placed in layers of not more than six (6) inches depth, wetted or dried to approximate optimum moisture content and compacted by mechanical hand tampers to 95% Standard Proctor Density, as determined by AASHTO Standard Method T99-49.

Q. Sidewalks – If there is any conflict of the specifications contained herein, those in the Zoning Ordinance Section 13, shall prevail.

- 1) **Construction Methods. Conventionally Formed Concrete.** Prior to sidewalk construction, the subgrade, foundation or pavement surface shall be shaped to the line, grade and cross section shown on the plans and, if considered necessary by the Engineer, hand tamped and sprinkled. When directed by the Engineer, the sub grade or foundation material shall be sprinkled lightly immediately before the concrete is deposited thereon. Forms, where needed, shall be of wood or metal, of a section satisfactory to the Engineer, straight, free of warp and of the depth required. They shall be securely staked to line and grade and maintained in a true position during the placing of the concrete. The reinforcing steel shall be placed in a position as shown on the plans. Care shall be exercised to keep all steel in its proper location during

concrete placement. Sidewalks shall be constructed in sections of the lengths shown on the plans.

- 2) Unless otherwise shown on the plans or approved by the Engineer, no section shall be less than 8 feet or more than 40 feet in length. Sections shall be separated by premolded or board joint of the thickness shown on the plans, placed vertically and at right angles to the longitudinal axis of the sidewalk. Where the sidewalk abuts a curb or retaining wall, approved expansion material shall be placed along their entire length. Similar expansion material shall be placed around all obstructions protruding through sidewalks. Sidewalks shall be marked every 4 feet in length, by the use of approved jointing tools. Each day's production will be terminated at an expansion joint.
- 3) The clear width for walkways should be free of all trees, signs, utility poles, hydrants, parking meters, planters, newspaper boxes, and other similar appetencies.
- 4) General - The completed work shall be cured for a period of not less than 72 hours.
- 5) Regardless of the method of construction, hand finishing will be permitted. All Wheelchair ramps shall be in conformance with the details shown on the plans.

R. Street Lights

- 1) Installation: Street lights shall be installed at the cost of the subdivider to Town standards at all street intersections within the subdivision, at cul-de-sac ends and mid-block if the block exceeds 600' in length.
- 2) Wattage of all bulbs shall be 250 watts.
- 3) High Pressure Sodium Lamps with a single arc tube shall be used with a type "M" ballast and a nickel/brass base.

S. Fire Hydrants -

- 1) Public hydrants shall be painted red, any private hydrants located on public streets shall be painted yellow, to distinguish between the two.
- 2) Standard fire hydrants shall be of a current design and quality.
- 3) Installation.
 - (a) Oil shall be placed in hydrant at the time of installation.

- (b)** Pumper nozzle shall face roadway. (4-1/2" N.S.T.)
- (c)** In certain instances, where distances permits, a parallel tee or union-tite 90 degree elbow with restraining lugs may be used in lieu of a standard tee. Final approval is required by Town of Laguna Vista and Laguna Madre Water District.
- (d)** If American Darling model B-84-B is used, coat valve plate and interior shoe with epoxy.
- (e)** All valves, fittings, valve boxes, meter boxes, covers and other accessories will be of domestic origin and approved by Laguna Madre Water District.
- (f)** Tapping sleeves must have stainless steel bolts and nuts.

T. Water Facilities

1) Public Water Systems.

Where potable water is to be supplied to a subdivision by connection to the Laguna Madre Water District, the distribution system within the subdivision shall be designed and constructed in accordance with the minimum criteria set forth in 30 TAC, Chapter 290 Public Drinking Water.

2) Where potable water is to be supplied by connection to another potable water supply system, the system must meet the minimum criteria of 30 TAC Chapter 290, "Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems". A written statement by the water purveyor must be provided that indicates the water purveyor agrees to provide potable water to the development at the demand, both daily and peak flow rates, for a minimum period of 30 years.

3) Non-Public Water Systems where individual wells are proposed for the supply of potable water to any residential lot within the subdivision, the following conditions and requirements shall be observed:

- (a)** Existing wells within one-quarter mile radius of the subdivision or a test well or wells shall be drilled and the water(s) sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are potable

water standards. The results of such analysis shall be made available to prospective property owners and copies of the laboratory results shall be provided to the Town of Laguna Vista and the Laguna Madre Water District.

- 4) Reinforced Concrete Low-Head Pressure Pipe (for irrigation)
Concrete or PVC pipes may be used, but must meet the specifications as set out by the Irrigation District, if applicable.

U. Sanitary Sewer Facilities

- 1) Organized Wastewater Facility - Connection to Laguna Madre wastewater system shall be required, or the nearest utility system, except where the Laguna Madre Water District determines such connection will require unreasonable expenditure when compared with other methods of wastewater disposal.
- 2) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the TNRCC in accordance with 31 TAC Chapter 305 "Consolidated Permits" and obtain approval of engineering planning materials for such systems under 31 TAC Chapter 317 "Design Criteria for Sewerage Systems" from the TNRCC.
- 3) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the permittee. The agreement must accommodate the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty years. Engineering plans for the proposed wastewater collection lines must be in accordance with TNRCC rules and approved by the water provider prior to construction.
- 4) On-Site Facilities
 - (a) On-site facilities which serve single-family or multi-family residential dwellings with anticipated wastewater production of one thousand or more gallons per day must be designed by a registered professional engineer or registered professional sanitarian.

- (b) Proposals for on-site sewerage facilities for the on-site disposal of sewage in the amount of five thousand gallons per day or greater must be presented to the TNRCC for determination of the necessity for a wastewater permit from that agency. Each such disposal facility must be designed by a registered professional engineer.
- (c) On-site sewerage facilities not required to obtain a wastewater permit from the TNRCC must apply for and receive a permit from the Texas Department of Health or its authorized agent as required by the procedures established in 25 TAC 301.101 through 301.109.
- (d) The Texas Department of Health or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with Chapter 366 of the Texas Health and Safety Code and rules 25 TAC Sections 301.11 through 301.17 and any additional applicable sections, "Construction Standards for On-Site Sewerage Facilities". In addition to the unsatisfactory on-site disposal systems listed in 25 TAC 301.16, pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

Section 22 Construction Inspection

During construction of the subdivision improvements, periodic inspection of the quantities and quality of workmanship of the construction may be conducted by the Town to confirm compliance with the plans and specifications, as provided, for those improvements that will be dedicated for public use.

- A. A pre-construction meeting shall be held with the Engineering Department representative of the Town to discuss construction specifics and requirements for every subdivision.
- B. The developer shall ensure that the construction contractor notifies the Town Staff of key construction activities, milestones and testing appointments to allow for the

witnessing of said activities by Town inspection personnel. All testing shall be paid for by the developer and copies of the test reports shall be provided to the Town Engineer for review. Any field modifications shall be reported to the Town Engineer or inspection personnel. Final acceptance of any changes from plans and specifications shall be approved by the Town Engineer or duly authorized representative.

Section 23 Final Acceptance

Upon completion of construction a request for final inspection walk through shall be submitted. After final inspection by Town inspection personnel, the subdivider and Town Staff shall be notified in writing of acceptance or rejection of the construction. A letter of construction warranty for a minimum period of one year is required from the contractor prior to final acceptance by public entity.

Section 24 Warranty Period Inspection Required

- A. A follow-up inspection of construction improvements is to be scheduled prior to the end of the one year warranty period. This inspection is to be requested by the designing engineer for final release of liability.
- B. Pavement shall be inspected for unwanted depressions. Any depressions which retain water in any area with any dimension greater than 12 inches and a water depth greater than one eighth of one inch (measurable anywhere in the depression) is considered an unwanted depression.
- C. These areas shall be repaired so as not to retain water in a manner approved by the Engineer. Any cracks which appear prior to acceptance and at any time during the one year period shall be promptly repaired in a manner approved by the Engineer. In general, an approved rubberized tar sealer neatly applied to the cracks will be accepted.

Section 25 Financial Guarantee of Performance

- A. Acceptable Forms of Guarantee
If the subdivider chooses to file a letter of credit or bond in lieu of completing construction prior to final plat approval, he may utilize either of the following

methods of posting security conditioned that such improvements will be completed within twelve (12) months after approval of such plat. The plat shall not be recorded until the subdivider files with the Planning Department one of the following securities in an amount of the total cost of improvements required, plus ten (10) percent. The cost of such improvements shall be as estimated by the subdivider's engineer with final acceptance of amount made by the Town Engineer and/or the Waterworks Manager or authorized designee. Any Bond and any Letter of Credit deviating from the sample format shown in Exhibit D shall be submitted for approval as to form and legality by the Town Attorney.

B. Irrevocable Letter of Credit

Must meet the following requirements:

- 1) Must be from an institution that is federally insured;
- 2) The letter of credit shall list as sole beneficiary the Town of Laguna Vista and shall not expire before fifteen (15) months from date of plat recordation;
- 3) The letter of credit shall be conditioned upon installation or construction of all facilities and improvements meeting the criteria established under this Ordinance within twelve (12) months from the date the plat is approved by the Planning & Zoning Commission and the Board of Council Members;
- 4) Where good cause exists, the Board of Council Members may extend the period of time for completion for an additional period of time not to exceed twelve (12) months if the subdivider has not completed the required site improvements or completed such improvements in compliance with this Ordinance. Any extension of time granted for construction of improvements shall be accompanied by a revised Letter of Credit reflecting the time extension;
- 5) A sample format of an approved letter of credit is available in Exhibit G.
- 6) Any proposed subdivision of land located within the extra territorial jurisdiction of the Town of Laguna Vista presented for approval by the Planning and Zoning Commission shall meet the requirements of this Section and any surety bond or irrevocable letter of credit required under this Section, shall be made payable to the Town of Laguna Vista and Cameron County and the specifications attached to such surety bond or letter of credit

for such subdivision shall conform to all applicable subdivision regulations of the Town of Laguna Vista and Cameron County.

C. Surety Bonds

Must meet the following requirements:

- 1)** The bond or financial guarantee shall be payable to the Town of Laguna Vista.
- 2)** The bond shall be executed with sureties as may be approved by the Town.
- 3)** The Town shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:
 - (a)** Registration with the Secretary of State and be authorized to do business in Texas; and
 - (b)** Authorization to issue bonds in the amount required by the Board of Council Members; and
 - (c)** Rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of the Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

D. Performance Guarantee

- 1)** In most cases a contractor's one year written warranty on improvements will suffice for a performance guarantee.
- 2)** If a contractor has performed unsatisfactory work in the past on a public improvement project, the Town may require a security filed by the subdivider in an amount equal to twenty-five (25%) percent of the cost of the improvements required as estimated by the Town Engineer conditioned that the subdivider will warrant such improvements in good condition for a period of twelve (12) months after final acceptance of the completed construction by

the Town Staff, as provided in Section 4. Security shall be submitted for approval as to form and legality by the Town Attorney.

Section 26 COST PARTICIPATION

A. Developer.

All streets, utilities, and improvements within the Town Limits shall become the property of the Town of Laguna Vista and/or Laguna Madre Water District upon completion and acceptance.

B. The developer shall, at developer's expense, construct all improvements – both on site and off site – required by this ordinance and water pumping stations, sewage lift stations, bridges, major drainage structures, and other improvements required to service the development proposed.

C. The developer, at developer's expense, shall extend all water mains, sewer lines, other utilities and streets to the outer boundaries of the subdivision for future use beyond the subdivision.

D. Street Paving

1) Interior Streets: The subdivider shall pay 100% of the costs of installing interior streets, including curb and gutter, for a street width not to exceed 37 feet (local street standard). Right of way shall be dedicated in accordance with the Comprehensive Plan. When the Town requires paving width in excess of 37 feet as may be required by the Comprehensive Plan or as otherwise may be required by the Town for interior streets, the Town shall pay for any portion of the street in excess of 37 feet. The subdivider shall pay for installation of curb and gutter, where applicable.

2) Perimeter Streets: To provide for safe and orderly two-way vehicular travel on streets accessing new subdivisions, perimeter streets that do not meet the current Town standard (i.e. deficient) shall be subject to one of the following options, at the discretion of the developer:

(a) Improve the subject perimeter street(s) to a minimum of 37 feet of pavement width; this width has been determined by the Town to be the minimum width that will allow for safe and orderly two-way vehicular travel regardless of the level of traffic impact

the proposed subdivision has on the perimeter street(s). For subdivisions in the Town limits or within an approved 3-year annexation plan, the perimeter street improvements described above shall be constructed to the Town's standards and situated and designed in a manner that will permit the remaining pavement to be added at a future date. Streets constructed pursuant to this paragraph "1" may be constructed without curb and gutter if, and only if, an alternative method of street drainage (e.g. culverts and/or drainage channels) approved by the Town Engineer is constructed as part of the street improvements.

E. Special Fund

- 1) There is hereby established a special escrow account for the deposit of each sum paid for future street improvements.
- 2) The Town shall account for all sums paid under this section with reference to individual plats involved and the perimeter street on which it has frontage. The Town must expend any funds paid for such purposes within ten (10) years from the date received by the Town for overlay, additional row acquisition or construction of improved road and/or curb and gutter.
- 3) Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro-rata refund of such sum. No interest shall be paid on such sums. The owners of such property must request such refund within one year of entitlement, in writing to the Town Manager of the Town of Laguna Vista, or such right shall be forfeited.

F. Drainage

- 1) **Oversizing of drainage facilities:** When the Town determines it is necessary to oversize facilities for the orderly development of the area drainage system, the Town will participate in the cost of such oversized pipe or facilities provided funds are available for this purpose. The subdivider whose pipes or facilities

will be oversized will be referred to as the initial subdivider. Should the Town participate in oversizing, the Town shall recover its cost from future connections made on to the storm drainage system and the initial subdivider shall recover from future connections that portion of their expense that will equalize the cost of drainage to the initial subdivider equivalent to all others who will be connecting to the oversized systems.

- 2)** **Cost Recovery:** Should the Town on its own initiative install a drainage system to serve a particular area of the Town, the Town shall recover its cost from future connections made on to the storm drainage system. Subdivider shall bear all costs including but not limited to labor and materials required to make connections to the storm drainage system. Reimbursement to Town, and when applicable to the initial subdivider, shall be the pro rata cost per acre of that portion of the oversized system necessary to accommodate the number of acres in the subdivision making connection to the oversized system, plus eight percent (8%) per annum interest from the date of installation of the oversized drainage system. The pro rata cost per acre of the subdivision shall be calculated by the Town Engineer.

G. Rough Proportionality.

- 1)** In accordance with Section 212.904 (Apportionment of Municipal Infrastructure Costs) of the Texas Local Government Code, no development improvements required by this Subdivision Ordinance may be imposed on a developer as a condition for approval of a proposed development project unless the improvements:
 - (a)** are related to the needs created by the proposed development project; and
 - (b)** are roughly proportionate to the impact of the proposed development project, as approved by a professional engineer licensed to practice in Texas and retained by the Town's engineer.

- 2) Developer's Report:** The developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the Town's engineer. The report must include the following information:
- (a)** An analysis of existing infrastructure capacity and condition in the area including, as applicable, streets (width of right-of-way and pavement), alleys, street lighting, street signals, fire hydrants, and storm water drainage system; and
 - (b)** An analysis of the need for infrastructure additions or improvements created by the proposed development project; and
 - (c)** A determination of the improvements that are related to the needs created by the proposed development project and roughly proportionate to the impact of the proposed development project; and
 - (d)** Any other information that may be required by the Town's engineer in determining the accuracy of the developer's report.
- 3)** An applicant may appeal the decision of the Town Council under this section to the appropriate county or district court within thirty (30) days of the final determination by the Town Council.

Section 27 Variances and Appeals

A. Variances

The Planning and Zoning Commission may recommend to the Town Council a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. The only variance that cannot be granted will be in the area of paving, curb and gutter for subdivisions located within the Town of Laguna Vista, Texas. Variances from certain requirements hereunder may be recommended by the Planning and Zoning Commission and granted by the Town Council for subdivisions located outside of the Town limits of Laguna Vista but within the extraterritorial jurisdiction of the Town. Any variances requested must be submitted

in writing by separate instrument at the time the preliminary plat is filed with the Planning and Zoning Commission on a form as specified by the Town

B. In recommending a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the finding herein required, the Planning and Zoning Commission shall take into account the nature of the proposed uses 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 on the public health, safety, convenience and welfare in the Town. No variance shall be recommended unless the Planning and Zoning Commission finds:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land;
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and,
- 3) 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,
- 4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provision of this Ordinance. Such findings of the Planning and Zoning Commission, together with the specific facts upon which such findings are based, shall be incorporated into official minutes of the Planning and Zoning Commission meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

C. Nothing herein shall prohibit a variance request being initiated or approved by the Planning and Zoning Commission or the Town Council upon its own motion and upon a showing of special circumstances or conditions existing in the immediate vicinity of the land involved, such that the strict application of the provisions of this ordinance would be to the detriment of the general health, safety, and welfare of the

citizens of the Town as they are related to the areas of traffic movement, utility extension, fire and police protection, and storm sewer and drainage installation.

- D.** All variances to this Ordinance must be submitted to the Town Council for approval or disapproval. A super majority vote of the Town Council shall be required to override a recommendation for/or against the variance from the Planning and Zoning Commission. In granting any variance the Board of Council Members shall comply with the provisions of this section. Fee for this procedure is \$25. (Subject to change by Town Council approval.)

E. APPEALS

Any owner of any tract of land within the corporate limits of the Town of Laguna Vista, or its extraterritorial jurisdiction (as defined in Article 970A, Revised Civil Statutes of Texas) who wishes to accomplish a subdivision shall comply with this ordinance and submit same to the Planning and Zoning Commission for its final approval. Any decision on a subdivision can be appealed in writing within fifteen (15) days of the decision of the Planning and Zoning Commission to the Town Council by submitting such a request to the City Secretary stating the reasons. The Town Council must hear the request within thirty (30) days after the request is submitted to the City Secretary. The following persons may appeal the decision of the Planning and Zoning Commission to the Town Council:

- 1)** Any three (3) current members of the Planning and Zoning Commission;
- 2)** The Subdivider;
- 3)** The City Manager or an official designated by the City Manager; or
- 4)** By a duly signed and acknowledged petition by the owners of twenty (20%) percent of all properties included within a radius of two hundred (200') feet in any direction from the property included in the proposed subdivision. A super majority vote of the Town Council shall be required to override a subdivision decision by the Planning and Zoning Commission.

Section 28 Penalties and Enforcement

A. Civil Penalty

- 1)** A subdivider or an agent of a Subdivider may not cause, suffer, allow, or permit a Lot to be sold or offered for sale in a Subdivision if the Subdivision

has not been platted as required by these regulations and Texas Local Government Code Chapter 212.

- 2) Notwithstanding any other remedy at law or equity, a Subdivider or an agent of a Subdivider may not cause, suffer, allow or permit any part of a subdivision in Laguna Vista or its ETJ over which the Subdivider or an agent of the Subdivider has control, or a right of ingress and egress, to become a health nuisance as defined by Texas Health & Safety Code.
- 3) A Subdivider who fails to provide for the construction or installation of water or sewer service facilities in the time and manner described on the Plat or on the document attached to the Plat or who otherwise violates this ordinance or regulations or Texas Local Government Code Chapter 212, is subject to a civil penalty of not less than \$500 nor more than \$1000 for each violation and for each day of a continuing violation, but not to exceed \$5,000 each day and shall also pay court costs, investigative costs, and attorneys' fees for the governmental entity bringing suit.

B. Criminal Penalty

- 1) A subdivider commits an offense if the subdivider knowingly fails to file a Plat required by these regulations and Texas Local Government Code Chapter 212. An offense under this subsection is a Class A misdemeanor.
- 2) A subdivider who owns a subdivision commits an offense if the subdivider knowingly fails to timely provide for the construction or installation of water or sewer service as required by these regulations and Texas Local Government Code or fails to make a reasonable effort to have electric utility service and gas utility service installed by a utility as required under Texas Local Government Code. An offense under this subsection is a Class A misdemeanor.
- 3) If it is shown at a trial of an offense under Subsection Section 1 above that the defendant caused five or more residences in the subdivision to be inhabited, the offense is a state jail felony.
- 4) Venue for prosecution for a violation under this section is in Cameron County.

C. Administrative Enforcement

- 1) In addition to any other remedies available at law, the Town may elect at its option to enforce one or more of the following options:
- 2) Denial of Plat Approval. No plat shall be recorded unless it contains such data, nor shall any court clerk record a plat which has not received the prior approval of the Planning and Zoning Commission.
- 3) Institute appropriate action in a court of competent jurisdiction to enforce the
- 4) provisions of this ordinance.
- 5) Denial of public utilities.
- 6) Denial of building permits.

Any person residing in any subdivision shall have the requisite standing and authority to enforce the standards established pursuant to this Ordinance and may file suit in any court of competent jurisdiction for his damages or for declaration or injunctive relief or such other relief as may be deemed appropriate.

D. Enforcement

- 1) On behalf of the Town, the Town Attorney shall, when directed by the Town Council, institute appropriate action in a court of competent jurisdiction by injunction or otherwise to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the Town, within the extraterritorial jurisdiction of the Town as such jurisdiction is determined under V.T.C.A. Texas Local Government Code, or within any area subject to all or a part of the provisions of this Ordinance.
- 2) The Town Attorney or Attorney General may take any action necessary in a court of competent jurisdiction on behalf of the State and Town or on behalf of residents to:
 - (a) Enjoin the violation or threatened violation of a requirement of this Ordinance;
 - (b) Enjoin the violation or threatened violation of Texas Local Government Code Chapter 212;

- (c) Recover civil or criminal penalties, attorneys' fees, litigation costs, and investigative costs; and
 - (d) Require platting or replatting under these regulations and Texas Local Government Code.
- 3) The Attorney General, at the request of the District or Town Attorney with jurisdiction, may conduct a criminal prosecution under Texas Local Government Code.
- 4) During the pendency of any enforcement action brought, any resident of the affected Subdivision, or the Attorney General, District Attorney or Town Attorney on behalf of a resident, may file a motion against the provider of utilities to halt termination of pre-existing utility services. The services may not be terminated if the court makes an affirmative finding after hearing the motion that the termination poses a threat to public health, safety or welfare of the residents of the affected subdivision.
- 5) Upon violation of any requirements hereof, the Town Council or its authorized representative may seek injunctive relief preventing the sale of any or all lots within such subdivision. Any person violating any provision of this ordinance, within the Town limits shall be guilty of a misdemeanor and, upon conviction, may be fined up to \$500 per day, per offense. Prosecution or conviction under this provision shall not be a bar to any other remedy or relief for violation of this ordinance as provided by law.

E. Injunction

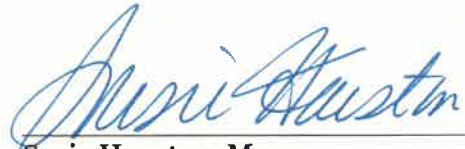
In addition to other remedies, the Attorney General, the Town or District Attorney or other local officials are authorized to apply to the District Court for, and the Court in its discretion may grant, the state or political subdivision, without bond or other undertaking, any injunction that the facts may warrant including temporary restraining orders, temporary injunctions, and after notice and hearing, permanent injunctions enjoining a violation of these regulations, or Texas Local Government Code Chapter 212.

Section 29 Penalty.

Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the Town limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

PASSED AND APPROVED on First Reading this 9th day of December, 2014.

PASSED AND APPROVED on the Second Reading this 13th day of January 2015.



Susie Houston, Mayor

ATTEST:



Alma Deckard, City Secretary

Approved as to form:

EXHIBITS TABLE OF CONTENTS

Exhibit A	Subdivision Platting Process
Exhibit B	Hot Mix Asphaltic Concrete Pavement
Exhibit C	Typical Sewer Line Installation
Exhibit D	Irrevocable Letter of Credit
Exhibit E	Flag Shaped Lot Illustration
Exhibit F	Signature Blocks for Final Plat
Exhibit G	Typical Cross Section for Pavement
Exhibit H	Typical Storm Sewer Inlets

EXHIBIT "A"

**TOWN OF LAGUNA VISTA
Subdivision (Platting) Process**

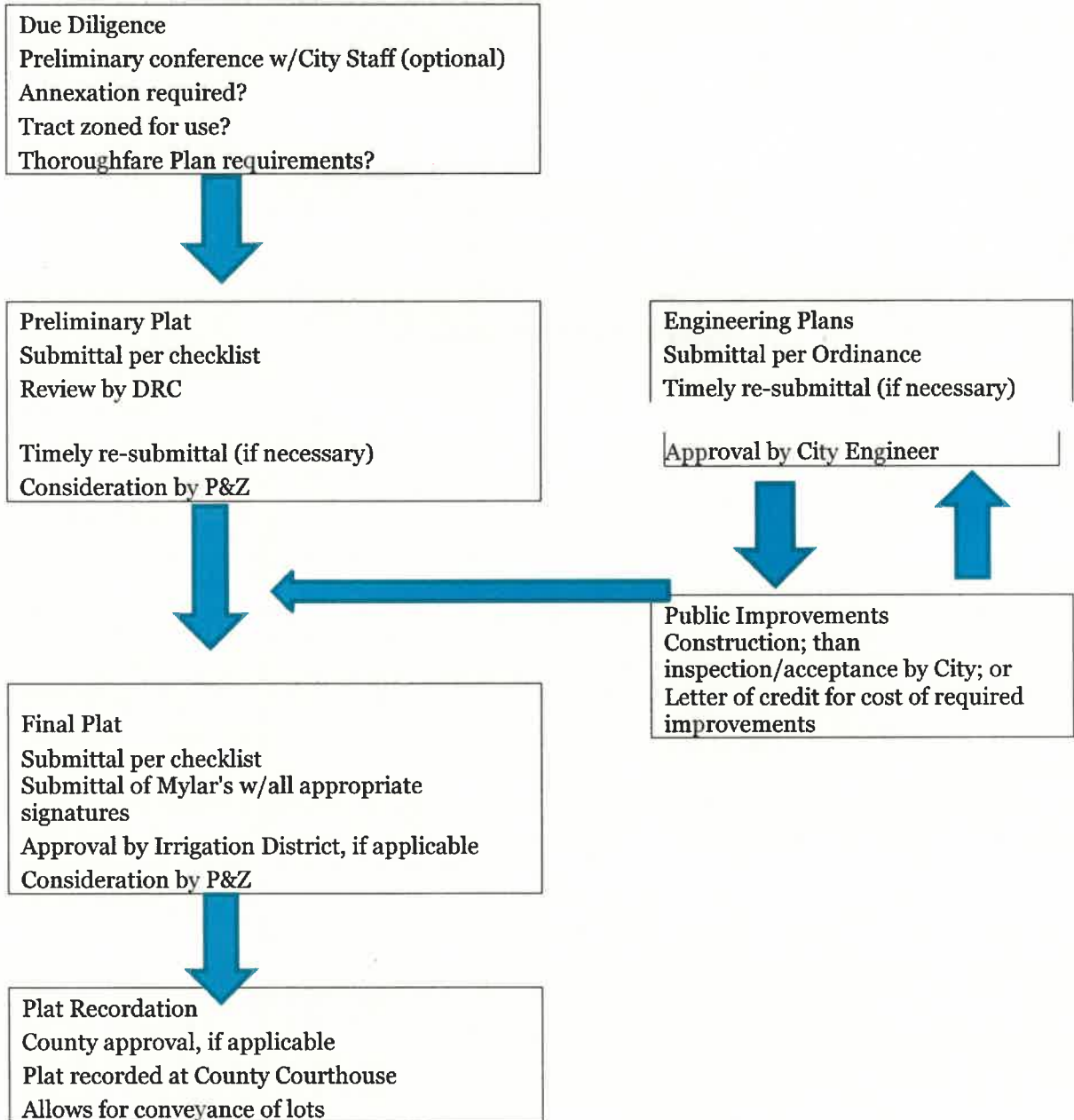


EXHIBIT "B"
Ordinance Number 2014-34
Subdivision Ordinance

HOT MIX ASPHALTIC CONCRETE PAVEMENT

A. DESCRIPTION

This item shall consist of a base course, a leveling-up course, a surface course, or any combination of these courses as shown on the plans each to be composed of a compacted mixture of mineral aggregate and asphaltic material.

The pavement shall be constructed on the previously completed and approved subgrade, base existing pavement, bituminous surface or in the case of a bridge, on the prepared floor slab, as herein specified and in accordance with the details shown on the plans.

B. MATERIALS

Hot Mix Asphaltic Concrete, Type "D" (fine graded surface course) (Modified)

The hot mix asphaltic concrete shall conform to the requirements of the Texas Department of Transportation, 1993 Standard Specifications Item 340. The successful bidder shall submit an asphalt mix design within ten (10) days upon award of contract from a geo-technical laboratory demonstrating that the hot mix asphaltic concrete to be used meets these specifications. The asphalt to be used shall be A.C. 20. Special Modifications to Standard Specification Item 340, for this project are as follows:

- 1) Asphalt Content – Asphaltic Material (AC-20) shall form from 4 to 8.0 percent of the mixture by weight.
- 2) Retained Stability – The paving mixture shall have a retained stability of not less than 70 percent when tested in accordance with ASTM Standard Procedure D1075.
- 3) Hveem Stability – Hveem stability shall not be less than 30 percent.
- 4) Fine Aggregate (passing the No. 10 sieve), shall contain a minimum of 50 percent crushed limestone.

C. CONSTRUCTION METHODS

Construction methods used in Hot Mix Asphaltic Concrete Pavement shall meet the requirements as set forth in Item 340 "Hot Mix Asphaltic Concrete Pavement" of the SDHPT, Standard Specifications, with the following additions:

- 1) Conditions for Placement:

The asphaltic mixture when placed with a spreading and finishing machine, shall not be placed when the air temperature is below 50 degrees F and is falling, but it may be placed when the air temperature is above 50 degrees F and is rising. The air temperature shall be taken in the shade away from artificial heat. It is further provided that the asphaltic mixture shall be placed only when the humidity, general weather conditions, and temperature and moisture condition of the base in the opinion of the engineer, are suitable.

If the temperature of the asphaltic mixture of a load or any part of a load becomes less than 225 degrees F or more than 350 degrees F after being dumped from the mixer and prior to passing through the lay-down machine, all or any part of the load may be rejected.

2) Transporting Asphaltic Concrete

The asphaltic mixture, prepared as specified above, shall be hauled to the work in tight vehicles previously cleaned of all foreign material. The dispatching of the vehicles shall be arranged so that all material delivered may be placed, and all rolling shall be completed during daylight hours. In cool weather or for long hauls, canvas covers and insulating of the truck bodies may be required. The inside of the truck body may be given a light coating of oil, lime slurry or other material satisfactory to the Engineer, if necessary, to prevent mixture from adhering to the body.

3) Placing:

- a) Generally, the asphaltic mixture shall be dumped and spread on the approved prepared surface with specified spreading and finishing machine, in such manner that when properly compact the finished pavement will be smooth, of uniform density and will meet the requirements of the typical cross sections and the surface tests. During the application of asphaltic material, care shall be taken to prevent splattering of adjacent pavement, curb and gutter and structures.
- b) In placing a level-up course with the spreading and finishing machine, binder twine or cord shall be set to line and grade established by the Engineer. If approved by the Engineer, level-up courses may be spread with a motor grader.
- c) When the asphaltic mixture is placed in a narrow strip along the edge of an existing pavement, or used to level up small areas of an existing pavement or placed in small irregular areas where the use of a finishing machine is not practical, the finishing machine may be eliminated when authorized by the Engineer, provided a satisfactory surface can be obtained by other approved methods.
- d) Flush Structures. Adjacent to flush curbs gutters, liners and structures, the surface shall be finished uniformly high so that when

compacted it will be slightly above the edge of the curb or flush structure.

4) Compacting:

- a) Rolling with the three wheel and tandem rollers shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least half the width of the rear wheel unless otherwise directed by the Engineer. Alternative trips of the roller shall be slightly different in length. On super-elevated curves, rolling shall begin at the low side and progress toward the high side unless otherwise directed by the Engineer. Rolling with pneumatic-tire roller shall be done as needed. Rolling shall be continued until no further compression can be obtained and all roller marks are eliminated. One tandem roller, one pneumatic-tire roller and at least one three wheel roller as specified above shall be provided for each job. If the Contractor elects, he may substitute the three axle tandem roller for the two axle tandem roller and/or the three wheel roller; but in no case shall less than three rollers be in use on each job. Additional rollers shall be provided if needed. The motion of the roller shall be slow enough at all times to avoid displacement of the mixture. If any displacement occurs, it shall be corrected at once by the use of rakes and of fresh mixtures where required. The roller shall not be allowed to stand on pavement which has not been fully compacted. To prevent adhesion of the surface mixture to the roller, the wheels shall be kept thoroughly moistened with water, but an excess of water will not be permitted. All rollers must be in good mechanical condition. Necessary precautions shall be taken to prevent the dropping of gasoline, oil, grease or other foreign matter on the pavement, either when the rollers are in operation or when standing.

In lieu of the rolling equipment specified, the Contractor may, upon written permission from the Engineer operate other compacting equipment that will produce equivalent relative compaction as the specified equipment. If the substituted compaction equipment fails to produce the desired compaction as would be expected the specified equipment, as determined by the Engineer its use shall be discontinued.

- b) Hand Tamping. The edges of the pavement along curbs, headers and similar structures and all places not accessible to the roller, or in such positions as will not allow thorough compaction with the rollers, shall be thoroughly compacted with the lightly oiled tamps.

5) Opening to Traffic:

The pavement shall be opened to traffic when directed by the Engineer. The Contractor's attention is directed to the fact that all construction traffic allowed on pavement open to public will be subject to the laws governing traffic on Public Road and Streets.

If the surface ravels it will be the Contractor's responsibility to correct this condition at his expense.

6) Density Test – Acceptance Sampling and Testing of Hot Mix Asphaltic Concrete (Compaction):

Hot Mix Asphaltic Concrete will be accepted for density on a lot basis. A lot will consist of one day's production or 1,200 tons, whichever is less and shall be divided into four equal sublots. One test shall be made for each subplot.

Each lot of pavement will be accepted with respect to density, when the average field density is equal to or greater than 91.0 percent of the average maximum theoretical density as determined in accordance with ASTM D2014, and when no individual determination is less than 90.0 percent of the average maximum theoretical density. Four field density determinations will be made for each lot.

The use of unclear field density determination shall be used as the basis for acceptance with respect to density.

TABLE 8
 SLIDING SCALE PAY FACTORS
 (Density based on percent of maximum theoretical)

<u>AVERAGE PERCENT DENSITY *</u>	<u>RECOMMENDED PERCENT PAYMENT</u>
92 or above	100
91.0 – 91.9	90
Below 90.0	Reject **

* Average of 4 samples

** If the Owner agrees to accept densities below 90.0%, the pay factor for density shall be 50%

7) Surface Test:

Tests for conformity with the specified crown and grade shall be made by the Contractor immediately after final rolling. Any variation exceeding the specified tolerances shall immediately be corrected by removing the defective work and replacing with new material, as directed by the Engineer. Any correction required shall be at the sole expense of the Contractor.

For surface course, the finished surface shall not vary more than 1/4 inch (6.35 mm), when tested with a 16 foot straightedge applied parallel with, or at right angles to, the centerline.

The finished surfaces of hot mix asphaltic concrete shall not vary from the grade line elevations and cross sections shown on the plans by more than 1/2 inch (12.7mm). The Contractor shall correct pavement areas varying in excess of this amount by removing and replacing the defective work. Skin patching shall not be permitted for correction of low areas nor shall planning be permitted for correction of high areas.

8) Sampling Pavement

Samples for determination of thickness and density of completed pavements shall be obtained by the Contractor at no extra cost. The size, number and locations of the samples will be as directed by the Engineer. Samples shall be neatly cut with a saw, core drill or other approved equipment. The Contractor shall furnish all tools, labor and materials for cutting samples and replacing pavement.

All tests necessary to determine conformance with the specified requirements will be performed without cost to the Contractor however, any required retest shall be performed at the Contractor's cost.

Upon delivery of the Hot Mix Asphaltic Concrete to the site, the Owner will hire a reputable commercial testing laboratory to sample the material and run laboratory tests to verify that the mixture conforms to project specifications (Graduation, Extraction, Hveem Stability and Retained Stability).

D. MEASUREMENT

Hot Mix Asphaltic Concrete pavement shall be measured by either the ton (2000#) or/by the square yard of specified thickness applied as actually used in the completed and accepted work. Method of measurement (by square yard or/by ton) is specified on the plans and bid sheets.

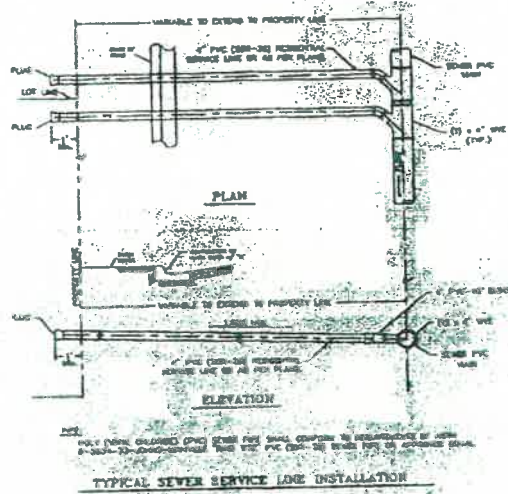
E. PAYMENT:

The work performed and materials furnished, as prescribed by this item, measured as provided herein, shall be paid for at the contract unit price bid per ton or

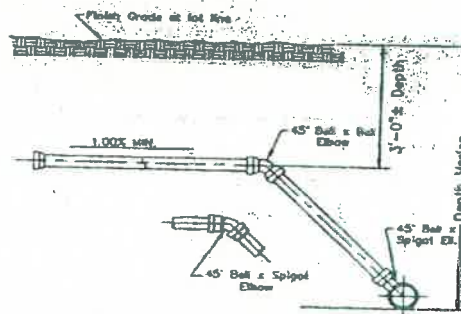
square yard for "Hot Mix Asphaltic Concrete Pavements," which price shall be full compensation for furnishing and placing all materials; and for labor, tools, equipment, and incidentals necessary to complete the work except prime coat but including tack coat when required. Be sure to include the cost of extra thickness adjacent to curb. No separate payment will be made for the extra thickness.

EXHIBIT "C"
Ordinance Number 2014
Subdivision Ordinance

Typical Sewer Service Line Installation



Typical Deep Service Connection



Typical Deep Service Connection

EXHIBIT "D"
Ordinance Number 2014-34
Subdivision Ordinance

Irrevocable Letter of Credit Number _____

Beneficiary: Town of Laguna Vista
Attn: City Manager
122 Fernandez Street
Laguna Vista, Texas 78578

Date: _____

Applicant: _____

Address: _____

To Whom It May Concern:

We hereby issue in your favor this irrevocable standby letter of credit which is available by your drafts drawn on us bearing the clause "Drawn Under Standby Credit" Number _____ of the:

Bank Name: _____

Bank Address: _____

Accompanied by the following:

- 1) Original letter of Credit and all Amendments, if any, for endorsement and then to be returned to beneficiary.
- 2) Beneficiary's manually signed statement on its letterhead reading as follows:

" _____ (applicant name) _____ " has failed to complete the
 (type of improvement) _____ to
 (subdivision name) _____

Partial Draws are Permitted.

This credit is irrevocable prior to its expiration date unless both parties consent to revocation in writing.

Signature of Issuer's Authorized Officer

Title

EXHIBIT "E"

Ordinance Number 2014-
Subdivision Ordinance

Flag-Shaped Lot Illustration

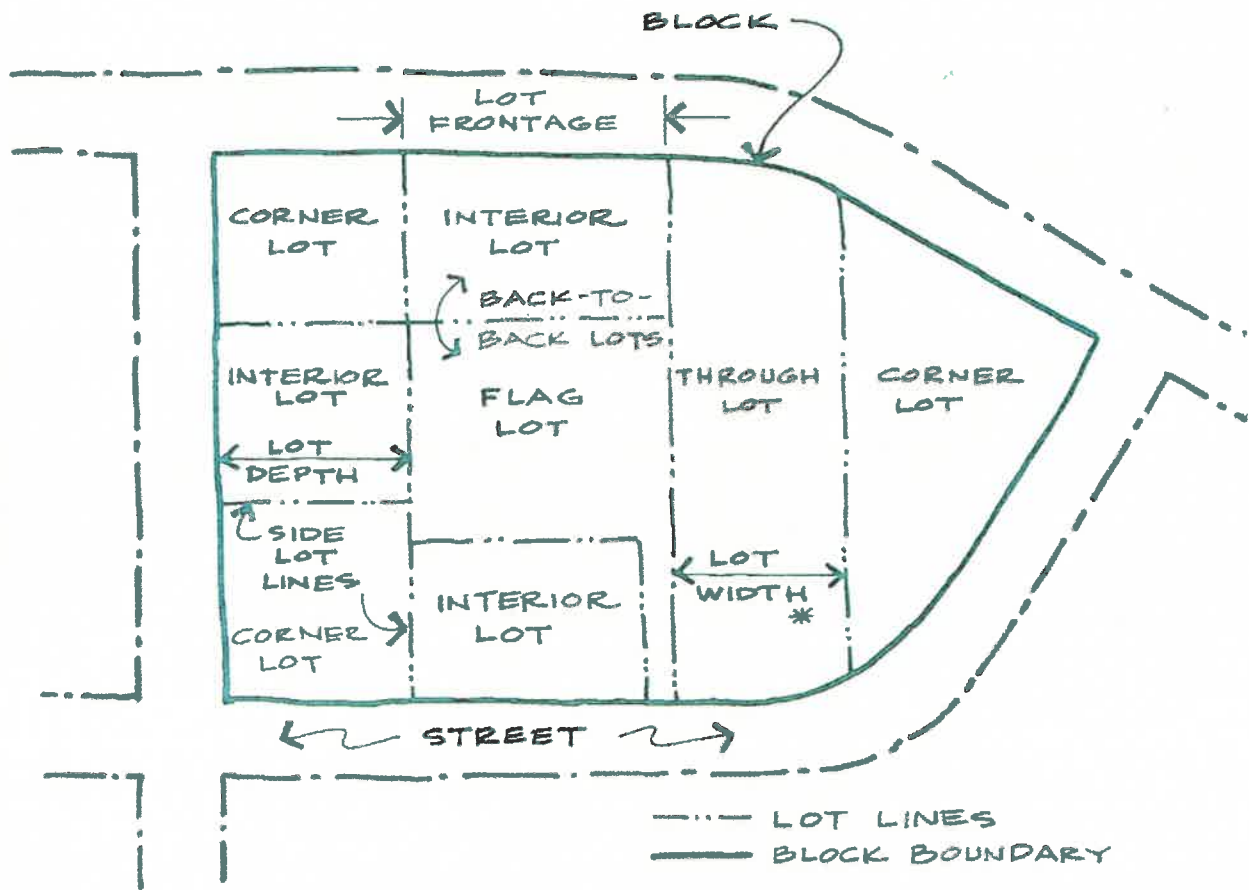


EXHIBIT "F"
Ordinance Number 2014-34
Subdivision Ordinance

Signature Blocks for Final Plat

Surveyor Signature Block

State of Texas
County of Cameron

I, the undersigned, a registered professional public surveyor in the State of Texas, hereby certify that this plat is true and correctly made and is prepared from an actual survey on the property made under my supervision on the ground, and further certify that property consideration has been given to this plat.

(Seal)

Registered Public Surveyor

Town Reps. Signature Blocks

I, the undersigned, Town Representative, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this Town wherein my approval is required.

Town of Laguna Vista Representative

I, the undersigned, Chairman of the Planning and Zoning Commission of the Town of Laguna Vista, hereby certify that this subdivision conforms to all requirements of the Subdivision Regulations of this Town wherein my approval is required.

Chairman, Planning and Zoning

I, the undersigned, Mayor of the Town of Laguna Vista, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this Town wherein my approval is required.

Mayor

Attest:

City Secretary

Owners Acknowledgement Block

State of Texas §
County of Cameron §

I (We), the undersigned, owner(s) of the land shown on this plat and designated herein as the _____ Subdivision to the Town of Laguna Vista, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public (as applicable) all streets, alleys, parks, watercourses, drains, easements, water lines, sewer lines, storm sewers, fire hydrants and public places which are installed thereon, show or not shown, if required otherwise to be installed or dedicated under the subdivision approval process of the Town of Laguna Vista, all the same for the purposes therein expressed, either on the plat hereof or on the official minutes of the applicable authorities of the Town of Laguna Vista.

Owner Name

Before me, the undersigned authority, on this day personally appeared _____ known 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 _____, _____.

Notary Public, _____ County, Texas

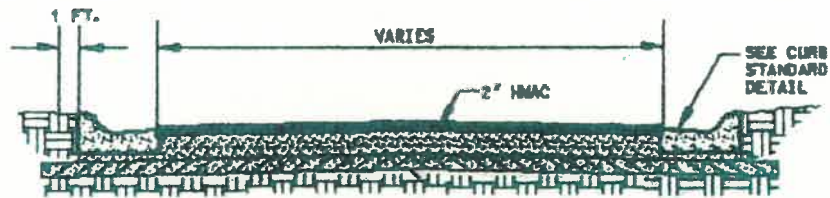
Lienholder' Acknowledgement

State of Texas §
County of Cameron §

I (We), the undersigned, holder(s) of a security interest in the above described property, being the land shown on this plat and designated herein as the _____ Subdivision of the Town of Laguna Vista, Texas do hereby consent to the subdivision of the property as provided for under the plat and do hereby provide that any foreclosure relating to the security interest on the above described property shall be subject to the platting of the property as provided for herein.

EXHIBIT "G"
Ordinance Number 2014-
Subdivision Ordinance

Typical Cross Section for Pavement



6" inch lime stabilized
 Subgrade compacted
 To 95% of modified
 Proctor

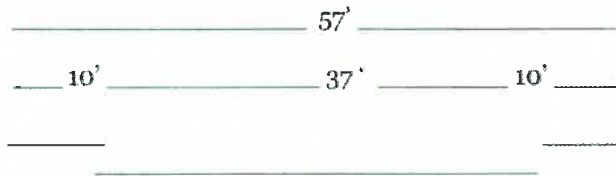
6" inch of caliche base
 Compacted to 95%
 of Modified Proctor

- 1) Extend limed subgrade one (1) foot behind curb and gutter.
- 2) Set curb on three (3) inches of caliche base compacted to at least 95% of modified proctor (astm d69e) extend six (6) inches behind curb and gutter

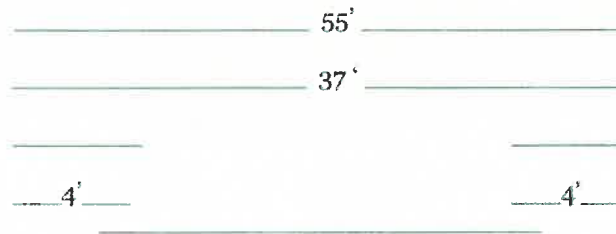
Subdivision Ordinance
Exhibit G

EXHIBIT "G"
Ordinance Number 2014-
Subdivision Ordinance

CONTINUOUS STREET



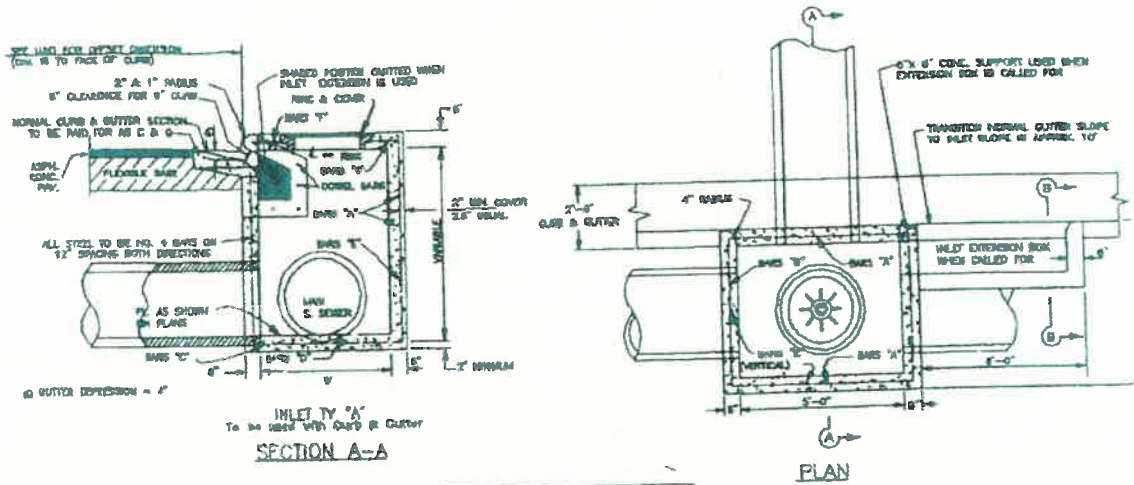
IN COMMERCIAL AND MULTIPLE RESIDENTIAL AREAS,
A 57 FOOT ROADWAY WITH 10 FOOT BORDERS
AND FULL-WIDTH SIDEWALKS SHALL BE REQUIRED.



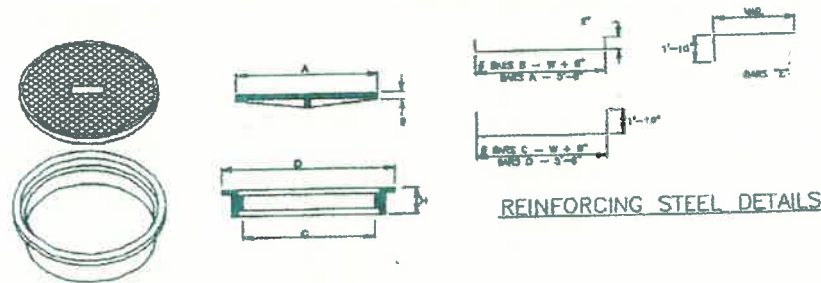
MAY INCLUDE CUL-DE-SAC, LOOP STREETS, AND SHORT
CONNECTOR STREETS. WHERE AN APPROVED INTERNAL
PEDESTRIAN SYSTEM IS PROVIDED, THE PARKWAY ON ONE
SIDE MAY BE REDUCED TO 3 FEET.

EXHIBIT "H"
Ordinance Number 2014-_____
Subdivision Ordinance

Typical Storm Sewer Inlets



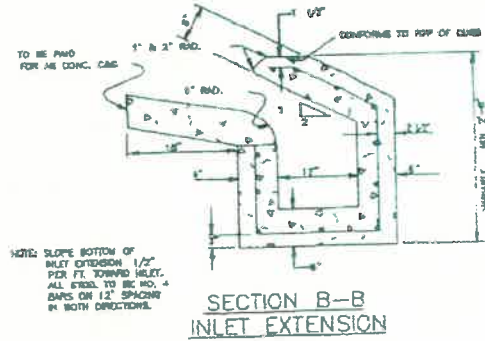
INLET TYPE	W	MAX PIPE SIZE ALLOW (DIA.)
A	3'-0"	24"
A-1	4'-0"	36"
A-2	5'-0"	48"
A-3	6'-0"	60"



RING	COVER	RING			COVER			TOTAL WT.
		LO	W	WT	LO	W	WT	
3/4"	1"	125 lbs.	24"	34	5	185 lbs.	310 lbs.	

**RING & COVER
 DETAILS**

NOTE: RINGS AND COVERS OF SLIGHTLY DIFFERENT DIMENSIONS BUT APPROXIMATELY THE SAME WEIGHT MAY BE SUBSTITUTED IF APPROVED BY THE ENGINEER. RING AND COVER TO BE SUBSTITUTED.



**SECTION B-B
 INLET EXTENSION**

TY "A" INLET DETAILS