

ORDINANCE #93

AN ORDER ESTABLISHING REGULATIONS FOR SUBDIVISION PLATS, STREET CONSTRUCTION AND DRAINAGE

ARTICLE I PURPOSE

The purpose of these regulations is to provide for the orderly, safe and healthful development of undeveloped areas within the City and to promote the health, safety and general welfare of the community by providing standards for the approval and recording of subdivision plats and to set forth procedures to follow in meeting the requirements of the City of Tuscola for the acceptance and approval of plats and related improvements.

Specifically, the regulations have been adopted for the following purposes:

1. To establish development standards which ensure the construction of efficient roadway, drainage and utility systems, which will be to the greater good of current and future residents of the City of Tuscola?
2. To ensure that the owner provides the necessary infrastructure, such as roadways and drainage structures to serve the proposed development and to prevent City of Tuscola from being unduly burdened with the cost of constructing, repairing or maintaining said infrastructure.
3. To ensure that adequate water is available to serve the proposed subdivision.
4. To ensure that proper methods of wastewater treatment and disposal are feasible and available in the proposed subdivision.
5. To furnish the developer with guidance and assistance in the expedient preparation and approval of a subdivision plat.

A plat is a document, which graphically shows the division of property, the alignment of road rights-of-way, the location of public drainage and utility easements and other important information concerning a particular parcel of land. A plat is generally prepared when a tract of land is divided into two or more tracts. The creation of these tracts often requires the dedication of roadways, drainage easements, utility easements and other land interests. A plat is a convenient method of showing these changes on a map along with its dedication language. Tracts created by a plat are easily identified in the public record and simplify land descriptions and transactions.

A plat can be used to cause transfers of land or land interests from the property owner to the public. All other conveyances of land or land rights must be accompanied by separate deeds or easements.

A division of a tract includes divisions made by (1) using a metes and bounds description in a deed of conveyance or in a contract for a deed, (2) by using a contract of sale or other executory contract to convey, or (3) by using any other method.

No plat shall be recorded with the county clerk unless it complies with all of the provisions of these regulations.

ARTICLE II REGULATORY AUTHORITY

2.01 Statutory Authority: These regulations are adopted under the authority of the Constitution and laws of the State of Texas, particularly the following:

1. Texas Local Government Code, Chapter 242, Authority of Municipality and County to regulate Subdivisions in and outside the municipality's Extra Territorial Jurisdiction (ETJ)
2. Texas Local Government Code, Chapter 212, Municipal Regulation of Subdivisions,
3. Title 30, Texas Administrative Code §230 and §285
4. Their successor statutes.

2.02 Variance to Regulations: Variances to these regulations shall be presented to the City Council of Tuscola. In making their findings, the Council shall take into account the nature of the existing and proposed use of the proposed subdivision and the probable effect of such variance(s) upon the public health, safety, convenience, and general welfare of the residents in the general vicinity and City of Tuscola as a whole. No variance should be granted unless the Council finds that:

1. There are special circumstances or conditions affecting the subdivision such that strict enforcement of the regulations would deprive the owner of the reasonable use of the land, and that
2. The granting of the variance will not have the effect of preventing the orderly subdivision of other property in accordance with these regulations
3. The granting of the variance will not be detrimental to the public health, safety, and general welfare of the subdivision, other property, or City of Tuscola, and that
4. The granting of the variance will not transfer the burden of obtaining right-of-way or constructing improvements, presently or in the future, from the owner to City of Tuscola.

Such findings of the City Council, together with the specified facts, shall be incorporated into the official minutes of the City Council meeting at which the variance is granted.

2.03 Plat Required: A plat shall be made and recorded when the owner of any tract of land situated within the corporate limits of the City of Tuscola, Texas, who may hereafter divide the same into two (2) or more parts to lie out

1. A subdivision of the tract, including an addition;
2. lots; or
3. 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.

2.04 Enforcement Penalty: At the request of the City of Tuscola, the criminal district attorney may file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of a requirement established by these subdivision regulations; or

2. Recover damages in an amount adequate for the City of Tuscola to undertake any construction or other activity necessary to bring about compliance with a requirement established by these subdivision regulations.

3. Criminal Penalty: A person commits an offense, if the person knowingly or intentionally violates a requirement of these subdivision regulations. An offense under these regulations is a Class B misdemeanor.

ARTICLE III STEP BY STEP PROCEDURES

3.01 Contact the City of Tuscola and get copy of current Subdivision Regulations.

3.02 Begin preliminary plat and master plan development

1. Make preliminary plan, in sketch form, using current Subdivision Regulations.

2. Submit plans to City Officials, including the proposed name of the subdivision. City Official reviews plans and possibly discuss with developer.

3. If developer decides to continue his project, developer prepares a preliminary plat. Exhibit A must be included in the master plan and submitted along with the preliminary plat for review by the City Council of Tuscola.

4. If review of preliminary plat shows that it is in conformance with requirements, it will be granted conditional approval.

3.03 FINAL PLAT

1. After approval of preliminary plat and master plan the owner may stake out tracts on the ground.

2. Bond may be posted to guarantee completion of improvements stipulated and submit same with a final plat and master plan for approval of the City Council of Tuscola.

3. The final plat must include the approved 911 street names and numbers. A copy of the final plat, after approval, must be distributed to the 911 Administrator.

4. Council reviews proposed final plat and master plan documents.

5. Council grants approval of application or informs developer of additional requirements.

6. After approval of the final plat and bond, developer shall record final plat and other documents with County Clerk.

7. At this time, developer may proceed with development plans and programs, and thereafter, sale of tracts within the Subdivision.

Note: If owner elects not to file a construction bond, he shall complete all streets and other improvements, and an engineer shall submit a certificate that all improvements have met specifications. Obtain acceptance thereof as provided hereinafter prior to approval of the final plat by the City Council and filing with County Clerk.

3.04 CONSTRUCTION

1. During construction, if bond has been posted, City Officials may inspect construction. If rejected, the City shall, on direction of City Council, proceed to enforce the guarantees provided in City regulations.
2. If good cause exists an extension may be approved.
3. If construction is approved, it shall be evidenced by an instrument signed by the City Official, only after receipt of a certificate of an Engineer that all improvements have met specifications.

3.05 MAINTENANCE BEGINS

1. Owner shall maintain all streets and right-of-way and other improvements for a period of two years after date of acceptance of construction.
2. City of Tuscola Officials do periodic inspections during this two year period with letters of findings sent to owner and the surety.
3. At the end of this two year maintenance period and if such streets and other improvements are in good repair, City of Tuscola will accept such street and other improvements for maintenance in the form of a written document from the City Official.

Note: In the event any or all said streets are not being maintained in a good state of repair, owner will be advised so, in writing, and if after a reasonable time he fails or refuses to properly maintain said streets, they shall then be maintained at the cost and expense of Obliges or the bond or cash.

ARTICLE IV PRELIMINARY PLAT AND PLAN REQUIREMENTS

Prior to construction, owners are required to submit a preliminary plat and plan for the review of the City of Tuscola Official. The preliminary plat and plan will be submitted to the City Council after approval is received from the Building Official. The documents and information required at this stage will be included in the final plat and supporting documents.

4.01 - Preliminary Plat: the owner must include;

1. Layouts of proposed subdivision and tracts within the subdivision
2. Identification of approximate acreage per tract and total acreage for the subdivision
3. Location of the subdivision in relation to existing public and private roads
4. Location of proposed streets, alleys, squares, parks, or other parts of the tract intended to be dedicated for public use
5. Location of proposed utility easements
6. Location of proposed Rights-of-Way

NOTE: Preliminary plats like final plats must be prepared by a Registered Professional Land Surveyor.

ARTICLE V FINAL PLAT

5.01 - Filing Requirements

1. for subdivisions within the City of Tuscola

- a. One (1) signed original Mylar plat
- b. Six (6) signed copies of the original plat only after approval and filing
- c. One (1) original of all supporting documents
- d. Two (2) copies of all supporting documents

2. The originals and copies of all supporting documents shall be submitted to the Building Official who will distribute the originals and copies to the appropriate departments after final approval of the City Council.

5.02 Plat Feature Requirements

1. The plat shall be prepared by a Registered Professional Land Surveyor, drawn to scale, signed and sealed by the surveyor preparing the plat, certifying that it represents a survey done on the ground under the direct supervision of the individual sealing the drawing.
2. For recording purposes the plat [original] shall be drawn on a film positive material [Mylar] consisting of one or more sheets measuring no larger than twenty-two inches wide and thirty-four inches long. If two or more sheets are used, a separate key map, not part of the recorded plat, shall be prepared showing the entire area.
3. The plat shall accurately describe all of said subdivision or addition by metes and bounds and locate same with respect to an original corner of the original survey of which it is a part.
4. The plat shall indicate in writing whether land covered by plat or replat is in the ETJ of the municipality.
5. The plat shall indicate whether the subdivision is in a flood hazard area as defined by Taylor County F.I.R.M. Map 0006B, dated 06-01-87.
6. The plat shall accurately describe the dimensions of said subdivision or addition including the dimensions of all lots in accordance with the City of Tuscola building standards ordinance, streets, alleys, parks, or other portions and showing in reasonable detail the location and width of existing streets, alleys, lots, and tracts and similar details regarding all property immediately adjacent thereto.
7. The plat must contain an arrow indicating north. The scale must be shown both graphically and numerically. Bearing basis shall be noted.
8. All subdivision plats shall have the flood hazard area clearly delineated on the plat and where appropriate, shall have minimum finished floor elevations for all lots located within flood hazard areas.
9. Lot, block and tract numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.

10. The final plat must indicate the location of dedicated easements.
11. When appropriate, a smaller general locator map shall appear on the face of the plat to show the subdivision in relation to the area in which it exists.
12. Plat summary must indicate the following:
 - a. Total acreage of all lots and tracts.
 - b. Acreage of road rights-of-way.
 - c. Linear feet of roads.
 - d. Number of lots.
13. Plat shall include a list of each taxing unit with jurisdiction in the subdivision.
14. The existence of any fire suppression systems or equipment such as fire hydrants or the lack thereof shall be shown or described on the plat.

5.03 Plat Acknowledgments and Statements

1. The plat shall be duly acknowledged by the owners or by some duly authorized agent of said owners in the manner required for the acknowledgment of deeds.
2. The plat shall be duly acknowledged by the lienholder in the manner required for the acknowledgment of property liens.
3. The following statement shall appear on any plat containing private streets, drives, emergency access easements, recreation areas and open spaces: "City of Tuscola shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces; and the owners shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces, and said owners agree to indemnify and save harmless City of Tuscola, from all claims, damages and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph."
4. The following statement shall appear on all plats whether the development requires a thorough or a limited drainage study:

"A flood hazard study has been performed and the development in the proposed subdivision will not adversely affect the interior or exterior storm water drainage or adjacent property owners. Base flood elevations (BFE) have been determined and Taylor County requires 12 inches above BFE as minimum to build elevation in a flood hazard area."

This acknowledgement must appear with the official seal of the responsible public engineer.

5. Additional statements or notes required as follows:
 - a. This subdivision lies in whole or in part within a flood hazard area.
 - b. This subdivision will be served by a public water supply.

5.04 Timely Approval of Plats: When an owner has met all the requirements and assembled the documentation required by these regulations he/she may submit them for approval to the City of Tuscola

1. If the owner does not include all the information required, the City of Tuscola shall, not later than the 10th business day after the date the application is received, notify the owner of the missing documents or other information. The owner will be allowed sufficient time to submit the missing documents or other information.

2. Acceptance by the City of Tuscola Official of the completed application shall not be construed as approval of the documentation or other information.

3. The City Council shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the City Official.

4. If the plat application is disapproved, the owner shall be given a complete list of the reasons for the disapproval. The 60-day period may be extended upon written approval of the subdivider and the City Council. Extending the 60-day period applies only to a decision wholly within the control of the City Council.

5. If the City Council fails to take final action on the plat as required, the application is granted by operation of law and the owner may apply to a district court in the County where the tract of land is located for a writ of mandamus to compel the City Council to issue documents recognizing the plat's approval.

ARTICLE VI MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR PUBLIC STREETS AND ROADS IN SUBDIVISIONS

6.01 Right-Of-Way Widths by Roadway Category (ROW)

1. Collector (A street which collects traffic from residential areas, serving 30 lots or more) 50ft.

2. Residential (A street in residential area that collects localized traffic and discharge into a larger volume collector street) - 50 ft.

NOTE: Due to variation in roadway section designs these minimum widths may need to be widened on occasion to accommodate shoulders, drainage, utilities, etc.

6.02 Travel-Way Widths by Roadway Category

1. Collector - 24 feet compacted subgrade and base material with 22 feet paved road surface.

2. Residential - 24 feet compacted subgrade and base material with 22 feet paved road surface.

6.03 Roadway Design by Roadway Category

1. Paving Required

A. All roadways must be paved

6.04 Pavement Types

ALL PAVEMENT: 2 course surface treatment of approved design

Minimum paving standards shall be: Base: 6 inch crushed limestone.

All roads that dead-end must have cul-de-sac at dead end. Cul-de-sac must have 50 feet radius of compacted base material.

6.05 Base Material Quality

1. Crushed limestone base requirements

a. P.I. - Not to exceed 15.00

b. L.L. - Not to exceed 35.00

c. Screen Analysis a. 0% - 10% retained 1 3/4"

b. 45% - 75% retained No. 4

c. 60% - 85% retained No. 40

2. Both subgrade and base material shall be compacted to 95% (Standard Proctor) of maximum dry density. Number of tests to be per 500 feet or at the discretion of the City.

3. As these standards are specified minimums, the City of Tuscola may find it necessary, due to certain conditions of use, subgrade quality, etc. to specify more base or other special treatment to accommodate the additional design requirements. Further, the City of Tuscola has the authority to waive the pavement requirement when deemed not necessary when considering the size of the subdivision, the location or function of proposed streets or roads.

4. These standards of quality for materials and construction documents shall be verified by written report and included in the supporting documents. A registered professional engineer and an acceptable testing laboratory, as approved by the City Of Tuscola shall prepare these reports.

6.06 Ornamental or Decorative Landscaping and Irrigation

No decorative squares, trees, "islands", ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public without the written consent of the City of Tuscola. If landscaping and/or irrigation are proposed within the right of way, the owner shall create a body (utility district, homeowners association, neighborhood association, etc.) that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance. Procedures for maintenance and upkeep of these areas shall be set forth in the Deed restrictions or covenant records.

6.07 Subdivision Entrances

1. Subdivision entrances entering off a county road or a state highway shall meet the approval of Commissioners' Court and/or the Texas Highway Department Resident Engineer.

6.08 Traffic Signs and Guard posts – Signs and guard posts shall be installed by the owner in accordance with the manual on Uniform Traffic Control Devices for Streets and Highways and as directed by the City of Tuscola Building Official.

1. Traffic Stop Requirements

a. Engineer Grade Reflective Sheeting on 0.080 Aluminum

b. Octagon (stop) 24 inches X 24 inches

c. Triangle (yield) 30 inches X 30 inches X 30 inches

d. Square (regulatory signs) 24 inches X 24 inches

e. Rectangle (regulatory signs) 24 inches X 18 inches

f. Rectangle (large arrows) 48 inches X 2 inches

2. Street Name Signs

a. Engineer grade reflective sheeting on aluminum

b. White lettering on green background

c. Use 4 inch Series C (or B) upper-case letters on 6 inch street name signs blank (flat blade)

d. Use 2 inch Series C (or B) upper-case letters for street, lane, road, etc.

3. "U" Channel Posts a. Length ~ 10 feet – 2 pounds per foot weight

4. Guard Post requirements

4 inches square reflective yellow delineator on "u" channel post 6 feet 1.12 lb. per foot, galvanized.

Reflecting street signs shall be installed by the developer at all intersections and at other points where appropriate within or abutting the subdivision. Street signs shall be placed in a uniform manner throughout the subdivision. Signs shall be placed on approved metal posts 5' above the pavement in accordance with the Texas Department of Transportation Standards and at the expense of the developer. The developer shall consult with the City of Tuscola prior to the placement of any traffic signs or guard posts.

All private roads [drives and streets] will be signed in a manner that indicates its private status.

6.09 Driveways – must be user friendly, must not block natural drainage and must be provided by the owner. The engineer's report will determine the necessity of a culvert, its size and type. The finished portion of the driveways must be at least twenty (20) feet wide and shall extend from the owner's property line to within six (6) feet of the paved portion of the adjacent road. No structures, including but not limited to, retaining walls or planters, built of rock, wood, brick, concrete, metal or similar materials will be erected on city ROW without the written consent of the City of Tuscola. A 911 address number shall be provided by and erected by the owner on the driveway, so as to be visible and readable from the public road.

6.10 Mailboxes – Where route mailboxes are in use, such boxes shall be set 3 feet from the edge of the pavement or behind curbs, when used. All mailboxes within City ROW should meet the current Texas Department of Transportation's standards.

ARTICLE VII DRAINAGE

All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards and lots shall be shaped and sized so as to provide adequate building space. It is recommended that all structures developed in The City of Tuscola on lots that are lower than the road or roads on which they abut shall have a finished floor elevation of no less than (1) foot above the finished grade of the uphill side of the proposed structure.

7.01 For every subdivision, a study shall be performed by a registered professional engineer that addresses both interior and exterior storm water runoff and includes design information on all conveyances, required easements in completed form, base flood elevation data, and notation of design finished floor elevations as well as other pertinent details pertaining to the drainage requirements of the area in question (e.g.) culverts, bridges, etc.

7.02 Comparisons with requirements, Article IX of this document, shall be delineated to the satisfaction of the City of Tuscola. In the event that a proposed subdivision involves no drainage problems, or only requires study on a limited basis, the report furnished to the County by the engineer shall reflect that attention was directed to all the requirements of a comprehensive study, and only those delineated were found applicable to the subdivision in question.

7.03 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so as to minimize flood damage.

7.04 The peak discharge of storm water runoff, both within the subdivision and the outflow from the subdivision, must not exceed the peak discharge of the property in the undeveloped state.

7.05 All ROW ditches will be constructed using a 10-year rainfall frequency. All structures, culverts, bridges, low water crossings will be designed on a 25-year flood frequency. The design frequency will be determined by the City of Tuscola in a subdivision where the road crosses a major creek. Ex): Jim Ned and others.

7.06 A statement signed by the engineer, must accompany the final plat (must be included in the supporting documents) certifying that all requirements within and relating to this article have been met.

7.07 Before final acceptance for a subdivision is given by the City of Tuscola for street and drainage work. The engineer responsible for the design of said work shall issue a letter to the City stating that he has made an inspection of such improvements and recommends their acceptance by the City. Attached to his letter shall be one set of "as built" drawings showing the work to be accepted for use by the City.

7.08 An additional statement, signed and certified, must be included in the supporting documents that indicates or estimates the total cost of construction for the drainage improvements to meet the requirements of these regulations.

ARTICLE XIII

FLOOD PLAIN REQUIREMENTS

8.01 The extent to which the subdivision lies, in whole or in part, in the flood plain must be delineated on the final plat

8.02 Any subdivision lying in any area subject to the Taylor County Regulations for Flood Plain Management must be shown to be in compliance with those regulations before any plat thereof will be approved. These requirements are in addition to plat feature requirements. The owner of a subdivision must disclose to the potential buyer of a tract of land:

- a. Whether the tract is located within a flood plain area.
- b. The base flood elevation.
- c. The minimum finished floor elevation.

8.03 Additionally, the owner shall inform in writing, each prospective buyer of subdivision lots located in flood hazard areas that such property is in an identified flood hazard area and that a Development Permit, from the Taylor County Environmental Department will be required before a structure can be placed on the property.

ARTICLE IX SEWAGE DISPOSAL, WATER SUPPLY SYSTEMS AND UTILITIES

9.01 Sewage Disposal

1. All subdivisions and structures within the City of Tuscola Shall be connected to municipal sewer. Developers are responsible for providing connection to existing sewer mains, mains, lift stations, manholes and, connections as required by state engineering standards in accordance with TCEQ. All sanitary sewer design shall be completed by a registered engineer. Lift stations if needed are to be designed in accordance with current City of Tuscola standards to insure compatibility of parts and maintenance and will become property of the City of Tuscola upon completion.

9.02 Water Supply Systems: The proposed method of water supply shall comply with all applicable federal and state regulations.

1. All purchase contracts between the owner and a purchaser of land in the subdivision must contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when. The statement should be included in the supporting documents as well.
2. If the proposed source of water supply for a subdivision is groundwater, the owner must submit a statement filled out by a licensed engineer or a licensed geoscientist to practice in this state which shows there is adequate groundwater to support the development. The statement must be on a form prescribed by the Texas Commission on Environmental Quality.

9.03 Utilities

1. The final plat must indicate the location of dedicated perpetual easements where necessary, for the installation and maintenance of poles, wires and fixtures for electric lines and telephone lines, and to permit trimming of trees which may interfere with the maintenance of such lines.
2. A certificate must be included in the supporting documents that describes the extent to which electric and telephone service will be made available to the subdivision and, if it will be made available, how and when.

ARTICLE X CONSTRUCTION SECURITY

To ensure that the roadways, drainage structures and other improvements in approved subdivisions are constructed in accordance with the above specifications, owners must post a form of security, as hereinafter described, in an amount to be fixed and determined as follows:

10.01 Calculating Bond Amounts

1. Where no drainage structures or other additional construction costs are involved.
 - a. For paved streets with curb - \$30.00 per linear foot
 - b. For paved streets - \$20.00 per linear foot
2. Where drainage structures are required under these regulations, add estimated cost of additional work to amount of Bond fixed above.
3. If other additional construction costs are involved, add estimated cost of additional work to amount of Bond fixed above.

The notated distances determining the linear feet involved are to be measured along the center of said street or alley between the intersections of said center lines.

The construction security should be filed with the City of Tuscola prior to final plat approval and prior to beginning construction for approval by the City of Tuscola City Council. Owners may use one of the following types of security:

10.02 - Construction Bond

1. Filed with the City of Tuscola, the bond must be executed by a surety company holding a license to do business in the State of Texas, payable to the City of Tuscola, Texas, approved by the City of Tuscola, in the amount required by this ordinance and the time of completion of the improvements as estimated by the City of Tuscola.
2. The condition of said Construction Bond shall be that the owner of said approved and accepted subdivision shall begin construction of such streets as are shown on the subdivision plat within a period of ninety (90) days from the date of the approval of the plat of said subdivision by City of Tuscola, and complete such construction in accordance with the specifications herein provided within a two (2) year period, and said Construction Bond shall remain in full force and effect until all streets and other improvements are "accepted" by City of Tuscola, as provided herein.
3. In the event any or all of the streets as constructed by the owner, fail to meet the requirements of the specifications herein provided and are not accepted and approved by the City of Tuscola, and said owner

fails or refuses to correct the defects called to his attention in writing by City of Tuscola Official, the unfinished improvements shall be completed at the cost and expense of obliges as in said orders provided.

10.03 - Trust Agreement placed on deposit in a bank or trust company in the name of City of Tuscola, and approved by the City Council, in a trust account, a sum of money equal to the estimated cost of all improvements required by these regulations, the cost and the time of completion as estimated by the City of Tuscola; selection of the trustee shall be subject to approval by the City of Tuscola and the Trust Agreement shall be executed on the form approved by the City of Tuscola. Periodic withdrawals may be made from the trust account for a progress payment of construction costs. The amount of withdrawals shall be based upon progress work estimates approved by the City of Tuscola. All such withdrawals shall be approved by the Trustee.

10.04 - Letter of Credit from a federally insured local bank or local savings and loan association or other financial institution as approved by the City of Tuscola; has filed with the City of Tuscola a letter, in form approved by the City Of Tuscola, signed by a principal officer of a local bank or local savings and loan association or other financial institution, acceptable to the City of Tuscola, agreeing to pay to the City of Tuscola, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the owner is responsible under this ordinance. The guaranteed payment sum shall be the estimated costs of all improvements required by these regulations, approved by the City of Tuscola. The letter shall state the name of the subdivision and shall list the improvements, which the owner is required to provide.

10.05 - Extensions when good cause exists, the City of Tuscola may extend the period of time for completion under 11.02.2 (pg.19). Such extension of time shall be reported to the City of Tuscola and recorded in the Minutes. No such extension shall be granted unless security as provided in said Section 10.02.2 has been provided by the sub divider covering the extended period of time.

10.06 - Inspection and Enforcement If one of the three (3) types of security is filed by the owner under this Article, the City of Tuscola Official and his designees may inspect such improvements during construction and upon completion of construction. If the Official rejects such construction and the owner is unwilling to make the necessary corrections, the District Attorney shall, on direction of the City of Tuscola, proceed to enforce the guarantees provided in these regulations.

ARTICLE XI ACCEPTANCE OF STREETS AND OTHER IMPROVEMENTS

11.01 Acceptance of the construction of roadways, drainage and other improvements shall be evidenced by documents as approved by the City of Tuscola. No acceptance shall be issued until receipt of a certificate from an engineer that all improvements have been completed in accordance with these regulations and good engineering practices. All costs associated with furnishing the necessary certificate hereunder shall be borne by owner.

11.02 No acceptance letter shall be issued until receipt of the Maintenance Bond or cash deposit in lieu of bond, according to the requirements of Article XIII.

11.03 The acceptance of a final plat by City of Tuscola does not, in any manner, obligate the City to finance or furnish any storm sewers, drainage structures, street, water or sewer improvement, or any other improvements within the approved subdivision.

ARTICLE XII MAINTENANCE REQUIREMENTS

12.01 – Maintenance Bond: To insure adequate maintenance by the Owner, each owner shall file a Maintenance Bond prior to City of Tuscola acceptance of the streets and other improvements in the subdivision.

The Maintenance Bond must be

1. Executed by a surety company authorized to do business in the State of Texas, made payable to the City of Tuscola, Texas, and his successors in office.
2. The amount of the bond shall be 15% of the amount of the Construction Bond.
3. The conditions of said Maintenance Bond shall be that the Owner shall guarantee to maintain to the satisfaction of the City of Tuscola, all of the streets shown on the accepted and approved subdivision plat, in a good state of repair for the period of two (2) years from the date of such acceptance thereof by City of Tuscola.
4. The Maintenance Bond shall cover the period beginning on the date of acceptance of streets and other improvements as provided herein and ending after the expiration of two (2) years after acceptance of the construction of such streets and other improvements by the City of Tuscola in writing.
5. Periodic inspections of all of the streets that have been approved and accepted in an approved subdivision will be made by the City of Tuscola during the period of liability covered by the Maintenance Bond, and in the event any or all of said streets are not being maintained in a good state of repair, the owner will be so advised in writing and if after a reasonable time he fails or refuses to properly maintain said streets, they shall then be maintained at the cost and expense of obliges or the bond or cash.

12.02 – Other Types of Security At the option of Owner, Owner may deposit with City Of Tuscola, Texas, United States Currency or cashier's check in an amount equal to the amount of the maintenance bond specified above, in lieu of such maintenance bond. Such funds shall be held by the City Of Tuscola for the two (2) year period after acceptance. Such funds may be used during such period for the costs of such maintenance as Owner, after written notice, fails or refuses to perform. After the expiration of such two (2) year period, such cash deposit, or the unexpended balance thereof, shall be refunded to Owner.

12.03 – Final Acceptance and Release of Bond the Owner shall be responsible for maintenance of all streets, rights-of-way, and other improvements for a period of two (2) years after the date of acceptance, as provided for in 12.01 above. After the expiration of the two (2) year period, if such streets, rights-of-way and other improvements are in good repair, the City Of Tuscola will accept such streets, rights-of-way and other improvements for maintenance as evidenced by Exhibit D.

ARTICLE XIII OTHER PROVISIONS

13.01 Americans With Disabilities Requirements - Section 35.151 (e) - All newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped area at any intersection

having curbs or other barriers to entry from a street or road level pedestrian walkway. Additionally all newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to street, roads or highways.

13.02 Name Restrictions - The name of the proposed subdivision or any of the physical features, such as streets, must not be as similar to other features in Taylor County or in any incorporated town or city herein as to cause confusion. Street names and numbers must be coordinated with the Taylor County/City of Abilene 911 Program Specialist

13.03 Subdividing Lots within a Subdivision -- Once a subdivision receives final approval by the City Of Tuscola, or modification of the approved plat is authorized. This provision also applies to new owners within the subdivision. However, owners may apply for a revision to the subdivision plat to accomplish these changes.

13.04 Deed Covenants or Restrictions -- Each subdivision must have an approved list of restrictions, if any, to include minimum size homes, minimum lot size, mobile homes allowed -- or not -- and who is to enforce the restriction. The City Of Tuscola must be provided with a copy of the restrictions in the supporting documents.

13.05 Amendments - These regulations are subject to amendment from time to time. All persons are advised to consult the City Of Tuscola to acquaint themselves with any such amendments.

13.06 Construction on State Road System -- Subdivisions constructed on state roads or highways are subject to additional regulations from the Texas Department of Transportation. These regulations include but are not limited to driveway and entrance requirements, line of sight issues, culverts, drainage and other design issues. Developers must work with Texas Department of Transportation officials to ensure compliance with state regulations.