



AGENDA
MONDAY, APRIL 22, 2024
WORK SESSION - 6:00 PM
REGULAR CITY COUNCIL MEETING - 6:30 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142
AND VIA VIDEOCONFERENCE/TELECONFERENCE

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
WWW.ZOOM.US/JOIN OR
(888)788-0099 (TOLL-FREE)
MEETING/WEBINAR ID: 883 6927 8412
PASSWORD: 562304**

CALL WORK SESSION TO ORDER Mayor calls the Work Session to order, states the date and time, states Councilmembers present, and declares a quorum present.**

WORK SESSION A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction on whether or not such matters should be placed on a future regular or special meeting of the Council for citizen's input, City Council deliberation and formal City action. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session.

1. Discussion and review of the pavement analysis report.
2. Discussion regarding items on the Regular Session Agenda, including the consideration of Executive Session items

WORK SESSION ADJOURNMENT

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER Mayor calls the Meeting to order, states the date and time, states Councilmembers present, and declares a quorum present.**

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Council agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the City Council on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council as a whole. **When addressing the Council, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council.**

PROCLAMATION

3. Child Abuse Prevention Month - April 2024
4. Economic Development Week - May 6 through May 10

RECOGNITION

5. Business of the month - Double R Ag Supply
6. Inclusive Playground Donation Presentation - Republic Services
7. U.S. Citizenship Recognition - Elsa Clark & Rosa Medina
8. TEDC Economic Excellence Award - Kaufman EDC

CONSENT AGENDA

9. Consider and take appropriate action on the minutes from the March 18, 2024, Work Session and Regular City Council meeting.
10. Consider and take appropriate action on the award or rejection of a bid and contract for the 2024 Street Curb & Gutter Reconstruction Improvements for E. 1st North Street and authorizing the Mayor or his designee to execute necessary documents.
11. Consider and take appropriate action on Resolution R-11-24, a resolution of the City Council of the City of Kaufman, Texas, approving an agreement with the Texas Department of Transportation to temporarily close State Highway 243 from Jefferson Street to Washington Street, State Highway 34 (Washington Street) from SH-243 to E. Fair Street, and E. Fair Street from SH-34 bypass to Washington Street on Saturday, June 29, 2024, from 7:00 a.m. until 12:00 p.m. for the purpose of the 2023 Red White & BOOM Event and Parade; authorizing the City Manager to execute necessary documents; and providing for an effective date.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

12. Consider and take appropriate action on the **Enclave at Kings Fort Development Agreement** between the Enclave at Kings Fort, Inc., a Delaware corporation, and the City of Kaufman, Texas, for development of the 41.00 acre tract of land (Property ID 57208) situated in the D. Falcon Survey, Abstract No. 151, in the City of Kaufman, Kaufman County, Texas, generally located on the east side of Tabor Parkway, approximately 1,300 feet south of Kings Fort Parkway and 850 feet north of Dillard Lane; and authorizing the Mayor or designee to execute necessary documents.
13. Consider and take appropriate action on **The Trails Development Agreement** between Tejas Wycliff Properties, LLC - 2727 Kaufman Series, a Texas limited liability company, and the City of Kaufman, Texas, for development of the 73.09 acre tract of land (Property IDs 2199, 213257, and 213258) situated in the T. Beedy Survey, Abstract No. 21, situated in the City's

Extra-Territorial Jurisdiction (ETJ), Kaufman County, Texas, generally located on the west side of Farm-to-Market Road 2727, approximately 1,200 feet south of County Road 143 and 2,600 feet north of Summerville Drive; and authorizing the Mayor or designee to execute necessary documents.

14. Consider and take appropriate action on a Quitclaim Deed for the conveyance of a parcel of land owned by the City of Kaufman to James D. and Terri L. Baumgartner, and described as part of Lot No. 4, Block No. 5, Original Town of Kaufman, and show a plat recorded in Volume I, Page 133, Kaufman County Deed Records, and as more specifically described in a legal description on file with the City; and authorizing the Mayor to execute necessary documents.
15. Consider and take appropriate action on an amended City Manager Employment Agreement; and authorizing the Mayor to execute necessary documents.

PUBLIC HEARING

16. Conduct a public hearing, consider, and take appropriate action on Ordinance No. O-04-24, an Ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. O-02-07 and Chapter 118, "Zoning" of the Kaufman Code of Ordinances and the Official Zoning Map of the City to authorize a **Specific Use Permit (SUP-56)** to allow alcoholic beverage sales in conjunction with a restaurant (B&B Steakhouse and Meat Market) on approximately 0.11 acres out of the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas, being part of Lots 2 and 3 of Block 15, Kaufman Original, generally located at 112 N. Washington St. (Property ID 28477). (Case No. Z-01-24)
 - a. Presentation
 - b. Public Hearing
 - c. Consider and take appropriate action on Ordinance No. O-04-24
17. Conduct a public hearing, consider, and take appropriate action on Ordinance No. O-05-24, an ordinance of the City Council of the City of Kaufman, Texas, repealing conflicting ordinances, including (Ordinance No. O-24-99 codified as Chapter 9B), as amended, and adopting a new Chapter 9B, "**Subdivision Ordinance**" of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, to adopt new **subdivision regulations** and **standards of design and construction** applicable to the City of Kaufman and the City's extraterritorial jurisdiction (ETJ); providing penalties and providing an effective date.
 - a. Presentation
 - b. Public Hearing
 - c. Consider and take appropriate action on Ordinance No. O-05-24
18. Conduct a Public Hearing on the advisability of Public Improvements and Creation of the Kaufman Public Improvement District No. 6 ("PID No. 6") within the City of Kaufman, pursuant to Chapter 372 of the Texas Local Government Code on an approximate 41 acres of land which is situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, located in the

corporate limits of the City of Kaufman, Kaufman County, Texas, City of Kaufman and identified as the Enclave at Kings Fort development and Consider and take appropriate action on Resolution R-13-24, a resolution of the City Council of the City of Kaufman, Texas, creating PID No. 6 pursuant to a by petition filed by Enclave at Kings Fort, Inc., a Delaware Corporation, requesting creation of PID No. 6; and providing an effective date. (The Enclave at Kings Fort)

- a. Presentation
 - b. Public Hearing
 - c. Consider and take appropriate action on Resolution R-13-24
19. Conduct a Public Hearing on the advisability of Public Improvements and Creation of the Kaufman Public Improvement District No. 5 ("PID No. 5") within the City of Kaufman, pursuant to Chapter 372 of the Texas Local Government Code on an approximate 73.09 acres of land which is situated in Thomas Beedy Survey, Abstract No. 21, Kaufman County, located in the extraterritorial jurisdiction of the City of Kaufman, Kaufman County, Texas, City of Kaufman and identified as the Trails development and Consider and take appropriate action on Resolution R-12-24, a resolution of the City Council of the City of Kaufman, Texas, creating PID No. 5 pursuant to a by petition filed by Tejas Wycliff Properties, LLC, a Texas limited liability company, requesting creation of PID No. 5; and providing an effective date. (The Trails)
- a. Presentation
 - b. Public Hearing
 - c. Consider and take appropriate action on Resolution R-12-24

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

20. Receive an update and discussion regarding the following:
- a. Council Retreat - April 29 & 30
 - b. Discussion Items Report (DIR)
 - c. STAR Transit Ridership Report - March 2024
 - d. Careflite Compliance Report - March 2024
 - e. Fire Department Monthly Report - March 2024
 - f. Police Department Monthly Report - March 2024
 - g. Development Services Monthly Report - March 2024
 - h. Monthly Calendars Attached

ADJOURNMENT

I, JESSIE HANKS, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, APRIL 19, 2024, AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.


JESSIE HANKS
CITY SECRETARY



THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE. SECTION 551.071 (CONSULTATION WITH ATTORNEY).

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 883 6927 8412 PASSWORD: 562304**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

The logo features a red five-pointed star to the left of the word "Kaufman" in a large, bold, blue sans-serif font. Above the "K" in "Kaufman" is the text "City of" in a smaller, red sans-serif font. Below "Kaufman" is the word "Proclamation" in a black, stylized gothic or blackletter font.

City of Kaufman Proclamation

WHEREAS, In the state of Texas, we believe that each child thrives in a safe, stable, and nurturing home in their community but unfortunately, child abuse does occur, and it is a significant issue that impacts our community; and

WHEREAS, Each year, the month of April is dedicated to recognizing the critical work being done across our great state to support families before and after a crisis occurs; and

WHEREAS, Child abuse prevention cannot be tasked to one community, agency, or system. Behind many families that succeeded is a strong community that provides a way for the family to meet their needs and ultimately provide the child with the safe, stable, and nurturing home they need to thrive; and

WHEREAS, Empower, a collaborative model of community-based care, empowers children, families, and community partners; and

WHEREAS, Kaufman County Children's Advocacy Center (CAC) provides justice and health for children and families impacted by abuse through its support of a collaborative, child-centered response; and

WHEREAS, Kaufman County Child Welfare Board, part of the Texas Region 3 Council of Child Welfare Board, supports a statewide network of volunteers concerned with the welfare of children and funds the needs of children in care; and

WHEREAS, Lone Star CASA elevates the voices of children in Kaufman and Rockwall County who have experienced abuse and neglect by providing trained volunteer advocates to work alongside children and families so they can achieve safety and stability to fulfill their potential; and

WHEREAS, R.E.A.C.H. Child Placing Agency provides loving foster homes for children to heal from experienced abuse and/or neglect who enter into the Texas foster care system until children can return home safely or are adopted by their forever families; and

WHEREAS, A. Fern Norville Shelter Foundation enhances the quality of life for children and young adults who are displaced from their families or who are involved in the foster care system due to abuse, neglect or abandonment; and

WHEREAS, Bikers Against Child Abuse works to empower children by providing emotional support and shielding them from further abuse; and

WHEREAS, Together, we can create a brighter future for children, families, and communities in the City of Kaufman and ensure future leaders have the support they need to thrive and reach their potential.

NOW, THEREFORE, I, Jeff Jordan, Mayor of the City of Kaufman, and on behalf of the Kaufman City Council, do hereby proclaim April 2024, as:

Child Abuse Prevention Month

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 22nd day of April 2024.

Jeff Jordan, Mayor, City of Kaufman

The logo for the City of Kaufman Proclamation. It features a red five-pointed star to the left of the word "Kaufman" in a large, bold, blue serif font. Above "Kaufman" is the text "City of" in a smaller, red serif font. Below "Kaufman" is the word "Proclamation" in a black, gothic-style serif font.

City of Kaufman Proclamation

WHEREAS, the International Economic Development Council is the largest professional economic development organization dedicated to serving economic developers, and

WHEREAS, the International Economic Development Council provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, advisory services, and research, in-depth publications, public policy advocacy, and initiatives such as the Certified Economic Developer designation, and

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base, and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy, and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions, and

WHEREAS, economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions, and

WHEREAS, the City of Kaufman, Texas, and Kaufman Economic Development Corporation promote business, job creation, and commercial development opportunities in the community,

NOW, THEREFORE, I, Jeff Jordan, Mayor of the City of Kaufman, and on behalf of the Kaufman City Council, do hereby proclaim the week of May 6, 2024, through May 10, 2024, as:

Economic Development Week

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 22nd day of April 2024.

Jeff Jordan, Mayor, City of Kaufman

CERTIFICATE *of* ACHIEVEMENT
for Economic Excellence

Presented to

**Kaufman Economic Development
Corporation**

2023

Recognizing a commitment to Professional Economic
Development by City Administration, Elected and Appointed
Officials, and exemplary professional standards demonstrated
by the Economic Development Staff

Awarded by



A handwritten signature in black ink, reading "Carlton Schwab", is written over a horizontal line.

Carlton Schwab, President/CEO





Meeting
Date: 4/22/2024

Date: 03/26/2024

Item #: 9.

Dept.: Administration

Consent Agenda

SUBJECT:

Consider and take appropriate action on the minutes from the March 18, 2024, Work Session and Regular City Council meeting.

BACKGROUND:

The minutes from the March 18, 2024, Work Session and Regular City Council meeting are attached for your review.

Author:

Jessie Hanks, City Secretary

Reviewed:

Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of the minutes from the March 18, 2024, Work Session and Regular City Council meeting

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, MARCH 18, 2024
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

CALL WORK SESSION TO ORDER Mayor calls the Work Session to order, states the date and time, states Councilmembers present, and declares a quorum present.**

Mayor Jordan called the work session to order at 6:00 PM. Councilmembers present were Jeff Jordan, Matt Phillips, Quattro Borders, Lisa Parker, Ashlea Longenecker, and Jason Nelson. Councilmember Charles Gillenwater joined the meeting at 6:04 PM. Mayor Jordan declared a quorum present. Also present were City Manager Mike Holder, Assistant City Manager Rachel Balthrop Mendoza, City Attorney Patricia Adams, City Secretary Jessie Hanks, Development Services Director Andrew Bogda, and Human Resources Coordinator Sharna Ellis.

WORK SESSION A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction on whether or not such matters should be placed on a future regular or special meeting of the Council for citizen's input, City Council deliberation and formal City action. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session.

1. Discussion regarding the community impact, strategic planning, opportunities to promote Kaufman, and Sol Fest event update for the Total Solar Eclipse occurring on April 8, 2024.

Ms. Balthrop Mendoza briefed the Council about the Total Solar Eclipse Event occurring on April 8th. She informed them about the community impact and strategic planning for the day. She reviewed the plans for the Sol Fest event. There were discussions about the number of people projected to come to witness the eclipse, the logistics of the event, and the magnitude of this opportunity.

2. Discussion regarding items on the Regular Session Agenda, including the consideration of Executive Session items

Mr. Holder reviewed various items on the agenda.

WORK SESSION ADJOURNMENT

There being no further business for the work session, Mayor Jordan adjourned the meeting at 6:29 PM.

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER Mayor calls the Meeting to order, states the date and time, states Councilmembers present, and declares a quorum present.**

Mayor Jordan called the City Council meeting to order at 6:31 PM. Councilmembers present were Jeff Jordan, Matt Phillips, Quattro Borders, Lisa Parker, Ashlea Longenecker, Jason Nelson and Charles Gillenwater. Mayor Jordan declared a quorum present. Also present were City Manager Mike Holder,

Assistant City Manager Rachel Balthrop Mendoza, City Attorney Patricia Adams, City Secretary Jessie Hanks, Economic Development Director Stewart McGregor, Development Services Director Andrew Bogda, Fire Chief Ronnie Davis, Code Compliance Officer Stephen Mendoza, Police Administrative Assistant Gloria Perkins, Police Officer Adam Wall, Police Officer Taylor Huddle, Police Officer Ryan Reed, Police Officer Micah Willis, Police Officer Dreyton Munden, Police Captain Colter Leftwich and Police Chief Les Edwards.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Council agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the City Council on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council as a whole. **When addressing the Council, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council.**

No comments were given.

RECOGNITION

4. State Resolution of Recognition - Adam Wall

Texas State Representation Keith Bell presented Officer Adam Wall with a Resolution of Recognition for his heroic efforts during an event that occurred on April 11, 2022.

3. Business of the Month - Roma's Italian Restaurant

Mayor Jordan, Mr. McGregor, and Anne Glasscock, CEO of the Kaufman Chamber of Commerce, presented and recognized Roma's Italian Restaurant as the March Business of the Month.

5. Code Compliance Officer Certification Recognition - Stephen Mendoza

Chief Edwards recognized Stephen Mendoza on the completion of the Code Compliance Officer Certification.

6. Introduction of Police Cadets - Ryan Reed, Micah Willis, Dreyton Munden

Chief Edwards and Captain Leftwich introduced Police Cadets Ryan Reed, Micah Willis, and Dreyton Munden.

PRESENTATION/ACTION ITEM

7. Presentation by YWRD, P.C. regarding the City of Kaufman Fiscal Year 2022-2023 Financial Audit Report and discussion of the same.

Danny Strunc, Certified Public Accountant with YWRD, presented the City of Kaufman Fiscal 2022-2023 Financial Audit to the Council.

- a. Consider and take appropriate action on the acceptance of the Fiscal Year 2022-2023 Financial Audit Report.

Mayor Pro-Tem Phillips made a motion to accept the Fiscal Year 2022-2023 Financial Audit Report as presented. The motion was seconded by Councilmember Parker and passed 7/0.

8. Presentation and discussion regarding an update on the City's Certificates of Deposit.

Mr. Holder updated the council on the City's Certificates of Deposit.

CONSENT AGENDA

9. Consider and take appropriate action on the minutes from February 26, 2024, TIRZ #1, TIRZ #2, TIRZ #3, and the Regular City Council meeting.
11. Consider and take appropriate action on an interlocal cooperative purchasing agreement between Kaufman County and the City of Kaufman for mutual participation in various contracts for the purchase of various goods and services.
12. Consider and take appropriate action on Resolution R-10-24, a resolution of the City Council of the City of Kaufman, Texas, repealing Resolution R-01-24, providing a list of approved Cooperative Purchasing Programs for City participation, and adopting an updated list of Cooperative Purchasing Programs for City use.

Councilmember Gillenwater made a motion to approve Consent Agenda items 9, 11, and 12 as presented and to pull items 10 and 13 to the regular agenda for discussion. The motion was seconded by Councilmember Nelson and passed 7/0.

END OF CONSENT AGENDA

10. Consider and take appropriate action on Resolution R-09-24, a Resolution of the City Council of the City of Kaufman, Texas, supporting the Kaufman Independent School District's Bond Election for May 4, 2024.

Mayor Pro-tem Phillips made a motion to approve Resolution R-09-24, a Resolution of the City Council of the City of Kaufman, Texas, supporting the Kaufman Independent School District's Bond Election for May 4, 2024. The motion was seconded by Councilmember Parker and passed 7/0.

13. Consider and take appropriate action on the award or rejection of a bid and contract for the Waterline Improvements for Kaufman Northeast Utilities and authorizing the Mayor or his designee to execute necessary documents.

Councilmember Borders made a motion to award a bid and contract for the Waterline Improvements for Kaufman Northeast Utilities to Blue Star Utilities. The motion was seconded by Councilmember Nelson and passed 7/0.

PUBLIC HEARING

14. Conduct a Public Hearing, consider and take appropriate action on Resolution R-08-24, a

resolution of the City Council of the City of Kaufman, Texas, declaring that the City is qualified to offer Tax Abatement and to renew the Tax Abatement Policy, repealing Resolution No. R-05-22, approving the reauthorization of Guidelines and Criteria for Economic Development and Tax Abatement to be effective from 2024 to 2026; and providing an effective date.

a. Presentation

Mr. McGregor presented the proposed changes to the City's Tax Abatement Policy.

b. Public Hearing

Mayor Jordan opened the public hearing at 7:04 PM. There being no speakers present, Mayor Jordan closed the public hearing at 7:05 PM.

c. Consider and take appropriate action on Resolution R-08-24

Councilmember Gillenwater made a motion to approve Resolution R-08-24 as presented. The motion was seconded by Councilmember Nelson and passed 7/0.

DISCUSSION/ACTION ITEMS

15. Consider and take appropriate action on Resolution R-06-24, a resolution of the City Council of the City of Kaufman, Texas, setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the creation of the City of Kaufman Public Improvement District Number Five within the City of Kaufman, Texas, on an approximate 73.09 acres of land generally located within the extraterritorial jurisdiction of the City and as more particularly described by a metes and bounds description available at Kaufman City Hall; and authorizing the issuance of notice by the City Secretary of Kaufman, Texas regarding the Public Hearing. (The Trails)

Mr. Holder informed the Council on March 2, 2024, the city received a petition for the creation of a Public Improvement District from Tejas Wycliff Properties, LLC - 2727 Kaufman Series (The Trails). He stated the resolution would set a public hearing for the creation of the PID for April 22, 2024, at 6:30 p.m.

Mayor Pro-Tem Phillips made a motion to approve Resolution R-06-24, setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the creation of the City of Kaufman Public Improvement District Number Five (The Trails). The motion was seconded by Councilmember Longenecker and passed 7/0.

16. Consider and take appropriate action on Resolution R-07-24, a resolution of the City Council of the City of Kaufman, Texas, setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the creation of the City of Kaufman Public Improvement District Number Six within the City of Kaufman, Texas, on an approximate 41 acres of land situated in the D. Falcon Survey, Abstract No. 151, Kaufman County and located within the city limits of the City, and as more particularly described by a metes and bounds description available at Kaufman City Hall; setting a date for and authorizing the issuance of notice by the City Secretary of Kaufman, Texas regarding the Public Hearing. (The Enclave at Kings Fort)

Mr. Holder informed the Council on February 22, 2024, the city received a petition for the creation of a Public Improvement District from Enclave at Kings Fort, Inc. (The Enclave). He stated that on February 26, 2024, the Council set the public hearing for the PID creation for March 18. He added that the publication of notices for this item did not meet the 15-day requirement. He updated the Council that this item would re-set the public hearing to April 22, 2024.

Councilmember Nelson made a motion to approve Resolution R-07-24, setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the creation of the City of Kaufman Public Improvement District Number Six (The Enclave at Kings Fort). The motion was seconded by Councilmember Borders and passed 7/0.

APPOINTMENT

17. Consider and take appropriate action on the appointment of one (1) member to the Kaufman Planning and Zoning Commission for an unexpired term to expire in November 2025.

Mayor Jordan made a motion to appoint Lindsey Haynes to the Kaufman Planning and Zoning Commission for an unexpired term to expire in November 2025. The motion was seconded by Mayor Pro-Tem Phillips and passed 7/0.

18. Consider and take appropriate action on the appointment of four (4) members to the Parks and Recreation Board for a two (2) year term to expire in March 2026.

Mayor Jordan made a motion to appoint Lester Camp, Jessica Bethurum, Shannon Prox, and Sergio Castaneda for a two (2) year term to expire in March 2026. The motion was seconded by Councilmember Parker and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

19. Receive an update and discussion regarding the following:
- a. Easter Event - March 23
 - b. Sol Fest - April 8
 - c. Council Retreat - April 29 & 30 at 6 PM
 - d. Discussion Items Report (DIR)
 - e. STAR Transit Ridership Report - February 2024
 - f. Careflite Compliance Report - February 2024
 - g. Fire Department Monthly Report - February 2024
 - h. Police Department Monthly Report - February 2024
 - i. Development Services Monthly Report - February 2024

- j. Monthly Calendars Attached

Mr. Holder updated the Council about the above-stated items.

EXECUTIVE SESSION

Mayor Jordan recessed into executive session at 7:12 PM.

- 20. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
 - a. Sec. 551.071(1) and (2); CONSULTATION WITH ATTORNEY: (1) To consult with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act and (2) for Council to seek the advice of its attorney about pending or contemplated litigation: *Winpoint Investments, LLC v. City of Kaufman, Texas, Cause No. 116248-86, Kaufman County 86th Judicial District*
 - b. Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. T deliberate the purchase, exchange, lease, or value of real property regarding: "Project Pie
 - c. Sec. 551.074: PERSONNEL MATTERS, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager

RECONVENE INTO OPEN SESSION In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session.

Mayor Jordan reconvened into open session at 8:07 PM.

- 21. Consider and take appropriate action, if any, on matters discussed in Executive Session.

Councilmember Nelson made a motion to direct the city attorney to work with the City Manager and Mayor to make the changes to the City Manager contract as discussed in the executive session. The motion was seconded by Councilmember Borders and passed 7/0.

Councilmember Longenecker made a motion to authorize the city manager to request and execute an extension of the due diligence and feasibility period for the purchase of the approximate 6.57-acre tract of land for Project Pie and authorize the payment of an additional option fee as appropriate. The motion was seconded by Councilmember Nelson and passed 7/0.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 8:08 PM.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY



Meeting Date: 4/22/2024 Date: 03/26/2024 Item #: 10. Dept.: Public Works

Consent Agenda

SUBJECT:

Consider and take appropriate action on the award or rejection of a bid and contract for the 2024 Street Curb & Gutter Reconstruction Improvements for E. 1st North Street and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

City Staff went out for bids for the 2024 Street Curb & Gutter Reconstruction for E 1ST N. St (Concrete). Five (5) bid packets were sent to vendors, and two completed bid proposals were received from 1.) Home Run Construction, LLC, Midlothian, TX, and 2.) Chief Landscaping Rockwall, TX. The Bid Opening was on Thursday, March 14, 2024, at 2:30 p.m. at the City Council Chambers Kaufman City Hall.

Scope of Work:

Professional services include the demo, hauling of construction debris, and replacement of approximately 3,300 linear feet of curb and gutter on fourteen (14) driveways. The contractor is responsible for a traffic plan, three (3) day breaks for driveways, joint fillers, temporary access as necessary, notification to the residents, new concrete curb and gutter with a slope that will allow for proper drainage, removing stumps, backfill, the working hours between 7 a.m. - 6 p.m., Saturday with pre-approved hours. An allowance for a testing budget of \$10,000.00 is included. Chief Landscaping Co. was the lowest bid for \$100,300.00.

Additional details:

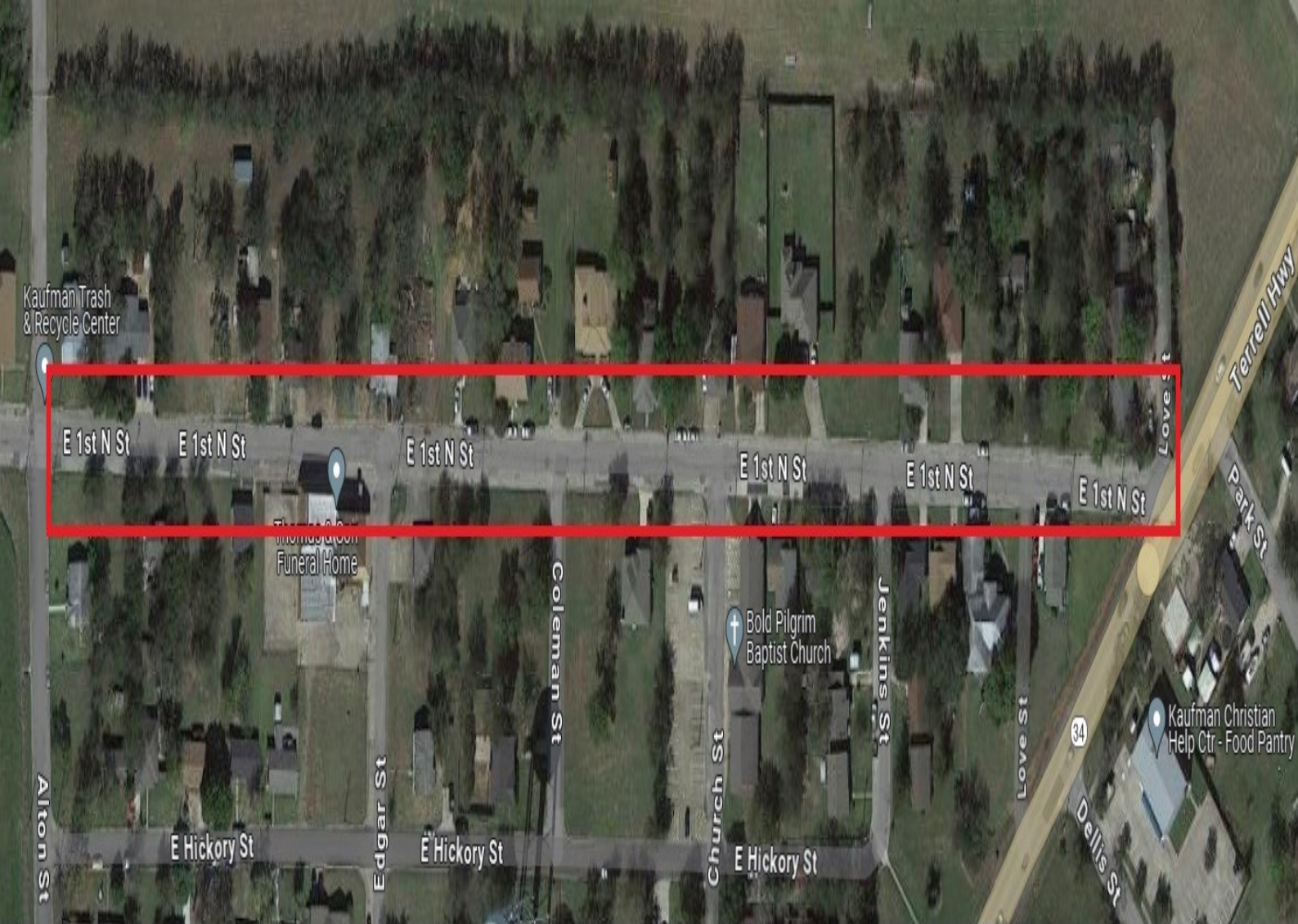
- Proof of insurance provided.
- References check completed.

The bid tab and map of the street are attached for review.

Author:	Reviewed:
Tim Hopwood, Public Works Director	Mike Holder, City Manager
Cost: \$100,300.00	Funds Available: 2023 CO Source: FY 24 Operating Budget
	Money

Recommendation: Staff recommends awarding the bid and contract for 2024 Street Curb & Gutter Reconstruction Improvements for E. 1st North Street to Chief Landscaping.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☒	☐	☐	☒	☒



BID TABULATION
2024 STREET CURB & GUTTER RECONSTRUCTION BID
BID OPENING THURSDAY, MARCH 14, 2024 @ 2:30 P.M.
209 S. WASHINGTON ST. (KAUFMAN, TX)

	VENDOR	LOCATIONS	TESTING ALLOWANCE	TOTAL
#1	HOME RUN CONSTRUCTION, LLC PO BOX 1479 MIDLOTHIAN, TX 76065	EST 1 ST N. ST.	\$10,000.00	\$222,975.00
#2	CHIEF LANDSCAPING 1743 HICKORY CREEK LN ROCKWALL, TX 75032	EST 1 ST N. ST.	\$10,000.00	\$100,300.00



Meeting
Date: 4/22/2024

Date: 03/26/2024

Item #: 11.

Dept.: Administration

Consent Agenda

SUBJECT:

Consider and take appropriate action on Resolution R-11-24, a resolution of the City Council of the City of Kaufman, Texas, approving an agreement with the Texas Department of Transportation to temporarily close State Highway 243 from Jefferson Street to Washington Street, State Highway 34 (Washington Street) from SH-243 to E. Fair Street, and E. Fair Street from SH-34 bypass to Washington Street on Saturday, June 29, 2024, from 7:00 a.m. until 12:00 p.m. for the purpose of the 2023 Red White & BOOM Event and Parade; authorizing the City Manager to execute necessary documents; and providing for an effective date.

BACKGROUND:

The City of Kaufman will be hosting the Annual Independence Celebration Parade on Saturday, June 29th, beginning at 9:00 a.m. This resolution is for the purpose of requesting permission for TxDOT to close SH 34 and E Fair Street for the Red, White, & Boom Parade. The parade will begin at the Civic Center, head down Washington St, and end at Shannon Park. Registration is REQUIRED this year to assist staff with the crowd and traffic. In addition, we will hold a Stars & Stride Strolling Parade on the downtown square at 11:30 am. This will include inviting the public to deck out their bikes, scooters, wagons, self, and more to walk around the interior of the square and show off their patriotic creations.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of Resolution R-11-24 as presented.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐

RESOLUTION NO. R-11-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO TEMPORARILY CLOSE STATE HIGHWAY 243 FROM JEFFERSON STREET TO WASHINGTON STREET, STATE HIGHWAY 34 FROM SH-243 TO E. FAIR STREET, AND EAST FAIR STREET FROM SH-34 BYPASS TO WASHINGTON STREET ON JUNE 29, 2024, FROM 7:00 A.M. UNTIL 12:00 P.M. FOR THE PURPOSE OF THE 2024 RED, WHITE & BOOM PARADE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to formally enter into an agreement with the Texas Department of Transportation to temporarily close portions of SH-243, SH-34, and East Fair Street (one-way traffic operation around the Kaufman County Courthouse, Washington Street, and East Fair Street) in Kaufman for the Red, White & BOOM parade; and

WHEREAS, the parade will be located within the City of Kaufman's incorporated area; and

WHEREAS, this event serves a public purpose to the City of Kaufman, its citizens, and visitors to our City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS THAT:

SECTION 1. The City Council does hereby authorize the City Manager to enter into an agreement with the Texas Department of Transportation for the Temporary Closure of State Right-of-Way to temporarily close State Highway 243 from Jefferson Street to Washington Street, Business Highway 34 (Washington Street) from SH-243 to East Fair Street, and East Fair Street from SH-34 bypass to Washington Street on Saturday, June 29, 2024, for the Red, White & BOOM parade.

SECTION 2. The Agreement of the Temporary Closure of State Right-of-Way is hereby attached as "Exhibit A".

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED on this the 22nd day of April 2024.

JEFF JORDAN
MAYOR

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**



Meeting
Date: 4/22/2024

Date: 02/08/2024

Item #: 12.

Dept.: Development
Services

Action Item

SUBJECT:

Consider and take appropriate action on the **Enclave at Kings Fort Development Agreement** between the Enclave at Kings Fort, Inc., a Delaware corporation, and the City of Kaufman, Texas, for development of the 41.00 acre tract of land (Property ID 57208) situated in the D. Falcon Survey, Abstract No. 151, in the City of Kaufman, Kaufman County, Texas, generally located on the east side of Tabor Parkway, approximately 1,300 feet south of Kings Fort Parkway and 850 feet north of Dillard Lane; and authorizing the Mayor or designee to execute necessary documents.

BACKGROUND:

The developer, Enclave at Kings Fort, Inc., is pursuing a Development Agreement with the City for the proposed development known as The Enclave at Kings Fort, which will include 215 single-family residential lots on 41 acres on the east side of Tabor Pkwy., immediately north of the Georgetown development. The subject property is located within the City limits and will be served by City water & sanitary sewer services. The property is also located within the City's Tax Increment Reinvestment Zone #1 (TIRZ #1) and the developer is seeking to participate in the TIRZ after all current obligations in TIRZ #1 are satisfied. The Agreement also includes the establishment of a Public Improvement District (PID) to help facilitate the necessary infrastructure improvements associated with the development.

The property is currently zoned PD-7 as part of the SF-6 (5000 sf) sub-district, an older zoning district that dates to 2002, and the developer intends to rezone the property consistent with the Concept Plan and Development Standards that are included in the Agreement. The property was already preliminary platted in 2022 and the first phase of development was final platted in February 2024; no changes to the plats are anticipated. The Development Standards provide for a minimum lot size of 5,500 sq. ft., with exceptions for two lots which will have a minimum lot size of 5,000 sq. ft. The minimum lot width is 50 ft. The development standards provide for a wide range of minimum home sizes, ranging from 1,200 sq. ft. – 2,400 sq. ft., as well as requirements for a minimum percentage of front porches, a minimum percentage of masonry materials (to also include cementitious fiber/hardi-board), articulation and decorative elements, anti-monotony provisions, and other enhancements. In addition, the development will provide for a trail head with seating areas and an arbor at the southeast corner of the development, which will facilitate trail connections to surrounding developments and Kings Fort Park. All of the open space lots will be maintained by an HOA. Perimeter and entryway landscaping and screening along Tabor Parkway will also be provided. The developer intends to make the amenities open to the public, and in turn, receive credits towards park fees.

Author:

Reviewed:

Andrew Bogda, Director of Development Services Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of The Enclave at Kings Fort Development Agreement between the City and Enclave at Kings Fort, Inc.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
				

THE ENCLAVE DEVELOPMENT AGREEMENT

This the Enclave Development Agreement (this “Agreement”) is entered into by and between the Enclave at Kings Fort Inc., a Delaware corporation (the “Developer”) and the City of Kaufman, Texas (the “City”), to be effective on the date upon which the last of all of the Parties has approved and duly executed this Agreement (“Effective Date”).

ARTICLE I RECITALS

WHEREAS, certain terms used herein are defined in Article II; and

WHEREAS, the City is a home-rule municipality of the State of Texas located within Kaufman County (the “County”); and

WHEREAS, the Developer and the City are sometimes individually referred to as a “Party” and collectively as the “Parties”

WHEREAS, the Developer is the owner of approximately 41.00 acres of real property described by metes and bounds on **Exhibit A** and depicted on **Exhibit B** (the “Property”); and

WHEREAS, this Agreement shall be effective upon execution by both Parties; and

WHEREAS, the Property is located wholly within the city limits of the City. and

WHEREAS, the Developer will, in accordance with the terms of this Agreement, develop the Property as a residential development, consisting of a planned single family residential community (the “Development”); and

WHEREAS, the Property is currently subject to zoning for Planned Development District PD-7 as part of the SF-6 (5000 SF) subdistrict and will be rezoned in accordance with City Regulations (defined herein); and

WHEREAS, a proposed concept plan attached hereto as **Exhibit C** (the “Concept Plan”) shall be used for illustrative purposes only, which shall also show the location of amenities; and

WHEREAS, the Development will require the construction of certain infrastructure, including streets and roads, drainage, water, sanitary sewer, and other utility systems; and

WHEREAS, the Parties are authorized to alter existing requirements of the City Regulations (as defined below); and

WHEREAS, the Developer intends to construct and/or make financial contributions to certain public improvements to serve the development of the Property (“Authorized Improvements”), which Authorized Improvements are generally identified in **Exhibit E**; and

WHEREAS, this Agreement is intended to establish certain restrictions and expectations regarding the development of the Property, and to provide for the construction and funding of the Authorized Improvements, which provide a special benefit to the Property; and

WHEREAS, the Developer intends to acquire, design, construct and install the Authorized Improvements and to dedicate such Authorized Improvements to the City, for use and maintenance, subject to approval of the plans and inspection of the Authorized Improvements in accordance with this Agreement and the City Regulations, and contingent upon the issuance of Bonds for partial or total financing such Authorized Improvements; and

WHEREAS, the Developer and the City estimate that the cost of the Authorized Improvements will not exceed \$20,000,000.00, which represents the maximum amount that will be financed and reimbursed to the Developer; and

WHEREAS, in consideration of the Developer's agreements contained herein, the City intends to consider alternative financing arrangements that will enable the Developer, in accordance with Chapter 372 of the Texas Local Government Code (the "PID Act"), to: (i) fund a specified portion of the costs of the Authorized Improvements using the proceeds of Bonds issued by the City; or (ii) obtain reimbursement for the specified portion of the costs of the Authorized Improvements, the source of which reimbursement will be installment payments from Assessments within the Property, provided that such reimbursements shall be subordinate to the payment of Bonds and Administrative Costs; and

WHEREAS, the City, subject to the consent and approval of the City Council, and in accordance with the terms of this Agreement and all requirements of applicable laws, intends, to the extent it has not prior to the Effective Date, to: (i) consider and act upon the creation of a PID encompassing the Property, in accordance with the PID Act; (ii) adopt a SAP; and (iii) adopt an Assessment Ordinance to pay for the estimated cost of the Authorized Improvements shown on **Exhibit C** and the costs associated with the administration of the PID; and

WHEREAS, prior to the closing of the first Bond issue: (i) the City Council shall have approved and adopted the PID Ordinance, the SAP, and an Assessment Ordinance (collectively, the "PID Documents"); and

WHEREAS, all of the City's Administrative Expenses associated with the PID will be funded by the annual levy of Assessments on the Property, and the City will not be responsible for payment of such costs; and

WHEREAS, to the extent funds must be advanced to pay for any costs associated with the creation of the PID and amendment of the TIRZ Project and Finance Plan (defined below), the Developer shall be responsible for advancing such funds, and the City will not be responsible for the payment of such costs; and

WHEREAS, it is the intent of the Parties that the City provide retail water and sewer service to the Property; and

WHEREAS, the Parties intend for this Agreement to establish certain restrictions and impose certain commitments in connection with the development of the Property; and

WHEREAS, the Parties intend that the Property will be developed in accordance with an agreed concept plan (“Concept Plan”), as shown on **Exhibit C**, including common area improvements as further identified on **Exhibit C-1, “Parks, Open Space, and Amenities”**, which shall be installed by Developer subject to final zoning on the Property approved in accordance with City Regulations; and

WHEREAS, the Developer is responsible for the construction of certain Authorized Improvements for water and sewer Improvements as well as Road Improvements and Drainage Improvements necessary to serve the development of the Property; and

WHEREAS, the Developer is responsible for the construction of certain parkland and related amenities as more specifically described in **Exhibit C-1**; and

WHEREAS, the Parties intend that the park and open space improvements on Lot 46X of Block A and Lot 14X of Block E as identified on Exhibit C-1 shall be open to the public and the size of these lots and the cost of the development of landscaping, trails, and recreational amenities shall provide a credit against the City’s Parkland Dedication and Park Development Fees, whereby said fees are reduced or eliminated corresponding to the size of these open spaces and the cost of the improvements relative to the amounts that may otherwise be due, as authorized by City Regulations and this Agreement; and

WHEREAS, the managed growth described in this Agreement will drive infrastructure investment and job creation, both of which will, in turn, have a multiplier effect that increases both the City's tax base and utility revenues; and

WHEREAS, the City recognizes that the construction and installation of the Authorized Improvements will: (a) bring a positive impact to the City; (b) promote state and local economic development; (c) stimulate business and commercial activity in the municipality; (d) promote the development and diversification of the economy of the state; (e) promote the development and expansion of commerce in the state; and (f) eliminate some unemployment or underemployment in the state.

WHEREAS, the Parties agree that the Authorized Improvements are also improvements that may qualify as projects under the TIRZ act; and

WHEREAS, the Property is within Tax Increment Reinvestment Zone Number One (“TIRZ”); and

WHEREAS, in consideration of the Developer’s agreements contained herein, the City intends to exercise its powers under the TIF Act to consider taking action to adopt an amendment to the TIRZ Project and Finance Plan with terms which are consistent with this Agreement; and

WHEREAS, the City is participating in the TIRZ at a rate of 75% of the operations and maintenance portion of the property taxes levied and collected on the Property; and

WHEREAS, Kaufman County is participating in the TIRZ at a rate of 50% of the operations and maintenance portion of the property taxes levied and collected on the Property;

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Agreement, the City intends to create the PID and to consider the issuance of PID bonds and TIRZ funding to reimburse the Developer for certain costs of the Authorized Improvements as set forth herein, and for other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows:

ARTICLE II **DEFINITIONS**

Unless the context requires otherwise, the following terms shall have the meanings hereinafter set forth:

Administrative Expenses shall include, without limitation, expenses incurred in the establishment, administration, and operation of the PID and TIRZ including, but not limited to, the costs of (i) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, (ii) creating and organizing the PID and TIRZ and preparing the Assessment Roll, (iii) computing, levying, collecting and transmitting the Assessments or the installments thereof, (iv) maintaining the record of installments, payments and reallocations and/or cancellations of the Assessments, (v) investing or depositing the Assessments or other monies, (vi) complying with the PID Act, and (vii) administering the construction of the Public Improvements.

Administrator means an employee or designee of the City who shall have the responsibilities provided in the SAP or any other agreement or document approved by the City related to the duties and responsibilities for the administration of the PID and/or administration of the TIRZ.

Assessments means a special assessment levied by the City within the PID pursuant to Chapter 372, Texas Local Government Code, pursuant to an Assessment Ordinance, to pay for a specific portion of the Budgeted Cost, which shall be Authorized Improvement Costs in accordance with the terms of this Agreement, including without limitation **Exhibit E** hereto.

Assessment Ordinance means the ordinance approved by the City Council that levies Assessments on the Property in accordance with the PID Act to pay for the costs of the Authorized Improvements set forth in the SAP as well as the costs associated with the issuance of the Bonds, which provide a special benefit to the Property.

Assessed Property means the Property that will be assessed, upon approval of the City Council, in an amount not to exceed the benefit it receives from the construction of the Authorized Improvements.

Assessment Revenues means the monies collected from the Assessments which are payable in periodic installments as provided in the Assessment Ordinance, including interest, expenses or penalties on Assessments, prepayments, foreclosure proceeds, and proceeds from a guarantor, if any, of Assessments.

Assessment Roll(s) means the assessment roll(s) attached to the SAP or any other assessment roll in an amendment or supplement to the SAP or in an annual updated to the SAP, showing the total amount of the Assessment against each parcel assessed under the SAP.

Authorized Improvements means onsite and offsite public water, sewer, drainage, and roadway infrastructure and Improvements needed to serve and fully develop the Property and to be constructed by the Developer or by or on behalf of the City, including the improvements listed in **Exhibit E** and those included in an approved Service and Assessment Plan, and as authorized by Section 372.003 of the PID Act.

Authorized Improvement Costs means the actual costs of design, engineering, construction, acquisition and inspection costs of the Authorized Improvements.

Bond(s) means the assessment revenue bonds issued by the City through the PID to finance the Authorized Improvements that are constructed for the benefit of the PID.

Bond Indenture means a trust indenture by and between the issuer of Bonds and a trustee bank under which Bonds are issued and funds disbursed.

Bond Ordinance means an ordinance adopted by the City Council that authorizes and approves the issuance and sale of Bonds.

Budgeted Cost means with respect to any given Authorized Improvement, the estimated cost of such improvement as set forth in **Exhibit E**.

City Council means the city council of the City.

City Regulation(s) means any ordinance, rule, regulation, standard, policy, order, guideline or other City-adopted or City-enforced requirement as they presently exist and as they may be amended in the future.

Concept Plan means the concept plan as set forth in **Exhibit C**, as amended pursuant to City approved zoning for the Property.

Construction, Funding, and Acquisition Agreement or CFA means a construction, funding, and acquisition agreement between the Developer and the City relating to the City of Kaufman Public Improvement District No. 6 (the Enclave at Kings Fort).

Developer means the Enclave at Kings Fort Inc., a Delaware corporation, and its successors and assigns as authorized pursuant to the terms of this Agreement, responsible for developing the Property in accordance with this Agreement.

Drainage Improvements mean drainage Public Infrastructure needed to serve the Property and not related or connected to a roadway and to be constructed by the City or on behalf of the City, the PID, or TIRZ by the Developer as more particularly described in **Exhibit E**, and as identified in one or more approved final plats for the Property.

Effective Date means the date upon which the last of all of the Parties has approved and duly executed this Agreement.

End Buyer means any developer, homebuilder, builder, tenant, user, or occupant/owner of a Fully Developed and Improved Lot, including without limitation a builder who acquires a lot with the intent to construct a single-family residence on the lot.

Fully Developed and Improved Lot means any lot, regardless of proposed use, which is served by the Authorized Improvements and for which a final plat has been approved by the City and recorded in the real property records of Kaufman County.

HOA means the homeowner's association to be created by the Developer.

Home Buyer Disclosure Program means the disclosure program, administered by the Administrator, as set forth in a document in the form of **Exhibit F**, that establishes a mechanism to disclose to each End Buyer the terms and conditions under which their lot is burdened by the PID.

Impact Fees means as defined in Chapter 395 of the Texas Local Government Code.

Landowner(s) means the Developer and additional owners of the Property.

Landowner Agreement means an agreement of all of the owners and the Developer of the Property consenting to the form and terms of the PID Documents in a form substantially similar to **Exhibit G**, as approved by the City.

Notice means any notice required or contemplated by this Agreement (or otherwise given in connection with this Agreement).

PID means a public improvement district created by the City for the benefit of the Property in accordance with Chapter 372 of the Texas Local Government Code, to be known as the City of Kaufman Public Improvement District No. 6 (the Enclave at Kings Fort).

PID Ordinance means the ordinance adopted by the City Council creating the PID pursuant to Section 372.010 of the PID Act and approving the advisability of the Authorized Improvements.

Property means the real property described by metes and bounds in **Exhibit A** and depicted on **Exhibit B**.

Public Infrastructure means sewer, drainage, roadway, water and other public infrastructure necessary to serve the full development of the Property more particularly described in **Exhibit E** and identified in one or more approved final plats for the Property.

Road Improvements means roadway and related drainage Public Infrastructure needed to serve the Property and to be constructed by the City or on behalf of the City, PID, or TIRZ by the Developer as more particularly described in **Exhibit E**, and as identified in one or more approved final plats for the Property.

Service and Assessment Plan or SAP means the PID service and assessment plan adopted by City Council, as may be amended or updated annually, to assess allocated costs of improvements against Property located within the boundaries of the PID, and which has terms, provisions and findings approved and agreed to by the Developer and the City in accordance with the PID Act.

Sewer Improvements mean wastewater Public Infrastructure necessary to serve the full development of the Property more particularly described in **Exhibit E**, and as identified in one or more approved final plats for the Property.

TIRZ means TIRZ #1 created by the City pursuant to the TIRZ Act for the Property.

TIRZ Act means Chapter 311 of the Texas Tax Code, as amended.

TIRZ Documents mean, as it relates to the Property, this Agreement, the City approved TIRZ Project and Finance Plan, and the TIRZ Ordinance, as may be amended.

TIRZ Priorities means administrative expenses of the TIRZ, and each and every committed priority identified in Section 11.3 below, on the Effective Date of this Agreement as further described in Article XI of this Agreement.

TIRZ Project and Finance Plan (“TIRZ P&FP”) means the City approved project and finance plan in effect for the TIRZ on the effective date of this Agreement.

TIRZ Projects mean those projects included in the TIRZ Documents for the Property as amended by the City pursuant to Article XI of this Agreement, and more specifically identified as the Authorized Improvements to be undertaken by the PID, which Authorized Improvements are subject to TIRZ reimbursement as set forth in Article XI of this Agreement.

Water Improvements mean water Public Infrastructure necessary to serve the full development of the Property more particularly described in **Exhibit E**, and as identified in one or more approved final plats for the Property.

ARTICLE III

PUBLIC IMPROVEMENT DISTRICT

3.1 Creation. Developer shall submit a petition to create a PID encompassing the Property in accordance with the terms of this Agreement. The City shall schedule a public hearing to consider the creation of a public improvement district in accordance with the PID Act for the formation of the PID. The PID will be created, at the City's discretion, after the public hearing as required by law.

3.2 Levy of Assessments. The Developer shall request the levy of assessments at its discretion and then the City and the Administrator shall prepare a Service and Assessment Plan (SAP) providing for the levy of the Assessments on the Property. Promptly following preparation and approval of an SAP acceptable to the City and subject to the City Council making findings that the Authorized Improvements confer a special benefit on the Property, the City Council shall consider an Assessment Ordinance. Concurrently with the Assessment Ordinance, the City shall consider the approval and execution of a CFA and a reimbursement agreement. The City shall use its best efforts to initiate and approve all necessary documents and ordinances required to effectuate this Agreement, to create the PID, and to levy the Assessments. The Developer shall develop the Property consistent with the terms of this Agreement. Nothing contained in this Agreement, however, shall be construed as creating a contractual obligation that controls, waives, or supplants the City Council's legislative discretion.

3.3 Acceptance of Assessments and Recordation of Covenants Running with the Land. Concurrently with the levy of the Assessment, the Developer shall: (i) approve and accept in writing the levy of the Assessment(s) on all land owned or controlled by the Developer; (ii) approve and accept in writing the Home Buyer Disclosure Program; (iii) cause to be recorded against the Property covenants running with the land that will bind any and all current and successor Developer or developers and owners of any of the Property to pay the Assessment and any subsequent Assessments, with applicable interest and penalties thereon, as and when due and payable hereunder and to take their title to their property in the Property subject to and expressly accepting and assuming the terms and provisions of such Assessments and the liens created thereby; and (iv) comply with the Home Buyer Disclosure Program. The City shall not levy Assessments on property within the PID without an executed Landowner Consent from each landowner within the PID whose property is being assessed.

3.4 Transfer of Property. Notwithstanding anything to the contrary contained herein, no sale of property within the PID shall occur prior to the City's levy of Assessments in the PID unless the Developer provides the City with an executed consent to the creation of the PID and the levy of Assessments, in a form acceptable to the City with respect to the purchased property. In addition, evidence of any transfer of Property in the PID prior to the levy of Assessments on such property shall be provided to the City prior to the levy of Assessments on such property. The City shall require consent of each of the owners of Assessed Property in the PID to the levy of Assessments on each property and to the creation of the PID prior to Assessments being levied on such owner's property. The Developer understands and acknowledges that evidence of land transfer, the execution of the Landowner Consent, appraisal district certificate and property record recording will be required from each Assessed Property Owner in order to levy the Assessments.

The Developer shall provide all necessary documentation to the City with respect to any land transfers.

ARTICLE IV **AUTHORIZED IMPROVEMENTS**

4.1 Authorized Improvements. The Budgeted Costs of Authorized Improvements listed on **Exhibit E** are estimates that are subject to change, shall be updated by the Developer and City consistent with the SAP, the PID Act, and the TIRZ Act. Final plat(s) for the Property, each required to be approved by the City, shall reflect the locations, rights-of-way, and easements for the Authorized Improvements to be located on the platted Property. The Developer may include an updated **Exhibit C** with each final plat submitted for the Property, which shall be submitted to the City Council for consideration and approval concurrently with the submission of each such final plat. Upon approval by City Council of an updated **Exhibit C**, this Agreement shall be deemed amended to include such approved updated **Exhibit C**. The Authorized Improvement Costs and the timetable for installation of the Authorized Improvements will be reviewed annually by the Parties in an annual update of the SAP adopted and approved by the City.

4.2 Construction, Ownership, and Transfer of Authorized Improvements.

(a) Construction Plans. The Developer shall prepare, or cause to be prepared, plans and specifications for each of the Authorized Improvements in accordance with City Regulations and have them submitted to the City for approval in accordance therewith. Construction and/or engineering plans may be submitted to the City without a landscape plan and/or a hardscape plan and the City agrees not to require the submittal of a landscape plan and/or a hardscape plan in conjunction with the submittal of construction or engineering plans. Developer shall submit Landscape and/or hardscape plans to City for review and approval prior to final plat approval. The Developer shall prepare, or cause to be prepared, plans and specifications for the Public Infrastructure, including without limitation each of the Drainage Improvements, Road Improvements, Sewer Improvements, and Water Improvements, in accordance with the City Regulations and shall have such plans and specifications submitted to the City for approval in accordance therewith.

(b) Contract Award. The contracts for construction of Authorized Improvements shall be let in the name of the Developer. The Developer's engineers shall prepare, or cause the preparation of, and provide all contract specifications and necessary related documents for the Authorized Improvements. The Developer shall administer the contracts. The Budgeted Costs of construction, which are estimated on **Exhibit E**, shall be paid by the Developer, or caused to be paid by the Developer or the Developer's assignee, and reimbursed, in whole or in part, from the proceeds of Bonds in accordance with the Bond Indenture, or reimbursed, in whole or in part, by the collected Assessments levied pursuant to the terms of a reimbursement agreement. Until such Budgeted Costs are paid in full by the City pursuant to the terms of the Construction, Funding, and Acquisition Agreement, any reimbursement agreement, or the Indenture, unpaid monies owed by the City under the Construction, Funding, and Acquisition Agreement, any reimbursement agreement, or the Indenture shall bear interest as described therein.

(c) Construction Standards and Inspection. The Authorized Improvements and all other Public Infrastructure required for the development of the Property will be installed within the public right-of-way or in easements granted to the City. The Authorized Improvements shall be constructed and inspected in accordance with applicable state law, City Regulations, the Bond Ordinance, the Bond Indenture and all other applicable development requirements, the Bond Ordinance, the Bond Indenture and all other applicable development requirements.

(d) Competitive Bidding. This Agreement and construction of the Authorized Improvements, including the TIRZ Projects, are anticipated to be exempt from competitive bidding pursuant to Sections 252.022(a)(9) and 252.022(a)(11) of the Texas Local Government Code based upon current cost estimates. However, in the event that the actual costs for the Authorized Improvements do not meet the parameters for exemption from the competitive bid requirement, then either competitive bid or alternative delivery methods may be used by the City, as allowed by law.

(e) Ownership. All of the Authorized Improvements shall be owned by the City upon acceptance of them by the City using procedures established by City Regulations. The Developer agrees to take any action reasonably required by the City where applicable to transfer or otherwise dedicate easements for the Authorized Improvements to the City and the public.

4.3 Operation and Maintenance.

- (a) Upon inspection, approval, and acceptance of all of the Sewer Authorized Improvements, the City shall maintain and operate the accepted sewer infrastructure and provide sewer service to the Property served by the accepted sewer infrastructure.
- (b) Upon inspection, approval, and acceptance of all of the Water Authorized Improvements, the City shall maintain and operate the accepted Water Improvements and provide water service to the Property served by the accepted Water Improvements.
- (c) Upon inspection, approval, and acceptance of part or all of the Roadway or Storm Water Authorized Improvements, the City shall maintain and operate the accepted roadways and storm water infrastructure.
- (d) The Developer will construct and the HOA shall maintain and operate the open spaces/common areas and all improvements thereon, right-of-way irrigation systems, right-of-way landscaping, screening walls, drainage areas, detention and retention areas and any other common improvements or appurtenances not maintained and operated by the City, or as otherwise designated on an approved final plat(s) for the Property.

ARTICLE V **ADDITIONAL DEVELOPER OBLIGATIONS**

5.1 Mandatory Homeowners Association. The Developer will create a mandatory HOA, which HOA shall be required to levy and collect from homeowners' annual fees in an amount calculated to maintain the amenities, open spaces, common areas, right-of-way irrigation systems, raised medians and other right-of-way landscaping, detention areas, drainage areas and screening walls within the PID. Common areas, including but not limited to all landscaped entrances to the Property (Lot 1X of Block A, Lot 9X of Block B, Lot 10X of Block C, and Lot 1X of Block J), the common area comprising Lot 14X of Block E, and the common area comprising Lot 46X of Block A, shall be maintained solely by the HOA.

ARTICLE VI **PID BONDS**

6.1 City PID Bond Issuance.

- (a) The City intends to issue Bonds, in one or more series, solely for the purposes of financing the costs of the Authorized Improvements and related costs (including Administrative Expenses) and paying issuance costs and the cost of funding all reserves, accounts, and funds required by the applicable Bond Ordinance (including a capitalized interest account, a debt service reserve fund, and the project fund). The City and the Developer have determined and hereby agree that the estimated maximum aggregate principal amount of Bonds will not exceed \$20,000,000.00. The City staff will, from time to time, submit to the City Council agenda items to approve the issuance of Bonds by the City (in one issue or in a series of issues over the years) in an amount up to, but not to exceed, the estimated maximum aggregate principal Bond amount of \$20,000,000.00. Notwithstanding the foregoing, the City's obligation to approve the issuance of Bonds is subject to the City's review and confirmation that the Assessments are reasonable relative to the market as determined by the City Council.
- (b) The term of any Bonds will be a maximum of thirty (30) years from the date of any such Bonds.
- (c) The issuance of PID Bonds is subject to the discretion of the City Council and each series of PID Bonds shall be issued with the terms deemed appropriate by the City Council at the time of issuance, if at all.
- (d) The following conditions must be satisfied prior to the City's consideration of the sale of PID Bonds:
 - (i) The maximum "tax rate" for the projected annual assessment for each Phase, shall be no greater than \$3.10 per \$100 of assessed value at the time of the levy of the Assessment on each PID Phase based on the Estimated Build Out Value of each parcel; such rate limit to be determined at the time of the levy of the Assessments applied on an individual assessed parcel basis by Lot Type based on Estimated Build Out Value, as will be set forth in more detail in the Service and Assessment Plan.

- (ii) the total bond value to lien ratio is at least 2:1 at the time of the issuance of PID Bonds for each PID Phase; such assessment value based upon the Estimated Build Out Value, which shall be confirmed by appraisal from a licensed MAI appraiser.
 - (iii) The Developer or its Affiliates shall own all property within the PID prior to the levy of Assessments.
 - (iv) no Event of Default by the Developer has occurred or no event has occurred which but for notice, the lapse of time or both, would constitute an Event of Default by the Developer pursuant to this Agreement;
 - (v) the Developer has created the Home Buyer Disclosure Program in the form as attached in **Exhibit F**, and provided a copy of the program to the City Manager;
 - (vi) all owners of the Property shall have executed a Landowner Agreement; and
 - (vii) the Developer shall have delivered a fully executed copy of Landowner Agreement(s) to the City Manager.
- (e) In no event shall the Developer be paid and/or reimbursed for all Authorized Improvement Costs in an amount in excess of the Authorized Improvement Costs.

6.2 Non-Bank Qualified Debt.

(a) In any calendar year in which PID Bonds are issued, the Developer agrees to pay the City additional costs occurring solely from the difference in interest cost (“Additional Costs”) the City may incur in the issuance of City obligations (the “City Obligations”) as described in this Section if the City Obligations are deemed not to qualify for the designation of “qualified tax-exempt obligations” (“QTEO”) as defined in section 265(b)(3) of the Internal Revenue Code of 1986, as amended, as a result of the issuance of PID Bonds by the City in any given year. The City agrees to deposit all funds for the payment of such Additional Costs received under this Section into a segregated account of the City, and such funds shall remain separate and apart from all other funds and accounts of the City until December 31 of the calendar year in which the PID Bonds are issued, at which time the City is authorized to utilize such funds for any purpose permitted by law. Additionally, the City will provide the Developer on an annual basis no later than December 15th each year the projected amount of City Obligations to be issued in the upcoming year based on its annual budget process.

(b) In the event the City issues PID Bonds prior to the issuance of City Obligations, the City, with assistance from its Financial Advisor, shall calculate the estimated Additional Costs based on the market conditions as they exist approximately forty-five (45) days prior using independent third party public pricing information to the date of the pricing of the PID Bonds (the “Estimated Additional Costs”), the City shall provide a written invoice to the Developer, and the Developer shall have 10 days to review and provide input on the calculation to the City. The

Developer shall pay such Estimated Additional Costs to the City on or before the earlier of (i) ten (10) business days after the date of the City's invoice or (ii) fifteen (15) business days prior to pricing the PID Bonds. The City shall not be required to price or sell any issue of PID Bonds until the Developer has paid to the City the Estimated Additional Costs related to the PID Bonds then being issued. The Estimated Additional Costs are an estimate of the increased cost to the City to issue its City Obligations as non-QTEO. Upon the City's approval of the City Obligations, the City's Financial Advisor shall calculate the actual Additional Costs to the City of issuing its City Obligations as non-QTEO (the "Actual Increased Costs"). The City will, within five (5) business days of the issuance of the City Obligations, notify the Developer of the Actual Increased Costs. In the event the Actual Increased Costs are less than the Estimated Additional Costs, the City will refund to the Developer the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased Costs. If the Actual Increased Costs are more than the Estimated Additional Costs, the Developer will pay to the City the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased Costs. If the Developer does not pay the City the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased Costs, the Developer shall not be paid any reimbursement amounts under any Reimbursement Agreement(s) related to the PID or the Project until such payment is made in full.

(c) In the event the City issues City Obligations prior to the issuance of PID Bonds, the City's Financial Advisor shall calculate the estimated Additional Costs based on the market conditions as they exist approximately forty-five (45) days prior to the date of the pricing using independent third party public pricing information of the City Obligations (the "Estimated Additional City Obligation Costs"), the City shall provide a written invoice to the Developer, and the Developer shall have 10 days to review and provide input on the calculation to the City. The Developer shall pay such Estimated Additional City Obligation Costs to the City at least fifteen (15) days prior to pricing the City Obligations. If the Developer has not paid the Estimated Additional City Obligation Costs to the City by the required time, the City, at its option, may elect to designate such City Obligations as QTEO, and the City shall not be required to issue any PID Bonds in such calendar year. The Estimated Additional City Obligation Costs are an estimate of the increased cost to the City to issue its City Obligations as non-QTEO. Upon the City's approval of the City Obligations, the City's Financial Advisor shall calculate the actual Additional Costs to the City of issuing its City Obligations as non-QTEO (the "Actual Increased City Obligation Costs"). The City will, within five (5) business days of the issuance of the City Obligations, notify the Developer of the Actual Increased City Obligation Costs. In the event the Actual Increased City Obligation Costs are less than the Estimated Additional City Obligation Costs, the City will refund to the Developer the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased City Obligation Costs. If the Actual Increased City Obligation Costs are more than the Estimated Additional City Obligation Costs, the Developer will pay to the City the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased City Obligation Costs. If the Developer does not pay the City the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City's Notice to the Developer of the Actual Increased City

Obligation Costs, the Developer shall not be paid any reimbursement amounts under any Reimbursement Agreement(s) related to the PID or the Project until such payment is made in full.

(d) To the extent any developer(s) or the Developer(s) (including the Developer, as applicable) has (have) paid Additional Costs for any particular calendar year, any such Additional Costs paid subsequently by a developer or Developer(s) (including the Developer, as applicable) to the City applicable to the same calendar year shall be reimbursed by the City to the developer(s) or Developer(s) (including the Developer, as applicable) as necessary so as to put all developers and the Developer so paying for the same calendar year in the proportion set forth in subsection (e), below, said reimbursement to be made by the City within ten (10) business days after its receipt of such subsequent payments of such Additional Costs.

(e) The City shall charge Additional Costs attributable to any other developer or the Developer on whose behalf the City has issued debt in the same manner as described in this Section 6.2, and the Developer shall only be liable for its portion of the Additional Costs under this provision, and if any Additional Costs in excess of the Developer's portion had already been paid to the City under this provision, then such excess of Additional Costs shall be reimbursed to the Developer. The portion owed by the Developer shall be determined by dividing the total bond proceeds from any debt issued on behalf of the Developer in such calendar year by the total bond proceeds from any debt issued by the City.

ARTICLE VII

INSPECTION AND PERMITTING

The City shall inspect or cause to be inspected, as required by City Regulations, the construction of all structures, Public Infrastructure, Authorized Improvements, and any infrastructure improvements, necessary to support the proposed development within the Property, including sanitary sewer, drainage, streets, park Improvements, electrical, and streetlights and signs. Developer shall be required to execute City's, standard Facilities/Subdivider's Agreement, provide insurance and all bonds and pay all applicable fees, including without limitation the City's Public Infrastructure inspection fees). The City's inspections shall not release the Developer from its responsibility to construct, or ensure the construction of, adequate Authorized Improvements and infrastructure in accordance with approved engineering plans, construction plans, and other approved plans related to development of the Property. The City shall be the beneficiary of all bonds, including without limitation the required two-year maintenance bond, which the Developer shall provide, or cause to be provided, by a single general contractor for all Public Infrastructure and Authorized Improvements, including without limitation, the Drainage Improvements, Road Improvements, Sewer Improvements, and Water Improvements.

If the City finds that all Public Infrastructure and Authorized Improvements have been completed in accordance with the final plats and specifications approved by the City, as applicable (or any modifications thereof approved by the City), and in accordance with all other applicable laws and City Regulations, the City shall accept the same whereupon ownership of such improvements shall be transferred to the City and be operated and maintained by the City at its sole expense. The requirement for acceptance does not apply to privately owned recreational facilities and landscaping improvements that will be maintained by the HOA.

ARTICLE VIII
PAYMENT OF AUTHORIZED IMPROVEMENTS

8.1 Improvement Account of the Project Fund. On the date of issuance of any Bonds, the City shall cause to be established an account where the monies obtained from the issuance of bonds, and which monies have not paid issuance costs and administrative expenses shall be deposited in accordance with the applicable Bond Indenture (the “Improvement Account of the Project Fund”). Any Improvement Account of the Project Fund shall be maintained as provided in the Bond Indenture and shall not be commingled with any other funds of the City. Any Improvement Account of the Project Fund shall be administered and controlled (including signatory authority) by the City and funds in the Improvement Account of the Project Fund shall be deposited and disbursed in accordance with the terms of the Bond Indenture. In the event of any conflict between the terms of this Agreement and the terms of the Bond Indenture relative to deposit and/or disbursement, the terms of the Bond Indenture shall control.

8.2 Cost Overrun. In advance of letting a contract for the Authorized Improvements, the City may confirm that the cost for construction of such Authorized Improvements is generally consistent with the estimated cost provided on **Exhibit E**, as amended from time to time in accordance with Section 4.1. If the total cost of the Authorized Improvements in the aggregate exceeds the total amount of monies on deposit in the Improvement Account of the Project Fund (a “Cost Overrun”), the Developer shall be solely responsible for the remainder of the costs of the Authorized Improvements, except as provided for in Section 8.3 below.

8.3 Cost Underrun. Upon the final acceptance by the City of an Authorized Improvement (or each segment or a portion thereof) and payment of all outstanding invoices by the Developer for such Authorized Improvement (or each segment or a portion thereof), if the Actual Cost of such Authorized Improvement is less than the Budgeted Cost (a “Cost Underrun”), any remaining Budgeted Cost will be available to pay Cost Overruns on any other Authorized Improvement.

8.4 Remainder of Funds in the Improvement Account of the Project Fund. If funds remain in the Improvement Account of the Project Fund created under the Bond Indenture after the completion of all Authorized Improvements and the payment of all Authorized Improvement Costs as provided for in a reimbursement agreement or the Bond Indenture, then such funds shall be used to redeem the Bonds as provided for in the Bond Indenture.

ARTICLE IX
DEVELOPMENT

9.1 Full Compliance with City Standards.

(a) Development of the Property shall be subject to the City’s Regulations and shall be consistent with the zoning of the Property. To the extent that the Development Standards specified

in **Exhibit D** differ from City Regulations and approved zoning for the Property, the approved Zoning approved as part of the Zoning process shall control.

(b) Any revision to the Concept Plan made pursuant to this Agreement or as part of the process for zoning of the Property, if approved by the City, shall be considered an amendment to **Exhibit C** of this Agreement, and shall replace the attached Concept Plan and become a part of this Agreement.

9.2 Replat. The Developer may submit a replat for all or any portion of the Property. Any replat shall be in general conformance with the Concept Plan. Approval of the replat shall be governed by the City Regulations and state law.

9.3 Vested Rights. This Agreement shall constitute a “permit” (as defined in Chapter 245 of the Texas Local Government Code) that is deemed filed with the City on the Effective Date. The Parties have negotiated this Agreement and the incentives provided herein based upon the general plan for development as set forth in **Exhibit C** and **Exhibit D**. Notwithstanding the foregoing, Developer understands and agrees that at the time of execution of this Agreement, the Property is located within the corporate boundaries of the City, that the City cannot legally contract for zoning, and that neither the Development Standards set forth in **Exhibit D**, the Concept Plan set forth in **Exhibit C**, nor this Agreement shall be construed as providing an entitlement to Developer to use or develop the Property in any manner other than that established in an approved Zoning ordinance for the Property.

9.4 Property Acquisition. The Parties acknowledge that the Developer is responsible for the acquisition of certain property rights and interests to allow certain public infrastructure to be constructed to serve the Property. Developer shall use commercially reasonable efforts to obtain all third-party rights-of-way, consents, or easements, if any, needed to construct the improvements. If, however, Developer is unable to obtain such third-party rights-of-way, consents, or easements within 60 days of commencing reasonable and continuous efforts to obtain the needed rights-of-way, consents, or easements, then, as a condition to requiring the Developer to construct improvements, the City agrees to take reasonable steps to secure same through the use of the City’s power of eminent domain. Developer shall fund its share of all reasonable and necessary legal proceeding/litigation costs, compensation awards by courts or negotiated amounts for the condemned property interest, attorneys’ fees, appraiser and expert witness fees, interest, court costs, mediation fees, deposition costs, copy charges, courier fees, postage and taxable court costs (collectively, “Eminent Domain Fees”) paid or incurred by the City in the exercise of its eminent domain powers and shall escrow with a mutually agreed upon escrow agent the City’s reasonably estimated Eminent Domain Fees both in advance of the initiations of each eminent domain proceeding and as funds are needed by the City to the extent such funds are not immediately available to pay Eminent Domain Fees from Bonds, or if Bonds are not issued, from Assessments. If the escrow fund remains appropriately funded in accordance with this Agreement, the City will use all reasonable efforts to expedite such condemnation procedures so that the Authorized Improvements can be constructed as soon as reasonably practicable. If the City’s Eminent Domain Fees exceed the amount of funds escrowed in accordance with this paragraph, Developer shall deposit additional funds as requested by the City into the escrow account within 10 days after written Notice from the City. City is not required to continue pursuing the eminent domain unless and until the Developer deposits additional Eminent Domain Fees with the City. Any unused

escrow funds will be refunded to Developer within 30 days after any condemnation award or settlement becomes final and non-appealable. Nothing in this subsection is intended to constitute a delegation of the police powers or governmental authority of the City, and the City reserves the right, at all times, to control its proceedings in eminent domain. To the extent Eminent Domain Fees are paid by the Developer, Developer may seek reimbursement of any or all of the Eminent Domain Fees from Bonds, or if Bonds are not issued, Assessments.

9.5 Zoning of Property. The Property is currently zoned as Planned Development District PD No. 7. Through this Agreement, the Developer expressly consents and agrees to submit a request for the rezoning of the Property consistent with and as contemplated by this Agreement. Developer shall submit an application for rezoning and shall pay all applicable City fees for processing of its zoning application. The Property shall be zoned pursuant to an ordinance adopted by City Council in accordance with the standard processes set forth in City Regulations.

9.6 Conflicts. In the event of any conflict between this Agreement and any City Regulation, other than an ordinance zoning the Property as described in Section 9.5, this Agreement, including any exhibit or attachment, shall control.

ARTICLE X

DEVELOPMENT PROCESS AND CHARGES

10.1 Development, Review and Inspection Fees. Development of any portion of the Property shall be subject to Developer's payment to the City of the applicable fees according to the City Regulations and this Agreement, including without limitation fees relating to platting, zoning requests, inspections, plan review, and any other charges and fees not expressly exempted or altered by the terms of this Agreement. Payment of all development fees, including tap fees and fees related to the connection of utilities, excluding Impact Fees which shall be paid as provided for below in Section 10.3, shall be due upon completion of all civil construction.

10.2 Open Space Improvements. Developer shall construct open space improvements in accordance with Exhibit C-1 of this Agreement. The open space improvements shall not be required to be completed until December 31, 2027. Developer shall receive a credit for the open spaces comprising Lot 46X of Block A and Lot 14X of Block E, including all improvements thereon, estimated to be \$416,224.00, which credit will go towards its payment of Parkland Dedication and Park Development Fees. The credit towards payment of the Parkland Dedication and Park Development Fees is subject to review and approval by the Parks and Recreation Board and City Council and the authorized credit shall be based on actual improvement costs reviewed and approved by the City as documented in an approved Facilities Agreement prior to recordation of the Final Plat of the phase in which the improvements occur. Developer shall pay any difference in the amounts due upon completion of all civil construction. If the open space improvements are not constructed by December 31, 2027, Developer shall offer to dedicate, and the City may accept at its sole discretion, Lot 46X of Block A as park land, and construct the proposed improvements. Developer would then be required to pay all applicable Parkland Dedication and Park Development Fees, while being credited for the cost of the dedicated park land.

10.3 Impact Fees. Impact Fees shall be paid by the applicant (the builders) at the time of application of a building permit for a residential structure in accordance with City Regulations.

10.4 All Infrastructure. All Public Infrastructure shall be designed, constructed and installed in compliance with the City Regulations in effect on the Effective Date. Construction and/or installation of Public Infrastructure shall not begin until complete and accurate plans and specifications have been approved by the City, a final plat has been approved, a zoning ordinance has been approved, and all requirements of City Regulations have been satisfied. The Public Infrastructure will be installed within the public right-of-way or in easements granted to the City. All bonds shall be provided in accordance with City Regulations, Facilities/Subdivider's Agreement and the terms of this Agreement, including without limitation, Article VII.

10.5 Tree Preservation Requirements. In lieu of the City's tree preservation requirements, Developer will preserve and protect certain trees, specifically the trees along Tabor Parkway, identified on the Tree Survey attached as **Exhibit C-2**. Areas of trees to be preserved shall be those trees along Tabor Parkway and identified on an aerial exhibit to be submitted with the preliminary plat application. Each home builder on the Property shall plant the required lot trees as described in these Development Standards. Developer shall also install landscaping on common area lots as specified in Exhibit D.4 of this Agreement and as more particularly specified in Landscape Plans approved by City Staff during the Construction Plan review process for each phase.

10.6 INDEMNIFICATION AND HOLD HARMLESS. **THE DEVELOPER AND ITS SUCCESSORS AND ASSIGNS SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICIALS, EMPLOYEES, OFFICERS, REPRESENTATIVES AND AGENTS (EACH AN "INDEMNIFIED PARTY"), FROM AND AGAINST ALL ACTIONS, DAMAGES, CLAIMS, LOSSES OR EXPENSE OF EVERY TYPE AND DESCRIPTION TO WHICH THEY MAY BE SUBJECTED OR PUT: (I) BY REASON OF, OR RESULTING FROM THE BREACH OF ANY PROVISION OF THIS AGREEMENT BY THE DEVELOPER; (II) THE NEGLIGENT DESIGN, ENGINEERING AND/OR CONSTRUCTION BY THE DEVELOPER OR ANY ARCHITECT, ENGINEER OR CONTRACTOR HIRED BY THE DEVELOPER OF ANY OF THE PUBLIC IMPROVEMENTS ACQUIRED FROM THE DEVELOPER HEREUNDER; (III) THE DEVELOPER'S NONPAYMENT UNDER CONTRACTS BETWEEN THE DEVELOPER AND ITS CONSULTANTS, ENGINEERS, ADVISORS, CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS IN THE PROVISION OF THE PUBLIC IMPROVEMENTS; (IV) ANY CLAIMS OF PERSONS EMPLOYED BY THE DEVELOPER OR ITS AGENTS TO CONSTRUCT THE PUBLIC IMPROVEMENTS; OR (V) ANY CLAIMS AND SUITS OF THIRD PARTIES, INCLUDING BUT NOT LIMITED TO DEVELOPER'S RESPECTIVE PARTNERS, OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES, AGENTS, SUCCESSORS, ASSIGNEES, VENDORS, GRANTEES, AND/OR TRUSTEES, REGARDING OR RELATED TO THE PUBLIC IMPROVEMENTS OR ANY AGREEMENT OR RESPONSIBILITY REGARDING THE PUBLIC IMPROVEMENTS, INCLUDING CLAIMS AND CAUSES OF ACTION WHICH MAY ARISE OUT OF THE PARTIAL NEGLIGENCE OF AN INDEMNIFIED PARTY (THE "CLAIMS"). NOTWITHSTANDING THE FOREGOING, NO INDEMNIFICATION IS GIVEN HEREUNDER FOR ANY ACTION, DAMAGE, CLAIM, LOSS OR EXPENSE DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE DIRECTLY ATTRIBUTABLE TO THE WILLFUL MISCONDUCT OR SOLE NEGLIGENCE OF**

ANY INDEMNIFIED PARTY. DEVELOPER IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS, AND CITY IS REQUIRED TO REASONABLY COOPERATE AND ASSIST DEVELOPER IN PROVIDING SUCH DEFENSE.

IN ITS REASONABLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY DEVELOPER IN FULFILLING ITS OBLIGATIONS HEREUNDER TO DEFEND AND INDEMNIFY THE INDEMNIFIED PARTIES, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING. THE INDEMNIFIED PARTIES RESERVE THE RIGHT TO PROVIDE A PORTION OR ALL OF THEIR/ITS OWN DEFENSE, AT THEIR/ITS SOLE COST; HOWEVER, INDEMNIFIED PARTIES ARE UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY AN INDEMNIFIED PARTY IS NOT TO BE CONSTRUED AS A WAIVER OF DEVELOPER'S OBLIGATION TO DEFEND INDEMNIFIED PARTIES OR AS A WAIVER OF DEVELOPER'S OBLIGATION TO INDEMNIFY INDEMNIFIED PARTIES PURSUANT TO THIS AGREEMENT. DEVELOPER SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN BUSINESS DAYS OF WRITTEN NOTICE FROM AN INDEMNIFIED PARTY THAT IT IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS AGREEMENT. IF DEVELOPER FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, INDEMNIFIED PARTIES SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON THEIR OWN BEHALF, AND DEVELOPER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL REASONABLE COSTS INCURRED BY INDEMNIFIED PARTIES.

THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

THE PARTIES AGREE AND STIPULATE THAT THIS INDEMNIFICATION COMPLIES WITH THE CONSPICUOUSNESS REQUIREMENT AND THE EXPRESS NEGLIGENCE TEST AND IS VALID AND ENFORCEABLE AGAINST THE DEVELOPER.

ARTICLE XI

TIRZ

11.1 **Tax Increment Reinvestment Zone.** The City agrees to consider the amendment of the TIRZ Project and Finance Plan ("TIRZ P&FP") for the TIRZ in accordance with the terms of this Section in order to create a subdistrict to encompass only the Property (the "TIRZ Subdistrict"). The City agrees to consider such amendments to the TIRZ P&FP prior to the issuance of the first series of PID Bonds in a form and substance to comply with the terms of this Agreement. Developer shall be liable for all costs of the TIRZ P&FP amendment and shall promptly deposit funds pursuant to the executed professional services agreement between Developer and City sufficient to reimburse City for all City expenses related to the process for the amendment of the TIRZ P&FP. If City Council fails to approve the amendment to the TIRZ P&FP to create the TIRZ Subdistrict and provide for eligible TIRZ Projects consistent with the terms of this Agreement, Developer may terminate this Agreement within ten (10) days written notice to City.

11.2 TIRZ Payments. In accordance with the TIRZ Documents, after payment of Administrative Expenses related to the TIRZ, and any amounts necessary to pay previously established prioritized expenses, in particular: (1) payment of TIRZ Administrative Expenses; (2) the annualized portion of the Reimbursement Amount for each qualified residential parcel under the First Amended and Restated TIF Residential Development Reimbursement Agreement; (3) to reimburse the Georgetown KF, Ltd. under the First Amended and Restated TIF Residential Development Reimbursement Agreement; (4) to pay Georgetown KF, Ltd. under the First Amended TIF Agreement for Purchase of 4.51 Acres; and (5) to reimburse Georgetown KF, Ltd. under the Park Improvement Fee of \$1,470,000.00 plus interest accrued under the TIF Agreement for Park Improvement Fee Reimbursement. Only after all of the foregoing TIRZ Priorities have been paid from all available funds in the TIRZ account, including funds deposited into the TIRZ Subdistrict Account for this Property, and after payment of Administrative Expenses related to the TIRZ, then the moneys in the TIRZ Subdistrict account generated from the Property, if any, shall be paid to Developer as reimbursement for eligible costs paid by Developer for TIRZ Projects; such payments shall be made to Developer until the earlier of (1) December 31, 2046 or (ii) the date upon which Developer has been paid an amount not to exceed **FIVE MILLION SEVEN HUNDRED NINETY FIVE THOUSAND AND NO/100 DOLLARS (\$5,795,000)**, plus interest, which interest shall accrue in an amount not to exceed the lesser of 5.47 percent (%) or the maximum amount allowed by law.

11.3 TIRZ Fund. In accordance with the TIRZ Project and Finance Plan as amended by the City pursuant to this Article, the City will, on an annual basis, remit the collected revenue from its tax increment obtained from the Property and shall deposit those monies into the TIRZ account in accordance with this Agreement and the TIRZ P&FP as amended by the City pursuant to Section 11.1 above.

ARTICLE XII **INTENTIONALLY DELETED**

ARTICLE XIII **AUTHORIZED IMPROVEMENTS AND PUBLIC INFRASTRUCTURE**

13.1 Road Improvements and Drainage Improvements. The Developer shall have full responsibility for designing and constructing the Road Improvements and Drainage Improvements (together with and including the cost of obtaining any and all easements in or fee simple title to land to provide for and to accommodate such Road Improvements and Drainage Improvements) that will serve the Property (collectively hereafter “Roadway and Drainage Improvements”) and the cost thereof. The Developer shall be responsible for the construction, including the acquisition of any necessary easements (the size and extent of each such easements to be approved by the City) for the Roadway and Drainage Improvements. The Developer must design and construct the Roadway and Drainage Improvements necessary to provide service for the Property in compliance with all statutory and regulatory requirements, including design and construction criteria and specifications of the City, and in compliance with all applicable City Regulations.

13.2 Operation of the Sewer Improvements. If the City accepts the Sewer Improvements, the City shall operate the Sewer Improvements serving the Property and use the Sewer Improvements to provide sewer service to the Property and as otherwise required or allowed by state law. If accepted by the City, the City shall at all times maintain the Sewer Improvements or cause the Sewer Improvements to be maintained, in good condition and working order in compliance with all applicable City Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Sewer Improvements and at City's sole cost, nothing contained herein shall prevent the City from altering or changing the design and/or location of the Sewer Improvements as necessary to meet future needs or updated standards, as solely determined by the City.

13.3 Operation of the Water Improvements. If the City accepts the Water Improvements, the City shall operate the Water Improvements serving the Property and use the Water Improvements to provide water service to the Property and as otherwise required or allowed by state law. If accepted by the City, the City shall at all times maintain the Water Improvements or cause the Water Improvements to be maintained, in good condition and working order in compliance with all applicable City Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Water Improvements and at the City's sole cost, nothing contained herein shall prevent the City from altering or changing the design and/or location of the Water Improvements as necessary to meet future needs or updated standards, as solely determined by the City.

13.4 Operation of the Roadway and Drainage Improvements. If the City accepts the Roadway and Drainage Improvements, the City shall operate the Roadway and Drainage Improvements serving the Property and use the Roadway and Drainage Improvements to provide service to the Property and as otherwise required or allowed by state law. If accepted by the City, the City shall at all times maintain the Roadway and Drainage Improvements or cause the Roadway and Drainage Improvements to be maintained, in good condition and working order in compliance with all applicable City Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Roadway and Drainage Improvements and at City's sole cost, nothing contained herein shall prevent the City from altering or changing the design and/or location of the Roadway and Drainage Improvements as necessary to meet future needs or updated standards, as solely determined by the City.

13.5 Neighborhood Open Space. Developer agrees to locate and maintain open space (the "Neighborhood Open Space") in the location shown on the Concept Plan attached hereto as **Exhibit C** and as depicted in greater detail on **Exhibit C-1** (Parks, Open Space and Amenities), also attached hereto.. All maintenance within the Neighborhood Open Space shall be the responsibility of the HOA. The Parties agree that the Neighborhood Open Space shall be open to the general public, and all expenses for construction, maintenance and operation shall be paid by the Developer. All costs of maintenance and operation shall be borne solely by the HOA. The Developer and/or the HOA recognize and agree that the Neighborhood Open Space is a public

amenity and agree to take all necessary steps to identify the Neighborhood Open Space as a public amenity that is open to the general public.

13.6 Authorized Improvements. All Authorized Improvements shall be designed, constructed, and installed by the Developer in compliance with the Governing Regulations. Construction and/or installation of the Authorized Improvements shall not begin until complete and accurate plans and specifications have been approved by the City in accordance with standard procedures. Each of such contracts shall require a two-year maintenance bond following completion, which bond shall run in favor of the City of Kaufman for maintenance of the completed Authorized Improvements. To the extent easements or rights-of-way are needed within the Property, they shall be dedicated by Developer and/or to the City at no cost to the City in the form of an instrument acceptable to both the City and Developer. The Authorized Improvements will be installed within easements granted to the City or in the public right of way by an instrument acceptable to the City in its sole discretion. The size of the Authorized Improvements shall be sized as finally determined by the Developer's engineer and confirmed by the City's engineer.

13.7 Inspections, Acceptance of Public Infrastructure.

(a) Public Infrastructure. The City shall have the right to inspect, at any time, the construction of all Public Infrastructure necessary to support the proposed development within the Property, which shall be inspected, designed, and constructed in compliance with all statutory and regulatory requirements, including design and construction criteria, and the Governing Regulations. All Road Improvements shall be dedicated to and become the property of the City and shall be maintained by the City in accordance with the terms of this Agreement upon City's final acceptance of such improvements. Road improvements include storm drainage infrastructure, sidewalks, traffic control devices and signage.

(b) No Release. The City's inspections shall not release Developer from their responsibility to construct, or ensure the construction of, adequate Public Infrastructure in accordance with approved engineering plans, construction plans, and other approved plans related to the development of the Property and/or final plat.

(c) City Owned. From and after the inspection and acceptance by the City of the Public Infrastructure and any other dedications required under this Agreement, such Public Infrastructure and dedications shall be owned and maintained by the City.

(d) Approval of Plats/Plans. All plats, permits, plans, designs or specifications shall be subject to approval by the City in accordance with standard City processes and upon payment of applicable fees and shall be in accordance with the City Regulations. Approval by the City, the City's engineer or other City employee or representative of any plats, permits, plans, designs or specifications submitted by Developer pursuant to this Agreement or pursuant to the Governing Regulations shall not constitute or be deemed to be a release of the responsibility and liability of Developer, their engineer, employees, officers or agents for the accuracy and competency of their design and specifications. Further, any such approvals shall not be deemed to be an assumption of such responsibility and liability by the City for any defect in the design and specifications prepared by Developer or the Developer's engineer, or engineer's officers, agents, servants or employees, it being the intent of the parties that approval by the City's engineer signifies the City's approval

on only the general design concept of the improvements to be constructed. All plats and plans of Developer related to the Property shall meet the requirements of the Governing Regulations.

13.8 Operation and Maintenance of All Infrastructure. Upon inspection, approval, and acceptance of all Public Infrastructure or any portion thereof, the City shall maintain and operate the accepted Public Infrastructure (except for the open space improvements, which will be owned and maintained by the HOA) or any accepted portion thereof.

13.9 Rights-of-Way and Easements. Developer will transfer to the City any on-site easements necessary for Public Improvements at the time of development or within one hundred twenty (120) days of the City requesting same for a City project, as applicable, in an instrument suitable to the City.

ARTICLE XIV **HOMEOWNERS ASSOCIATION**

14.1 Homeowners' Association Required.

(a) Developer shall create a sustainable and mandatory homeowners' association ("HOA") for the Property that requires membership by all of the owners of residential lots within the Property.

(b) The HOA shall own and be responsible for the maintenance of any private facilities, appurtenances, common areas, and open spaces (and all improvements thereon) within the Property.

(c) The HOA shall have covenants and bylaws and shall require the payment of dues and assessments to maintain any private facilities, appurtenances, common areas, and open spaces (and all improvements thereon) within the Property. The HOA covenants shall provide for assessments and liens for nonpayment of dues or assessments. The approved covenants of the HOA must be recorded with the County Clerk for Kaufman County after review and approval by the City.

ARTICLE XV **DEVELOPMENT PROCESS AND CHARGES**

15.1 Development Charges. Except as specifically described below, Developer and/or builders, as applicable, shall be subject to those fees and charges due and payable to the City in connection with the development of the Property that are charged uniformly to other developments located in the corporate limits of the City, whether in effect on the date of this Agreement or implemented at a later date.

ARTICLE XVI

TERM

The term of this Agreement shall be for a period of thirty-five (35) years after the Effective Date and may be extended once for a fifteen (15) year period, by the agreement of both Parties.

ARTICLE XVII

EVENTS OF DEFAULT; REMEDIES

17.1 **Events of Default.** No Party shall be in default under this Agreement until Notice of the alleged failure of such Party to perform has been given in writing (which Notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event more than 30 days (or any longer time period to the extent expressly stated in this Agreement as relates to a specific failure to perform) after written notice of the alleged failure has been given except as relates to a type of default for which a different time period is expressly set forth in this Agreement). Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the Notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. Notwithstanding the foregoing, however, a Party shall be in default of its obligation to make any payment required under this Agreement if such payment is not made within 30 days after it is due.

17.2 **Remedies.** If a Party is in default, the aggrieved Party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, or actions for specific performance, mandamus, or injunctive relief. NOTWITHSTANDING THE FOREGOING, HOWEVER, NO DEFAULT UNDER THIS AGREEMENT SHALL ENTITLE THE AGGRIEVED PARTY TO TERMINATE THIS AGREEMENT OR LIMIT THE TERM OF THIS AGREEMENT.

17.3 **Cessation of Compliance.** As a matter of law, a city by contract cannot bind its current or future city councils in the exercise of the council's legislative discretion or the performance of its legislative functions, which include the zoning of property, the establishment of a PID, and the levying of assessments. Nonetheless, the Developer has spent a substantial sum to negotiate, implement, and comply with this Agreement and Developer expects and relies on the City to take appropriate actions to zone the Property, create the PID, and levy the Assessments that are described in this Agreement. If the current or a future City Council of the City does not zone the Property as described in this Agreement, does not establish or operate the PID as described in this Agreement, or does not levy the Assessments described in this Agreement, then Developer shall have no further obligation to comply with any of the terms of this Agreement until such time as the City Council takes appropriate actions to have the City resume compliance with its obligations under this Agreement. If the City resumes its compliance with its obligations under this Agreement, the Developer shall have up to 90 days to resume its compliance with this Agreement.

ARTICLE XVIII

ASSIGNMENT AND ENCUMBRANCE

18.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties. The Developer and any Assignee have the right (from time to time) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of the Developer under this Agreement to any person or entity (an "Assignee") with prior written consent of the City That: (i) is or will become a lessee or developer of all or any portion of the Property, or (ii) is controlled by or under common control by the Developer and becomes a lessee or developer of all or any portion of the Property, and (iii) that has provided documentation of financial ability acceptable to the City to demonstrate that Assignee is qualified to comply with all of the terms of this Agreement applicable to Developer, provided that the Developer is not in breach of this Agreement at the time of such assignment. An Assignee is considered the "Developer" and a "Party," under this Agreement for purposes of the obligations, rights, title, and interest assigned to the Assignee. Developer shall provide City with at least thirty (30) days' written notice of any request for assignment which notice shall include a copy of the proposed assignment document, at minimum meeting the requirements of this Agreement, together with the name, address, telephone number, and e-mail address of a contact person representing the Assignee, and shall include such documentation of the proposed Assignee's financial capacity and ability to perform Developer's obligations under this Agreement. Developer shall provide such written documentation as reasonably requested by City to facilitate City's determination regarding the ability of the proposed Assignee to comply with Developer's obligations under this Agreement.

From and after City's written approval of such assignment, the City agrees to look solely to the Assignee for the performance of all obligations assigned to the Assignee and agrees that the Developer shall be released from subsequently performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations. No assignment by the Developer shall release the Developer from any liability that resulted from an act or omission by the Developer that occurred prior to the effective date of the assignment unless the City approves the release in writing.

Notwithstanding the foregoing, any receivables due under this Agreement, any construction funding agreement, any reimbursement agreement (pursuant to Section 372.023(d-1) of the Texas Local Government Code) may be assigned by the Developer without the consent of, but upon written Notice to the City in accordance with Section 20.2 of this Agreement and as allowed. The Developer may also collaterally assign the receivables as collateral for any development loan, and the Developer may execute such documents and contracts as necessary to effectuate such loans or financings, without the consent, but with Notice, to the City.

18.2 Encumbrance by City. The City shall not collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of its rights, title, or interest under this Agreement without the Developer's prior written consent, which consent shall not be unreasonably withheld.

18.3 Assignees as Parties. An Assignee approved or authorized in accordance with this Agreement and for which Notice of assignment has been provided in accordance with Section 18.5 of this Agreement shall be considered a Party for the purposes of this Agreement. Developer shall require Developer's Assignee to execute all necessary documents to be bound to the terms of this

Agreement as required by this Article. With the exception of an End Buyer of a lot within the Property, any person or entity upon becoming an owner of land within the PID or upon obtaining an ownership interest in any part of the Property shall be deemed to be an owner and have all of the obligations of the Developer as set forth in this Agreement and all related documents to the extent of said ownership or ownership interest. This Agreement and the obligations and liabilities arising under this Agreement shall be released automatically as to each End Buyer of a lot; provided, however, that no such conveyance of a lot shall release Developer from its obligations hereunder. Any third party, including without limitation any title company, grantee or lienholder, shall be entitled to rely on the existence or nonexistence of a recorded affidavit to establish whether such termination has occurred as to a lot.

18.4 No Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

ARTICLE XIX

RECORDATION AND ESTOPPEL CERTIFICATES

19.1 Binding Obligations. This Agreement and all amendments hereto (including amendments to the Concept Plan as allowed in this Agreement) and assignments hereof shall be recorded in the deed records of Kaufman County. This Agreement binds and constitutes a covenant running with the Property. Upon the Effective Date, this Agreement shall be binding upon the Parties and their successors and assigns permitted by this Agreement and forms a part of any other requirements for development within the Property. This Agreement, when recorded, shall be binding upon the Parties and their successors and assigns as permitted by this Agreement and upon the Property; however, this Agreement shall not be binding upon, and shall not constitute any encumbrance to title as to, any End-Buyer of a Fully Developed and Improved Lot except for land use and development regulations that apply to such lots.

19.2 Estoppel Certificates. From time to time upon written request of the Developer or any future owner, and upon the payment of a \$100.00 fee to the City, the City Manager, or his/her designee will, in his official capacity and to his reasonable knowledge and belief, execute a written estoppel certificate identifying any obligations of an owner under this Agreement that are in default.

ARTICLE XX

ADDITIONAL PROVISIONS

20.1 Recitals. The recitals contained in this Agreement: (i) are true and correct as of the Effective Date; (ii) form the basis upon which the Parties negotiated and entered into this Agreement; (iii) are legislative findings of the City Council of the City; and (iv) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect.

The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

20.2 Notices. Any Notice, payment or instrument required or permitted by this Agreement to be given or delivered to any party shall be deemed to have been received when personally delivered or transmitted by telecopy or facsimile transmission (which shall be immediately confirmed by telephone and shall be followed by mailing an original of the same within 24 hours after such transmission) or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City:	Attn: Mike Holder, City Manager City of Kaufman 209 S. Washington Street Kaufman, TX 75142
To the City Attorney	Patricia Adams Messer Fort, PLLC 6371 Preston Road Suite 200 Frisco Texas 75034
To the Developer:	Attn: Ashley Sud The Enclave at Kings Fort Inc., a Delaware corporation Computershare Governance Services Inc. 801 US Highway 1 North Palm Beach, Florida 33408
With a copy to:	Attn: Robert Miklos Ferguson Braswell Fraser Kubasta PC 2500 Dallas Parkway, Suite 600 Plano, Texas 75093 Email: rmiklos@fbfk.law

Any party may change its address or addresses for delivery of Notice by delivering written Notice of such change of address to the other party.

20.3 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

20.4 Time. In this Agreement, time is of the essence and compliance with the times for performance herein is required.

20.5 Intentionally Deleted.

20.6 Authority and Enforceability. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, Notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Agreement has been approved by appropriate action of the Developer, and that the individual executing this Agreement on behalf of the Developer has been duly authorized to do so. Each Party respectively acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law.

20.7 Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement. This Agreement shall not be modified or amended except in writing signed by the Parties.

20.8 Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (i) such unenforceable provision shall be deleted from this Agreement; (ii) the unenforceable provision shall, to the extent possible and upon mutual agreement of the parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (iii) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

20.9 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Kaufman County. Exclusive venue for any action to enforce or construe this Agreement shall be in the Kaufman County District Court.

20.10 Non-Waiver. Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

20.11 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

20.12 Further Documents. The Parties agree that at any time after execution of this Agreement, they will, upon request of another Party, execute and deliver such further documents and do such further acts and things as the other Party may reasonably request in order to effectuate the terms of this Agreement. This provision shall not be construed as limiting or otherwise

hindering the legislative discretion of the City Council seated at the time that this Agreement is executed or any future City Council.

20.13 Exhibits. The following exhibits are attached to this Agreement and are incorporated herein for all purposes:

Exhibit A	Metes and Bounds of the Property
Exhibit B	Property Depiction
Exhibit C	Concept Plan (Illustrative)
Exhibit C-1	Parks, Open Space, and Amenities
Exhibit C-2	Tree Survey
Exhibit D	Development Standards
Exhibit E	Authorized Improvements with their Estimated Costs
Exhibit F	Home Buyer Disclosure Program
Exhibit G	Landowner Agreement

20.14 Home Buyer Disclosures. The Developer shall comply with the Home Buyer Disclosure Program and shall deed restrict the Property in a manner that notifies all owners of Property of the obligations set forth in the Home Buyer Disclosure Program. The Developer shall provide City evidence on a quarterly basis, or upon written request from the City, that the original purchaser of any finished lot within the PID has been provided the Home Buyer Disclosure Program.

20.15 Governmental Powers; Waivers of Immunity. By its execution of this Agreement, the City does not waive or surrender any of its respective governmental powers, immunities, or rights except as provided in this section. The Parties acknowledge that the City waives its sovereign immunity as to suit solely for the purpose of adjudicating a claim under this Agreement.

20.16 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within three business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term “force majeure” shall include events or circumstances that are not within the reasonable control of Party whose performance is suspended and that could not have been avoided by such Party with the good faith exercise of good faith, due diligence, and reasonable care.

20.17 Entire Agreement. This Agreement, including its exhibits and documents executed in accordance with this Agreement, constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement.

20.18 Amendments. This Agreement cannot be modified, amended, or otherwise varied, except in writing signed by the City and Developer expressly amending the terms of this Agreement.

20.19 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

20.20 Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed by the Parties hereto or by any third party to create the relationship of principal and agent, or of partnership, joint venture or any association whatsoever between any one or more of the Parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the Parties hereto shall be deemed to create any relationship between the Parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

20.21 Captions. The descriptive captions of this Agreement are for convenience of reference only and shall in no way define, describe, limit, expand or affect the scope, terms, conditions, or intent of this Agreement.

20.22 Number and Gender. Whenever used herein, unless the context otherwise provides, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

20.23 Gift to Public Servant. The Developer shall not, and shall use commercially reasonable efforts to cause its contractors and agents to not, offer, or agree to confer any benefit upon a City employee or official that the City employee or official is prohibited by law from accepting. For purposes of this section, “benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct or substantial interest, but does not include a contribution or expenditure made and reported in accordance with law. Notwithstanding any other legal remedies, the City may require the Developer to remove any employee or contractor of the Developer from performance responsibilities under this Agreement who has violated the restrictions of this section or any similar state or federal law.

20.24 Anti-Boycott Verification. No Boycott Israel. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2271.002, Texas Government Code, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, ‘boycott Israel,’ a term defined in Section 2271.001, Texas Government Code, by reference to Section 808.001(1), Texas Government Code, means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The

Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit.

20.25 Not a Listed Company. The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer’s internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made solely to enable the City to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. As used in this Section, the Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.26 Verification Regarding Energy Company Boycotts. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, “boycott energy companies,” a term defined in Section 2274.001(1), Texas Government Code (as enacted by such Senate Bill) by reference to Section 809.001, Texas Government Code (also as enacted by such Senate Bill), shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by (A) above. As used in this Section, the Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.27 Verification Regarding Discrimination Against Firearm Entity or Trade Association.

To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas

Legislature, Regular Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification and the following definitions:

(i) ‘discriminate against a firearm entity or firearm trade association,’ a term defined in Section 2274.001(3), Texas Government Code (as enacted by such Senate Bill), (A) means, with respect to the firearm entity or firearm trade association, to (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association and (B) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association;

(ii) ‘firearm entity,’ a term defined in Section 2274.001(6), Texas Government Code (as enacted by such Senate Bill), means a manufacturer, distributor, wholesaler, supplier, or retailer of firearms (defined in Section 2274.001(4), Texas Government Code, as enacted by such Senate Bill, as weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (defined in Section 2274.001(5), Texas Government Code, as enacted by such Senate Bill, as devices specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (defined in Section 2274.001(1), Texas Government Code, as enacted by such Senate Bill, as a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (defined in Section 250.001, Texas Local Government Code, as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting); and

(iii) ‘firearm trade association,’ a term defined in Section 2274.001(7), Texas Government Code (as enacted by such Senate Bill), means any person, corporation, unincorporated association, federation, business league, or business organization that (i) is not organized or operated for profit (and none of the net earnings of which inures to the

benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code as used in this Section, the Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.28 Form 1295. Submitted herewith is a completed Form 1295 in connection with the Developer’s participation in the execution of this Agreement generated by the Texas Ethics Commission’s (the “TEC”) electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the “Form 1295”). The City hereby confirms receipt of the Form 1295 from the Developer, and the City agrees to acknowledge such form with the TEC through its electronic filing application not later than the 30th day after the receipt of such form. The Developer and the City understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

[signatures on following pages]

EXECUTED by the City and Developer on the respective dates stated below.

Date: _____

CITY OF KAUFMAN

By: _____
Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM

Patricia A. Adams
City Attorney

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

This instrument was acknowledged before me on the __ day of _____, 2024 by Jeff Jordan, Mayor of the City of Kaufman, Texas on behalf of said City.

(SEAL)

Notary Public, State of Texas

Name printed or typed

Commission Expires: _____

DEVELOPER

Enclave at Kings Fort, Inc.,
a Delaware corporation

By: _____

By: _____

Name:

Its:

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of _____,
2024 by _____, Enclave at Kings Fort Inc., a Delaware corporation, on
behalf of said company.

Notary Public, State of Texas

EXHIBIT A

Metes and Bounds of the Property

BEING a tract of land situated in the D. FALCON SURVEY, ABSTRACT NO. 151, of Kaufman County, Texas, and being a tract of land conveyed to Kaufman175 LLC, as recorded in Volume 5939, Page 257, of the Deed Records of Kaufman County, Texas, as shown on this survey, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch yellow-capped iron rod found for corner, being the Southeast corner of said Kaufman175 tract, and being the Southern most West corner of a tract of land conveyed to JWS Land LTD, Volume 4238, Page 325, of the Deed Records of Kaufman County, Texas, and being on the North line of a tract of land conveyed to Georgetown KF, LTD, as recorded in Volume 5852, Page 104, of the Deed Records of Kaufman County, Texas;

THENCE South 88 degrees 28 minutes 26 seconds West, a distance of 917.72 feet, and being on the South line of said Kaufman175 tract;

THENCE South 88 degrees 44 minutes 47 seconds West, a distance of 1130.70 feet, to a point for corner, being the Northwest corner of a tract of land conveyed to Georgetown KF LTD, as recorded in Volume 5852, Page 104, of the Deed Records of Kaufman County, Texas;

THENCE North 10 degrees 45 minutes 20 seconds East, a distance of 966.60 feet, to a point for corner, said point being in a curve to the left having a radius of 761.00 feet;

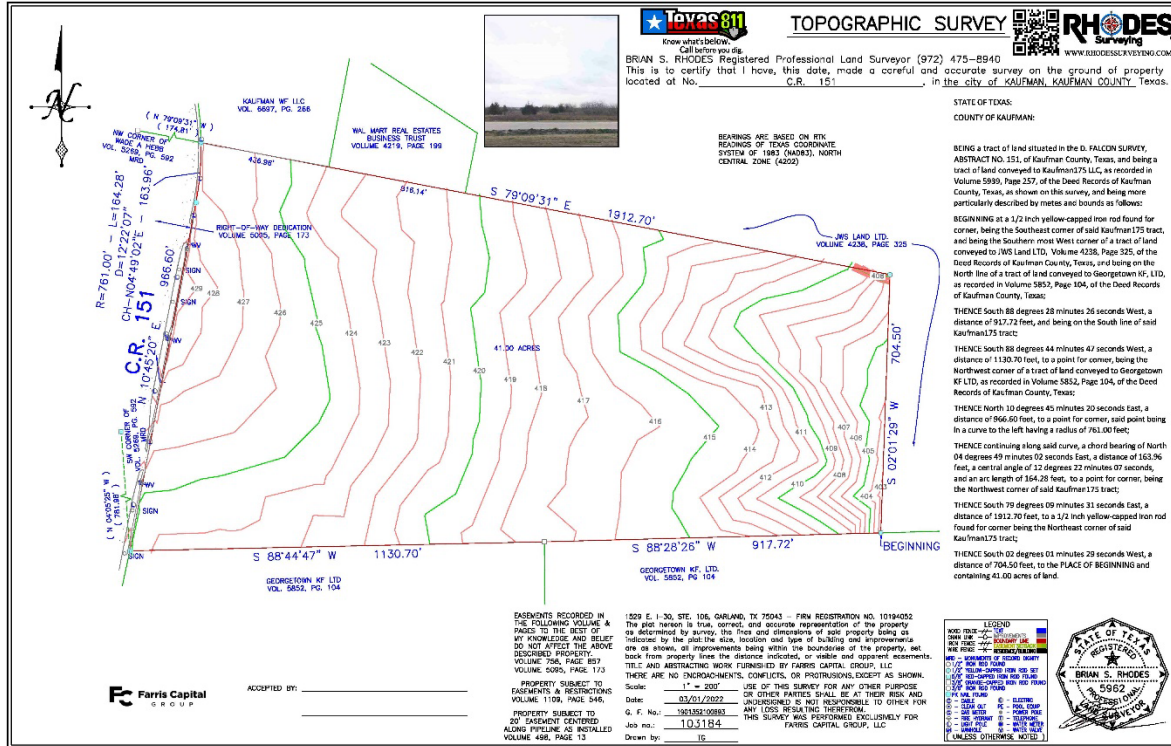
THENCE continuing along said curve, a chord bearing of North 04 degrees 49 minutes 02 seconds East, a distance of 163.96 feet, a central angle of 12 degrees 22 minutes 07 seconds, and an arc length of 164.28 feet, to a point for corner, being the Northwest corner of said Kaufman175 tract;

THENCE South 79 degrees 09 minutes 31 seconds East, a distance of 1912.70 feet, to a 1/2 inch yellow-capped iron rod found for corner being the Northeast corner of said Kaufman175 tract;

THENCE South 02 degrees 01 minutes 29 seconds West, a distance of 704.50 feet, to the PLACE OF BEGINNING and containing 41.00 acres of land.

EXHIBIT B

Property Depiction



Concept Plan (Illustrative)



EXHIBIT C-1
Parks, Open Space, and Amenities



Tree Survey

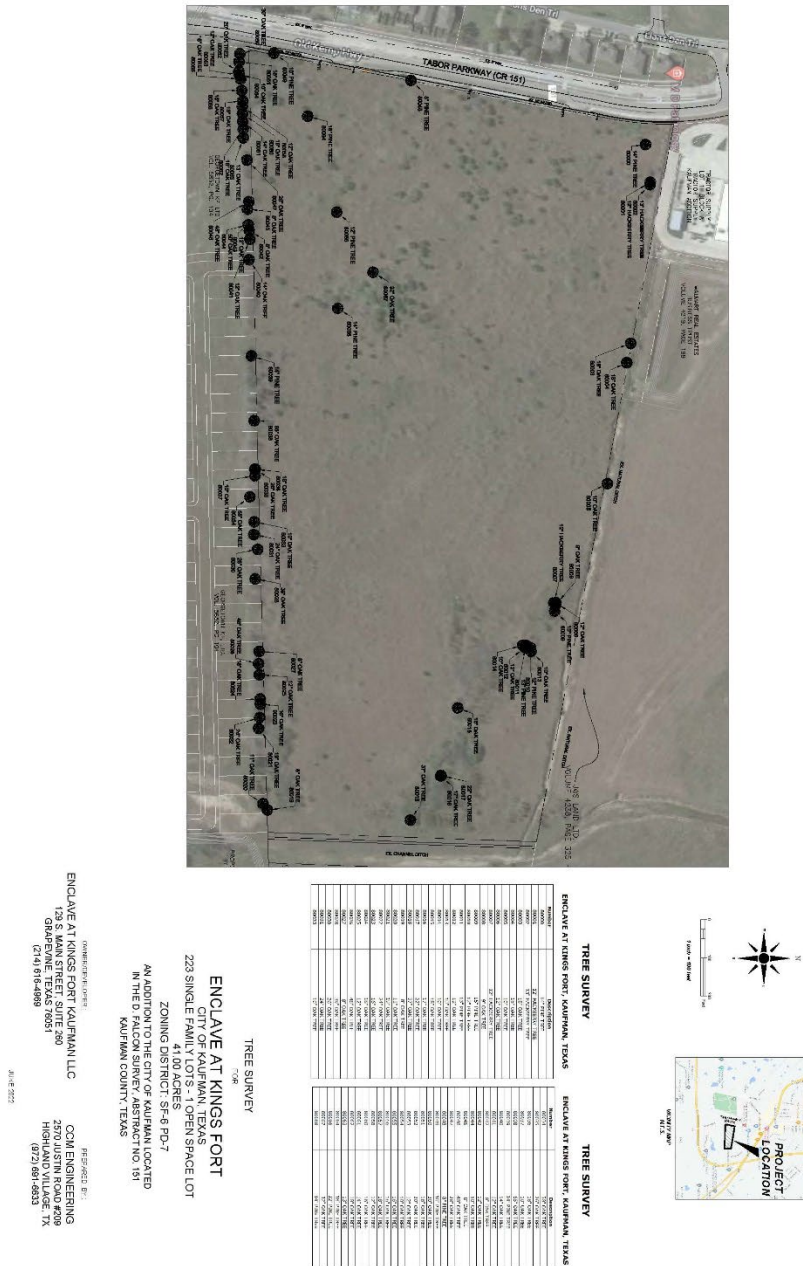


EXHIBIT D

DEVELOPMENT STANDARDS

1. **Concept Plan:** The overall layout, design, and development of the Property shall generally comply with the Preliminary Plat and Land Study of the Enclave at Kings Fort that was approved by the City in June 2022. Upon adoption of an Ordinance zoning the Property, the regulations contained within that ordinance shall control over any conflicting provisions contained in this Exhibit D.
2. **Maximum Number of Lots:** The maximum number of residential lots is 215.
3. **Single-Family Residential Lots:**
 - a. The single family detached residential portions of the property shall be in accordance with the development standards set forth below:
 - i. Minimum Lot Size: 5,500 sq. ft., with the exception that three lots (Lots 5, 36, and 39 of Block A, as shown on the preliminary plat) shall be allowed a reduced minimum lot area of 5,000 sq. ft.
 - ii. Minimum Lot Width (as measured at the front building line): 50 feet, except for cul de sac lots, which shall conform to the Concept Plan.
 - iii. Minimum Lot Depth (as measured at the center of the lot): 110 feet, except for cul de sac lots, which shall conform to the Concept Plan.
 - iv. Minimum Front Yard Setback: 25 feet
 - v. Minimum Interior Side Yard Setback: 5 feet
 - vi. Minimum Side Yard Setback on Corner Lot Adjacent to a Street ROW: 15 feet for lots that back to the rear of another lot and 25 feet for lots that back to the side yard of another lot.
 - vii. Minimum Rear Yard Setback: 10 feet.
 - viii. Maximum Lot Coverage (measured as the percentage of the lot covered by buildings): 65 percent.
 - ix. Maximum Building/Structure Height: 35 feet.
 - x. Dwelling Unit Size (defined as air-conditioned, enclosed space used for residential purposes, excluding the garage): Not more than 10% of the lots shall have a minimum dwelling unit size of 1200 sq. ft. Not more than 40% of the lots shall have a minimum dwelling unit size of 1600 sq. ft. The remainder shall have a minimum dwelling unit size of 2400 sq. ft.
 - xi. 2-car garages are required for all lots, with a minimum driveway width of 16 feet.
 - xii. All garage door panels shall include decorative features such as window inserts, full-paneled doors, accent hardware, or carriage-style design.

- xiii. The front of each house shall include at least two coach lights.
- xiv. A minimum of 30% of the houses shall have a front porch with at least 60 sq. ft. of usable space excluding the entryway (defined as the 4-foot wide section of porch directly in front of the door). Front porches are allowed to encroach up to 5 feet into the front yard setback.
- xv. All houses shall have an exterior with a minimum of 70% masonry, which masonry shall include brick or natural stone, and cementitious fiber (hardi-board). Stucco or wood may be used as accent materials on the remaining 30%.
- xvi. A minimum roof pitch of 6:12 shall be provided for the primary roof for each home.
- xvii. The same elevation may not be repeated within a four-lot block on the same side of the street.
- xviii. Windows or some other sort of relief or articulation shall be provided at minimum 40 ft. intervals along each floor of each façade of each home to avoid large expanses of blank wall. City staff can administratively approve exceptions that meet the spirit or intent of this requirement.
- xix. Full gutters shall be provided around each house.
- xx. A minimum six-foot-tall wooden privacy fence with galvanized posts shall be required on each lot. The privacy fence shall not extend into the front yard setback or exterior side yard setback.
- xxi. Accessory structures are only allowed in the backyard and shall adhere to all City zoning regulations and neighborhood covenants, conditions, and restrictions.
- xxii. Carports are prohibited. Converting the required 2-car garages into living space is also prohibited.
- xxiii. Each residential lot will have one 3-inch-caliper tree planted in the front yard, and full sod. Each corner lot will be required to have an additional 3-inch-caliper tree planted in the exterior side yard.

4. Open Space, Amenities, and Perimeter Landscaping & Screening:

- a. Open Space, Amenities, and Perimeter Landscaping & Screening shall be provided as set forth below:
 - i. Along the rear of the lots backing to Tabor Parkway, the developer shall install a 6'-tall board-on-board wood fence (with cap rail) with masonry columns spaced every 20'. This fence shall wrap around the exterior side yards of homes that side to the entrances to the development (Alamo Drive and Wentworth Drive).
 - ii. A Masonry monument sign displaying the name of the neighborhood, and landscaping for the Property's Open Space, medians, perimeters, and entryways shall conform to the approved Landscape and Civil

Plans.

- iii. The existing trees along Tabor Parkway shall be preserved and protected during infrastructure construction by the developer per the approved Landscape and Civil Plans.
- iv. Decorative lighting shall be installed at the entrances to the development and on Lot 14X of Block E and Lot 46X of Block A.
- v. On Lot 14X of Block E, the developer shall install a community mailbox with 4 off-street parking spaces, and concrete sidewalks. An additional community mailbox shall be installed on Lot 46X of Block A and at any other location as required by the U.S. Postal Service.
- vi. On Lot 46X of Block A, the developer shall provide a trailhead and concrete trail at least 10 feet in width that provides a connection to the proposed trail in Kings Fort Park immediately to the southeast. The trail shall connect to the sidewalk system in the development. The trailhead area shall be amenitized with a low stone seat wall and/or bench seating, trash receptacle, pedestrian concrete pavers, shade structure, signage, landscaping, and at least 6 off-street parking spaces.
- vii. All landscaping, screening, and amenities shall be included within the civil plans for each phase of development and subject to approval by City staff.
- viii. The developer shall be eligible for credits towards park fees for the improvements listed above in subsection 4.a.vi on Lot 46X of Block A.
- ix. All open space lots and improvements thereon shall be maintained by the homeowners' association.

5. Homeowners' Association:

A homeowners' association shall be established for the development, which shall be responsible for the maintenance of all open space lots and all improvements thereon, all perimeter landscaping & screening, all entryway features and landscaping (including the median), all drainage facilities, and all amenities. The homeowners' association shall also provide enhanced standards for the maintenance and upkeep of all residential properties. The homeowners' association covenants shall include a statement indemnifying the City from maintenance for any of the aforementioned items, but allowing the City to enter the property to conduct the maintenance of the aforementioned items if the homeowners' association fails to do so at the sole cost of the property owners within the development.

EXHIBIT E

Authorized Improvements with their Estimated Costs

		Label	Description	Dim.	Plan Pg.	Spec. Pg.	Qty.	UOM	\$/UOM	Line Totals
Public										\$ -
Public										\$ -
Public	Concrete	Paving	6" 3600PSI w/ #3's on 18" OCEW Slipformed				115911.00	sf	\$ 6.84	\$ 792,653
Public	Concrete	Paving	5'x4' sidewalk				850.00	sf	\$ 10.81	\$ 9,189
Public	Concrete	Paving	5" 3600PSI w/ #3's on 18" OCEW Barrier free ramps				15.00	ea	\$ 2,754.70	\$ 41,321
Public	Concrete	Paving	parking at mailboxes				1.00	lot	\$ 14,000.00	\$ 14,000
Public	Concrete	Paving	joint sealants				4829.63	lf	\$ 3.81	\$ 18,401
Public	Concrete	Paving	future street header				54.00	lf	\$ 20.01	\$ 1,081
Public	Concrete	Paving	connect to existing				127.00	lf	\$ 21.03	\$ 2,671
Public	Concrete	Paving	stop sign w/ post				8.00	ea	\$ 516.73	\$ 4,134
Public	Concrete	Paving	street sign pairs				7.00	ea	\$ 791.95	\$ 5,544
Public	Concrete	Paving	pavement markings "stop bar"				1.00	lot	\$ 381.29	\$ 381
Public	Concrete	Paving	lime				13809.00	sy	\$ 5.28	\$ 72,912
Public	Concrete	Paving	lime install				249.00	tn	\$ 331.38	\$ 82,514
Public	Concrete	misc	surveying				1.00	lot	\$ 18,036.00	\$ 18,036
Public	Concrete	misc	maintenance bonds				1.00	lot	\$ 12,655.00	\$ 12,655
Public	Concrete	misc	barracades at the end of the street				1.00	lot	\$ 6,250.00	\$ 6,250
Public	Concrete	misc	traffic control				1.00	lot	\$ 14,200.00	\$ 14,200
Public	Concrete	misc	barracades				1.00	lot	\$ 4,700.00	\$ 4,700
Public	Concrete	misc	washout containers				1.00	lot	\$ 3,500.00	\$ 3,500
Public	Concrete	misc	P&P bonds				1.00	lot	\$ 47,800.00	\$ 47,800
Public	Concrete	misc	back fill to curb				1.00	lot	\$ 21,870.00	\$ 21,870
Public	Concrete	misc	tax				1.00	lot	\$ 58,500.00	\$ 58,500
Public	Erosion Control	erosion control	install and remove construction entrance				1.00	ea	\$ 2,950.00	\$ 2,950
Public	Erosion Control	erosion control	install and remove silt fence				1.00	ea	\$ 6,435.00	\$ 6,435
Public	Erosion Control	erosion control	install and remove inlet protection				1.00	ea	\$ 8,359.41	\$ 8,359
Public	Erosion Control	erosion control	install and remove rock check dam				1.00	ea	\$ 3,910.00	\$ 3,910
Public	Erosion Control	erosion control	curlex				1.00	ea	\$ 6,184.35	\$ 6,184
Public	Erosion Control	erosion control	broadcast seeding of lots				1.00	ea	\$ 6,353.75	\$ 6,354
Public	Earthwork	demo	sawcut and concrete removal				122.00	lf	\$ 20.00	\$ 2,440
Public	Earthwork	public improvements	clear and grub (include additional space to stockpile spoils on the eastern site)				22.60	acre	\$ 867.87	\$ 19,614
Public	Earthwork	public improvements	cut/fill				9203.00	cy	\$ 2.95	\$ 27,149
Public	Earthwork	public improvements	haul off				40973.00	cy	\$ 2.95	\$ 120,870
Public	Earthwork	public improvements	cut swale on phase 2				1.00	lot	\$ 1,935.00	\$ 1,935
Public	Earthwork	public improvements	stockpile and stabilize haul off on eastern portion of the neighboring site				40973.00	cy	\$ 3.00	\$ 122,919
Public	Earthwork	public improvements	retaining wall layback				1.00	lot	\$ 21,973.00	\$ 21,973
Public	Earthwork	misc Public	mobilizations				1.00	ea	\$ 6,250.00	\$ 6,250
Public	Earthwork	misc Public	survey				1.00	lot	\$ 11,689.00	\$ 11,689
Public	Earthwork	misc Public	traffic control				1.00	lot	\$ 8,750.00	\$ 8,750
Public	Earthwork	misc Public	maintenance bonds				1.00	lot	\$ 13,000.00	\$ 13,000
Public	Earthwork	misc Public	street sweeping				1.00	lot	\$ 7,500.00	\$ 7,500
Public	Earthwork	misc Public	water				1.00	lot	\$ 8,513.00	\$ 8,513
Public	Earthwork	misc Public	backfill curbs				1.00	lot	\$ 13,194.00	\$ 13,194
Public	Utilities	Water	8" pvc				4069.00	lf	\$ 80.34	\$ 326,919
Public	Utilities	Water	6" pvc				90.00	lf	\$ 61.00	\$ 5,490
Public	Utilities	Water	3/4" meter domestic				101.00	ea	\$ 916.00	\$ 92,516
Public	Utilities	Water	3/4 meter irrigation				2.00	ea	\$ 905.00	\$ 1,810
Public	Utilities	Water	8" gate valve				28.00	ea	\$ 579.00	\$ 16,212
Public	Utilities	Water	6" gate valve				8.00	ea	\$ 589.00	\$ 4,712
Public	Utilities	Water	12"x8" tsv				2.00	ea	\$ 908.00	\$ 1,816
Public	Utilities	Water	cast iron fittings				1.00	lot	\$ 17,146.00	\$ 17,146
Public	Utilities	Water	fire hydrant				8.00	ea	\$ 6,850.00	\$ 54,800
Public	Utilities	sanitary sewer	connect to existing				1.00	lot	\$ 9,500.00	\$ 9,500
Public	Utilities	sanitary sewer	8" sdr35				5004.00	lf	\$ 91.92	\$ 459,962
Public	Utilities	sanitary sewer	4" service				101.00	ea	\$ 69.00	\$ 6,969
Public	Utilities	sanitary sewer	4" manholes				16.00	ea	\$ 7,100.00	\$ 113,600
Public	Utilities	storm sewer	42" rcp				193.00	lf	\$ 268.00	\$ 51,724
Public	Utilities	storm sewer	36" rcp				743.00	lf	\$ 276.00	\$ 205,068
Public	Utilities	storm sewer	27" rcp				271.00	lf	\$ 168.00	\$ 45,528
Public	Utilities	storm sewer	21" rcp				122.00	lf	\$ 136.00	\$ 16,592
Public	Utilities	storm sewer	18" rcp				959.00	lf	\$ 119.00	\$ 114,121
Public	Utilities	storm sewer	42" headwall				1.00	ea	\$ 16,809.00	\$ 16,809

EXHIBIT E - continued

Public	Utilities	storm sewer	36" headwall	1.00 ea	\$ 13,496.00	\$ 13,496
Public	Utilities	storm sewer	12' curb inlet	8.00 ea	\$ 9,190.00	\$ 73,520
Public	Utilities	storm sewer	10' curb inlet	9.00 ea	\$ 7,688.00	\$ 69,192
Public	Utilities	storm sewer	4x4 junction box	3.00 ea	\$ 19,973.67	\$ 59,921
Public	Utilities	storm sewer	rip rap	630.00 sf	\$ 45.00	\$ 28,350
Public	Elec	Elec Dist.	primary conduit 2" pvc	5690.00	\$ 46.82	\$ 266,403
Public	Elec	Elec Dist.	secondary conduit'	101.00	\$ 33.00	\$ 3,333
Public	Elec	Elec Dist.	service stub outs 3", 5' elbows	101.00	\$ 32.00	\$ 3,232
Public	Elec	Elec Dist.	street lights service 1.25"	101.00	\$ 32.00	\$ 3,232
Public	Tail system	Trail system	Trail system	30937.00	\$ 4.50	\$ 139,217
Public		Geotech Services (material testing)				\$ 49,613
Public		General Conditions				\$ 169,397
Public		Builder/Developer Fees				\$ 149,138
Public		CM and DM Fees				\$ 255,149
Public		Professional/Engineering Fees				\$ 357,423
Public		Development Fees (impact fees and tap fees)				\$ 119,141
Public		Contingency (10% of hard servicing)				\$ 385,849
Total						\$ 5,359,197

		Label	Description	Dim.	Plan Pg.	Spec. Pg.	Qty.	UOM	\$/UOM	Line Totals
Private	Earthwork	private improvements	rough benching				101.00	lots	\$ 150.00	\$ 15,150
Private	Earthwork	private improvements	final lot benching				101.00	lots	\$ 150.00	\$ 15,150
Private	Earthwork	private improvements	moisture condition to 6"				101.00	lots	\$ 1,957.43	\$ 197,700
Private	Earthwork	private improvements	6 mil poly cap							\$ -
Private	Retaining Walls	private improvements	site wall 1				383.00	lf	\$ 88.33	\$ 33,832
Private	Retaining Walls	private improvements	site wall 2				408.00	lf	\$ 103.00	\$ 42,024
		Geotech Services								\$ 21,804
		Hardscape (fencing, monument sign, mailboxes)								\$ 165,906
		General Conditions								\$ 25,000
		CM Fees								\$ 17,627
		Professional/Engineering Fees								\$ 79,321
		Development Fees								\$ 26,440
		City Fees/Testing/Other Fees								\$ 35,254
		Contingency (10% of hard servicing)								\$ 49,476
Total										\$ 724,684

EXHIBIT F

Home Buyer Disclosure Program

EXHIBIT G

Landowner Agreement



Meeting
Date: 4/22/2024

Date: 04/09/2024

Item #: 13.

Dept.: Development
Services

Action Item

SUBJECT:

Consider and take appropriate action on **The Trails Development Agreement** between Tejas Wycliff Properties, LLC - 2727 Kaufman Series, a Texas limited liability company, and the City of Kaufman, Texas, for development of the 73.09 acre tract of land (Property IDs 2199, 213257, and 213258) situated in the T. Beedy Survey, Abstract No. 21, situated in the City's Extra-Territorial Jurisdiction (ETJ), Kaufman County, Texas, generally located on the west side of Farm-to-Market Road 2727, approximately 1,200 feet south of County Road 143 and 2,600 feet north of Summerville Drive; and authorizing the Mayor or designee to execute necessary documents.

BACKGROUND:

The developer, Tejas Wycliff Properties, LLC - 2727 Kaufman Series, is pursuing a Development Agreement with the City for the proposed development known as The Trails, which will include 250 single-family residential lots on 73.09 acres on the west side of FM 2727, approximately 1 mile north of SH 243 adjacent to City Lakes Park. The subject property is contiguous to City limits and the developer is proposing to annex the property to the City. The North Kaufman Water Supply Corporation and College Mound Special Utility District each have a certificate of convenience and necessity (CCN) for retail water service for portions of the property and the Developer intends to have retail water service be provided by College Mound. The Developer intends to have the City provide retail sanitary sewer service. The Developer is seeking establishment of a Tax Increment Reinvestment Zone (TIRZ) at a rate of 40% of the maintenance and operations portion of property taxes levied and collected on the property, primarily to facilitate the extension of off-site sewer services to serve the property. This extension will also help to open up the larger surrounding area for development and potentially entice other properties to annex into the City to receive such services. The Agreement also includes the establishment of a Public Improvement District (PID) to help facilitate the necessary infrastructure improvements associated with the development.

Concurrent with annexation, the developer intends to zone the property consistent with the Concept Plan and Development Standards that are included in the Agreement. The Development Standards provide for three lot categories with minimum lot sizes of 7,200 sq. ft., 8,400 sq. ft., and 9,600 sq. ft., and providing standards which will provide for a minimum percentage of larger homes (2,000+ sq. ft.), a minimum percentage of front porches, a minimum percentage of masonry materials, articulation and decorative elements, anti-monotony provisions, and other enhancements. In addition, the development will provide for a continuous trail through the development that will extend from FM 2727 to the back of the property, allowing for future connections to City Lakes Park. Several open space lots will be provided, which will be maintained by a HOA, and in addition to the trail system, the development will include a trail head on the open space lot adjacent to City Lakes Park, which will include areas of preserved trees, seating areas, a picnic area, and a dog park. Perimeter and entryway landscaping and screening along FM 2727 will also be provided. The developer intends to make these amenities open to the public, and in turn, receive credits towards park fees.

Author: Andrew Bogda, Director of Development Services
Reviewed: Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of The Trails Development Agreement between the City and Tejas Wycliff Properties, LLC - 2727 Kaufman Series.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☐	☒	☒

THE TRAILS DEVELOPMENT AGREEMENT

This, the Trails Development Agreement (this “Agreement”) is entered into by and between Tejas Wycliff Properties, LLC – 2727 Kaufman Series, a Texas limited liability company (the “Developer”) and the City of Kaufman, Texas (the “City”), to be effective on the date upon which the last of all of the Parties has approved and duly executed this Agreement (“Effective Date”).

ARTICLE I **RECITALS**

WHEREAS certain terms used herein are defined in Article II; and

WHEREAS, the City is a home-rule municipality of the State of Texas located within Kaufman County (the “County”); and

WHEREAS, the Developer and the City are sometimes individually referred to as a “Party” and collectively as the “Parties”

WHEREAS, the Developer is the owner of approximately 73.09 acres of real property described by metes and bounds on **Exhibit A** and depicted on **Exhibit B** (the “Property”); and

WHEREAS, this Agreement shall be effective upon execution by both Parties; and

WHEREAS, the Property is located wholly within the extraterritorial jurisdiction of the City, and the Developer seeks annexation of the Property into the incorporated limits of the City; and

WHEREAS, the Developer will, in accordance to the terms of this Agreement, develop the Property as a residential development, consisting of a planned single family residential community (the “Development”); and

WHEREAS, a concept plan attached hereto as **Exhibit C** (the “Concept Plan”) shall be used for illustrative purposes only, which shall also show the location of trails and amenities, and the development standards set forth in those certain proposed development standards attached hereto as **Exhibit D** (the “Development Standards”) shall control maximum lot number, lot size, and development of the Property; and

WHEREAS, the Development will require the construction of certain infrastructure, including streets and roads, drainage, water, sanitary sewer, and other utility systems; and

WHEREAS, the Parties are authorized to alter existing requirements of the City Regulations (as defined below) for property within the City’s ETJ and have the authority to enter into this Agreement pursuant to Section 212.171 of the Texas Local Government Code; and

WHEREAS, the Parties intend that this Agreement is a development agreement as provided for by state law in Section 212.172, “Development Agreement,” of the Texas Local Government Code; and

WHEREAS, the Developer intends to construct and/or make financial contributions to certain on-site and off-site public improvements to serve the development of the Property (“Authorized Improvements”), which Authorized Improvements are generally identified in **Exhibit E**; and

WHEREAS, this Agreement is intended to establish certain restrictions and expectations regarding the development of the Property, and to provide for the construction and funding of the Authorized Improvements, which provide a special benefit to the Property; and

WHEREAS, the Developer intends to acquire, design, construct and install the Authorized Improvements and to dedicate such Authorized Improvements to the City except for Water Improvements, which will be dedicated to College Mound Special Utility District, for use and maintenance, subject to approval of the plans and inspection of the Authorized Improvements in accordance with this Agreement and the City Regulations except for Water Improvements, which will be regulated by College Mound Special Utility District, and contingent upon the issuance of Bonds for partial or total financing such Authorized Improvements; and

WHEREAS, the Developer and the City estimate that the cost of the Authorized Improvements will not exceed \$20,000,000.00, which represents the maximum amount that will be financed and reimbursed to the Developer; and

WHEREAS, in consideration of the Developer’s agreements contained herein, the City intends to consider alternative financing arrangements that will enable the Developer, in accordance with Chapter 372 of the Texas Local Government Code (the “PID Act”), to: (i) fund a specified portion of the costs of the Authorized Improvements using the proceeds of Bonds issued by the City; or (ii) obtain reimbursement for the specified portion of the costs of the Authorized Improvements, the source of which reimbursement will be installment payments from Assessments within the Property, provided that such reimbursements shall be subordinate to the payment of Bonds and Administrative Costs; and

WHEREAS, the City, subject to the consent and approval of the City Council, and in accordance with the terms of this Agreement and all requirements of applicable laws, intends, to the extent it has not prior to the Effective Date, to: (i) consider and act upon the creation of a PID encompassing the Property, in accordance with the PID Act; (ii) adopt a SAP; and (iii) adopt an Assessment Ordinance to pay for the estimated cost of the Authorized Improvements shown on **Exhibit E** and the costs associated with the administration of the PID; and

WHEREAS, prior to the closing of the first Bond issue the City Council shall have approved and adopted the PID Ordinance, the SAP, and an Assessment Ordinance (collectively, the “PID Documents”); and

WHEREAS, all of the City’s Administrative Expenses associated with the PID will be funded by the annual levy of Assessments on the Property, and the City will not be responsible for payment of such costs; and

WHEREAS, to the extent funds must be advanced to pay for any costs associated with the creation of the PID Documents and creation of the TIRZ (defined below), the Developer shall be responsible for advancing such funds, and the City will not be responsible for the payment of such costs; and

WHEREAS, the Developer and City each agree that the City shall provide sewer service to the Property in accordance with the terms of this Agreement; and

WHEREAS, North Kaufman Water Supply Corporation (“North Kaufman”) and College Mound Special Utility District (“College Mound”) each have a certificate of convenience and necessity (“CCN”) for retail water service for a portion of the Property, and no other entity has a CCN for retail water service for any portion of the Property; and

WHEREAS, no entity currently has a CCN for retail sewer service for the Property; and

WHEREAS, it is the intent of the parties that North Kaufman and College Mound come to an agreement to obtain dual certification for retail water service for the Property; and

WHEREAS, it is the intent of the Parties that College Mound serve the Property with retail water services, and the City for retail sewer service; and

WHEREAS, the Parties intend for this Agreement to establish certain restrictions and impose certain commitments in connection with the development of the Property; and

WHEREAS, the Parties intend that the Property will be developed in accordance with an agreed concept plan (“Concept Plan”), as shown on **Exhibit C** including the trail and common area improvements which shall be installed by the Developer; and

WHEREAS, the Developer is responsible for the construction of certain on-site and off-site Authorized Improvements for water and sewer facilities as well as Road Improvements and Drainage Improvements necessary to serve the development of the Property; and

WHEREAS, the Developer is responsible for the construction of certain parkland, trails, and related amenities. The Parties intend that the development of park, recreation, dog park, picnic area, seating areas, and trail system shall be utilized for the determination of a credit against the City's Parkland Dedication and Park Development Fees to reduce or eliminate those amounts that may otherwise be due pursuant to City ordinance and this Agreement; and

WHEREAS, the managed growth described in this Agreement will drive infrastructure investment and job creation, both of which will, in turn, have a multiplier effect that increases both the City's tax base and utility revenues; and

WHEREAS, the City recognizes that the construction and installation of the Authorized Improvements will: (a) bring a positive impact to the City; (b) promote state and local economic development; (c) stimulate business and commercial activity in the municipality; (d) promote the development and diversification of the economy of the state; (e) promote the development and expansion of commerce in the state; and (f) eliminate some unemployment or underemployment in the state.

WHEREAS, the Parties agree that the Authorized Improvements are also improvements that may qualify as projects under the TIRZ act; and

WHEREAS, the City intends to create a TIRZ over the Property; and

WHEREAS, the City shall create a TIRZ Fund, with a specific account for the purpose of offsetting the PID Assessment as provided in this Agreement; and

WHEREAS, in consideration of the Developer's agreements contained herein, the City intends to exercise its powers under the TIF Act to consider taking action to adopt, approve, and establish a TIRZ, the terms of which are consistent with this Agreement; and

WHEREAS, the City shall participate in the TIRZ at a rate of 40% of the maintenance and operations portion of property taxes levied and collected on the Property; and

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Agreement, the foregoing Recitals, the Developer's intent to annex the Property into the City limits and the City's intent to create and to consider the issuance of PID bonds to reimburse the Developer for the costs of Authorized Improvements and to consider the use of TIRZ funding

to offset the costs of the PID Assessments, and for other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows:

ARTICLE II **DEFINITIONS**

Unless the context requires otherwise, the following terms shall have the meanings hereinafter set forth:

Administrative Expenses shall include, without limitation, expenses incurred in the establishment, administration, and operation of the PID and TIRZ including, but not limited to, the costs of (i) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, (ii) creating and organizing the PID and TIRZ and preparing the Assessment Roll, (iii) computing, levying, collecting and transmitting the Assessments or the installments thereof, (iv) maintaining the record of installments, payments and reallocations and/or cancellations of the Assessments, (v) investing or depositing the Assessments or other monies, (vi) complying with the PID Act, and (vii) administering the construction of the Public Improvements.

Administrator means an employee or designee of the City who shall have the responsibilities provided in the SAP or any other agreement or document approved by the City related to the duties and responsibilities for the administration of the PID and/or administration of the TIRZ.

Assessments means a special assessment levied by the City within the PID pursuant to Chapter 372, Texas Local Government Code, pursuant to an Assessment Ordinance, to pay for a specific portion of the Budgeted Cost, which shall be Authorized Improvement Costs in accordance with the terms of this Agreement, including without limitation **Exhibit E** hereto.

Assessment Ordinance means the ordinance approved by the City Council that levies Assessments on the Property in accordance with the PID Act to pay for the costs of the Authorized Improvements set forth in the SAP as well as the costs associated with the issuance of the Bonds, which provide a special benefit to the Property.

Assessed Property means the Property that will be assessed, upon approval of the City Council, in an amount not to exceed the benefit it receives from the construction of the Authorized Improvements.

Assessment Revenues means the monies collected from the Assessments which are payable in periodic installments as provided in the Assessment Ordinance, including interest, expenses or

penalties on Assessments, prepayments, foreclosure proceeds, and proceeds from a guarantor, if any, of Assessments.

Assessment Roll(s) means the assessment roll(s) attached to the SAP or any other assessment roll in an amendment or supplement to the SAP or in an annual updated to the SAP, showing the total amount of the Assessment against each parcel assessed under the SAP.

Authorized Improvements means onsite and offsite public water, sewer, drainage, and roadway infrastructure and facilities needed to serve and fully develop the Property and to be constructed by the Developer or by or on behalf of the City, and College Mound for Water Improvements, including the improvements listed in **Exhibit E** and those included in an approved Service and Assessment Plan, and as authorized by Section 372.003 of the PID Act.

Authorized Improvement Costs means the actual costs of design, engineering, construction, acquisition and inspection costs of the Authorized Improvements.

Bond(s) means the assessment revenue bonds issued by the City through the PID to finance the Authorized Improvements that are constructed for the benefit of the PID.

Bond Indenture means a trust indenture by and between the issuer of Bonds and a trustee bank under which Bonds are issued and funds disbursed.

Bond Ordinance means an ordinance adopted by the City Council that authorizes and approves the issuance and sale of Bonds.

Budgeted Cost means with respect to any given Authorized Improvement, the estimated cost of such improvement as set forth in **Exhibit E**.

Building Height means the vertical distance from the average line of the highest and lowest points of the portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

City Council means the city council of the City.

City Regulation(s) means any ordinance, rule, regulation, standard, policy, order, guideline or other City-adopted or City-enforced requirement as they presently exist and as they may be amended in the future.

Concept Plan means the concept plan as set forth in **Exhibit C**.

Construction, Funding, and Acquisition Agreement or CFA means a construction, funding, and acquisition agreement between the Developer and the City relating to the Trails Public Improvement District.

Developer means Tejas Wycliff Properties, LLC – 2727 Kaufman Series a Texas limited liability company, and its successors and assigns, responsible for developing the Property in accordance with this Agreement.

Drainage Improvements mean drainage facilities needed to serve the Property and not related or connected to a roadway and to be constructed by the Developer.

Effective Date means the date upon which the last of all of the Parties has approved and duly executed this Agreement.

End Buyer means any developer, homebuilder, builder, tenant, user, or occupant/owner of a Fully Developed and Improved Lot, including without limitation a builder who acquires a lot with the intent to construct a single-family residence on the lot.

Fully Developed and Improved Lot means any lot, regardless of proposed use, which is served by the Authorized Improvements and for which a final plat has been approved by the City and recorded in the real property records of Kaufman County.

HOA means the homeowner's association to be created by the Developer.

Home Buyer Disclosure Program means the disclosure program, administered by the Administrator, as set forth in a document in the form of **Exhibit F**, that establishes a mechanism to disclose to each End Buyer the terms and conditions under which their lot is burdened by the PID.

Impact Fees means as defined in Chapter 395 of the Texas Local Government Code and in effect pursuant to adopted ordinances of the City.

Key Lot means the first lot to the rear of a corner lot, the front line of which key lot is a continuation of the side line of the corner lot and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

Landowner(s) means the Developer and additional owners of the Property.

Landowner Agreement means an agreement of all of the owners and the Developer of the Property consenting to the form and terms of the PID Documents in a form substantially similar to **Exhibit G**, as approved by the City.

Lot Coverage means the percentage lot area covered by all buildings located thereon, determined by dividing the square footage of the footprint of all buildings and covered structures by the total square footage of the lot.

Minimum Dwelling Size means the total area (square footage) of enclosed, air-conditioned living space (not including a garage, porch, covered patio, etc.)

Notice means any notice required or contemplated by this Agreement (or otherwise given in connection with this Agreement).

PID means a public improvement district created by the City for the benefit of the Property in accordance with Chapter 372 of the Texas Local Government Code, to be known as the Trails Public Improvement District.

PID Ordinance means the ordinance adopted by the City Council creating the PID pursuant to Section 372.010 of the PID Act and approving the advisability of the Authorized Improvements.

Property means the real property described by metes and bounds in **Exhibit A** and depicted on **Exhibit B**.

Public Infrastructure or Public Improvements means sewer, drainage, roadway, and other public infrastructure other than Water Improvement necessary to serve the full development of the Property more particularly described in **Exhibit E** and identified in one or more approved final plats for the Property.

Reimbursement Agreement means an agreement by and between the City and Developer by which the Parties establish the terms by which Developer may obtain reimbursements for PID Projects through the PID Bond Proceeds or Assessments.

Roadway and Drainage Facilities means Drainage Improvements and Roadway Improvements as defined herein.

Roadway Improvements means on-site and off-site roadway and related drainage facilities necessary to serve the full development of the Property more particularly described in **Exhibit E** and identified in one or more approved final plats for the Property.

Service and Assessment Plan or SAP means the PID service and assessment plan adopted by City Council, as may be amended or updated annually, to assess allocated costs of improvements against Property located within the boundaries of the PID, and which has terms, provisions and findings approved and agreed to by the Developer and the City in accordance with the PID Act.

Sewer Improvements or Sewer Facilities means sewer infrastructure necessary to serve the full development of the Property more particularly described in **Exhibit E** and identified in one or more approved final plats for the Property.

TIRZ means a Tax Increment Reinvestment Zone created by the City pursuant to the TIRZ Act for the Property.

TIRZ Act means Chapter 311 of the Texas Tax Code, as amended

TIRZ Documents mean, as it relates to the Property, this Agreement, the City approved TIRZ Project and Finance Plan, and the TIRZ Ordinance, as may be amended.

TIRZ Fund means the fund set up by the City when the TIRZ is created, in order to receive the TIRZ funds in accordance with this Agreement, state law and the TIRZ Documents.

TIRZ Projects mean those projects included in the TIRZ Documents, the same as the Authorized Improvements to be undertaken by the PID as well as the TIRZ.

Water Improvements mean water infrastructure necessary to serve the full development of the Property more particularly described in **Exhibit E** and identified in one or more approved final plats for the Property.

ARTICLE III **PUBLIC IMPROVEMENT DISTRICT**

3.1 Creation. Developer shall submit a petition to create a PID encompassing the Property in accordance with the terms of this Agreement. The City shall schedule a public hearing to consider the creation of a public improvement district in accordance with the PID Act for the formation of the PID. The PID will be created, at the City's discretion, after the public hearing as required by law.

3.2 Levy of Assessments. The Developer shall request the levy of assessments at its discretion and then the City and the Administrator shall prepare a Service and Assessment Plan (SAP) providing for the levy of the Assessments on the Property. Promptly following preparation and approval of an SAP acceptable to the City and subject to the City Council making findings that the Authorized Improvements confer a special benefit on the Property, the City Council shall consider an Assessment Ordinance. Concurrently with the Assessment Ordinance, the City shall consider the approval and execution of a CFA and a Reimbursement Agreement. The City shall use its best efforts to initiate and approve all necessary documents and ordinances required to effectuate this Agreement, to create the PID, and to levy the Assessments. The Developer shall develop the Property consistent with the terms of this Agreement. Nothing contained in this Agreement, however, shall be construed as creating a contractual obligation that controls, waives, or supplants the City Council's legislative discretion.

3.3 Acceptance of Assessments and Recordation of Covenants Running with the Land. Concurrently with the levy of the Assessment, the Developer shall: (i) approve and accept in writing the levy of the Assessment(s) on all land owned or controlled by the Developer; (ii) approve and accept in writing the Home Buyer Disclosure Program; (iii) cause to be recorded against the Property covenants running with the land that will bind any and all current and

successor Developer or developers and owners of any of the Property to pay the Assessment and any subsequent Assessments, with applicable interest and penalties thereon, as and when due and payable hereunder and to take their title to their property in the Property subject to and expressly accepting and assuming the terms and provisions of such Assessments and the liens created thereby; and (iv) comply with the Home Buyer Disclosure Program. The City shall not levy Assessments on property within the PID without an executed Landowner Consent from each landowner within the PID whose property is being assessed.

3.4 PID Assessment Amount. The total levy of the PID shall not exceed \$20,000,000.00. The maximum tax rate equivalent for the Assessment plus all other taxing entities at the time of the levy of such Assessment shall not exceed \$3.14 per \$100 assessed value, after applying the offset to the Assessment from the TIRZ increment as detailed in **Section 11.2**, based on the estimated average home value as provided in the SAP approved by the City Council. Such rate limit applies on an aggregate basis for the Property within the PID.

3.5 Transfer of Property. Notwithstanding anything to the contrary contained herein, no sale of property within the PID shall occur prior to the City's levy of Assessments in the PID unless the Developer provides the City with an executed consent to the creation of the PID and the levy of Assessments, in a form acceptable to the City with respect to the purchased property. In addition, evidence of any transfer of Property in the PID prior to the levy of Assessments on such property shall be provided to the City prior to the levy of Assessments on such property. The City shall require consent of each of the owners of Assessed Property in the PID to the levy of Assessments on each property and to the creation of the PID prior to Assessments being levied on such owner's property. The Developer understands and acknowledges that evidence of land transfer, the execution of the Landowner Consent, appraisal district certificate and property record recording will be required from each Assessed Property Owner in order to levy the Assessments. The Developer shall provide all necessary documentation to the City with respect to any land transfers.

ARTICLE IV **AUTHORIZED IMPROVEMENTS**

4.1 Authorized Improvements. The Budgeted Costs of Authorized Improvements listed on **Exhibit E** are estimates that are subject to change, shall be updated by the Developer and City consistent with the SAP, the PID Act and the TIRZ Act. Final plat(s) for the Property, each required to be approved by the City pursuant to City Regulations, shall reflect the locations, rights-of-way and easements for the Authorized Improvements to be located on the platted Property. The

Developer may include an updated **Exhibit C** with each final plat submitted for the Property, which shall be submitted to the City Council for consideration and approval concurrently with the submission of each such final plat. Upon approval by City Council of an updated **Exhibit C**, this Agreement shall be deemed amended to include such approved updated **Exhibit C**. The Authorized Improvement Costs and the timetable for installation of the Authorized Improvements will be reviewed annually by the Parties in an annual update of the SAP adopted and approved by the City.

4.2 Construction, Ownership, and Transfer of Authorized Improvements.

(a) **Construction Plans.** The Developer shall prepare, or cause to be prepared, plans and specifications for each of the Authorized Improvements (other than Water Improvements) in accordance with City Regulations and have them submitted to the City for approval in accordance therewith. Construction and/or engineering plans may be submitted to the City without a landscape plan and/or a hardscape plan and the City agrees not to require the submittal of a landscape plan and/or a hardscape plan in conjunction with the submittal of construction or engineering plans. Developer shall submit Landscape and/or hardscape plans to City for review and approval prior to final plat approval. The Developer shall prepare or caused to be prepared plans and specifications for each of the Water Improvements in accordance with the regulations of College Mound and have them submitted to College Mound for approval in accordance therewith. Additionally, Developer shall provide such documentation of College Mound approval to the City as necessary for City review and approval of any and all plats for the Property.

(b) **Contract Award.** The contracts for construction of Authorized Improvements shall be let in the name of the Developer. The Developer's engineers shall prepare, or cause the preparation of, and provide all contract specifications and necessary related documents for the Authorized Improvements. The Developer shall administer the contracts. The Budgeted Costs of construction, which are estimated on **Exhibit E**, shall be paid by the Developer, or caused to be paid by the Developer or the Developer's assignee, and reimbursed, in whole or in part, from the proceeds of Bonds in accordance with the Bond Indenture, or reimbursed, in whole or in part, by the collected Assessments levied pursuant to the terms of a reimbursement agreement. Until such Budgeted Costs are paid in full by the City pursuant to the terms of the Construction, Funding, and Acquisition Agreement, any reimbursement agreement, or the Indenture, unpaid monies owed by the City under the Construction, Funding, and Acquisition Agreement, any reimbursement agreement, or the Indenture shall bear interest as described therein.

(c) Construction Standards and Inspection. The Authorized Improvements and all other Public Infrastructure required for the development of the Property will be installed within the public right-of-way or in easements granted to the City, except for Water Improvements, which will be placed in public rights-of-way or easements granted to College Mound. The Authorized Improvements shall be constructed and inspected in accordance with applicable state law, City Regulations, the Bond Ordinance, the Bond Indenture and all other applicable development requirements, except for except for Water Improvements, which shall be constructed and inspected in accordance with applicable state law, the Regulations of College Mound, the Bond Ordinance, the Bond Indenture and all other applicable development requirements.

(d) Competitive Bidding. This Agreement and construction of the Authorized Improvements, including the TIRZ Projects, are anticipated to be exempt from competitive bidding pursuant to Sections 252.022(a)(9) and 252.022(a)(11) of the Texas Local Government Code based upon current cost estimates. However, in the event that the actual costs for the Authorized Improvements do not meet the parameters for exemption from the competitive bid requirement, then either competitive bid or alternative delivery methods may be used by the City, as allowed by law.

(e) Ownership. All of the Authorized Improvements, except for the Water Improvements, shall be owned by the City upon acceptance of them by the City using procedures established by City Regulations. The Developer agrees to take any action reasonably required by the City where applicable to transfer or otherwise dedicate easements for the Authorized Improvements to the City and the public, except for the Water Improvements. Water Improvements shall be owned by College Mound upon acceptance of them by College Mound using procedures established by the regulations of College Mound. The Developer agrees to take any action reasonably required by College Mound where applicable to transfer or otherwise dedicate easements for the Water Improvements to College Mound and the public in order to comply with platting requirements of the City.

4.3 Operation and Maintenance.

(a) Upon inspection, approval, and acceptance of all of the sewer Authorized Improvements, the City shall maintain and operate the accepted Sewer Improvements and provide sewer service to the Property served by the accepted sewer infrastructure.

(b) Upon inspection, approval, and acceptance of all of the Water Authorized Improvements, College Mound shall maintain and operate the accepted Water Improvements and provide water service to the Property served by the accepted Water Improvements.

(c) Upon inspection, approval, and acceptance of part or all of the roadway or storm water Authorized Improvements, the City shall maintain and operate the accepted roadways and storm water infrastructure.

(d) The Developer will construct and the HOA shall maintain and operate the open spaces, common areas, right-of-way irrigation systems, right-of-way landscaping, screening walls, drainage areas, detention and retention areas and any other common improvements or appurtenances not maintained and operated by the City.

ARTICLE V **ADDITIONAL DEVELOPER OBLIGATIONS**

5.1 Mandatory Homeowners Association. The Developer will create a mandatory HOA, which HOA shall be required to levy and collect from homeowners' annual fees in an amount calculated to maintain the amenities, open spaces, common areas, right-of-way irrigation systems, raised medians and other right-of-way landscaping, detention areas, drainage areas and screening walls within the PID. Common areas, including but not limited to all landscaped entrances to the Property and right-of-way, shall be maintained solely by the HOA. In the event of maintenance of public rights-of-way by the HOA, said maintenance shall comply with City Regulations and shall be subject to oversight by the City. Additionally, in such event, the Parties shall cooperate with each other to execute documents necessary to give the HOA permission to maintain and operate facilities on City-owned property.

ARTICLE VI **PID BONDS**

6.1 City Bond Issuance.

(a) The City intends to issue Bonds, in one or more series, solely for the purposes of financing the costs of the Authorized Improvements and related costs (including Administrative Expenses) and paying issuance costs and the cost of funding all reserves, accounts, and funds required by the applicable Bond Ordinance (including a capitalized interest account, a debt service reserve fund, and the project fund). The City and the Developer have determined and hereby agree that the estimated maximum aggregate principal amount of Bonds will not exceed \$20,000,000.00. The City staff will, from time to time, submit to the City Council agenda items to approve the issuance of Bonds by the City (in one issue or in a series of issues over the years) in an amount up to, but not to exceed, the estimated maximum aggregate principal Bond amount of \$20,000,000.00. Notwithstanding the foregoing, the City's obligation to approve the issuance of

Bonds is subject to the City's review and confirmation that the Assessments are reasonable relative to the market as determined by the City Council.

(b) The issuance of Bonds is at the sole discretion of the City and subject to the following conditions: (i) for the Bonds issued for development of phase 1 and subsequent phases for direct improvements, a minimum value to lien ratio of at least 2:1 based on the anticipated final build-out lot values as provided in a third-party appraisal; (ii) for the major improvement area Bonds, a minimum value to lien of at least 3:1 based on the values as provided in a third-party appraisal; and (iii) the term of any Bonds will be a maximum of thirty (30) years from the date of any such Bonds. Additionally, prior to City's consideration of the issuance of PID bonds, the following conditions shall have been met (i) the Developer has created the Home Buyer Disclosure Program in the form as attached in **Exhibit F**, and provided a copy of the program to the City Manager; (ii) all owners of the Property shall have executed a Landowner Agreement in the form attached in **Exhibit G**; and (iii) the Developer shall have delivered a fully executed copy of Landowner Agreement(s) to the City Manager; and (iv) no Event of Default by the Developer has occurred or no event has occurred which but for notice, the lapse of time or both, would constitute an Event of Default by the Developer pursuant to this Agreement. The conditions listed in this subsection shall not restrict the amount of assessments being levied and is solely intended to be a restriction of the issuance of Bonds.

(c) In no event shall the Developer be paid and/or reimbursed for all Authorized Improvement Costs in an amount in excess of the Authorized Improvement Costs.

6.2 Non-Bank Qualified Debt.

(a) In any calendar year in which PID Bonds are issued, the Developer agrees to pay the City additional costs occurring solely from the difference in interest cost ("Additional Costs") the City may incur in the issuance of City obligations (the "City Obligations") as described in this Section if the City Obligations are deemed not to qualify for the designation of "qualified tax-exempt obligations" ("QTEO") as defined in section 265(b)(3) of the Internal Revenue Code of 1986, as amended, as a result of the issuance of PID Bonds by the City in any given year. The City agrees to deposit all funds for the payment of such Additional Costs received under this Section into a segregated account of the City, and such funds shall remain separate and apart from all other funds and accounts of the City until December 31 of the calendar year in which the PID

Bonds are issued, at which time the City is authorized to utilize such funds for any purpose permitted by law. Additionally, the City will provide the Developer on an annual basis no later than December 15th each year the projected amount of City Obligations to be issued in the upcoming year based on its annual budget process.

(b) In the event the City issues PID Bonds prior to the issuance of City Obligations, the City, with assistance from its Financial Advisor, shall calculate the estimated Additional Costs based on the market conditions as they exist approximately forty-five (45) days prior using independent third party public pricing information to the date of the pricing of the PID Bonds (the “Estimated Additional Costs”), the City shall provide a written invoice to the Developer, and the Developer shall have ten (10) days to review and provide input on the calculation to the City. The Developer shall pay such Estimated Additional Costs to the City on or before the earlier of (i) ten (10) business days after the date of the City’s invoice or (ii) fifteen (15) business days prior to pricing the PID Bonds. The City shall not be required to price or sell any issue of PID Bonds until the Developer has paid to the City the Estimated Additional Costs related to the PID Bonds then being issued. The Estimated Additional Costs are an estimate of the increased cost to the City to issue its City Obligations as non-QTEO. Upon the City’s approval of the City Obligations, the City’s Financial Advisor shall calculate the actual Additional Costs to the City of issuing its City Obligations as non-QTEO (the “Actual Increased Costs”). The City will, within five (5) business days of the issuance of the City Obligations, notify the Developer of the Actual Increased Costs. In the event the Actual Increased Costs are less than the Estimated Additional Costs, the City will refund to the Developer the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased Costs. If the Actual Increased Costs are more than the Estimated Additional Costs, the Developer will pay to the City the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased Costs. If the Developer does not pay the City the difference between the Actual Increased Costs and the Estimated Additional Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased Costs, the Developer shall not be paid any reimbursement amounts under any Reimbursement Agreement(s) related to the PID or the Project until such payment is made in full.

(c) In the event the City issues City Obligations prior to the issuance of PID Bonds, the City’s Financial Advisor shall calculate the estimated Additional Costs based on the market conditions as they exist approximately forty-five (45) days prior to the date of the pricing

using independent third party public pricing information of the City Obligations (the “Estimated Additional City Obligation Costs”), the City shall provide a written invoice to the Developer, and the Developer shall have 10 days to review and provide input on the calculation to the City. The Developer shall pay such Estimated Additional City Obligation Costs to the City at least fifteen (15) days prior to pricing the City Obligations. If the Developer has not paid the Estimated Additional City Obligation Costs to the City by the required time, the City, at its option, may elect to designate such City Obligations as QTEO, and the City shall not be required to issue any PID Bonds in such calendar year. The Estimated Additional City Obligation Costs are an estimate of the increased cost to the City to issue its City Obligations as non-QTEO. Upon the City’s approval of the City Obligations, the City’s Financial Advisor shall calculate the actual Additional Costs to the City of issuing its City Obligations as non-QTEO (the “Actual Increased City Obligation Costs”). The City will, within five (5) business days of the issuance of the City Obligations, notify the Developer of the Actual Increased City Obligation Costs. In the event the Actual Increased City Obligation Costs are less than the Estimated Additional City Obligation Costs, the City will refund to the Developer the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased City Obligation Costs. If the Actual Increased City Obligation Costs are more than the Estimated Additional City Obligation Costs, the Developer will pay to the City the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased City Obligation Costs. If the Developer does not pay the City the difference between the Actual Increased City Obligation Costs and the Estimated Additional City Obligation Costs within ten (10) business days of the date of the City’s Notice to the Developer of the Actual Increased City Obligation Costs, the Developer shall not be paid any reimbursement amounts under any Reimbursement Agreement(s) related to the PID or the Project until such payment is made in full.

(d) To the extent any developer(s) or the Developer(s) (including the Developer, as applicable) has (have) paid Additional Costs for any particular calendar year, any such Additional Costs paid subsequently by a developer or Developer(s) (including the Developer, as applicable) to the City applicable to the same calendar year shall be reimbursed by the City to the developer(s) or Developer(s) (including the Developer, as applicable) as necessary so as to put all developers and the Developer so paying for the same calendar year in the proportion set forth

in subsection (e), below, said reimbursement to be made by the City within ten (10) business days after its receipt of such subsequent payments of such Additional Costs.

(e) The City shall charge Additional Costs attributable to any other developer or the Developer on whose behalf the City has issued debt in the same manner as described in this Section 6.2, and the Developer shall only be liable for its portion of the Additional Costs under this provision, and if any Additional Costs in excess of the Developer's portion had already been paid to the City under this provision, then such excess of Additional Costs shall be reimbursed to the Developer. The portion owed by the Developer shall be determined by dividing the total bond proceeds from any debt issued on behalf of the Developer in such calendar year by the total bond proceeds from any debt issued by

ARTICLE VII

INSPECTION AND PERMITTING

The City shall inspect or cause to be inspected, as required by City Regulations, the construction of all structures, Authorized Improvements, and any infrastructure improvements, (except for Water Improvements, which shall be constructed and inspected in accordance with applicable state law, the Regulations of College Mound, the Bond Ordinance, the Bond Indenture and all other applicable development requirements), necessary to support the proposed development within the Property, including sanitary sewer, drainage, streets, park facilities, electrical, and streetlights and signs. Developer shall be required to execute City's (or College Mound's in the case of Water Improvements), standard Facilities/Subdivider's Agreement, provide insurance and bonds and pay all applicable fees, including without limitation the City's Public Infrastructure inspection fees (or College Mound's in the case of Water Improvements). The City's inspections shall not release the Developer from its responsibility to construct, or ensure the construction of, adequate Authorized Improvements and infrastructure in accordance with approved engineering plans, construction plans, and other approved plans related to development of the Property. The City shall be the beneficiary of the required two-year maintenance bond the Developer shall provide for all Authorized Improvements except for Water Improvements. College Mound shall be the beneficiary for any required maintenance bonds the developer shall provide for Water Improvements.

If the City finds that Public Improvements have been completed in accordance with the final plats and specifications approved by the City, and College Mound provides written documentation that the Water Improvements have been completed in accordance with applicable

specifications (or any modifications thereof approved by the City or College Mound, as applicable), and in accordance with all other applicable laws and City Regulations or regulations of College Mound, as applicable, the City or College Mound, as applicable shall accept the same whereupon ownership of such improvements shall be transferred to the City or College Mound, as applicable, and be operated and maintained by the City or College Mound, as applicable, at its sole expense. The requirement for acceptance does not apply to privately owned recreational facilities and landscaping improvements that will be maintained by the HOA.

ARTICLE VIII

PAYMENT OF AUTHORIZED IMPROVEMENTS

8.1 Improvement Account of the Project Fund. On the date of issuance of any Bonds, the City shall cause to be established an account where the monies obtained from the issuance of bonds, and which monies have not paid issuance costs and administrative expenses (the “Improvement Account of the Project Fund”) shall be deposited in accordance with the applicable Bond Indenture. Any Improvement Account of the Project Fund shall be maintained as provided in the Bond Indenture and shall not be commingled with any other funds of the City. Any Improvement Account of the Project Fund shall be administered and controlled (including signatory authority) by the City and funds in the Improvement Account of the Project Fund shall be deposited and disbursed in accordance with the terms of the Bond Indenture. In the event of any conflict between the terms of this Agreement and the terms of the Bond Indenture relative to deposit and/or disbursement, the terms of the Bond Indenture shall control.

8.2 Cost Overrun. In advance of letting a contract for the Authorized Improvements, the City may confirm that the cost for construction of such Authorized Improvements is generally consistent with the estimated cost provided on Exhibit E, as amended from time to time in accordance with Section 4.1. If the total cost of the Authorized Improvements in the aggregate exceeds the total amount of monies on deposit in the Improvement Account of the Project Fund (a “Cost Overrun”), the Developer shall be solely responsible for the remainder of the costs of the Authorized Improvements, except as provided for in Section 8.3 below.

8.3 Cost Underrun. Upon the final acceptance by the City or College Mound, as applicable, of an Authorized Improvement (or each segment or a portion thereof) and payment of all outstanding invoices by the Developer for such Authorized Improvement (or each segment or a portion thereof), if the Actual Cost of such Authorized Improvement is less than the Budgeted

Cost (a “Cost Underrun”), any remaining Budgeted Cost will be available to pay Cost Overruns on any other Authorized Improvement.

8.4 Remainder of Funds in the Improvement Account of the Project Fund. If funds remain in the Improvement Account of the Project Fund created under the Bond Indenture after the completion of all Authorized Improvements and the payment of all Authorized Improvement Costs as provided for in a Reimbursement Agreement or the Bond Indenture, then such funds shall be used to redeem the Bonds as provided for in the Bond Indenture.

ARTICLE IX **DEVELOPMENT**

9.1 Full Compliance with City Standards.

(a) Development of the Property shall be subject to the City’s Regulations and shall be consistent with the zoning of the Property, except to the extent that the Development Standards specified in Exhibit D differ from City Regulations and approved zoning for the Property, the Development Regulations and Concept Plan shall control.

(b) Any revision to the Concept Plan, if approved by the City, shall be considered an amendment to Exhibit C to this Agreement, and shall replace the attached Concept Plan and become a part of this Agreement.

9.2 Trail System. The Developer shall install a trail system in accordance with Exhibit C, a copy of which is attached hereto and incorporated herein. The trail system shall include benches, dog stations, and trash cans, and related amenities in accordance with Exhibit C. The Homeowners Association shall maintain the trail system and all infrastructure of the trail system upon Developer’s completion.

9.3 Replat. The Developer may submit a replat for all or any portion of the Property. Any replat shall be in general conformance with the Concept Plan. Approval of the replat shall be governed by the City Regulations and state law.

9.4 Vested Rights. This Agreement shall constitute a “permit” (as defined in Chapter 245 of the Texas Local Government Code) that is deemed filed with the City on the Effective Date.

9.5 Property Acquisition. The Parties acknowledge that the Developer is responsible for the acquisition of certain off-site property rights and interests to allow certain public infrastructure to be constructed to serve the Property. Developer shall use commercially reasonable efforts to obtain all third-party rights-of-way, consents, or easements, if any, needed to construct

the off-site improvements. If, however, Developer is unable to obtain such third-party rights-of-way, consents, or easements (the “Third Party Interests”) within ninety (90) days of commencing reasonable and continuous efforts to obtain the needed rights-of-way, consents, or easements, and subject to City Council authorization after a finding of public necessity and determination that the acquisition of such Third Party Interests is necessary for the operation of the Sewer Improvements, then the City agrees to consider the use of the City’s power of eminent domain; such consideration and determination to use eminent domain shall be in the sole discretion of City. In the event of City approval, Developer shall fund all reasonable and necessary legal proceeding/litigation costs, compensation awards by courts or negotiated amounts for the condemned property interest, attorneys’ fees, appraiser and expert witness fees, interest, court costs, mediation fees, deposition costs, copy charges, courier fees, postage and taxable court costs (collectively, “Eminent Domain Fees”) paid or incurred by the City in the exercise of its eminent domain powers and shall escrow with a mutually agreed upon escrow agent the City’s reasonably estimated Eminent Domain Fees both in advance of the initiations of each eminent domain proceeding and as funds are needed by the City to obtain the necessary Third Party Interests for the Sewer Improvements. If the escrow fund remains appropriately funded in accordance with this Agreement, the City will use all reasonable efforts to expedite such condemnation procedures so that the Authorized Improvements can be constructed as soon as reasonably practicable. If the City’s Eminent Domain Fees exceed the amount of funds escrowed in accordance with this paragraph, Developer shall deposit additional funds as requested by the City into the escrow account within 10 days after written Notice from the City. City is not required to continue pursuing the eminent domain unless and until the Developer deposits additional Eminent Domain Fees with the City. Any unused escrow funds will be refunded to Developer within 30 days after any condemnation award or settlement becomes final and non-appealable. It is the intent of the Parties that Developer shall pay one-hundred percent (100%) of the Eminent Domain Fees expended by City for the acquisition of Third Party Interests for which City performs under this Section. Nothing in this subsection is intended to constitute a delegation of the police powers or governmental authority of the City, and the City reserves the right, at all times, to control its proceedings in eminent domain. To the extent Eminent Domain Fees are paid by the Developer, Developer may seek reimbursement of any or all of the Eminent Domain Fees from Bonds, or if Bonds are not issued, Assessments.

9.6 Zoning of Property. Through this Agreement, the Developer expressly consents and agrees to the zoning of the Property consistent with and as contemplated by this Agreement. Developer shall submit an application for zoning contemporaneously with the petition for

annexation of the Property and shall pay all applicable City fees for processing of its zoning application.

9.7 Conflicts. In the event of any conflict between this Agreement and any City Regulation, this Agreement, including any exhibit or attachment, shall control.

ARTICLE X **DEVELOPMENT PROCESS AND CHARGES**

10.1 Development, Review, and Inspection Fees. Development of any portion of the Property shall be subject to Developer's payment to the City or College Mound, as applicable, of the applicable fees according to the City Regulations, including without limitation fees relating to platting, zoning requests, inspections, plan review, and any other charges and fees not expressly exempted or altered by the terms of this Agreement.

10.2 Credit Regarding Park Fees. At its sole cost and expense, Developer shall construct a hike and bike trail, associated improvements along the trail, and amenities at a trail head on an open space lot in the rear of the development, which are shown on the Concept Plan ("Exhibit C") and described in more detail in the Development Standards ("Exhibit D"). The Developer shall also provide for open space as a part of the Project. The Developer shall receive a credit for these items, estimated to be \$1,333,610.00, which credit shall go towards its payment of Parkland Dedication and Park Improvement Fees. To receive credits, the improvements and the proposed credits for the improvements are subject to the review of the Parks and Recreation Board and the approval of City Council. In addition, the cost of these improvements shall be documented in a Facilities Agreement to be approved by the City. The Developer shall pay any difference in the amounts due, if any.

10.3 Impact Fees. Impact Fees shall be paid by the applicant (the builders) for a permit at the time of application.

10.4 All Public Infrastructure except for Water Improvements. All Public Infrastructure (except for Water Improvements) shall be designed, constructed, and installed in compliance with the City Regulations in effect on the Effective Date. Construction and/or installation of Public Infrastructure (except for Water Improvements) shall not begin until complete and accurate plans and specifications have been approved by the City. Each of such contracts shall require a two-year maintenance bond following completion, which bond shall run in favor of the Party responsible for maintenance of the completed Public Infrastructure. The Public Infrastructure will be installed within the public right-of-way or in easements granted to the City.

10.5 Water Improvements. All Water Improvements shall be designed, constructed and installed in compliance with College Mound's Regulations in effect on the Effective Date. Construction and/or installation of Water Improvements shall not begin until complete and accurate plans and specifications have been approved by College Mound. Each of such contracts shall require a two-year maintenance bond following completion, which bond shall run in favor of the Party responsible for maintenance of the completed Water Improvements. The Water Improvements will be installed within the public right-of-way or in easements granted to College Mound.

10.6 Tree Preservation. In lieu of the City's tree mitigation and preservation requirements, Developer will preserve all trees on the open space/common area lots identified on an exhibit to be submitted with the preliminary plat application. Each home builder on the Property shall plant trees in accordance with the requirements identified in the Development Standards attached as Exhibit D to this Agreement and incorporated herein. In addition, Developer shall plant a combination of canopy trees, ornamental trees, grasses, and shrubs in accordance with the attached Development Standards. The final distribution of landscaping along the perimeter thoroughfares, at entryways, and in the open space lots will be determined during the construction plan review process prior to the final platting of each phase.

10.7 INDEMNIFICATION AND HOLD HARMLESS. THE Developer AND ITS SUCCESSORS AND ASSIGNS shall RELEASE, DEFEND, indemnify and hold harmless the City, Its officials, employees, officers, representatives and agents (each an "Indemnified Party"), from and against all actions, damages, claims, losses or expense of every type and description to which they may be subjected or put: (i) by reason of, or resulting from the breach of any provision of this Agreement by the Developer; (ii) the negligent design, engineering and/or construction by the Developer or any architect, engineer or contractor hired by the Developer of any of the PUBLIC IMPROVEMENTS acquired from the Developer hereunder; (iii) the Developer's nonpayment under contracts between the Developer and its consultants, engineers, advisors, contractors, subcontractors and suppliers in the provision of the PUBLIC IMPROVEMENTS; (iv) any claims of persons employed by the Developer or its agents to construct the PUBLIC IMPROVEMENTS; or (v) any claims and suits of third parties, including but not limited to developer's respective partners, officers, directors, employees, representatives, agents, successors, assignees, vendors, grantees, and/or trustees, regarding or related to the PUBLIC IMPROVEMENTS or any agreement or responsibility regarding the PUBLIC IMPROVEMENTS, INCLUDING CLAIMS AND CAUSES OF ACTION WHICH MAY ARISE

OUT OF THE PARTIAL NEGLIGENCE OF an indemnified party (the "CLAIMS"). Notwithstanding the foregoing, no indemnification is given to any one or more of the indemnified parties hereunder for any action, damage, claim, loss or expense determined by a court of competent jurisdiction to be directly attributable to the willful misconduct OR SOLE NEGLIGENCE of such Indemnified Party. IF THE CITY INCURS CLAIMS THAT ARE CAUSED BY THE CONCURRENT NEGLIGENCE OF THE DEVELOPER AND THE CITY, THE DEVELOPER'S INDEMNITY OBLIGATION WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE DEVELOPER'S OWN PERCENTAGE OF RESPONSIBILITY. THE DEVELOPER, INCLUDING ITS RESPECTIVE SUCCESSORS AND ASSIGNS, FURTHER COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY, THE CITY AGAINST ANY AND ALL CLAIMS BY ANY PERSON CLAIMING AN OWNERSHIP INTEREST IN THE PROPERTY PRIOR TO THE EFFECTIVE DATE WHO HAS NOT SIGNED THIS AGREEMENT IF SUCH CLAIMS RELATE IN ANY MANNER OR ARISE IN CONNECTION WITH: (1) THE CITY'S RELIANCE UPON THE DEVELOPER'S REPRESENTATIONS IN THIS AGREEMENT; (2) THIS AGREEMENT OR OWNERSHIP OF THE PROPERTY; OR (3) THE CITY'S APPROVAL OF ANY TYPE OF DEVELOPMENT APPLICATION OR SUBMISSION WITH RESPECT TO THE PROPERTY. Developer is expressly required to defend City against all such Claims, and City is required to reasonably cooperate and assist Developer in providing such defense.

In ITS reasonable discretion, City shall have the right to approve or select defense counsel to be retained by Developer in fulfilling its obligations hereunder to defend and indemnify the indemnified parties, unless such right is expressly waived by City in writing. The Indemnified Parties reserve the right to provide a portion or all of their/its own defense, at their/its sole cost; however, Indemnified Parties are under no obligation to do so. Any such action by an Indemnified Party is not to be construed as a waiver of Developer's obligation to defend Indemnified Parties or as a waiver of Developer's obligation to indemnify Indemnified Parties pursuant to this Agreement. Developer shall retain City-approved defense counsel within seven business days of written notice from an Indemnified Party that it is invoking its right to indemnification under this Agreement. If Developer fails to retain counsel within such time period, Indemnified Parties shall have the right to retain defense counsel on THEIR own behalf, and Developer shall be jointly and severally liable for all reasonable costs incurred by Indemnified Parties.

This Section shall survive the termination of this Agreement.

THE PARTIES AGREE AND STIPULATE THAT THIS INDEMNIFICATION COMPLIES WITH THE CONSPICUOUSNESS REQUIREMENT AND THE EXPRESS NEGLIGENCE TEST, AND IS VALID AND ENFORCEABLE AGAINST THE DEVELOPER.

ARTICLE XI

TIRZ

11.1 Tax Increment Reinvestment Zone. The City agrees to commence creation of the TIRZ. In accordance with the terms of this Section, City agrees to complete creation of the TIRZ in accordance with all statutory requirements no later than ninety (90) days after receipt of Developer's request for annexation pursuant to Article XII and prior to the issuance of the first series of PID Bonds. After creation of the TIRZ, the City agrees to approve the TIRZ Documents in a form and substance to comply with the terms of this Agreement. Developer shall be liable for all costs of the TIRZ creation and shall promptly reimburse City for all City expenses related to the creation of the TIRZ.

11.2 Increment. The City agrees to allocate forty percent (40%) of the maintenance and operations portion of the City's ad valorem tax increment revenue collected from the Property within the TIRZ, based on the City's tax rate each year, less collection and administrative expenses, to be dedicated for payment consistent with the TIRZ Documents and this Agreement, for a period of thirty-six (36) years from the date of creation. If Kaufman County and/or the Trinity Valley Community College District also participate in the TIRZ, their increment shall also be placed into the appropriate TIRZ Fund and/or any subaccounts.

11.3 TIRZ Priority. In accordance with the TIRZ Documents, after payment of Administrative Expenses related to the TIRZ, the moneys in the TIRZ Fund shall be used annually to off-set or pay a portion of any Assessments levied on the Property for the costs of Authorized Improvements that qualify as TIRZ Projects, for a period of thirty-six (36) years from the date of creation.

11.4 TIRZ Fund. In accordance with the TIRZ Project and Finance Plan, the City will, on an annual basis, remit the collected revenue from its tax increment obtained from the Property and shall deposit those monies into the TIRZ Fund. Amounts in the TIRZ Fund shall not be comingled with City funds.

ARTICLE XII

ANNEXATION AND POST-ANNEXATION MATTERS

12.1 Annexation. The Developer shall submit a voluntary annexation petition requesting the Property to be annexed by the City within thirty (30) days of the Effective Date of this Agreement; provided, however, the City shall not annex the Property prior to approving the issuance of the first series of Bonds. **The Developer is not required to enter into this Agreement. The annexation procedures described in plain language in this Agreement require the Developer's consent. The Parties acknowledge and agree that this Agreement shall satisfy the written disclosure requirements under Section 212.172(b-1) of the Texas Local Government Code.**

12.2 Zoning of Property. While the Parties expressly acknowledge that the Property will be voluntarily annexed, the Parties agree that the Governing Regulations and the applicable provisions of this Agreement memorialize the plan for development of the Property as provided for in Section 212.172 of the Texas Local Government Code and other applicable law. The City shall consider zoning the Property consistent with the Governing Regulations and applicable provisions of this Agreement upon the annexation of the Property. Through this Agreement, the Developer expressly consents and agrees to the zoning of the Property consistent with and as contemplated by this section and shall file a zoning application to zone the Property in conformity with this Agreement. The Developer agrees that nothing in this Agreement shall prevent the Governing Regulations, including but not limited to zoning, from being enforced against an End-Buyer.

ARTICLE XIII **AUTHORIZED IMPROVEMENTS AND PUBLIC INFRASTRUCTURE**

13.1 Roadway Improvements and Related Drainage Facilities and Drainage Improvements not Related to Roadways. The Developer shall have full responsibility for designing and constructing the on-site and off-site Roadway Improvements and related drainage facilities and Drainage Improvements (together with and including the cost of obtaining any and all easements in or fee simple title to land to provide for and to accommodate such Roadway Improvements and related drainage facilities and Drainage Improvements) that will serve the Property (“Roadway and Drainage Facilities”) and the cost thereof. The Developer shall be responsible for the construction, including the acquisition of any necessary easements (the size and extent of each such easements to be approved by the City) for the Roadway and Drainage Facilities. The Developer must design and construct the Roadway and Drainage Facilities (excluding the Off-Site Utilities Project), necessary to provide service for the Property in

compliance with all statutory and regulatory requirements, including design and construction criteria and specifications of the City, and in compliance with all applicable City Regulations.

13.2 Operation of the Sewer Facilities. If the City accepts the Sewer Facilities, the City shall operate the Sewer Facilities serving the Property and use the Sewer Facilities to provide sewer service to the Property and as otherwise required or allowed by state law. If accepted by the City, the City shall at all times maintain the Sewer Facilities or cause the Sewer Facilities to be maintained, in good condition and working order in compliance with all applicable City Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Sewer Facilities and at City's sole cost, nothing contained herein shall prevent the City from altering or changing the design and/or location of the Sewer Facilities as necessary to meet future needs or updated standards, as solely determined by the City.

13.3 Operation of the Water Facilities. If College Mound accepts the Water Facilities, College Mound shall operate the Water Improvements serving the Property and use the Water Improvements to provide water service to the Property and as otherwise required or allowed by state law. If accepted by College Mound, College Mound shall at all times maintain the Water Improvements or cause the Water Improvements to be maintained, in good condition and working order in compliance with all applicable College Mound Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Water Improvements and at College Mound's sole cost, nothing contained herein shall prevent College Mound from altering or changing the design and/or location of the Water Improvements as necessary to meet future needs or updated standards, as solely determined by College Mound.

13.4 Operation of the Roadway and Drainage Facilities. If the City accepts the Roadway and Drainage Facilities, the City shall operate the Roadway and Drainage Facilities serving the Property and use the Roadway and Drainage Facilities to provide service to the Property and as otherwise required or allowed by state law. If accepted by the City, the City shall at all times maintain the Roadway and Drainage Facilities or cause the Roadway and Drainage Facilities to be maintained, in good condition and working order in compliance with all applicable City Regulations and all applicable regulations, rules, policies, standards, and orders of any governmental entity with jurisdiction over same. Notwithstanding, following acceptance of the Roadway and Drainage Facilities and at City's sole cost, nothing contained herein shall prevent

the City from altering or changing the design and/or location of the Roadway and Drainage Facilities as necessary to meet future needs or updated standards, as solely determined by the City.

13.5 Neighborhood Open Space. Developer agrees to locate and maintain, park land/open space (the “Neighborhood Open Space”) for the HOA in the location shown on the Concept Plan attached hereto as **Exhibit C**, which may include floodplain. Developer agrees that the Neighborhood Open Space will include preservation of existing ponds, trails, and other amenities as specified in the Development Standards attached hereto as **Exhibit D**. All maintenance within the Neighborhood Open Space shall be the responsibility of the HOA. All expenses for construction, maintenance, and operation shall be paid by the Developer until transferred to the HOA. At time of transfer to the HOA, all costs of maintenance and operation shall be borne solely by the HOA.

13.6 Authorized Improvements. All Authorized Improvements shall be designed, constructed and installed by Developer in compliance with the Governing Regulations. Construction and/or installation of the Authorized Improvements shall not begin until complete and accurate plans and specifications have been approved by the City (except for Water Improvements, which shall be reviewed and approved by College Mound) in accordance with standard procedures. Each of such contracts shall require a two-year maintenance bond following completion, which bond shall run in favor of the City of Kaufman for maintenance of the completed Authorized Improvements (except for Water Improvements, which shall comply with College Mound’s requirements). To the extent easements or rights-of-way are needed within the Property, they shall be dedicated by Developer and/or to the City at no cost to the City in the form of an instrument acceptable to both the City and Developer (except for Water Improvements, which shall be dedicated to College Mound). The Authorized Improvements will be installed within easements granted to the City or in the public right of way by an instrument acceptable to the City in its sole discretion (except for Water Improvements). The size of the Authorized Improvements shall be sized as finally determined by the Developer’s engineer and confirmed by the City’s engineer, (or for Water Improvements, by College Mound).

13.8 Inspections, Acceptance of Public Improvements.

(a) Roadway and Storm Infrastructure. The City shall have the right to inspect, at any time, the construction of all roadway and storm water Public Improvements, and any related Public Improvements necessary to support the proposed development within the Property, which shall be inspected, designed, and constructed in compliance with all statutory and regulatory requirements, including design and construction criteria, and the Governing Regulations. All

Roadway Improvements shall be dedicated to and become the property of the City and shall be maintained by the City in accordance with the terms of this Agreement upon City's final acceptance of such improvements. Roadway improvements include storm drainage infrastructure, sidewalks, traffic control devices and signage.

(b) No Release. The City's inspections shall not release Developer from their responsibility to construct, or ensure the construction of, adequate Public Improvements in accordance with approved engineering plans, construction plans, and other approved plans related to the development of the Property.

(c) City Owned. From and after the inspection and acceptance by the City of the Public Improvements and any other dedications required under this Agreement; such Public Improvements and dedications shall be owned and maintained by the City (except for Water Improvements, which shall be owned by College Mound).

(d) Approval of Plats/Plans. All plats, permits, plans, designs, or specifications shall be subject to approval by the City in accordance with standard City processes and upon payment of applicable fees and shall be in accordance with the Governing Regulations. Approval by the City, the City's engineer, or other City employee or representative of any plats, permits, plans, designs, or specifications submitted by Developer pursuant to this Agreement or pursuant to the Governing Regulations shall not constitute or be deemed to be a release of the responsibility and liability of Developer, their engineer, employees, officers or agents for the accuracy and competency of their design and specifications. Further, any such approvals shall not be deemed to be an assumption of such responsibility and liability by the City for any defect in the design and specifications prepared by Developer or the Developer's engineer, or engineer's officers, agents, servants or employees, it being the intent of the parties that approval by the City's engineer signifies the City's approval on only the general design concept of the improvements to be constructed. All plats and plans of Developer related to the Property shall meet the requirements of the Governing Regulations.

13.9 Operation and Maintenance of All Infrastructure other than Water Improvements. Upon inspection, approval, and acceptance of all Public Improvements or any portion thereof, other than Water Improvements, the City shall maintain and operate the accepted Public Improvements or any accepted portion thereof.

13.10 Operation and Maintenance of Water Improvements. Upon inspection, approval, and acceptance of the Water Improvements or any portion thereof, College Mound shall maintain

and operate the accepted Water Improvements or any accepted portion thereof and wastewater service to the Property.

13.10 On-Site and Off-Site Rights-of-Way and Easements. Developer will transfer to the City or College Mound, as applicable, any on-site easements necessary for Public Improvements at the time of development or within one hundred twenty (120) days of the City or College Mound, as applicable, requesting same for a City or College Mound project, as applicable, in an instrument suitable to the City or College Mound, as applicable.

ARTICLE XIV **DEVELOPMENT OF THE PROPERTY**

14.1 Governing Regulations. Development of the Property shall be governed solely by the following (collectively, the “Governing Regulations”):

- (a) the Concept Plan attached hereto as **Exhibit C**, as amended from time to time in accordance with this Agreement;
- (b) the Development Standards attached hereto as **Exhibit D**;
- (c) the Planned Development zoning regulations as approved by the City Council.
- (d) approved final plats and associated approved construction plans for all or a portion of the Property; and
- (e) applicable federal, state, and local ordinances and regulations.

14.2 Amendment of Concept Plan. The Parties agree the Concept Plan was created by Developer for illustrating the boundary, lot mix and general layout of the project. Any amendment to the Concept Plan shall require an amendment to this Agreement and such amendment shall replace the attached Concept Plan and become a part of this Agreement. Notwithstanding the foregoing, the City Administrator of the City may but is not required to administratively approve any amendments to the Concept Plan that the City Administrator deems in his reasonable discretion to be consistent with Council approved site plans for the Development without amending this Agreement.

14.3 Requirement for Preliminary Plat and Associated Studies. After the Property is zoned and prior to final construction plan review and final plat submittal, the development will be subject to a requirement to preliminary plat the entire property, along with all required studies and plan approvals to be required in advance of the preliminary plat, which shall include drainage & flood studies, traffic impact analysis, tree survey and tree mitigation/protection plan, preliminary civil plan review, and preliminary landscape plan review.

14.4 Enforcement of Regulations. The City will enforce the Governing Regulations on the Property in the same manner in which duly enacted zoning regulations are enforced within the City's corporate boundaries.

14.5 Homeowner's Association Required.

(a) Developer shall create a sustainable and mandatory homeowner's association ("HOA") for the Property that requires membership by all of the Developer of a residential lot within the Property.

(b) The HOA shall own and be responsible for the maintenance of any open spaces, trails, amenities, common areas, landscaping, screening walls, development signage, and any other common improvements or appurtenances within the Property that are not maintained or operated by the City, including without limitation such facilities financed by the PID. Any dedication to the City requires City acceptance at the City's sole discretion.

(c) The HOA shall have covenants and bylaws and shall require the payment of dues and assessments to maintain any private streets and common areas and facilities. The HOA covenants shall provide for assessments and liens for nonpayment of dues or assessments. The approved covenants of the HOA are subject to review and approval by the City prior to recordation of the final plat for the first phase of development and after City approval shall be recorded with the County Clerk for Kaufman County.

14.6 Conflicts.

(a) In the event of any direct conflict between this Agreement and any ordinance, rule, regulation, standard, policy, order, guideline or other City-adopted or City-enforced requirement, whether existing on the Effective Date or hereinafter adopted, this Agreement shall control. Notwithstanding the foregoing, Developer shall comply with all applicable state and federal regulations and approved City design standards for Public Improvements. Development and use of the Property, including, without limitation, the construction, installation, maintenance, repair, and replacement of all buildings and all other improvements and facilities of any kind whatsoever on and within the Property, shall be in compliance with City Regulations unless expressly stated to the contrary in this Agreement. City Regulations shall apply to the development and use of the Property unless expressly set forth to the contrary in this Agreement.

(b) In the event of any direct conflict between the Development Standards and any other part of the Governing Regulations, the Development Standards shall control, except as superseded by the provisions of the Governing Regulations as provided by law.

ARTICLE XV

DEVELOPMENT PROCESS AND CHARGES

15.1 Development Charges. Except as specifically described below, Developer and/or builders, as applicable, shall be subject to those fees and charges due and payable to the City or College Mound as applicable in connection with the development of the Property that are charged uniformly to other developments located in the corporate limits of the City, whether in effect on the date of this Agreement or implemented at a later date. The applicant for a building permit shall pay impact fees for roadways, and for wastewater per living unit equivalent, in accordance with adopted impact fee ordinances in effect at the time of building permit (the “Impact Fees”). Wastewater Impact Fees applicable to individual lots will be due and payable by the applicant for a permit at the time building permits are issued for each single-family residential lot.

ARTICLE XVI

TERM

The term of this Agreement shall be for a period of thirty-five (35) years after the Effective Date and may be extended once for a ten (10) year period. If allowed by law, the Parties may extend the term of this Agreement beyond the term of the automatic extension if they execute an agreement in writing.

ARTICLE XVII

EVENTS OF DEFAULT; REMEDIES

17.1 Events of Default. No Party shall be in default under this Agreement until Notice of the alleged failure of such Party to perform has been given in writing (which Notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event more than 30 days (or any longer time period to the extent expressly stated in this Agreement as relates to a specific failure to perform) after written notice of the alleged failure has been given except as relates to a type of default for which a different time period is expressly set forth in this Agreement). Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to

whom the Notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. Notwithstanding the foregoing, however, a Party shall be in default of its obligation to make any payment required under this Agreement if such payment is not made within 30 days after it is due.

17.2 Remedies. If a Party is in default, the aggrieved Party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, or actions for specific performance, mandamus, or injunctive relief. NOTWITHSTANDING THE FOREGOING, HOWEVER, NO DEFAULT UNDER THIS AGREEMENT SHALL ENTITLE THE AGGRIEVED PARTY TO TERMINATE THIS AGREEMENT OR LIMIT THE TERM OF THIS AGREEMENT.

ARTICLE XVIII **ASSIGNMENT AND ENCUMBRANCE**

18.1 Assignment.

(a) This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties. The Developer and any Assignee have the right (from time to time) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of the Developer under this Agreement to any person or entity (an "Assignee") with City's prior written consent, with Notice to the City, and with execution of an amendment to this Agreement binding such Assignee to the terms of this Agreement.

(b) The Developer has the right, from time to time with the prior written consent of the City, to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of the Developer under this Agreement, to any person or entity (an "Assignee") that (i) is or will become an owner or developer of all or any portion of the Property, or (ii) is controlled by or under common control by the Developer and becomes an owner or developer of all or any portion of the Property, and (iii) that has provided documentation of financial ability acceptable to the City to demonstrate that Assignee is qualified to comply with all of the terms of this Agreement applicable to Developer, provided that the Developer is not in breach of this Agreement at the time of such assignment. An Assignee is considered the "Developer" and a "Party," under this Agreement for purposes of the obligations, rights, title, and interest assigned to the Assignee. Developer shall provide City with at least thirty (30) days' notice of any request for assignment which notice shall include a copy of the proposed assignment document, at minimum meeting the requirements of this Agreement, together with the name, address, telephone number, and e-mail

address of a contact person representing the Assignee, and shall include such documentation of the proposed Assignee's financial capacity and ability to perform Developer's obligations under this Agreement and the Property Option. Developer shall provide such written documentation as reasonably requested by City to facilitate City's determination regarding the ability of the proposed Assignee to comply with Developer's obligations under this Agreement.

(c) At minimum, each City approved assignment shall be in writing executed by the Developer and the Assignee and shall obligate the Assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. A copy of each approved and fully executed assignment to an Assignee shall be provided to the City within fifteen (15) days after execution. From and after City approval of such assignment, the City agrees to look solely to the Assignee for the performance of all obligations assigned to the Assignee and agrees that the Developer shall be released from subsequently performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations; provided, however, if a copy of the assignment is not received by the City within fifteen (15) days after execution and/or approval by City, as applicable, the Developer shall not be released until the City receives such copy of the assignment.

(d) No assignment by the Developer shall release the Developer from any liability that resulted from an act or omission by the Developer that occurred prior to the effective date of the assignment unless the City approves the release in writing.

(e) The Developer shall maintain written records of all assignments made to Assignees, including a copy of each executed assignment and the Assignee's notice information as required by this Agreement, and, upon written request from another Party, shall provide a copy of such records to the requesting person or entity.

(f) Notwithstanding the foregoing, any receivables due under this Agreement, or under any Reimbursement Agreement (pursuant to Section 372.023(d-1) of the Texas Local Government Code) may be assigned by the Developer without the consent of, but upon written Notice to the City in accordance with **Section 20.2** of this Agreement and as allowed. The Developer may also collaterally assign the receivables as collateral for any development loan, and the Developer may execute such documents and contracts as necessary to effectuate such loans or financings, without the consent, but with at least thirty (30) days prior written Notice, to the City. An Assignee shall be considered a "Party" for the purposes of this Agreement.

18.2 Encumbrance by City. The City shall not collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of its rights, title, or interest under this

Agreement without the Developer's prior written consent, which consent shall not be unreasonably withheld.

18.3 Assignees as Parties. An Assignee approved or authorized in accordance with this Agreement and for which an assignment has properly been effected pursuant to the terms of this Article, shall be considered a Party for the purposes of this Agreement. Develop shall require Developer's Assignee to execute all necessary documents to be bound to the terms of this Agreement. With the exception of an End Buyer of a lot within the Property, any person or entity upon becoming an owner of land within the District or upon obtaining an ownership interest in any part of the Property shall be deemed to be an owner and have all of the obligations of the Developer as set forth in this Agreement and all related documents to the extent of said ownership or ownership interest. This Agreement and the obligations and liabilities arising under this Agreement shall be released automatically as to each End Buyer of a lot; provided, however, that no such conveyance of a lot shall release Developer from its obligations hereunder. Any third party, including without limitation any title company, grantee or lienholder, shall be entitled to rely on the existence or nonexistence of a recorded affidavit to establish whether such termination has occurred as to a lot.

18.4 No Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

ARTICLE XIX **RECORDATION AND ESTOPPEL CERTIFICATES**

19.1 Binding Obligations. This Agreement and all amendments hereto (including amendments to the Concept Plan as allowed in this Agreement) and assignments hereof shall be recorded in the deed records of Kaufman County. This Agreement binds and constitutes a covenant running with the Property. Upon the Effective Date, this Agreement shall be binding upon the Parties and their successors and assigns permitted by this Agreement and forms a part of any other requirements for development within the Property. This Agreement, when recorded, shall be binding upon the Parties and their successors and assigns as permitted by this Agreement and upon the Property; however, this Agreement shall not be binding upon, and shall not constitute any encumbrance to title as to, any End-Buyer of a Fully Developed and Improved Lot except for land use and development regulations that apply to such lots.

19.2 Estoppel Certificates. From time to time upon written request of the Developer or any future owner, and upon the payment of a \$100.00 fee to the City, the City Manager, or his/her designee will, in his official capacity and to his reasonable knowledge and belief, execute a written estoppel certificate identifying any obligations of an owner under this Agreement that are in default.

ARTICLE XX **ADDITIONAL PROVISIONS**

20.1 Recitals. The recitals contained in this Agreement: (i) are true and correct as of the Effective Date; (ii) form the basis upon which the Parties negotiated and entered into this Agreement; (iii) are legislative findings of the City Council of the City; and (iv) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

20.2 Notices. Any Notice, payment or instrument required or permitted by this Agreement to be given or delivered to any party shall be deemed to have been received when personally delivered or transmitted by telecopy or facsimile transmission (which shall be immediately confirmed by telephone and shall be followed by mailing an original of the same within 24 hours after such transmission) or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City:	Attn: Mike Holder, City Manager City of Kaufman 3003 S. Washington Street Kaufman, TX 75142
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To the City Attorney	Patricia Adams Messer Fort, PLLC 6371 Preston Road Suite 200 Frisco Texas 75034
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To the Developer:	Attn: Yehuda Goldman
Series	Tejas Wycliff Properties, LLC – 2727 Kaufman

With a copy to:

Attn: Robert Miklos
Ferguson Braswell Fraser Kubasta PC
2500 Dallas Parkway, Suite 600
Plano, Texas 75093
Email: rmiklos@fbfk.law

Any party may change its address or addresses for delivery of Notice by delivering written Notice of such change of address to the other party.

20.3 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

20.4 Time. In this Agreement, time is of the essence and compliance with the times for performance herein is required.

20.5 Authority and Enforceability. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, Notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Agreement has been approved by appropriate action of the Developer, and that the individual executing this Agreement on behalf of the Developer has been duly authorized to do so. Each Party respectively acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law.

20.6 Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement. This Agreement shall not be modified or amended except in writing signed by the Parties.

20.7 Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (i) such unenforceable provision shall be deleted from this Agreement; (ii) the unenforceable provision shall, to the extent possible and upon mutual agreement of the parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (iii) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

20.8 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Kaufman County. Exclusive venue for any action to enforce or construe this Agreement shall be in the Kaufman County District Court.

20.9 Non-Waiver. Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

20.10 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

20.11 Further Documents. The Parties agree that at any time after execution of this Agreement, they will, upon request of another Party, execute and deliver such further documents and do such further acts and things as the other Party may reasonably request in order to effectuate the terms of this Agreement. This provision shall not be construed as limiting or otherwise hindering the legislative discretion of the City Council seated at the time that this Agreement is executed or any future City Council.

20.12 Exhibits. The following exhibits are attached to this Agreement and are incorporated herein for all purposes:

- | | |
|-----------|--|
| Exhibit A | Metes and Bounds of the Property |
| Exhibit B | Property Depiction |
| Exhibit C | Concept Plan (Illustrative) with Trail Design |
| Exhibit D | Development Standards |
| Exhibit E | Authorized Improvements with their Estimated Costs |
| Exhibit F | Home Buyer Disclosure Program |
| Exhibit G | Landowner Agreement |

20.13 Home Buyer Disclosures. The Developer shall comply with the Home Buyer Disclosure Program and shall deed restrict the Property in a manner that notifies all owners of Property of the obligations set forth in the Home Buyer Disclosure Program. The Developer shall provide City evidence on a quarterly basis, or upon written request from the City, that the original

purchaser of any finished lot within the PID has been provided the Home Buyer Disclosure Program.

20.14 Governmental Powers; Waivers of Immunity. By its execution of this Agreement, the City does not waive or surrender any of its respective governmental powers, immunities, or rights; this is not an Agreement for goods or services or otherwise subject to Section 271.151 et seq. of the Texas Local Government Code.

20.15 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within three business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term “force majeure” shall include events or circumstances that are not within the reasonable control of Party whose performance is suspended and that could not have been avoided by such Party with the good faith exercise of good faith, due diligence and reasonable care.

20.16 Entire Agreement. This Agreement, including its exhibits and documents executed in accordance with this Agreement, constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement.

20.17 Amendments. This Agreement cannot be modified, amended, or otherwise varied, except in writing signed by the City and Developer expressly amending the terms of this Agreement.

20.18 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

20.19 Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed by the Parties hereto or by any third party to create the relationship of principal and agent, or of partnership, joint venture or any association whatsoever between any one or more of the Parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the Parties hereto shall be deemed to create any relationship between the Parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

20.20 Captions. The descriptive captions of this Agreement are for convenience of reference only and shall in no way define, describe, limit, expand or affect the scope, terms, conditions, or intent of this Agreement.

20.21 Number and Gender. Whenever used herein, unless the context otherwise provides, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

20.22 Gift to Public Servant. The Developer shall not, and shall use commercially reasonable efforts to cause its contractors and agents to not, offer, or agree to confer any benefit upon a City employee or official that the City employee or official is prohibited by law from accepting. For purposes of this section, “benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct or substantial interest, but does not include a contribution or expenditure made and reported in accordance with law. Notwithstanding any other legal remedies, the City may require the Developer to remove any employee or contractor of the Developer from performance responsibilities under this Agreement who has violated the restrictions of this section or any similar state or federal law.

20.23 Anti-Boycott Verification. No Boycott Israel. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2271.002, Texas Government Code, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, ‘boycott Israel,’ a term defined in Section 2271.001, Texas Government Code, by reference to Section 808.001(1), Texas Government Code, means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit.

20.24 Not a Listed Company. The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on

a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made solely to enable the City to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. As used in this Section, the Developer understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.25 Verification Regarding Energy Company Boycotts. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies," a term defined in Section 2274.001(1), Texas Government Code (as enacted by such Senate Bill) by reference to Section 809.001, Texas Government Code (also as enacted by such Senate Bill), shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by (A) above. As used in this Section, the Developer understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.26 Verification Regarding Discrimination Against Firearm Entity or Trade Association.

To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification and the following definitions:

- (i) ‘discriminate against a firearm entity or firearm trade association,’ a term defined in Section 2274.001(3), Texas Government Code (as enacted by such Senate Bill), (A) means, with respect to the firearm entity or firearm trade association, to (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association and (B) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association;
- (ii) ‘firearm entity,’ a term defined in Section 2274.001(6), Texas Government Code (as enacted by such Senate Bill), means a manufacturer, distributor,

wholesaler, supplier, or retailer of firearms (defined in Section 2274.001(4), Texas Government Code, as enacted by such Senate Bill, as weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (defined in Section 2274.001(5), Texas Government Code, as enacted by such Senate Bill, as devices specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (defined in Section 2274.001(1), Texas Government Code, as enacted by such Senate Bill, as a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (defined in Section 250.001, Texas Local Government Code, as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting); and

- (iii) ‘firearm trade association,’ a term defined in Section 2274.001(7), Texas Government Code (as enacted by such Senate Bill), means any person, corporation, unincorporated association, federation, business league, or business organization that (i) is not organized or operated for profit (and none of the net earnings of which inures to the benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code as used in this Section, the Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 133(f), 17 C.F.R. § 230.133(f), and exists to make a profit.

20.27 Form 1295. Submitted herewith is a completed Form 1295 in connection with the Developer’s participation in the execution of this Agreement generated by the Texas Ethics Commission’s (the “TEC”) electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the “Form 1295”). The City hereby confirms receipt of the Form 1295 from the Developer, and the City agrees to acknowledge such form with the TEC through its electronic filing application not

later than the 30th day after the receipt of such form. The Developer and the City understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

[signatures on following pages]

EXECUTED by the City and Developer on the respective dates stated below.

Date: _____

CITY OF KAUFMAN

By: _____
Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM

Patricia A. Adams
Attorney for the City

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

This instrument was acknowledged before me on the ____ day of _____, 2024 by Jeff Jordan, Mayor of the City of Kaufman, Texas on behalf of said City.

(SEAL)

Notary Public, State of Texas

Name printed or typed

Commission Expires: _____

DEVELOPER

Tejas Wycliff Properties, LLC – 2727 Kaufman
Series, a Texas limited liability company

By: _____

By: _____

Name:

Its:

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____,
2024 by _____, Tejas Wycliff Properties, LLC – 2727 Kaufman Series,
a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

EXHIBIT A

Metes and Bounds of the Property

BEING 73.09 ACRES OF LAND LOCATED IN THE THOMAS BEEDY SURVEY, ABSTRACT NO. 21, KAUFMAN COUNTY, TEXAS AND BEING PART OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 2583, PAGE 440, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS AND ALL OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 6568, PAGE 353, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2 INCH IRON ROD AT THE SOUTH CORNER OF SAID 138.451 ACRE TRACT RECORDED IN VOLUME 2583, PAGE 440, AT THE EAST CORNER OF THE DAVID NALLS TRACT RECORDED IN VOLUME 3395, PAGE 289 AND IN THE NORTHWEST R.O.W. OF FARM TO MARKET 2727;

THENCE NORTH 47 DEGREES 11 MINUTES 43 SECONDS WEST, 1346.01 FEET TO A FOUND CAPPED 1/2 INCH IRON ROD;

THENCE SOUTH 44 DEGREES 07 MINUTES 47 SECONDS WEST, 517.35 FEET TO A FOUND 3/8 INCH IRON ROD;

THENCE NORTH 47 DEGREES 09 MINUTES 56 SECOND WEST, 1463.96 FEET TO A 8 INCH POST FOR CORNER;

THENCE NORTH 43 DEGREES 56 MINUTES 17 SECONDS EAST, 1617.61 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 46 DEGREES 32 MINUTES 43 SECONDS EAST, 381.18 FEET TO A SET 1/2 INCH IRON ROD;

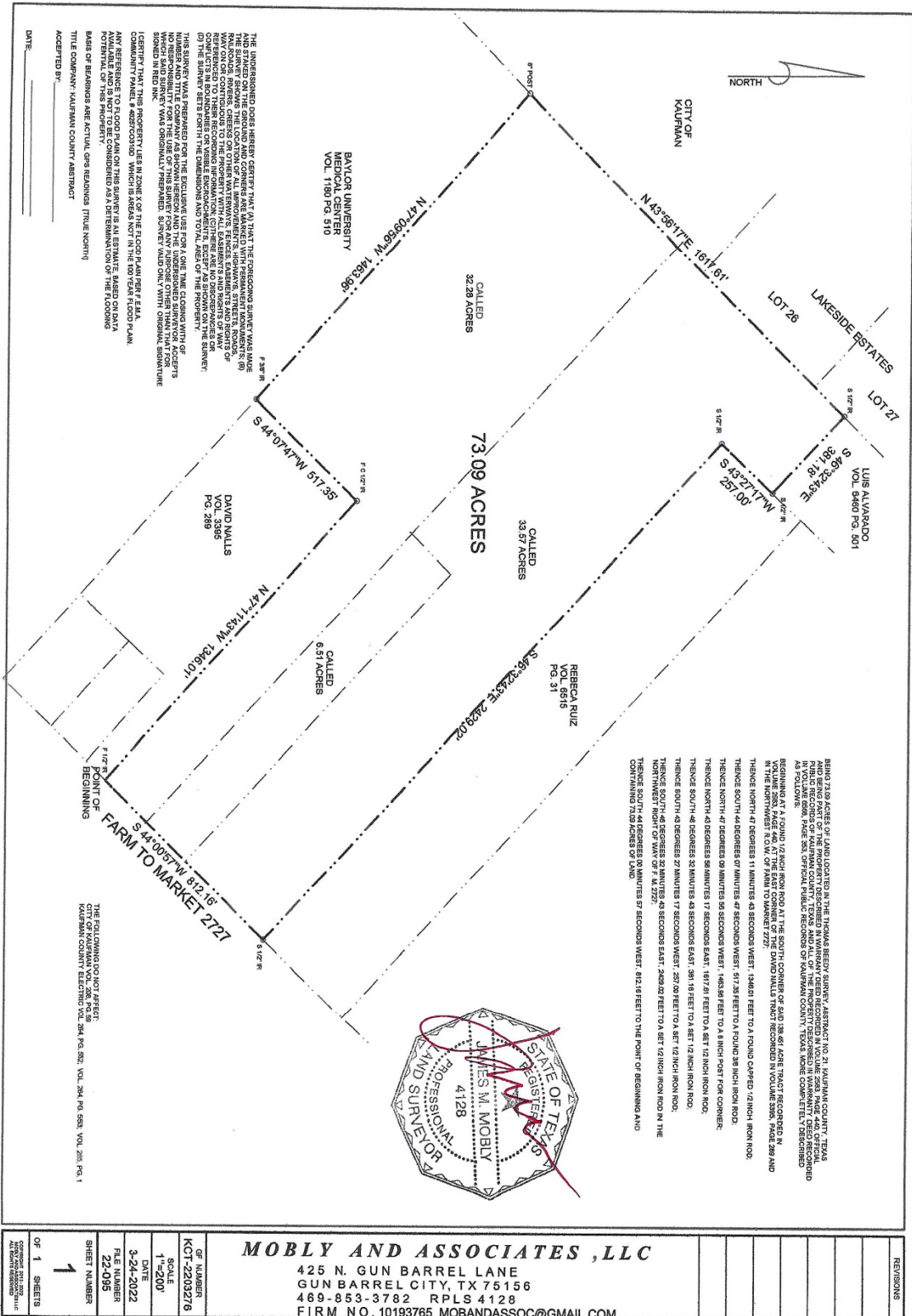
THENCE SOUTH 43 DEGREES 27 MINUTES 17 SECONDS WEST, 257.00 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 46 DEGREES 32 MINUTES 43 SECONDS EAST, 2429.02 FEET TO A SET 1/2 INCH IRON ROD IN THE NORTHWEST RIGHT OF WAY OF F.M. 2727;

THENCE SOUTH 44 DEGREES 00 MINUTES 57 SECONDS WEST, 812.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 73.09 ACRES OF LAND.

EXHIBIT B

Property Depiction



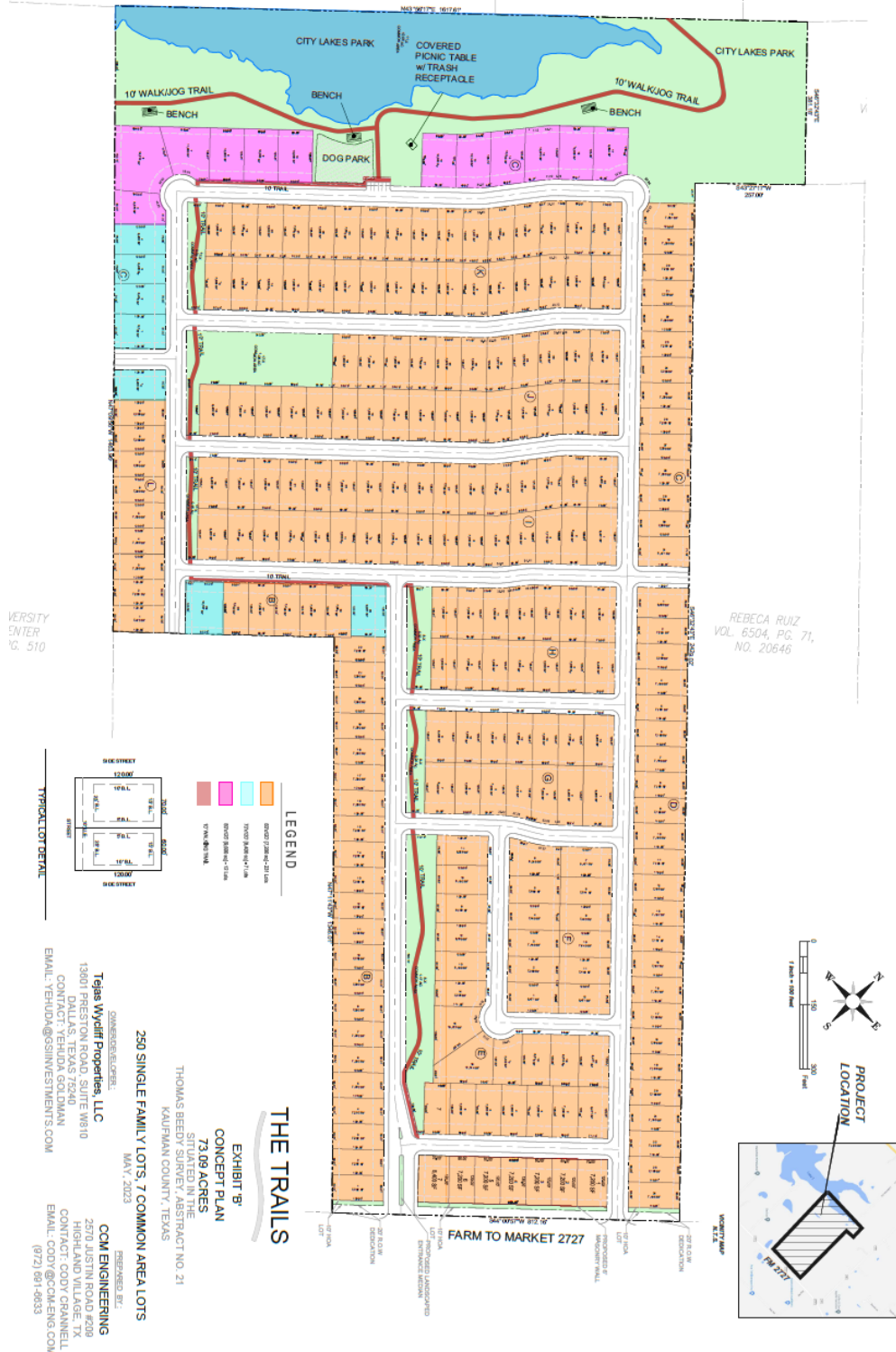


EXHIBIT D

Development Standards

PLANNED DEVELOPMENT - SINGLE FAMILY

Kaufman, Texas

73.09 Acres

1. Purpose:

The purpose of the development is to provide a unique addition to the City of Kaufman. The single-family development will integrate into the master trail plan and provide a neighborhood with high standards of development, with access to (and expansion of) the trail system and City Lakes Park.

The City of Kaufman Zoning Ordinance, adopted March 19, 2007, as constituted on the Effective Date, shall govern any regulations not specified.

2. Permitted Uses:

1. Single-family detached residential uses with the general development layout and lot distribution as shown in **Exhibit "C"**. The purpose of the exhibit is to establish a general conceptual site plan for the development. The final site plan may differ, as to be determined during the Planned Development zoning and/or preliminary plat stage, but must adhere to the regulations set herein.
2. Park or playground (non-commercial)
3. Other uses permitted in the (SF 8) Single Family District in the City of Kaufman Zoning Ordinance, as amended.

3. Building Regulations:

A. Area Regulations

1. 7,200 SF
 - a. Minimum Lot Size: Minimum lot size shall be 7,200 square feet.
 - b. Minimum Lot Depth: 110 feet
 - c. Minimum Lot Width: 60 feet, 55 feet at the setback line for lots along cul-de-sacs and knuckles (corner lots backing to the rear yard of another lot shall be at least 10 feet wider than the minimum lot width in order to provide adequate width for the increased exterior side yard setback; corner lots backing to the side yard of another lot shall be at least 20 feet wider than the minimum lot width in order to provide adequate width for the increased side yard setback)

- d. Minimum Yards:
 - i. Front yard: 25 feet (front porches may encroach up to 10 feet into the required front yard)
 - ii. Side yard: 5 feet width on each side for interior lots; 15 feet for exterior side yards adjacent to streets (for corner lots that back to the rear yard of another residential lot), and 25 feet for exterior side yards adjacent to streets (for corner lots that back to the side yard of another lot...also known as “key lots”).
 - iii. Rear yard
 - iv. Main building: 15 feet for the main building.
 - v. Accessory Buildings: To be located in the rear yard with a minimum of ten feet (5’) separation between main building and accessory structure and a minimum of three feet (3’) from any side or rear property line. Detached garages are to be located at least ten feet (5’) from the main building and behind the front building line with a minimum of twenty feet (20’) from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3’) from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (5’) from any property line.
- e. Minimum dwelling Size: Minimum dwelling size shall be 1,600 sf. A minimum of 25% of the total homes in this category shall be a minimum of 2,000 sf.

2. 8,400 SF

- a. Minimum Lot Size: Minimum lot size shall be 8,400 square feet.
- b. Minimum Lot Depth: 110 feet
- c. Minimum Lot Width: 70 feet, 65 feet at the setback line for lots along cul-de-sacs and knuckles (corner lots backing to the rear yard of another lot shall be at least 10 feet wider than the minimum lot width in order to provide adequate width for the increased exterior side yard setback; corner lots backing to the side yard of another lot shall be at least 20 feet wider than the minimum lot width in order to provide adequate width for the increased side yard setback)
- d. Minimum Yards:
 - i. Front yard: 25 feet (front porches may encroach up to 10 feet into the required front yard)
 - ii. Side yard: 5 feet width on each side for interior lots; 15 feet for exterior side yards adjacent to streets (for corner lots that back to the rear yard of another residential lot), and 25 feet for exterior side yards adjacent to streets (for corner lots that back to the side yard of another lot...also known as “key lots”).
 - iii. Rear yard
 - iv. Main building: 15 feet for the main building.
 - v. Accessory Buildings: To be located in the rear yard with a minimum of ten feet (5’) separation between main building and accessory structure and a minimum of three feet (3’) from any side or rear property line. Detached garages are to be located at least ten feet (5’) from the main building and

behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (5') from any property line.

- e. Minimum dwelling Size: Minimum dwelling size shall be 1,800 sf. A minimum of 25% of the total homes in this category shall be a minimum of 2,000 sf.

3. 9,600 SF

- a. Minimum Lot Size: Minimum lot size shall be 9,600 square feet.
- b. Minimum Lot Depth: 110 feet
- c. Minimum Lot Width: 80 feet, 65 feet at the setback line for lots along cul-de-sacs and knuckles (corner lots backing to the rear yard of another lot shall be at least 10 feet wider than the minimum lot width in order to provide adequate width for the increased exterior side yard setback; corner lots backing to the side yard of another lot shall be at least 20 feet wider than the minimum lot width in order to provide adequate width for the increased side yard setback)
- d. Minimum Yards:
 - i. Front yard: 25 feet (front porches may encroach up to 10 feet into the required front yard)
 - ii. Side yard: 5 feet width on each side for interior lots; 15 feet for exterior side yards adjacent to streets (for corner lots that back to the rear yard of another residential lot), and 25 feet for exterior side yards adjacent to streets (for corner lots that back to the side yard of another lot...also known as "key lots").
 - iii. Rear yard
 - iv. Main building: 15 feet for the main building.
 - v. Accessory Buildings: To be located in the rear yard with a minimum of ten feet (5') separation between main building and accessory structure and a minimum of three feet (3') from any side or rear property line. Detached garages are to be located at least ten feet (5') from the main building and behind the front building line with a minimum of twenty feet (20') from the door face of the garage to the edge of pavement from any public roadway or alley and a minimum of three feet (3') from side or rear property lines. Detached garages with accessory dwelling units shall be located a minimum of ten feet (5') from any property line.
- e. Minimum dwelling Size: Minimum dwelling size shall be 2,000 sf.

B. Height Regulations:

The main building shall not exceed 35 feet in height.

C. Lot Coverage:

No more than 50% of the area of each lot shall be covered by a roofed structure.

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces (within a garage with garage door) placed behind the front building line and on the same lot as the main structure.
2. Other - (See Section 35 of the City Zoning Ordinance, Off-Street Parking and Loading Requirements).

E. Trees and Landscaping on Residential Lots:

The home builder shall plant two (2) three-inch (3") caliper trees on each lot (with one to be placed in the front yard) during home construction, measurements as defined by the Texas Association of Nurserymen, Guidelines and Standards. Specification for Tree installation shall be American Standard for Nursery Stock, published by the American Association of Nurserymen. In addition, on corner lots, the home builder shall plant one (1) additional three-inch (3") caliper tree to be placed in the exterior side yard, subject to the same measurement definitions.

F. Perimeter and Entryway Landscaping and Screening:

Where residential lots side or back to a FM 2727, the developer shall provide a masonry screening wall at least 6 feet in height, with columns spaced every 60' along the property line to screen the homes at the time of subdivision construction (not by individual builders during construction of each home).

Landscaping shall be provided on HOA-maintained open space lots at least 10' in width located between the screening wall and FM 2727, with at least one 4"-caliper canopy tree planted every 40' and one 2"-caliper ornamental tree planted every 40' interspersed in between the canopy trees. Enhanced landscaping and development signage (on masonry walls or structures) shall be installed at the main entrances to the development off FM 2727. All landscaping, signage, and other entry features shall be located on HOA-maintained open space lots.

Final landscaping and screening plans shall be submitted with the construction plans and approved by the City prior to or concurrent with the final plat. Alternative forms of landscaping and screening are subject to the approval of City Council.

G. Sidewalk and Trail Requirements:

1. The homebuilder shall construct concrete sidewalks at least 5 feet in width along the street frontages of all residential lots.
2. The Developer shall construct concrete sidewalks at least 5 feet in width along the street frontages of all common (open space) lots interior to the subdivision, with the exception of lots in which a 10-foot concrete trail is provided instead.

3. The developer shall install an internal trail plan as depicted in **Exhibit “C”**. The final trail system alignment may be altered to best fit the site, however it must be in substantial conformance to the trail plan as shown. A continuous trail, which shall be concrete and at least 10 feet in width, shall be provided from the trailhead adjacent to City Lakes Park to FM 2727 through the development. The trail may cross streets and be routed in front of homes, where necessary. In areas where the trail is routed in front of homes, a 5’ public trail easement shall be dedicated along the front of the lot. The trail shall be lighted and landscaped in all areas that go through HOA open space lots or City park land.

H. Open Space and Amenity Requirements

The Developer shall provide landscaping and pedestrian-scale lighting along the internal trail through the development. Landscaping shall include 4”-caliper canopy trees at 80’ intervals, with 2”-caliper ornamental trees at 80’ intervals interspersed in between each canopy tree. In addition, at least three (3) benches and three (3) trash receptacles shall be placed along the internal trail at regular intervals. Such landscaping, hardscaping, and lighting shall be installed on open space lots to be maintained by the HOA.

Trees shall be preserved in the areas identified on **Exhibit “C”**, Concept Plan and to be more clearly delineated on a Tree Survey to be approved by the City at the time of preliminary platting.

On the open space lot in the rear of the development, the Developer shall provide and construct a trail head with trails through the property, which shall connect to the sidewalk and trail system within the development and shall also provide stubs to surrounding properties to allow for future connection to the City’s planned trail system. A minimum of six (6) dedicated and marked parking spaces shall be provided at the trail head. The trail head shall contain one (1) covered picnic area with a trash receptacle. The trailhead shall also include a mix of shade and ornamental trees; shrubs and groundcover may also be provided. The trailhead shall include signage and pedestrian-scale lighting. The developer shall also install a fenced dog park with at least two (2) dog stations within the dog park.

All of the above improvements shall be detailed on landscaping plans to be provided with the construction plans prior to the final platting of each phase. The improvements are subject to City approval.

The Developer may be eligible for credits towards Parkland Dedication and Park Development Fees for the proposed improvements in this section, as well as the internal 10’ trails. To receive credits, the improvements and the proposed credits for the improvements are subject to the review of the Parks and Recreation Board and the approval of City Council. In addition, the cost of these improvements shall be documented in a Facilities Agreement to be approved by the City.

I. Architectural Requirements

The builder shall make an effort to avoid a monotonous feel to the development.

The same elevation shall not be repeated within five (5) houses on each side of a given house.

A minimum roof pitch of 6:12 shall be provided for the primary roof of each house.

All houses shall have a minimum of 70% masonry exterior below the plate line, and at least 50% of masonry for each façade. Masonry is defined as brick or stone. Cementitious fiber or wood-like material may be used as accent materials.

Windows or some other sort of relief or articulation shall be provided at minimum 40 ft. intervals along each floor of each façade of each house to avoid large expanses of blank wall. City staff can administratively approve exceptions that meet the spirit or intent of this requirement.

Full gutters shall be provided around each house.

All garage door panels shall include decorative features such as window inserts, full-paneled doors, accent hardware, wood or wood-like material, or a carriage-style design. The front of each house shall include at least two coach lights.

A minimum of 30% of the houses shall have a front porch with at least 60 sq. ft. of usable space excluding the entryway (defined as the 4-foot wide section of porch in front of the door). Front porches are allowed to encroach up to 5 feet into the front yard setback.

J. Mailboxes:

Cluster mailboxes shall be provided at multiple locations as per United States Post Office requirements. Mailboxes shall be located on common (open space) lots and shall be installed prior to acceptance of the public improvements.

K. Landscape requirements:

The following criteria and standards shall apply to landscape materials and installation:

- (a) All required landscaped open areas shall be completely covered with living plant material.
- (b) Plant materials shall conform to the standards of the approved plant list for the City of Kaufman (see Figure 36-2 in this Section) or as approved by the Director (or his designee), and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (c) Trees shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Large trees shall be a minimum of four (4) inches in caliper (measured twelve (12) inches above

- the ground) and seven (7) feet in height at time of planting. Small trees shall be a minimum of two (2) inches in caliper and five (5) feet in height.
- (d) D. Shrubs not of the dwarf variety shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen, which will be three (3) feet high within two (2) years after time of planting.
 - (e) Vines not intended as ground cover shall be a minimum of two (2) feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
 - (f) Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion. If grass seed is planted due to seasonal considerations that is of a temporary nature to prevent erosion (i.e. rye grass) then a permanent variety must be over seeded and established within six (6) months of the original seeding.
 - (g) Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
 - (h) All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten (10) square feet may be irrigated by other methods.
 - (i) Earthen berms shall have side slopes not to exceed thirty-three and three-tenths percent (33.3%) (three (3) feet of horizontal distance for each one (1) foot of height). All berms shall contain necessary drainage provisions as may be required by the City's engineer.

L. Additional Requirements

1. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes. Recreational vehicles, travel trailers, motor homes, and trailers shall be completely enclosed within a garage or completely screened behind a fence in the side or rear yard and placed on a concrete surface. Recreational vehicles, travel trailers, motor homes, and trailers may be temporarily placed on a residential driveway or on the street (if allowed by municipal regulations) for no longer than three (3) days in preparation for, or after return from, a vacation.
2. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, farm equipment, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
3. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

4. In addition to the requirements for each residential lot to have two enclosed parking spaces (within a garage), each single-family lot shall also have a minimum of two parking spaces on a paved driveway of concrete, asphalt, or similar paved surfaces such as turf pavers or brick pavers.
5. Carports or any other accessory structures in the front yard or exterior side yard are prohibited.
6. At the time of construction of each home, the builder shall install a minimum six-foot-tall wooden privacy fence with galvanized posts on each residential lot. The privacy fence shall not extend into the front yard setback or exterior side yard setback.
7. A Homeowners Association (HOA) shall be established to own and maintain all open spaces/common areas within the development and all improvements thereon, as well as all enhanced entryway features (i.e. development signage, enhanced landscaping, etc.), the internal trail system, masonry screening walls, detention ponds and drainage features, and all amenities (except as may be dedicated to and accepted by the City).

EXHIBIT E

Authorized Improvements with Their Estimated Costs

The Trails - Kaufman Public Improvements	PHASE 1+2	250	LOTS	4/15/2024
ITEM	QUANTITY	UNIT	BID AMOUNT	COST
STORM SEWER				
21" RCP	860	L.F.	\$115.00	\$98,900.00
24" RCP	1695	L.F.	\$130.00	\$220,350.00
27" RCP		L.F.	\$145.00	\$0.00
30" RCP	630	L.F.	\$195.00	\$122,850.00
36" RCP	490	L.F.	\$205.00	\$100,450.00
42" RCP	1060	L.F.	\$225.00	\$238,500.00
48" RCP	770	L.F.	\$245.00	\$188,650.00
4' MANHOLE	3	EA.	\$7,000.00	\$21,000.00
5'X5' WYE INLET	0	E.A.	\$8,500.00	\$0.00
10' INLET	28	EA.	\$6,100.00	\$170,800.00
14' INLET	4	EA.	\$7,800.00	\$31,200.00
SLOPED HEADWALL	0	E.A.	\$4,000.00	\$0.00
TYPE "B" HEADWALL 24" TO 36"	1	EA.	\$7,000.00	\$7,000.00
TYPE B HEADWALL 42" TO 60"	3	EA.	\$14,000.00	\$42,000.00
ROCK RIP-RAP	80	SY	\$95.00	\$7,600.00
BONDS 2%	2.00%	L.S.	\$1,241,700.00	\$24,834.00
SUB-TOTAL STORM SEWER				\$1,274,134.00
WATER				
8" WATER	12080	L.F.	\$53.00	\$640,240.00
8" WATER BY BORE	80	L.F.	\$200.00	\$16,000.00
6" GATE VALVE	28	EA.	\$1,600.00	\$44,800.00
8" GATE VALVE	37	EA.	\$2,650.00	\$98,050.00
FIRE HYDRANT W/ 6" LEAD	28	EA.	\$5,250.00	\$147,000.00
FITTINGS	10.07	TON	\$8,000.00	\$80,533.33
SERVICES, METER BOX	250	EA.	\$1,250.00	\$312,500.00
IRRIGATION METER	4	EA.	\$1,500.00	\$6,000.00
WATER TESTING	12080	L.F.	\$2.00	\$24,160.00
12"x8" TAPPING SLEEVE AND VALVE	2	EA.	\$5,800.00	\$11,600.00
CONNECT TO EXISTING	0	EA.	\$1,000.00	\$0.00
BOND 2%	2.00%	L.S.	\$1,380,883.33	\$27,617.67
SUB-TOTAL WATER				\$1,408,501.00
SANITARY SEWER				
8" SANITARY SEWER	8,490	L.F.	\$67.50	\$573,075.00
8" SANITARY SEWER EXRTA DEEP	2,880	L.F.	\$105.00	\$302,400.00
4' DIA. MANHOLE	24	EA.	\$9,000.00	\$216,000.00
5' DIA. MANHOLE	9	EA.	\$11,500.00	\$103,500.00
SEWER LATERALS	250	EA.	\$1,200.00	\$300,000.00
SEWER TV	11,370	L.F.	\$1.75	\$19,897.50
SEWER LIFT STATION	1	EA.	\$1,100,000.00	\$1,100,000.00
OFFSITE FORCE MAIN	5,280	L.F.	\$55.00	\$290,400.00
OFFSITE GRAVITY M AIN	2,640	LF	\$67.50	\$178,200.00
SEWER TEST AND TRENCH SAFETY	11,370	L.F.	\$1.75	\$19,897.50
BONDS 2%	2.00%	L.S.	\$3,103,370.00	\$62,067.40
SUB-TOTAL SANITARY SEWER				\$3,165,437.40

EXHIBIT E – continued

EXCAVATION				
CLEARING & GRUBBING ROW	61.7	ACRE	\$2,200.00	\$27,148.00
ROW EXCAVATION	78120	C.Y.	\$3.95	\$61,714.80
SUB-TOTAL EXCAVATION				\$88,862.80
PAVING				
MOBILIZATION	1	EA.	\$25,000.00	\$25,000.00
6"- 3600 P.S.I. PVMT	39,329	S.Y.	\$57.50	\$2,261,417.50
LIME STABILIZATION	43,699	S.Y.	\$4.50	\$196,645.00
LIME	795	TON	\$285.00	\$226,439.70
STAMPED CONCRETE @ ENTRIES	2	E.A.	\$4,000.00	\$8,000.00
5' WIDE SIDEWALK	6012	S.F.	\$11.50	\$69,138.00
10' WIDE SIDEWALK	22000	S.F.	\$11.50	\$253,000.00
BARRIER FREE RAMP	38	EA.	\$2,550.00	\$96,900.00
BONDS 2%	2.00%		\$3,111,540	\$62,230.80
SUB-TOTAL PAVING				\$3,198,771.00
EROSION CONTROL				
SILT FENCES	8800	L.F.	\$3.00	\$26,400.00
CONSTRUCTION ENTRANCE	2	L.S.	\$3,000.00	\$6,000.00
INLET PROTECTION	33	EACH	\$250.00	\$8,250.00
REVEGETATION AND CURLEX	1	E.A.	\$20,000.00	\$20,000.00
ROCK CHECK DAM	2	EACH	\$1,500.00	\$3,000.00
SUB-TOTAL EROSION				\$63,650.00
ELECTRIC CONDUIT & PADS	250	LOT	\$500.00	\$125,000.00
STREET SIGN	25	EA.	\$400.00	\$10,000.00
STREET LIGHTING	28	EA.	\$2,000.00	\$56,000.00
SUB-TOTAL MISC.				\$191,000.00
TOTAL				\$9,390,356.20
CONTINGENCY	10.00%			\$939,035.62
CONSTRUCTION ESTIMATE				\$10,329,391.82
TOTAL HARD COST				\$10,329,391.82

EXHIBIT E - continued

The Trails - Kaufman Private Improvements ITEM	PHASE 1+2 QUANTITY	250 UNIT	LOTS BID AMOUNT	4/15/2024 COST
EXCAVATION				
CLEARING & GRUBBING	61.7	ACRE	\$2,200.00	\$108,592.00
SITE EXCAVATION	78120	C.Y.	\$3.95	\$246,859.20
LOT GRADING	250	EA.	\$385.00	\$96,250.00
SUB-TOTAL EXCAVATION				\$451,701.20
RETAINING WALLS				
RETAINING WALLS 2'	8280	S.F.	\$15.00	\$124,200.00
RETAINING WALLS 3'	3800	S.F.	\$17.00	\$64,600.00
RETAINING WALLS 6'	11400	S.F.	\$18.00	\$205,200.00
RETAINING WALLS 8'	9710	S.F.	\$20.00	\$194,200.00
SUB-TOTAL WALLS				\$588,200.00
SCREENING WALL				
BRICK SCREENING WALL	740	L.F.	\$125.00	\$92,500.00
ENTRY FEATURE	2	L.S.	\$5,000.00	\$10,000.00
BONDS 2%	2.00%	EA.	\$92,500.00	\$1,850.00
SUB-TOTAL SCREENING WALL				\$104,350.00
LANDSCAPING				
PLANTS MATERIALS	1	L.S.	\$10,000.00	\$60,000.00
IRRIGATION	1	L.S.	\$15,000.00	\$15,000.00
MAINTENANCE FOR ONE YEAR	4	L.S.	\$5,000.00	\$20,000.00
BONDS 2%	2.00%	L.S.	\$95,000.00	\$1,900.00
SUB-TOTAL LANDSCAPING				\$96,900.00
TOTAL				\$652,951.20
CONTINGENCY	10.00%			\$65,295.12
CONSTRUCTION ESTIMATE				\$718,246.32
TOTAL HARD COST				\$718,246.32
COST PER LOT	250			\$2,872.99

EXHIBIT F

HOME BUYER DISCLOSURE PROGRAM

The Developer of The Trails Public Improvement District (the “PID”) shall record notice of the PID in the appropriate land records for the Property. The Developer shall require in its contracts with builders within the PID that the builders provide notice to prospective homebuyers in accordance with the following minimum requirements:

1. Attach the Recorded Notice of the Authorization and Establishment of the PID and the final Assessment Roll for such Assessed Parcel (or if the Assessment Roll is not available for such Assessed Parcel, then a schedule showing the maximum 30-year payment for such Assessed Parcel) in an addendum to each residential homebuyer’s contract on brightly colored paper.
2. Collect a copy of the addendum signed by each buyer from homebuilders and provide to the City.
3. Require signage indicating that the Property for sale is located in a special assessment district and require that such signage be located in conspicuous places in all model homes.
4. If the homebuilders estimate monthly ownership costs, they must include special assessments in estimated property taxes.
5. Notify Settlement Companies that they are required to include special taxes on HUD 1 forms and include in total estimated taxes for the purpose of setting up tax escrows.

EXHIBIT G

CONSENT AND AGREEMENT OF LANDOWNERS

This Consent and Agreement of Landowner is issued by _____, A _____, as the landowner (the “Landowner”) who collectively hold record title to all property located within The Trails Public Improvement District] (the “PID”) created by the City of Kaufman pursuant to a petition of Landowner. Capitalized terms used herein and not otherwise defined shall have the meaning given to such terms in the City’s ordinance levying assessments on property within the PID, dated _____, 2024, including the Service and Assessment Plan and Assessment Rolls attached thereto (the “Assessment Ordinance”). [TO BE EXECUTED PRIOR TO THE LEVY OF ASSESSMENTS FOR EACH SERIES OF BONDS WITH EACH PID]

Landowner hereby declare and confirm that they collectively hold record title to all property in the PID which are subject to the Assessment Ordinances, as set forth on Exhibit A. Further, Landowner hereby ratify, declare, consent to, affirm, agree to and confirm each of the following:

1. The creation and boundaries of the PID, the boundaries of each Assessed Property, and the Authorized Improvements for which the Assessments are being made, as set forth in the Service and Assessment Plan.
2. The determinations and findings as to benefits by the City in the Assessment Ordinance and the Service and Assessment Plan.
3. The Assessment Ordinance and the Service and Assessment Plan and Assessment Roll.
4. The right, power and authority of the City Council to adopt the Assessment Ordinances and the Service and Assessment Plans and Assessment Roll;
5. Each Assessment levied on each Assessed Property as shown in the Service and Assessment Plan (including interest and Administrative Expenses as identified in the Service and Assessment Plan and as updated from time to time as set forth in the Service and Assessment Plan).
6. The Authorized Improvements specially benefit the Assessed Property in an amount in excess of the Assessment levied on each Assessed Property, as such Assessments are shown on the Assessment Roll.
7. Each Assessment is final, conclusive and binding upon such Landowners, regardless of whether such Landowners may be required to pay Assessments under certain circumstances pursuant to the Service and Assessment Plan.
8. The then-current owner of each Assessed Property shall pay the Assessment levied on the Assessed Property owned by it when due and in the amount required by and stated in the Service and Assessment Plan and the Assessment Ordinance.
9. Delinquent installments of the Assessment shall incur and accrue interest, penalties, and attorney’s fees as provided in the PID Act.
10. The “Annual Installments” of the Assessments may be adjusted, decreased and extended in accordance with the Service and Assessment Plan, and the then current owner of each Assessed

Property shall be obligated to pay its revised amounts of the Annual Installments, when due, and without the necessity of further action, assessments or reassessments by the City.

11. All notices required to be provided to it under the PID Act have been received and to the extent of any defect in such notice, Landowners hereby waive any notice requirements and consents to all actions taken by the City with respect to the creation of the PID and the levy of the Assessments.
12. That the resolution creating the PID, the Ordinance levying the Assessments, the Service and Assessment Plan and a Notice of Creation of Special Assessment District and Imposition of Special Assessment to be provided by the City, shall be filed in the records of the County Clerk of Kaufman County, with copies of the recorded documents delivered to the City promptly after receipt thereof by the recording party, as a lien and encumbrance against the Assessed Property.
13. Each Assessed Property owned by the Landowner identified in the Service and Assessment Plan and Assessment Roll are wholly within the boundaries of the PID.
14. There are no Parcels owned by the Landowners within the boundaries of the PID that are not identified in the Service and Assessment Plan and the Assessment Roll.
15. Each Parcel owned by the Landowners identified in the Service and Assessment Plan and Assessment Roll against which no Assessment has been levied was Non-Benefited Property as of _____, 20__.

Originals and Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

[Execution page follows]

IN WITNESS WHEREOF, the undersigned has caused this Agreement and Consent of Landowner to be executed as of _____, 2024.

[Developer Signature Block]

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

This instrument was acknowledged before me on the ____ day of _____, 2024
by _____, as, a Texas limited liability company on behalf of said company.

Notary Public, State of Texas



Meeting
Date: 4/22/2024

Date: 04/11/2024

Item #: 14.

**Dept.: Economic
Development
Corporation**

Action Item

SUBJECT:

Consider and take appropriate action on a Quitclaim Deed for the conveyance of a parcel of land owned by the City of Kaufman to James D. and Terri L. Baumgartner, and described as part of Lot No. 4, Block No. 5, Original Town of Kaufman, and show a plat recorded in Volume I, Page 133, Kaufman County Deed Records, and as more specifically described in a legal description on file with the City; and authorizing the Mayor to execute necessary documents.

BACKGROUND:

Dwayne Baumgartner with B&B Steakhouse began renovations at 112 N. Washington St. As part of this project, it was made known the City retained control of a 25'x25' parcel of property behind the building in an alleyway. This property was deeded to the City over 60 years ago as part of a former bank operation. In order to facilitate the location of this restaurant, Mr. Baumgartner needs additional space behind his building to expand cooler space and install a grease trap. KEDC Staff and City Management find there is no need for the City to own this piece of property anymore given the location. It is recommended the property be quitclaim deeded to Mr. Baumgartner so he can expand his business operation. There was another piece of property that was quitclaim deeded from the City in 2021 to the Murrell family when they owned the building. KEDC Staff worked with Mr. Baumgartner and the title company to include perpetual access following closing for access to utility lines.

Author:

Stewart McGregor , Executive Director

Reviewed:

Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of this quitclaim deed to James D. Baumgartner and Terri L. Baumgartner for the purposes of economic development.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐

QUITCLAIM DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

The City of Kaufman, Texas, a home rule municipal corporation ("Grantor"), for and in the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, has QUITCLAIMED and does QUITCLAIM to **James D. Baumgartner and Terri L. Baumgartner** (together "Grantee"), whose mailing address is 11202 County Road 4027B, Kemp, Kaufman County, Texas 75143, all of Grantor's right, title, and interest in and to the real property in Kaufman, Kaufman County, Texas, fully described in Exhibit A, a copy of which is attached hereto and Incorporated herein, and all Improvements located on it, together with all of Grantor's rights, title, and interest in and to the real property subject to all present zoning, deed restrictions, and all utility easements, whether apparent, non-apparent, aerial, surface, or underground ("Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances to it in any way belonging, to Grantee, its successors, and its assigns forever, WITHOUT ANY WARRANTIES OR REPRESENTATIONS BY GRANTOR, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF CONDITION, MERCHANTABILITY, HABITABILITY, OR FITNESS FOR A PARTICULAR USE, OR WITH RESPECT TO THE VALUE, PROFITABILITY, OR MARKETABILITY OF THE PROPERTY; so that neither Grantor nor Grantor's heirs, administrators, executors, successors, or assigns will have, claim, or demand any right or title to the Property or any part of ft.

LESS, SAVE AND EXCEPT THE RIGHT TO REMOVE, REPLACE, MAINTAIN, AND REPAIR ALL UTILITIES CURRENTLY LOCATED ON THE PROPERTY OR LATER CONSTRUCTED UPON THE PROPERTY WITHIN AN EXISTING EASEMENT, INCLUDING BUT NOT LIMITED TO THE UTILITIES AS SHOWN ON SURVEY ATTACHED HERETO. GRANTOR SHALL HAVE THE RIGHT TO UTILIZE THE PROPERTY FOR INGRESS AND EGRESS AS NECESSARY FOR ACCESS TO PUBLIC UTILITIES.

Grantee, by acceptance of this deed, acknowledges that Grantor is tax-exempt and Grantee assumes payment of all standby charges, ad valorem taxes, rollback taxes and assessments for the 2024 calendar year and later calendar years not yet due and payable, or rollback taxes hereafter assessed, each to the extent attributable to all or part of the Property.

EXECUTED as of _____, 2024.

GRANTOR: CITY OF KAUFMAN

By: _____
Jeff Jordan, Mayor

STATE OF TEXAS §
COUNTY OF KAUFMAN §

BEFORE ME, on this day personally appeared Jeff Jordan, Mayor of the City of Kaufman, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL this _____ day of _____, 2024.

Notary Public, State of Texas
My Commission Expires: _____

ACCEPTED AND AGREED:

GRANTEE: JAMES D. BAUMGARTNER

GRANTEE: TERRI L. BAUMGARTNER

STATE OF TEXAS §
COUNTY OF KAUFMAN §

BEFORE ME, on this day personally appeared James D. Baumgartner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL this _____ day of _____, 2024.

Notary Public, State of Texas
My Commission Expires:_____

STATE OF TEXAS §
COUNTY OF KAUFMAN §

BEFORE ME, on this day personally appeared Terri L. Baumgartner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL this _____ day of _____, 2024.

Notary Public, State of Texas
My Commission Expires:_____

STATEWIDE SURVEYING SERVICES
REGISTERED PROFESSIONAL LAND SURVEYORS

GREG SJERVEN, R. P., L. S.
208 N. WASHINGTON

KAUFMAN, TEXAS 75142

METRO PHONE: (972) 962-6481

FIELD NOTES FOR THE CITY OF KAUFMAN
PART OF LOT NO. 4, BLOCK NO. 15
ORIGINAL TOWN OF KAUFMAN
KAUFMAN COUNTY, TEXAS

All that certain lot, tract or parcel of land situated within the corporate limits of the City of Kaufman, Kaufman County, Texas, part of Lot No. 4, Block No. 15 of the Original Town of Kaufman, shown by plat of same, recorded in Vol. I page 133 of the Deed Records of Kaufman County, Texas and part of that certain tract conveyed to City of Kaufman on November 17, 1960, recorded in Vol. 437 page 141 of the Deed Records of Kaufman County, Texas, being more completely described as follows, to-wit:

BEGINNING at a 60d' Nail found at the Southwest corner of the above mentioned City of Kaufman tract, at the Northeast corner of the Anello Family Living Trust 0.06 acre tract, recorded in Vol. 7430 page 366 of the Deed Records of Kaufman County, Texas, at the Southerly Southeast corner of the James D. Baumgartner and Terri L. Baumgartner 0.126 acre tract, recorded in Vol. 8388 page 242 of the Deed Records of Kaufman County, Texas, in the West line of the above mentioned Lot No. 4 and being in the East line of Lot No. 3.

THENCE NORTH, with the West line of said Lot No. 4 and with the East line of Lot No. 3, a distance of 22.91 ft. to a point in the edge of a building and being at an ell corner of said 0.126 acre tract.

THENCE EAST, with the edge of said building, a distance of 15.60 ft. to a Building Corner found at an ell corner of said 0.126 acre tract.

THENCE NORTH, with the edge of said building, a distance of 2.09 ft. to a point at an ell corner of said 0.126 acre tract, in the North line of the above mentioned Lot No. 4 and being in the South line of Lot No. 1.

THENCE EAST, with the North line of said Lot No. 4, a distance of 9.40 ft. to a 60d' Nail found at an ell corner of said 0.126 acre tract and being in the Southerly West line of the William Douglas Haning and Christy Eve Haning 0.169 acre tract, recorded in Vol. 5920 page 205 of the Deed Records of Kaufman County, Texas.

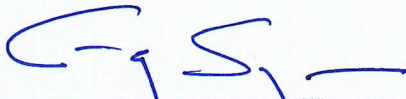
THENCE SOUTH, with the Southerly West line of said 0.169 acre tract, a distance of 25.00 ft. to a 60d' Nail found at the Southwest corner of same and being at an ell corner of the County of Kaufman 0.635 acre tract, recorded in Vol. 1385 page 476 of the Deed Records of Kaufman County, Texas.

THENCE WEST, a distance of 25.00 ft. to the point of beginning, containing 0.014 of an acre of land.

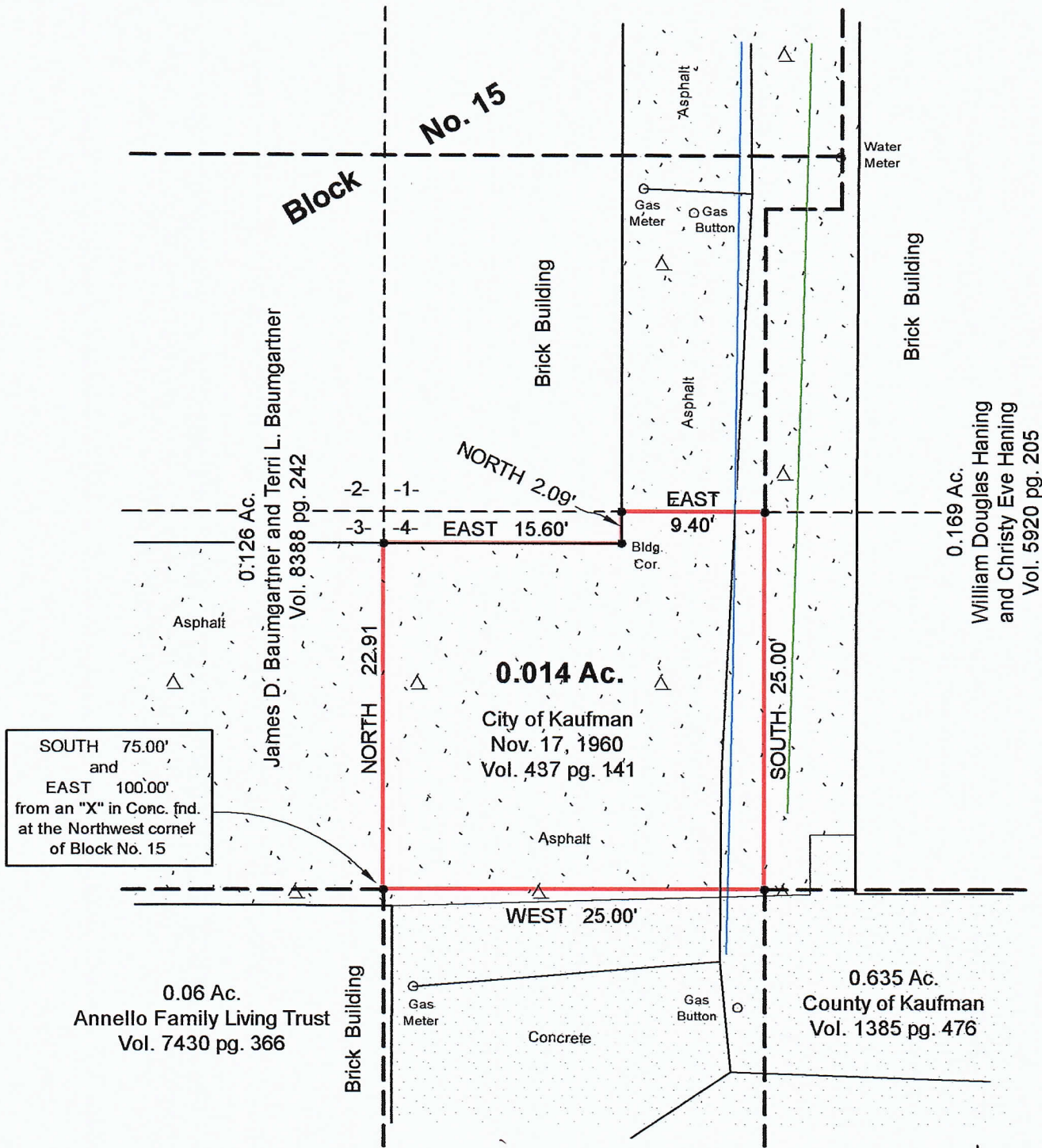
I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from an actual survey made by me on the ground during the month of March, 2024.

GIVEN UNDER MY HAND AND SEAL this the 28th day of March, 2024.

NOTE: FIELD NOTES VOID IF NOT SIGNED IN BLUE.


REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
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Statewide Surveying Service
cityk.wp2





**PLAT OF SURVEY
SHOWING
PART OF LOT NO. 4
BLOCK NO. 15
ORIGINAL TOWN OF KAUFMAN
VOL. I PAGE 133
KAUFMAN COUNTY, TEXAS**

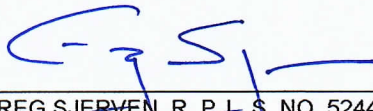
I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above plat and companion field notes were prepared from an actual survey made by me on the ground during the month of March, 2024.

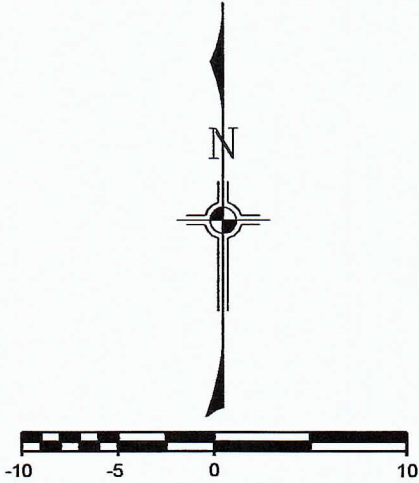
This survey meets the requirements of the General Rules of Procedures and Practices as defined by the Texas Board of Professional Land Surveying.

This survey was performed for the benefit of the City of Kaufman. Use of this plat by any other person or for any other purpose is prohibited and the undersigned is not responsible for any loss resulting therefrom.

GIVEN UNDER MY HAND AND SEAL
this the 28th day of March, 2024.

NOTE: PLAT VOID IF NOT SIGNED IN BLUE


GREG SJERVEN, R. P. L. S. NO. 5244
Copyright 2024. All rights reserved.
Statewide Surveying Service



"●" 60 d' Nail found
unless otherwise noted.

	= Gas Line (as marked)
	= Water Line (as marked)
	= Sewer Line (as marked)

**Statewide
Surveying
Service**

208 N. Washington St.
Kaufman, Tx. 75142
972-962-6481
Firm No. 10009100





Meeting
Date: 4/22/2024

Date: 04/19/2024

Item #: 15.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on an amended City Manager Employment Agreement; and authorizing the Mayor to execute necessary documents.

BACKGROUND:

This item is for the amendments to the City Manager Employment Agreement with the changes as discussed in the Executive Session at the March 18th Regular City Council Meeting.

Author:

Mike Holder, City Manager

Reviewed:

Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of an amended City Manager Employment Agreement.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐



Meeting
Date: 4/22/2024

Date: 04/09/2024

Item #: 16.

Dept.: Development
Services

Ordinance

SUBJECT:

Conduct a public hearing, consider, and take appropriate action on Ordinance No. O-04-24, an Ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. O-02-07 and Chapter 118, "Zoning" of the Kaufman Code of Ordinances and the Official Zoning Map of the City to authorize a **Specific Use Permit (SUP-56)** to allow alcoholic beverage sales in conjunction with a restaurant (B&B Steakhouse and Meat Market) on approximately 0.11 acres out of the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas, being part of Lots 2 and 3 of Block 15, Kaufman Original, generally located at 112 N. Washington St. (Property ID 28477). (Case No. Z-01-24)

BACKGROUND:

See the attached April 2, 2024 Planning and Zoning Commission Report and attachments.

Author:

Reviewed:

Andrew Bogda, Director of Development Services Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: On April 2, 2024, the Planning and Zoning Commission held a public hearing, and recommended approval, by a vote of 7-0, of Z-01-24 for Specific Use Permit-56 (SUP-56) for alcoholic beverage sales in conjunction with a restaurant at 112 N. Washington St. with the following conditions:

1. The Property, including all buildings, premise, or land used pursuant to this SUP-56 shall not be enlarged, modified, structurally altered, added to, or otherwise significantly changed in size nor from the layout on the approved Site Plan and associated exhibits (Floor Plan and Elevations/Photos) unless an amendment to SUP-56 is first approved by the City Council specifically authorizing such enlargement, modification, structural alteration, or change to the Property, Site Plan, or associated exhibits.
2. The Owner and/or Operator of the Property shall possess and continuously maintain a current Texas Alcoholic Beverage Commission (TABC) Private Club license for the continued operation of the Property for Central Business District with Specific Use Permit-56 zoning designation.
3. The Owner and/or Operator of the Property shall possess and continuously maintain a current City of Kaufman Alcohol Permit for the Property.
4. All sales of alcoholic beverages shall be allowed for on-premise consumption only.
5. Fifty percent (50%) or more of sales transacted upon the Property shall be from food.

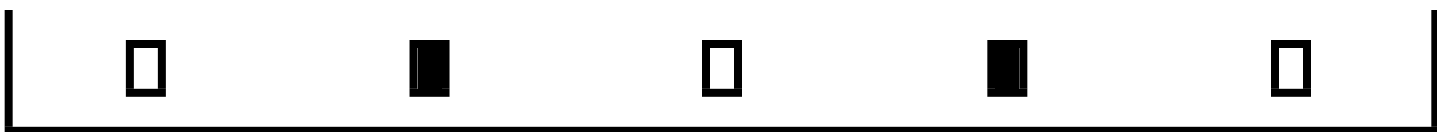
Safe & Secure

Business
Friendly/Economic
Development

Partnership &
Community
Involvement

Healthy &
Environmentally
Cons. Comm.

Financial &
OPS Stewardship





Planning and Zoning Commission Report

Meeting Date: April 2, 2024

SUBJECT: Conduct a public hearing and make a recommendation to City Council on a request for a **Specific Use Permit (SUP-56)** for alcoholic beverage sales in conjunction with a restaurant (B&B Steakhouse and Meat Market) on approximately 0.11 acres out of the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas, being part of Lots 2 and 3 of Block 15, Kaufman Original, generally located at 112 N. Washington St. (Property ID 28477). The property is zoned CBD Central Business District. (Case No. Z-01-24)

SUMMARY:

The applicant has submitted a Specific Use Permit application for alcoholic beverage sales in conjunction with a restaurant, on the property located at 112 N. Washington St., which is situated on the east side of the Kaufman square. The property is located in the Central Business District (CBD). The property is almost entirely occupied by a building containing 4,716 square feet of space. The applicant is proposing to develop a steakhouse with a small meat market called B&B Steakhouse and Meat Market, which will also sell alcoholic beverages as part of their restaurant offerings.

A floor plan has been provided, showing the building divided into two sections. The main entrance, waiting area, host stand, meat case counter, butcher shop, kitchen, and a row of booths will be located in the southern section of the building. The vast majority of the dining area, as well as restrooms, storage rooms, mechanical rooms, and an office will be located in the northern section of the building. In addition, two tables and a bench are shown to be provided outside on the sidewalk in front of the building. The floor plan shows a maximum seating arrangement of 119 persons, while the maximum occupancy is stated to be 150 persons.

There is a small area of paved land at the southeast corner of the property behind the building (approximately 500 sq. ft.), in addition to a City-owned tract of about 625 sq. ft. that is proposed to be transferred to the property owner. This space will be used to accommodate exterior walk-in coolers, a trash enclosure, a grease trap, and mechanical equipment and is proposed to be covered by a metal awning and screened by an 8'-tall metal-framed fence with wooden plank infillers. Water, sewer, and gas services are provided via the alley behind the building. The water line size may need to be upgraded to accommodate fire flows. The applicant plans to dedicate a utility easement in this area to accommodate utility services.

Notes have been added to the plan that are typical for a Specific Use Permit for alcoholic beverage sales in conjunction with a restaurant. In addition, the applicant has noted the maximum regular business hours of operation (8:00am – 10:00pm, 7 days a week), has indicated that any future changes to the exterior of the building will be in compliance with the CBD zoning

district regulations, and that all building signage will adhere to the zoning requirements applicable to CBD zoning.

The front façade of the building shows a brown metal façade with windows and doors on the lower portion of the façade, with a cream metal awning on the upper portion of the façade. Other than signage, the applicant does not plan exterior changes to the building at this time.

There are no parking regulations in the CBD. All of the parking is shared parking. There is considerable on-street parking around the Square. In addition, the County lots and the City Hall lot can be used during the peak dinner rush and on weekends.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	CBD	Retail (Maples Hall)
South:	CBD	Professional Services (Child & Family Guidance Center)
East:	CBD	Retail (Mercantile)
West:	CBD (across street)	Government (Courthouse) (across street)



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the future land use of the subject property as Future Neighborhood Services. The property is zoned Central Business District (CBD), which allows for a mix of retail, restaurant, office, and commercial service uses. Alcoholic beverage sales in conjunction with a restaurant require a Specific Use Permit. Staff finds the proposed use to be consistent with the Future Land Use Plan.

DETERMINATIONS NECESSARY FOR CONSIDERING SPECIFIC USE PERMITS

Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:
1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or

B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

- Number of property owners who returned letter in agreement of the request: 2
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 28

The City received 2 letters of support from surrounding property owners:

Page 151 of 726

DETACH ON DOTTED LINE

Date: 3-19-24 RE: Conduct a public hearing and make a recommendation to City Council for a Specific Use Permit request (SUP-56) for alcoholic beverage sales in conjunction with a restaurant (B&B Steakhouse and Meat Market) on approximately 0.11 acres out of the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas, being part of Lots 2 and 3 of Block 15, Kaufman Original, generally located at 112 N. Washington St. (Property ID 28477). The property is zoned CBD Central Business District. (Case Z-01-24)

Name: Mont Stahlman

Address: 2003 Lakeside Dr

City & State: Kaufman TX 75142

Phone #: 972-824-0542 Email Address: _____

COMMENTS: _____

Montgomery Stahlman montstahl SIGNATURE
NAME PRINTED

☒ I AM IN FAVOR ☐ I OBJECT

RECOMMENDATION:

Staff recommends approval of Z-01-24 for Specific Use Permit-56 (SUP-56) for alcoholic beverage sales in conjunction with a restaurant at 112 N. Washington St. with the following conditions:

1. The Property, including all buildings, premise, or land used pursuant to this SUP-56 shall not be enlarged, modified, structurally altered, added to, or otherwise significantly changed in size nor from the layout on the approved Site Plan and associated exhibits (Floor Plan and Elevations/Photos) unless an amendment to SUP-56 is first approved by the City Council specifically authorizing such enlargement, modification, structural alteration, or change to the Property, Site Plan, or associated exhibits.
2. The Owner and/or Operator of the Property shall possess and continuously maintain a current Texas Alcoholic Beverage Commission (TABC) Private Club license for the continued operation of the Property for Central Business District with Specific Use Permit-56 zoning designation.
3. The Owner and/or Operator of the Property shall possess and continuously maintain a current City of Kaufman Alcohol Permit for the Property.
4. All sales of alcoholic beverages shall be allowed for on-premise consumption only.
5. Fifty percent (50%) or more of sales transacted upon the Property shall be from food.

ATTACHMENTS:

Location Map
Exhibit A – Property Description/Survey
Exhibit B – Site Plan
Exhibit C – Floor Plan and Photo

Andrew Bogda, AICP
Director of Development Services
972-932-2216 ext. 117
abogda@kaufmantx.org

Location Map

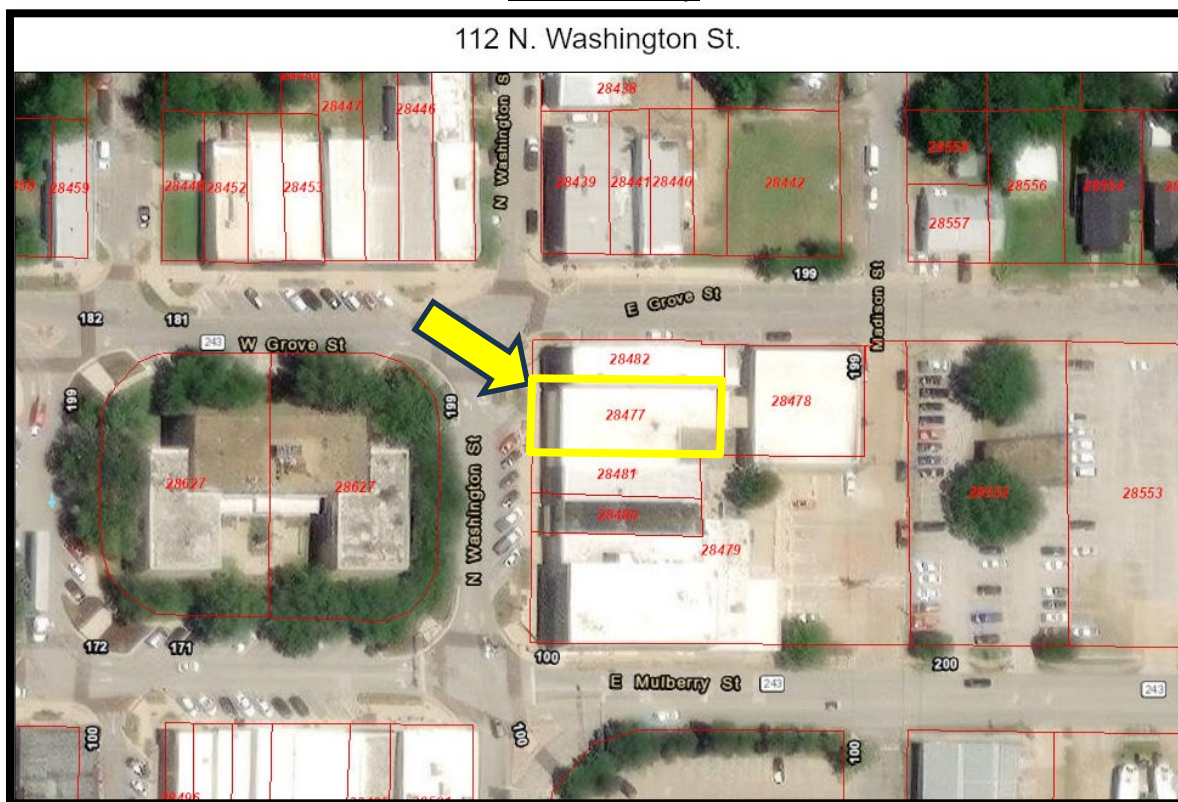


Exhibit A – Property Description/Survey

Exhibit A

Case Number: Z-01-24

SUP Number: SUP-56

STATEWIDE SURVEYING SERVICES REGISTERED PROFESSIONAL LAND SURVEYORS

GREG SJERVEN, R. P. L. S.
208 N. WASHINGTON

KAUFMAN, TEXAS 75142

METRO PHONE: (972) 962-6481

FIELD NOTES FOR JESS AND JANICE MURRELL
PART OF LOTS 1, 2, 3 AND 4, BLOCK NO. 15
ORIGINAL TOWN OF KAUFMAN
KAUFMAN COUNTY, TEXAS

All that certain lot, tract or parcel of land situated within the corporate limits of the City of Kaufman, Kaufman County, Texas, part of Lots 1, 2, 3 and 4, Block No. 15 of The Original Town of Kaufman, shown by plat of same, recorded in Vol. 1 page 133 of the Deed Records of Kaufman County, Texas, part of that certain Tract 1 and all of that certain Tract 2 conveyed to Jess M. Murrell, et ux on June 28, 1984, recorded in Vol. 837 page 518 of the Deed Records of Kaufman County, Texas, all of that certain called 33 square feet tract conveyed to Jess & Janice Murrell on July 26, 2021, recorded in Vol. 7158 page 10 of the Deed Records of Kaufman County, Texas and all of that certain called 605 square feet tract conveyed in a Default Judgement to Jess Morris Murrell and Janice E. Murrell on October 19, 2023, recorded in Vol. 8267 page 54 of the Deed Records of Kaufman County, Texas, being more completely described as follows, to-wit:

BEGINNING at an "X" in Concrete set in the West line of the above mentioned Lot No. 2, Block No. 15, being SOUTH-26.50 ft. from the Northwest corner of same, at the Southwest corner of the Heirise LLC-Series A-ADK Designs 0.0791 acre tract, recorded in Vol. 6808 page 169 of the Deed Records of Kaufman County, Texas and being in the East line of N. Washington Street.

THENCE EAST, with the South line of said 0.0791 acre tract, a distance of 130.00 ft. to a 60 d" Nail found at the Southeast corner of same and being in the Northerly West line of the William Douglas Haning and Christy Eve Haning 0.169 acre tract, recorded in Vol. 5920 page 205 of the Deed Records of Kaufman County, Texas.

THENCE SOUTH, with the Northerly West line of said 0.169 acre tract, a distance of 3.50 ft. to a 60 d" Nail found at an ell corner of same.

THENCE WEST, a distance of 5.00 ft. to a 60 d" Nail found at the Southerly Northwest corner of said 0.169 acre tract.

THENCE SOUTH, with the Southerly West line of said 0.169 acre tract, a distance of 20.00 ft. to a 60 d" Nail found at the Northeast corner of the City of Kaufman tract, recorded in Vol. 437 page 141 of the Deed Records of Kaufman County, Texas, in the South line of the above mentioned Lot No. 1 and being in the North line of Lot No. 4.

THENCE WEST, with the South line of said Lot No. 1, a distance of 9.40 ft. to a point at the Northeast corner of the above mentioned 33 square feet tract.

THENCE SOUTH, with the East line of said 33 square feet tract, a distance of 2.09 ft. to a building corner found at the Southeast corner of same.

THENCE WEST, with the South line of said 33 square feet tract, a distance of 15.60 ft. to a point at the Southwest corner of same, in the East line of said Lot No. 3 and being in the West line of Lot No. 4.

THENCE SOUTH, with the East line of said Lot No. 3 and with the West line of Lot No. 4, a distance of 22.91 ft. to a 60 d" Nail found at the Northeast corner of the Annello Family Living Trust 0.06 acre tract, recorded in Vol. 7430 page 366 of the Deed Records of Kaufman County, Texas.

THENCE WEST, with the North line of said 0.06 acre tract, a distance of 100.00 ft. to an "X" in Concrete set at the Northwest corner of same, in the West line of said Lot No. 3, Block No. 15 and being in the East line of N. Washington Street, from which an "X" in Concrete found at the Southwest corner of said Block No. 15 bears SOUTH-125.00 ft.

THENCE NORTH, with the East line of N. Washington Street, a distance of 48.50 ft. to the point of beginning, containing 0.126 of an acre of land.

I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from an actual survey made by me on the ground during the month of

GIVEN UNDER MY HAND AND SEAL this the December, 2023.

NOTE: FIELD NOTES VOID IF NOT SIGNED IN BLUE.

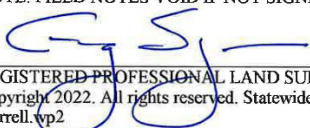

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
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murrell.vp2

Exhibit A – Property Description/Survey

Exhibit A

Case Number: Z-01-24

SUP Number: SUP-56

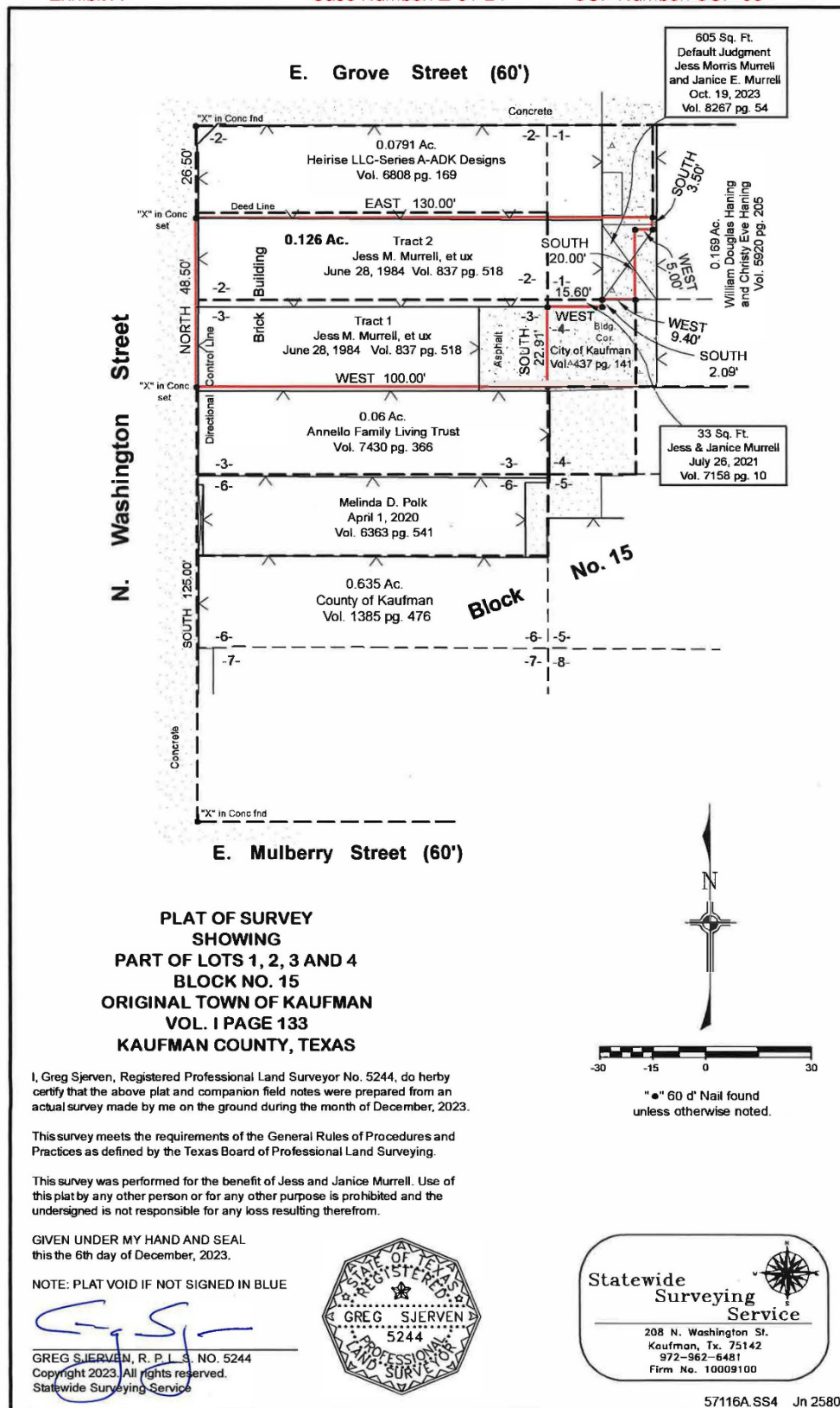


Exhibit B – Site Plan

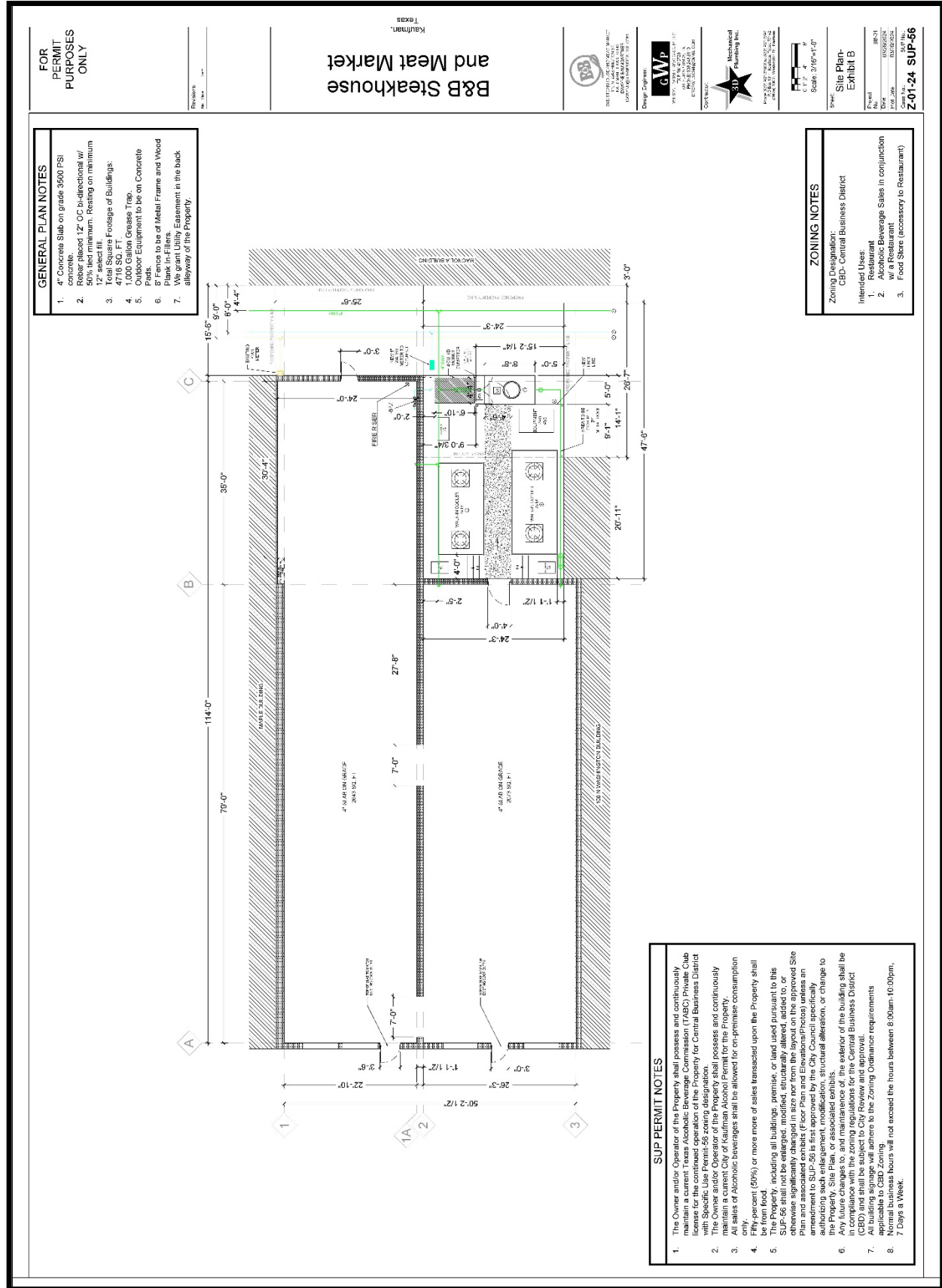


Exhibit C – Floor Plan

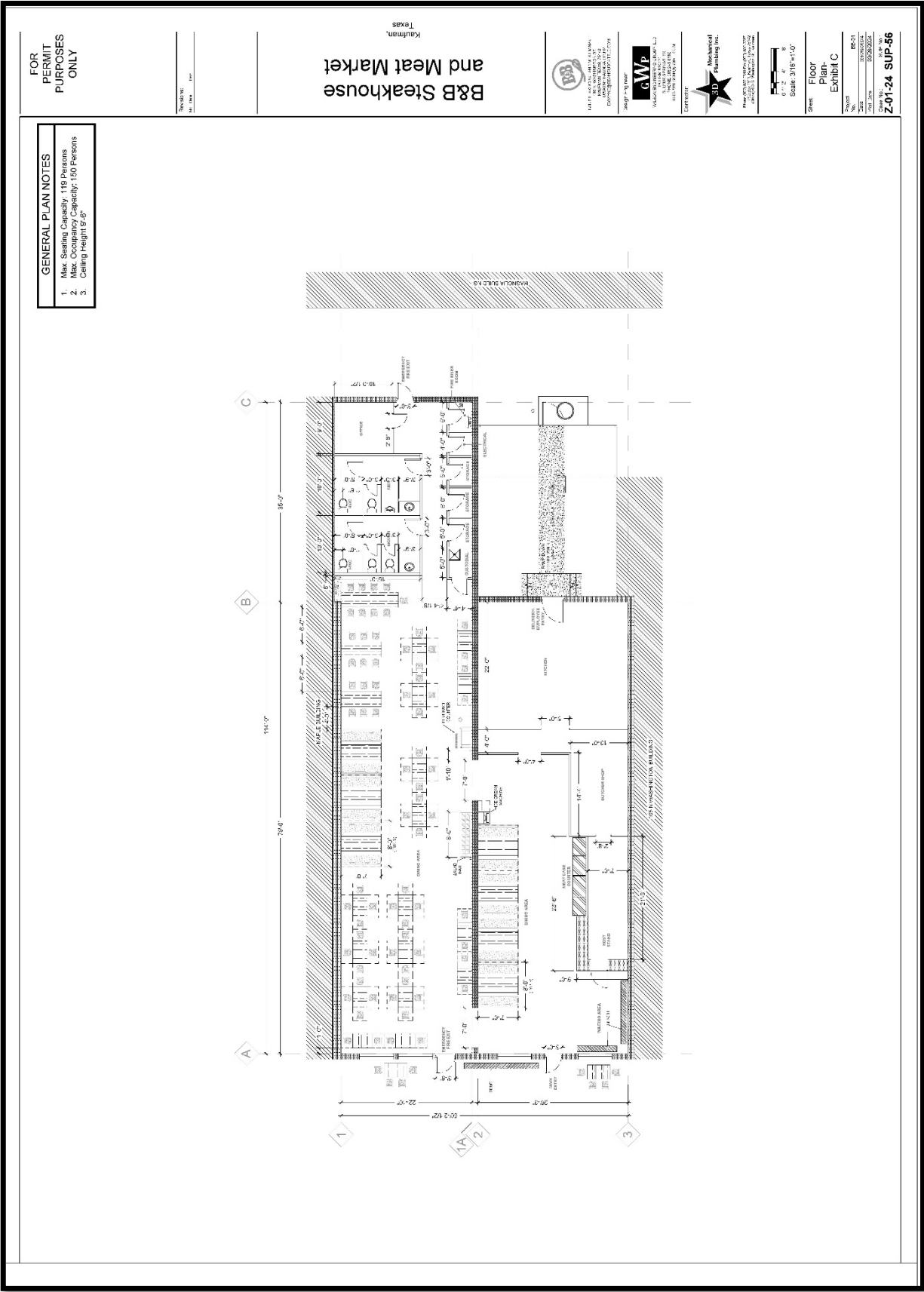


Exhibit C – Exterior Photo



Exhibit C
SUP-56
Z-01-24

ORDINANCE O-04-24

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING ORDINANCE NO. O-02-07 AND CHAPTER 118, "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, COLLECTIVELY, "THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP" OF THE CITY, TO APPROVE SPECIFIC USE PERMIT NO. FIFTY-SIX, ("SUP-56"), AND ITS SITE PLAN, TO PERMIT ALCOHOLIC BEVERAGE SALES IN CONJUNCTION WITH A RESTAURANT, SUBJECT TO CONDITIONS, ON AN APPROXIMATE 0.11 ACRE TRACT OF LAND (PROPERTY ID 28477) ZONED CENTRAL BUSINESS DISTRICT "CBD", SUCH PROPERTY BEING GENERALLY LOCATED AT 112 N. WASHINGTON ST., BEING PART OF LOTS 2 AND 3 OF BLOCK 15, KAUFMAN ORIGINAL, SITUATED IN THE J.B. COLE SURVEY, ABSTRACT NO. 84, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS AND ZONING MAP AMENDMENTS THAT IMPOSE CONDITIONS UPON THE PROPERTY, INCLUDING RESTRICTIONS ON USE OR BUILDING EXPANSION OR MODIFICATION, A REQUIREMENT FOR TABC LICENSING, A REQUIREMENT FOR A CITY ALCOHOL PERMIT, A REQUIREMENT THAT ALL SALES OF ALCOHOLIC BEVERAGE SALES BE FOR ON-PREMISE CONSUMPTION ONLY, AND A REQUIREMENT THAT FIFTY PERCENT (50%) OR MORE OF SALES TRANSACTED UPON THE PROPERTY SHALL BE FROM FOOD; PROVIDING ASSIGNABILITY AND EXPIRATION/RECISSION; PROVIDING LAND USE REGULATIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 2nd day of April, 2024, the Planning and Zoning Commission, after holding a public hearing, did consider and make a recommendation to City Council for approval of SUP-56, and its Site Plan (Z-01-24), to allow alcoholic beverage sales in conjunction with a restaurant with the conditions listed in Section 2 of this Ordinance on an approximate 0.11 acre tract of land, Kaufman CAD Property ID 28477, zoned Central Business District "CBD", generally located at 112 N. Washington St., being part of Lots 2 and 3 of Block 15, Kaufman Original, situated in the J.B. Cole Survey, Abstract No. 2, City of Kaufman, Kaufman County, Texas; and more specifically described and depicted on **Exhibit "A"**, a copy of which is attached hereto and incorporated herein as, (the "Property"); and

WHEREAS, at its regular meeting held on the 22nd day of April, 2024, the City Council held a public hearing to consider approving SUP-56, and its Site plan as noted

above and: (1) determined that all legal requirements of notice and hearings were met; (2) considered the recommendations of the Planning and Zoning Commission; (3) provided the public an opportunity to provide input; (4) considered public input; (5) considered the compatibility of the proposed SUP-56 zoning with surrounding properties and the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City; and (6) determined that the proposed amendment to the Zoning Ordinance and Zoning Map of the City set forth herein below is consistent with the goals of land development as set forth in the Comprehensive Plan of the City, would allow orderly development of the Property which would serve the best interest of the health safety, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. That Ordinance No. O-02-07 and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, collectively, "The Comprehensive Zoning Ordinance and The Official Zoning Map", is hereby amended to reflect a change in zoning to the Property, described and depicted in **Exhibit "A"**, attached hereto and incorporated herein, from Central Business District to Central Business District with Specific Use Permit-56 ("SUP-56").

Pursuant to the zoning designation of Central Business District with SUP-56, the Property shall only be used as allowed by the Central Business District zoning district of the City of Kaufman, as amended by SUP-56 which hereby authorizes alcoholic beverage sales in conjunction with a restaurant use with the following conditions, each of which shall be included on the Site Plan for SUP-56, and such use shall be subject to the conditions set forth below:

- a. The Property, including all buildings, premise, or land used pursuant to this SUP-56 shall not be enlarged, modified, structurally altered, added to, or otherwise significantly changed in size nor from the layout on the approved Site Plan unless an amendment to SUP-56 is first approved by the City Council specifically authorizing such enlargement, modification, structural alteration, or change to the Property or Site Plan.
- b. The Owner and/or Operator of the Property shall possess and continuously maintain a current Texas Alcoholic Beverage Commission (TABC) Private Club license for the continued operation of the Property for Central Business District with Specific Use Permit-56 zoning designation.
- c. The Owner and/or Operator of the Property shall possess and continuously maintain a current City of Kaufman Alcohol Permit for the Property.
- d. All sales of alcoholic beverages shall be allowed for on-premise consumption only.

- e. Fifty percent (50%) or more of sales transacted upon the Property shall be from the food sales of the restaurant located upon the Property.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to show the change in zoning classification of the Property from Commercial to Commercial with Specific Use Permit-56 ("SUP-56"), thereon and the updated map shall be on file with the Office of the City Secretary.

SECTION 4. SITE PLAN. The Site Plan for SUP-56 attached hereto and incorporated as if set forth fully herein as **Exhibit "B"**, is hereby approved by the City Council. The approved Site Plan meeting the requirements of this Section shall be adhered to in its entirety for the duration of the uses authorized by SUP-56.

SECTION 5. ASSIGNABILITY; TERMINATION/RECISSION. SUP-56 is non-transferrable. SUP-56 shall expire or terminate when the Planning and Zoning Commission and the City Council take proper zoning action to rescind the SUP, with appropriate publication notification and public hearing, pursuant to Section 30.1 of the City's Comprehensive Zoning Ordinance.

SECTION 6. LAND USE REGULATIONS. The regulations contained in the City's Comprehensive Zoning Ordinance for Central Business District zoning, as amended, shall control, except as expressly modified by SUP-56.

SECTION 7. CUMULATIVE REPEALER/SAVINGS This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 8. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 9. PENALTY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 10. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

PASSED AND APPROVED this 22nd day of April, 2024.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

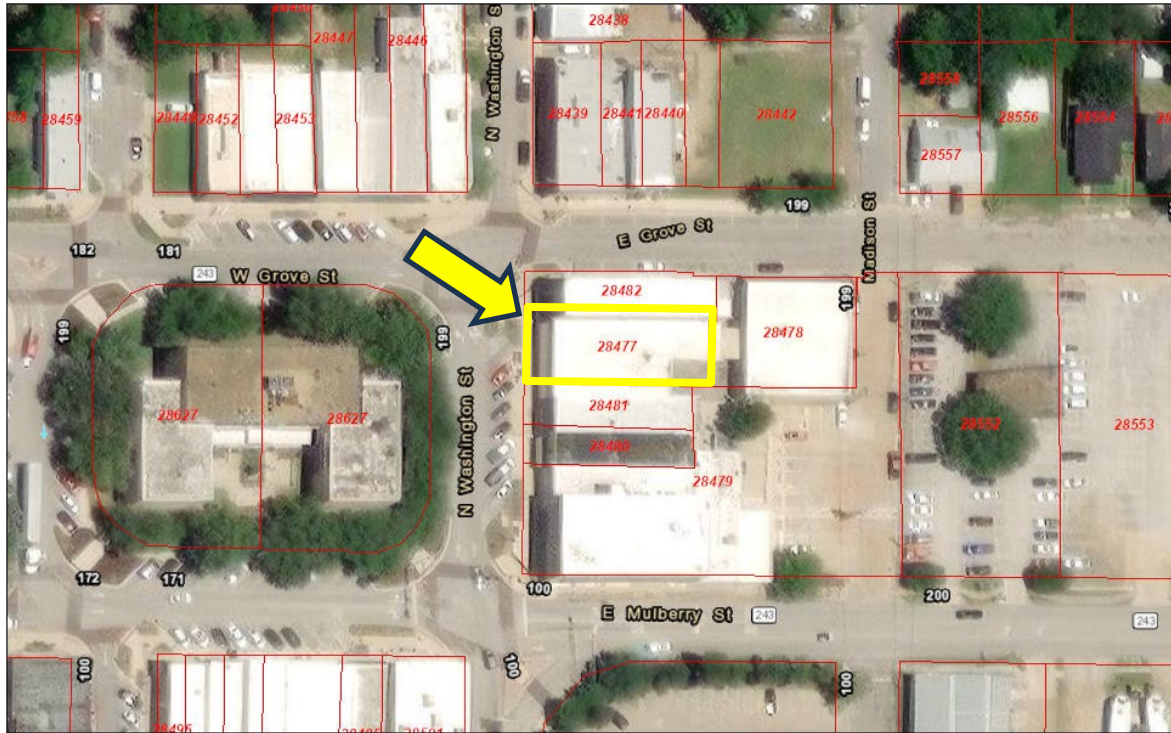
APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

“EXHIBIT A” Legal Description

Z-01-24
112 N. Washington St. –
Kaufman CAD Property ID 28477

112 N. Washington St.



3/28/2024, 2:39:08 PM

Abstracts Parcels

World Transportation

1:1,128
0 0.01 0.01 0.03 mi
0 0.01 0.03 0.05 km
Maxar, Microsoft, Esri, HERE, IGO

"EXHIBIT A" Legal Description

STATEWIDE SURVEYING SERVICES
REGISTERED PROFESSIONAL LAND SURVEYORS

GREG SJERVEN, R. P. L. S.
208 N. WASHINGTON

KAUFMAN, TEXAS 75142

METRO PHONE: (972) 962-6481

FIELD NOTES FOR JESS AND JANICE MURRELL
PART OF LOTS 1, 2, 3 AND 4, BLOCK NO. 15
ORIGINAL TOWN OF KAUFMAN
KAUFMAN COUNTY, TEXAS

All that certain lot, tract or parcel of land situated within the corporate limits of the City of Kaufman, Kaufman County, Texas, part of Lots 1, 2, 3 and 4, Block No. 15 of The Original Town of Kaufman, shown by plat of same, recorded in Vol. I page 133 of the Deed Records of Kaufman County, Texas, part of that certain Tract 1 and all of that certain Tract 2 conveyed to Jess M. Murrell, et ux on June 28, 1984, recorded in Vol. 837 page 518 of the Deed Records of Kaufman County, Texas, all of that certain called 33 square feet tract conveyed to Jess & Janice Murrell on July 26, 2021, recorded in Vol. 7158 page 10 of the Deed Records of Kaufman County, Texas and all of that certain called 605 square feet tract conveyed in a Default Judgement to Jess Morris Murrell and Janice E. Murrell on October 19, 2023, recorded in Vol. 8267 page 54 of the Deed Records of Kaufman County, Texas, being more completely described as follows, to-wit:

BEGINNING at an "X" in Concrete set in the West line of the above mentioned Lot No. 2, Block No. 15, being SOUTH-26.50 ft. from the Northwest corner of same, at the Southwest corner of the Heirise LLC-Series A-ADK Designs 0.0791 acre tract, recorded in Vol. 6808 page 169 of the Deed Records of Kaufman County, Texas and being in the East line of N. Washington Street.

THENCE EAST, with the South line of said 0.0791 acre tract, a distance of 130.00 ft. to a 60 d' Nail found at the Southeast corner of same and being in the Northerly West line of the William Douglas Haning and Christy Eve Haning 0.169 acre tract, recorded in Vol. 5920 page 205 of the Deed Records of Kaufman County, Texas.

THENCE SOUTH, with the Northerly West line of said 0.169 acre tract, a distance of 3.50 ft. to a 60 d' Nail found at an ell corner of same.

THENCE WEST, a distance of 5.00 ft. to a 60 d' Nail found at the Southerly Northwest corner of said 0.169 acre tract.

THENCE SOUTH, with the Southerly West line of said 0.169 acre tract, a distance of 20.00 ft. to a 60 d' Nail found at the Northeast corner of the City of Kaufman tract, recorded in Vol. 437 page 141 of the Deed Records of Kaufman County, Texas, in the South line of the above mentioned Lot No. 1 and being in the North line of Lot No. 4.

THENCE WEST, with the South line of said Lot No. 1, a distance of 9.40 ft. to a point at the Northeast corner of the above mentioned 33 square feet tract.

THENCE SOUTH, with the East line of said 33 square feet tract, a distance of 2.09 ft. to a building corner found at the Southeast corner of same.

THENCE WEST, with the South line of said 33 square feet tract, a distance of 15.60 ft. to a point at the Southwest corner of same, in the East line of said Lot No. 3 and being in the West line of Lot No. 4.

THENCE SOUTH, with the East line of said Lot No. 3 and with the West line of Lot No. 4, a distance of 22.91 ft. to a 60 d' Nail found at the Northeast corner of the Annello Family Living Trust 0.06 acre tract, recorded in Vol. 7430 page 366 of the Deed Records of Kaufman County, Texas.

THENCE WEST, with the North line of said 0.06 acre tract, a distance of 100.00 ft. to an "X" in Concrete set at the Northwest corner of same, in the West line of said Lot No. 3, Block No. 15 and being in the East line of N. Washington Street, from which an "X" in Concrete found at the Southwest corner of said Block No. 15 bears SOUTH-125.00 ft.

THENCE NORTH, with the East line of N. Washington Street, a distance of 48.50 ft. to the point of beginning, containing 0.126 of an acre of land.

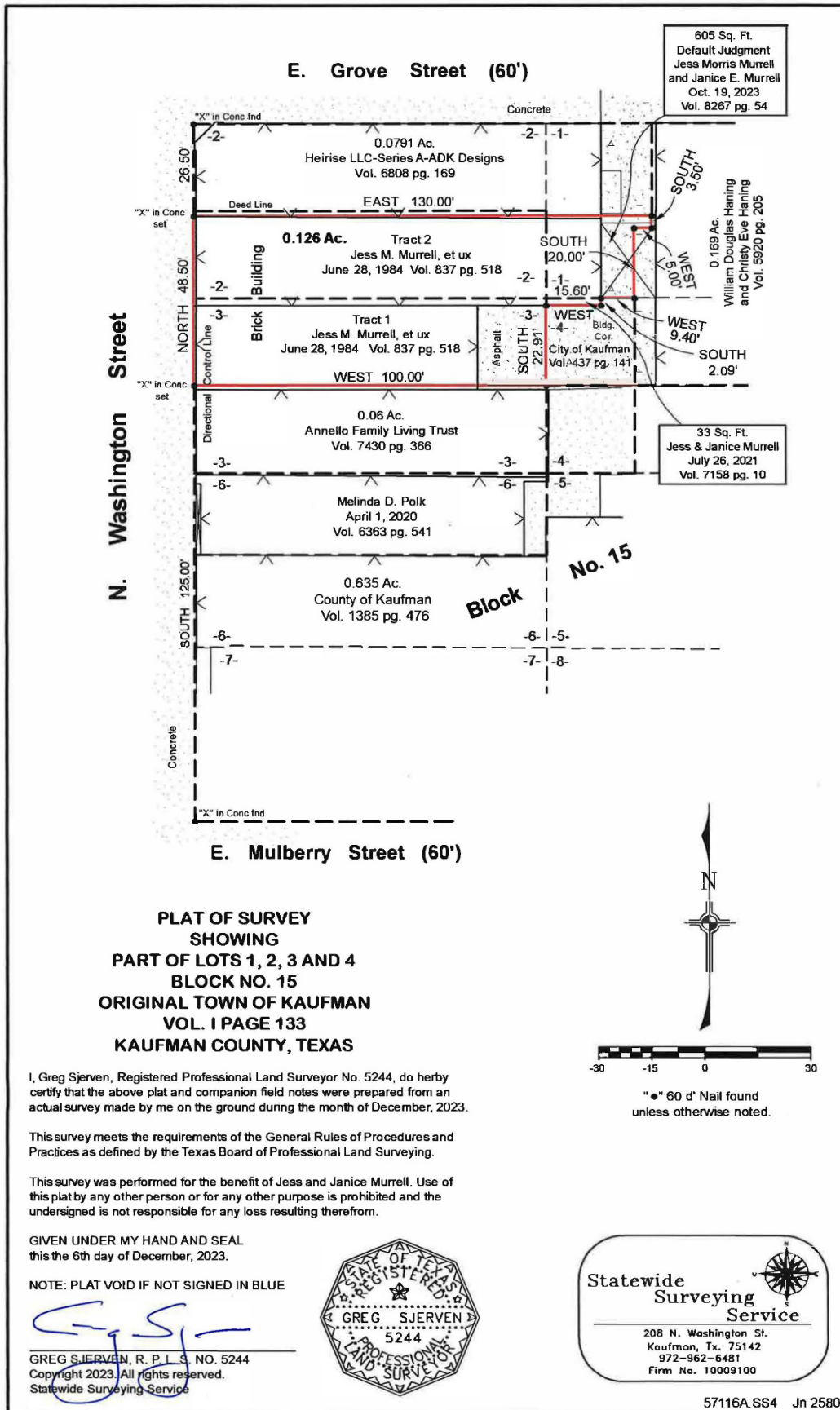
I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from an actual survey made by me on the ground during the month of

GIVEN UNDER MY HAND AND SEAL this the December, 2023.

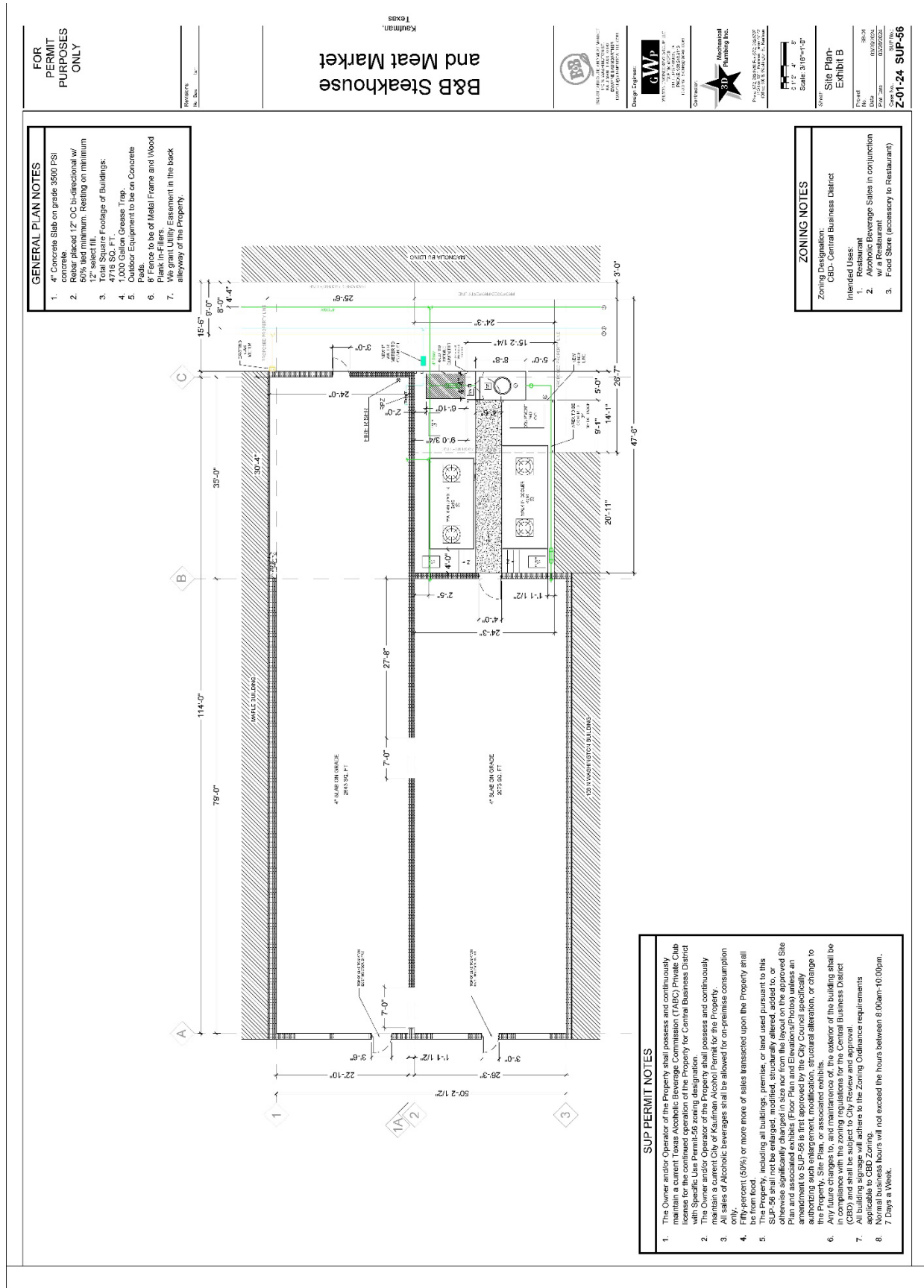
NOTE: FIELD NOTES VOID IF NOT SIGNED IN BLUE.


REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
Copyright 2022. All rights reserved. Statewide Surveying Service
murrell.wp2

"EXHIBIT A" Legal Description



Ordinance O-04-24



"EXHIBIT B" Site Plan

FOR
PERMIT
PURPOSES
ONLY

GENERAL PLAN NOTES

1. Max Seating Capacity: 118 Persons
2. Max Occupancy Capacity: 150 Persons
3. Ceiling Height 9'-6"

Revisions:
1. 2. 3.

B&B Steakhouse
and Meat Market
Katzman
Texas



10000 N. Loop West, Suite 100
Dallas, Texas 75243
Phone: (214) 343-1111
Fax: (214) 343-1112
Email: info@bbsm.com



Design Engineer
GWP Mechanical
10000 N. Loop West, Suite 100
Dallas, Texas 75243
Phone: (214) 343-1111
Fax: (214) 343-1112
Email: info@bbsm.com



3D Mechanical Planning Inc.
10000 N. Loop West, Suite 100
Dallas, Texas 75243
Phone: (214) 343-1111
Fax: (214) 343-1112
Email: info@bbsm.com

Scale: 3/16"=1'-0"

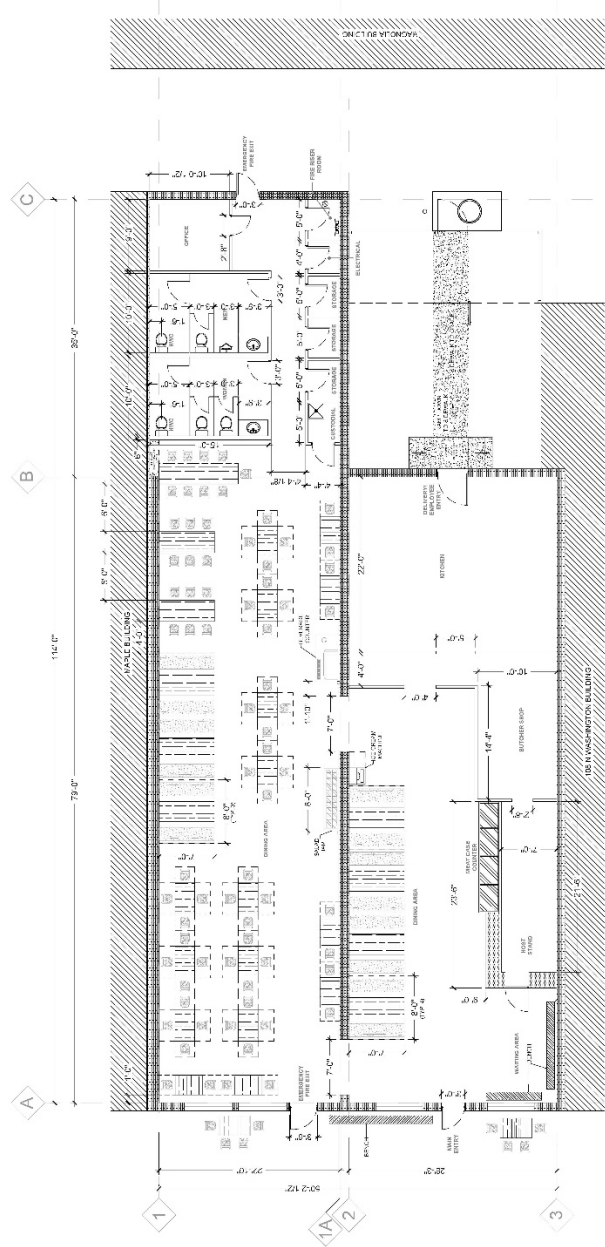
Sheet: Floor Plan-
Exhibit C

Project: B&B
Date: 05/05/2024
File Name: 05/05/2024

Drawn By: Z01-24 SUP-56

Check By:

05/05/2024



"EXHIBIT B" Site Plan



SUP-56
Z-01-24



Meeting
Date: 4/22/2024

Date: 04/09/2024

Item #: 17.

Dept.: Development
Services

Ordinance

SUBJECT:

Conduct a public hearing, consider, and take appropriate action on Ordinance No. O-05-24, an ordinance of the City Council of the City of Kaufman, Texas, repealing conflicting ordinances, including (Ordinance No. O-24-99 codified as Chapter 9B), as amended, and adopting a new Chapter 9B, "**Subdivision Ordinance**" of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, to adopt new **subdivision regulations** and **standards of design and construction** applicable to the City of Kaufman and the City's extraterritorial jurisdiction (ETJ); providing penalties and providing an effective date.

BACKGROUND:

See the attached April 2, 2024 Planning and Zoning Commission Report and attachments.

Author:

Reviewed:

Andrew Bogda, Director of Development Services Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: On April 2, 2024, the Planning and Zoning Commission held a public hearing, and recommended approval, by a vote of 7-0, of amending and replacing Chapter 9B, "Subdivision Ordinance" of the Code of Ordinances of the City of Kaufman, to adopt new subdivision regulations and standards of design and construction applicable to the City of Kaufman and the City's extra-territorial jurisdiction (ETJ), with the following condition:

1. The regulations are subject to final review by the City Attorney.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
■	■	■	■	■



Planning and Zoning Commission Report

Meeting Date: April 2, 2024

SUBJECT: Conduct a public hearing and make a recommendation to City Council amending and replacing Chapter 9B, "**Subdivision Ordinance**" of the Code of Ordinances of the City of Kaufman to adopt new **subdivision regulations** and **standards of design and construction** applicable to the City of Kaufman and the City's extra-territorial jurisdiction (ETJ)

BACKGROUND/SUMMARY:

The City's current Subdivision Ordinance was adopted in 1999. There have been some amendments since, but they were primarily to add new sections, such as the Tree Preservation Ordinance, the Parkland Dedication Ordinance, and the Master Trail Plan. However, these revisions were made piecemeal and not reflected throughout the entire Ordinance. In addition, Staff has identified the following deficiencies with the current Ordinance:

- Lack of clarity & detail throughout
- Missing some plat types
- Platting in the extra-territorial jurisdiction (ETJ) – no specific rules to govern development
- Does not reflect recent changes to State law (i.e. 30-day "shot clock" for plat reviews)
- Does not provide for a self-directed city process – structure to follow
- Does not accurately reflect current City policies
- Drainage ordinance outdated
- No Design Standards
- No Standard Details for Public Infrastructure
- No checklists for submittals

NEW SUBDIVISION REGULATIONS:

The new Subdivision Ordinance includes the following significant improvements to the subdivision regulations:

- Establishment of a formal City process
 - Authority of decision-makers & procedures for appeals
 - Requirement of a pre-development meeting
 - Professional Service, Development, and Facilities Agreement requirements
 - Development applications – submittal process & requirements
 - Relief procedures & exceptions
 - Minor & major modification procedures
- Update platting process & required platting documents.
- Incorporation of updates to address 30-day "shot clock" requirement.
- More clarity/detail for each plat type
- Added plat types
 - Conveyance Plat
 - Vacation Plat

- Right-of-Way Vacation Plat
- Updated Development Plat requirements
- Added new section for ETJ policies & regulations.
- Improvement of Subdivision Design Requirements
 - Added trail standards
 - Enhanced landscaping, screening, and amenity requirements
 - More detail/clarity regarding access, circulation, driveways, fire lanes
 - Requirements for connectivity
 - More detail/clarity regarding adequacy of public infrastructure
 - Improvement to water, sewer, and drainage requirements
- Better incorporation of parks/open space and tree mitigation requirements
- Created plat checklist and standard language

The new Subdivision Ordinance includes the following significant improvements to the public infrastructure requirements:

- Added new section for construction plans & procedures.
 - Construction plan review
 - City participation
 - Pre-construction meeting
 - Timing of public improvements
 - Inspection, maintenance, and acceptance of public improvements
 - Procedures for early grading
 - Procedures for building permit & certificate of occupancy issuance
- Improvement of bond requirements
 - Changing maintenance bond from 10% to 100%
- Changes to street types and widths
- Street classification changes will first require an update to the City's Thoroughfare Plan
 - Current City Thoroughfare Plan does not match Kaufman County's
- Widen residential street paving width from 26' to 28'
- Implement Impact Fees for Sanitary Sewer in future but wait until that study is performed and approved – no changes at this time
- Franchise Utilities
 - No overhead allowed.
- Design Standards for Public Infrastructure
- Updated Drainage Ordinance

PAST WORK SESSIONS:

On December 11, 2023, a joint meeting of the Planning & Zoning Commission and City Council was held in which Staff and consultants gave a presentation on the proposed overhaul of the City of Kaufman's subdivision regulations.

On January 8, 2024 and January 22, 2024, Staff held additional additional work sessions with the Planning & Zoning Commission and City Council, respectively, and received input from both bodies.

Since that time, Staff has worked with our planning, engineering, and legal consultants to incorporate the feedback of the Commission and the Council and make the final revisions to the Subdivision Ordinance and the Standards of Design & Construction.

RECOMMENDATION:

Staff recommends amending and replacing Chapter 9B, "Subdivision Ordinance" of the Code of Ordinances of the City of Kaufman to adopt new subdivision regulations and standards of design and construction applicable to the City of Kaufman and the City's extra-territorial jurisdiction (ETJ) with the following condition:

1. The regulations are subject to final review by the City Attorney.

ATTACHMENTS:

- Subdivision Ordinance
- Standards of Design and Construction

Andrew Bogda, AICP
Director of Development Services
972-932-2216 ext. 117
abogda@kaufmantx.org

ORDINANCE NO. O-05-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, REPEALING CHAPTER 9B, EXHIBIT 9B “SUBDIVISION ORDINANCE” OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, THE SAME BEING THE KAUFMAN SUBDIVISION ORDINANCE AND TO ADOPTING A NEW CHAPTER 9B, “SUBDIVISION ORDINANCE” PROVIDING REGULATIONS AND STANDARDS OF DESIGN AND CONSTRUCTION APPLICABLE TO THE SUBDIVISION AND DEVELOPMENT OF LAND AND CONSTRUCTION OF INFRASTRUCTURE WITHIN THE CITY OF KAUFMAN AND THE CITY’S EXTRATERRITORIAL JURISDICTION (“ETJ”) AS SET FORTH IN EXHIBIT “A”, SUBDIVISION ORDINANCE – VOLUME 1 AND EXHIBIT “B”, SUBDIVISION ORDINANCE – STANDARDS OF DESIGN AND CONSTRUCTION – APPENDIX 1 TO THIS ORDINANCE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A MAXIMUM PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) TO TWO THOUSAND DOLLARS (\$2,000.00), IN ACCORDANCE WITH SECTION 1.01.009 OF THE CODE OF ORDINANCES AND STATE LAW, FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY OR PART OF A DAY DURING ON OR WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, (the “City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, at its regular meeting held on the 2nd day of April, 2024, the Planning and Zoning Commission, after holding a public hearing, did consider and make a recommendation to City Council for approval of amending and replacing Chapter 9B, “Subdivision Ordinance” of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, to adopt new subdivision regulations and standards of design and construction applicable to the City of Kaufman and the City’s ETJ; as detailed in **Exhibit “A”** and **Exhibit “B”**, copies of which are attached hereto and incorporated herein; and

WHEREAS, at a joint meeting of the Planning and Zoning Commission and City Council on December 11, 2023, City Staff and consultants gave a presentation of the proposed overhaul of the subdivision regulations and responded to questions and received input; and

WHEREAS, on January 8, 2024, Staff held a work session regarding the proposed overhaul of the subdivision regulations with the Planning and Zoning Commission, responded to questions, and received input; and

WHEREAS, on January 22, 2024, Staff held a work session regarding the proposed overhaul of the subdivision regulations with the City Council, responded to questions, and received input; and

WHEREAS, the new subdivision regulations will provide for the establishment of a more formal process and procedures to follow with regard to development in the City limits and within the ETJ that accurately reflect current policies and design goals; and

WHEREAS, the new subdivision regulations will provide for more clarity and detail with regard to all steps of the development process; and

WHEREAS, the new subdivision regulations will establish the City's own design standards for public infrastructure and standard checklists for submittals; and

WHEREAS, at its regular meeting held on the 22nd day of April, 2024, the City Council held a public hearing to consider the adoption of the proposed new Kaufman Subdivision Ordinance, heard public input, and considered all comments received regarding this Ordinance; and

WHEREAS, the City Council has determined that the adoption of the new Kaufman Subdivision Ordinance as set forth in Exhibit "A", Subdivision Ordinance – Volume 1 and Exhibit "B", Subdivision Ordinance – Standards of Design and Construction – Appendix 1, is in the best interest of the public health, safety, and welfare, and should be adopted as Chapter 9B, "Subdivision Ordinance" of the Code of Ordinances of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this Ordinance as fully set forth herein.

SECTION 2. AMENDMENTS. That Chapter 9B, Exhibit 9B, "Subdivision Ordinance" of the Code of Ordinances of the City of Kaufman, Texas, is hereby repealed in its entirety, and a new Chapter 9B, "Subdivision Ordinance", of the Code of Ordinances of the City, the same being identified as the "Kaufman Subdivision Ordinance" establishing regulations for land development and infrastructure, and standards of design and construction applicable to property located within the corporate boundaries of the City of Kaufman and the City's ETJ, is hereby adopted as set forth in **Exhibit "A", Subdivision Ordinance – Volume 1** and **Exhibit "B", Subdivision Ordinance – Standards of Design and Construction – Appendix 1**, copies of which are attached hereto and incorporated herein; with all other provisions of the Code of Ordinances not herein amended to remain in full force and effect.

SECTION 3. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall

continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless, or criminally negligent violation of any provision of this ordinance and/or a provision of this Ordinance governing fire safety, or public health and sanitation, shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 4. CUMULATIVE REPEALER CLAUSE. This Ordinance shall be cumulative of State or Federal law and of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance in which event the conflicting provisions of such other ordinances are hereby repealed. Provided; however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property, or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action, or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments, or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended, or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

SECTION 5. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Kaufman, Texas, on this the 22nd day of April, 2024.

JEFF JORDAN
MAYOR

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

**“Exhibit A”
City of Kaufman
Subdivision Ordinance
Volume 1**

**“Exhibit B”
City of Kaufman
Standards of Design and Construction
Appendix 1**

CITY OF KAUFMAN

Subdivision Ordinance

VOLUME 1



City of Kaufman, Texas

Adopted April 22, 2024
Ordinance O-05-24
2024



Ratcliff Planning Consultants

Kaufman City Council Members

Jeff Jordan, Mayor

Matthew Phillips, Mayor Pro Tem

Charles Gillenwater

Lisa Parker

Jason Nelson

Ashlea Longenecker

Quattro Borders

Kaufman Planning and Zoning Commission

Richard Dunn, Chairman

Burton Brown, Vice Chairman

Kathy Thorpe

Porfilo Lopez

Kathleen Sisson

Mike Slye

Lindsey Haynes

Mike Holder, ICMA-CM, City Manager

Rachel Balthrop Mendoza, Assistant City Manager

Andrew Bogda, AICP, Director of Development Services

Tim Hopwood, Director of Public Works

Prepared by

Ratcliff Planning Consultants

&



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ARTICLE 02.03.000 GENERAL SUBDIVISION AUTHORITY OF THE CITY

SEC. 02.03.001 ...AUTHORITY, PURPOSE & APPLICABILITY.

- (a) **Authority.** The regulations of this Chapter are authorized under the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212 (including SUBCHAPTER B), as amended, and the City's Charter. The provisions of this Chapter expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future, and as provided in the City's interlocal agreement with Kaufman County, in accordance with CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE, as amended.
- (b) **Purpose.**
- (1) The development and subdivision of land, as they affect a community's quality of life, are activities for which regulation is a valid function of municipal government. The regulations contained within this Chapter are intended to protect the interests of the public and of private parties by granting certain rights, privileges, and obligations. The requirements in this Ordinance are also intended to establish a fair and rational procedure for developing and subdividing land such that land will be developed in accordance with existing physical, social, economic, and environmental conditions.
 - (2) The provisions of this Ordinance are intended to implement standards and requirements provided for herein and shall be requirements for the Platting and developing of subdivisions within the City and its ETJ.
 - (3) The provisions of this Ordinance are intended to implement the following objectives:
 - i. Promote the development and the utilization of land in a manner that provides an attractive and high-quality community environment in accordance with the *Comprehensive Plan*, the *Zoning Ordinance*, and other development-related ordinances of the City;
 - ii. Assist orderly, safe, efficient, and coordinated development within the City's limits and its ETJ;
 - iii. Guide and assist Property Owners, Developers, and Applicants in the correct procedures to be followed, and to inform them of the required standards and regulations;
 - iv. Protect the public interest by having standards that include, but are not limited to, the location, design, class and type of streets, sidewalks, trails, alleys, utilities, and essential public services;
 - v. Integrate the development of various tracts of land into the community and coordinate the future development of adjoining tracts;
 - vi. Promote the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - vii. Provide for compatible relationships between land uses and buildings;
 - viii. Provide for efficient traffic circulation throughout the municipality;
 - ix. Provide for pedestrian and bicyclist movement that is appropriate within the context of various uses of land and buildings;
 - x. Minimize pollution of the air, streams, bodies of water, and aquifers; promote the adequacy of storm drainage facilities; minimize erosion; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
 - xi. Preserve the natural beauty and topography of public and private properties by encouraging the incorporation of natural features and landforms into

- developments as amenities;
- xii. Establish processes that ensure accurate records of land subdivision;
- xiii. Provide for necessary infrastructure that will have sufficient capacity to serve existing and future developments as well as current and future citizens within the City and its ETJ;
- xiv. Provide for adequate light, air, and privacy; safety from fire, flood, and other dangers; and prevent overcrowding of the land and undue congestion of population;
- xv. Encourage the development of residential areas that incorporate a range of housing and lifestyle choices;
- xvi. Provide that the cost of improvements to meet minimum standards which primarily benefit the tract of land being developed be borne by the Owners and/or Developers of the tract, and that the cost of improvement to meet minimum standards which primarily benefit the whole community be borne by the whole community as contained in this Ordinance; and
- xvii. Provide for the City's overall public health, safety, welfare, orderly development, compatibility with existing development and managed, responsible management of infrastructure.

(c) **Applicability.**

- (1) The provisions of this Chapter, as authorized by CHAPTER 212 of the TEXAS LOCAL GOVERNMENT CODE (TLGC), including the *Standards of Design and Construction (SDC)* shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction (ETJ):
 - i. Any non-exempt (see Section 02.03.031(d), *Exemptions*) division of land, into two (2) or more tracts, lots, sites, or parcels; or
 - ii. The combining of two or more continuous tracts, lots, sites, or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or
 - iii. Any division or partition of land for the purpose of development or for laying out 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; or
 - iv. For tracts where any Public Improvements are proposed; or
 - v. All subdivisions of land whether by metes and bounds division or by Plat, which were outside the jurisdiction of the City's subdivision regulation in Kaufman County, Texas and which subsequently came within the jurisdiction of the City's subdivision regulations through:
 - a. Annexation; or
 - b. Extension of the City's ETJ; or
 - vi. A plan or proposal to divide land lying with the City or its ETJ into two (2) or more tracts, and claims exemption from SUBCHAPTER A of CHAPTER 212 of the TEXAS LOCAL GOVERNMENT CODE for purposes of development that results in parcels or lots all greater than five (5) acres in size; or in the event that development of any such tract is intended, and where no Public Improvement is proposed to be dedicated, shall first obtain approval of a Development Plat that meets the requirements of the TEXAS LOCAL GOVERNMENT CODE CHAPTER 212, SUBCHAPTER B, Regulation of Property Development, as amended.
- (2) No permit shall be issued for any building or *structure* on a property until a Plat has been approved unless specifically exempted herein.

- (3) Any Land Preparation requires a Plat. The Director of Development Services may allow the submission of a grading permit Application, for review and approval, prior to approval of the associated Plat.
 - (4) An addition or minor modification to an existing dwelling unit on a tract of land that is not a lot of record. The Director of Development Services may allow a minor modification for the first home on unplatted acreage.
 - (5) The provisions of this chapter apply to all properties in the City limits and the ETJ, at all times, whether in conjunction with or in absence of a Plat Application.
- (d) **Subdivision Rules.** The provisions of this Chapter, the standards governing constructed facilities applicable to Plats in other portions of the Kaufman Code of Ordinances, the technical standards contained in the *Standards of Design and Construction*, and the adopted plans and Ordinances of the City identified in this Chapter, constitute the *subdivision* rules of the City, which apply to Applications for Plat approval inside City limits and within the City's ETJ.
 - (e) **Appendix 1, Standards of Design and Construction.** The City of Kaufman adopted Appendix 1, *Standards of Design and Construction*, and these standards, as they exist or may be amended, shall remain in force of law and effect, and are herein incorporated into this Chapter. These standards may be drafted or revised, from time to time, at the discretion and determination of the Director of Public Works and/or the City Engineer, with approval by the City Council. As these revised standards are approved and adopted by the City Council, said standards shall be included and substituted for the existing *North Central Texas Council of Governments Technical Construction Standards and Specifications manual (TCS manuals)* and the *City of Kaufman Drainage Design Manual*, and shall thereafter have the same force of law and effect as if originally adopted hereby. Any individual may request to receive written notice of any new or amended provision to these standards by providing said request in writing to the Director of Development Services. A copy of the current *Standards of Design and Construction*, as amended, shall be kept on file and available for review with the Director of Development Services office and on the City's website.
 - (f) **Compliance with City Plans & Ordinances Required.** Compliance with all City ordinances pertaining to the subdivision and development of land, and the *Comprehensive Plan* (where applicable), shall be required prior to approval of any Application pursuant to this Chapter. All such ordinances and the *Comprehensive Plan* shall be construed to mean those documents as they exist or may be amended. It is the Applicant's responsibility to be familiar with, and to comply with, City ordinances, the *Comprehensive Plan*, and the provisions of this Chapter. Applicable City ordinances and plans with which all Applications must comply include, but are not limited to, the following and all amendments thereto:
 - (1) *Comprehensive Plan* (Ordinance No. O-08-14), as amended;
 - (2) *Zoning Ordinance* (Code of Ordinances of the City, Chapter 118, *Zoning Ordinance* No. O-02-07), as amended;
 - (3) *Parks, Recreation and Open Space Master Plan* (Ordinance No. O-15-19), as amended;
 - (4) *Kaufman Trail Concept Master Plan* (Ordinance No. O-09-22), as amended;
 - (5) *Appendix 1, Standards of Design and Construction*, as amended;
 - (6) *Flood Damage Prevention* (Ordinance O-42-22), as amended;
 - (7) *Kaufman County Thoroughfare Plan*, as amended;
 - (8) *Kaufman County Subdivision and Land Development Regulations*, as amended;

- (9) *International Building, Electrical, Energy Conservation, Existing Building, Fire, Fuel Gas, Mechanical, Plumbing, Property Maintenance, Residential, Swimming Pool and Spa, and other related codes* (Ordinance No. O-28-19); as amended
 - (10) *Impact Fee Ordinance for Water Facilities* (Ord. No. O-33A-19), as amended;
 - (11) *Impact Fee Ordinance for Roadway Facilities* (Ord. No. O-33B-19), as amended;
 - (12) Federal, State, County and Local Environmental Regulations, as amended; and
 - (13) Other applicable portions of the *Kaufman Code of Ordinances*, as amended.
- (g) **Special Provisions.**
- (1) The City of Kaufman does not issue permits for the installation of septic tanks in the ETJ or within the corporate City Limits. The City of Kaufman has an interlocal agreement with Kaufman County to issue permits for installation of septic tanks and to perform inspections at the time of installation and thereafter on an annual basis.
 - i. Permits for septic tanks are limited to lots that are greater than one (1) net acre (or usable open space) in size, exclusive of the house footprint, Right-of-Way, ponds, floodplain areas, drainage easements and utility easements and not located within 300 feet of a City wastewater collection line, unless otherwise allowed by the Director of Public Works and/or the City Engineer based upon projected loads and use.
 - ii. Citizens may elect to connect to a wastewater collection line that is greater than 300 feet from the property but must individually bear the cost of the installation.
 - iii. A septic system shall not be installed upon any lot in a subdivision for which an associated Plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
 - iv. All septic systems shall be permitted, inspected, and meet all the adopted Kaufman County Subdivision and Land Development Regulations regarding septic systems, as amended.
 - (2) No building permit shall be issued by the City for any construction that will expand a structure's footprint on a lot in a subdivision for which an associated Plat has not been approved, nor for construction on a lot or for any structure on a lot within a subdivision in which the standards contained herein or referred to herein for the lot and/or the structure have not been complied with in full.
 - (3) The City shall not authorize any other person, nor shall the City itself repair, maintain, install, or provide any streets or public utility services in any subdivision for which the standards contained herein, or referred to herein, have not been complied with in full.
 - (4) No supply of any water, gas, electricity, or wastewater collection service shall be provided to a subdivision for which associated Plat has not been approved, nor in which the standards contained herein or referred to herein have not been complied with in full.
 - (5) In accordance with applicable law, the City may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction (ETJ) of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Chapter.
 - (6) If any subdivision exists for which an associated Plat has not been approved, or in which the standards contained herein or referred to herein have not been complied with in full, the City Council may pass a resolution reciting the fact that such noncompliance or failure to

secure an associated Plat approval, and reciting the fact that the provisions of paragraphs (1), (2), (4) and (5) of this section will apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of Kaufman County. If full compliance and the associated Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument, in the Deed Records of the county stating that paragraphs (1), (2), (4) and (5) no longer apply.

- (7) The provisions of this section shall not be construed to prohibit the issuance of permits to any lots upon which a residential building exists and was in existence prior to passage of this Chapter, or to prohibit the repair, maintenance, or installation of any street or public utility services for any residential building, or abutting any such 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.

SEC. 02.03.002 ...ENFORCEMENT; VIOLATIONS, & PENALTIES.

(a) Observation of Construction.

- (1) The City of Kaufman, or its duly authorized representative, is authorized to make periodic observation of the construction of improvements for subdivisions. Inspection of improvements by the Director of Public Works and/or the City Engineer or their designee, is not intended to and does not relieve the Developer or his contractor, from ensuring that the improvements are constructed in accordance with the approved plans and specifications for development. The Developer or his contractor shall maintain contact with the Director of Public Works and/or the City Engineer or their designee during construction of improvements.
- (2) No wastewater, water, or stormwater pipe shall be covered without approval of the City or its duly authorized representative. No flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without City approval. No concrete shall be poured, nor asphaltic surface applied to the base, without approval of the Director of Public Works and/or the City Engineer or their designee.
- (3) The City of Kaufman, or its duly authorized representative, may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in their judgment, the requirements of this Article or the standards and specifications as herein provided have been violated. Reconstruction or other work as may be necessary to correct any such violation may be required by City at the expense of the Developer. The cost of materials testing shall be borne by the Developer.

(b) Maintenance Bond/Financial Assurances. For maintenance bond and other financial assurance requirements, refer to Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements* of this Chapter.

(c) Filing, Plat & Other Fees.

- (1) The required application fees for any Plat or other development-related application filing shall be paid to the City by the Applicant at the time the application is made. Each of the fees and charges provided herein shall be paid in advance, and no action of the City Manager, Planning & Zoning Commission, City Council, or any other board or agency of the City shall be valid until the fees and charges have been paid to the City.
- (2) Except as herein provided, these fees and charges shall be charged on all Plats and filings,

regardless of the action taken by the City Manager, Commission, Council or any other board or agency of the City and whether the Plat or filing is approved or denied. All fees are listed as shown in the City's adopted Fee Schedule and/or other applicable ordinances of the City.

- (3) The required County filing fees shall be Paid by the Applicant to the City prior to the recordation of any Plat, easement, agreement, or other instrument required for the development by the City.
 - (4) All required reimbursement of engineering reviews, attorney reviews, financial consultant reviews, or other third-party reviews associated with a development, shall be paid by the Applicant to the City in accordance with the terms of a Professional Services Agreement, or as otherwise invoiced to the Applicant by the City after the City is issued an invoice by a third-party service provider. The City may withhold plat recordation and/or building permitting until all outstanding review costs are paid by the Applicant.
- (d) **Violations and Penalties.** Any person who violates any of these regulations for lands within the corporate boundaries of the City and/or within the Extraterritorial Jurisdiction (ETJ) shall be subject to a fine of not more than two-thousand dollars (\$2,000.00) per day, with each day constituting a separate violation, pursuant to the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 54, as amended.
- (1) Civil Enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations whether such violation occurs with respect to lands within the corporate boundaries of the City or within the City's ETJ. These remedies shall be in addition to the penalties described above.
- (e) **Misrepresentation of Facts Unlawful.**
- (1) Misrepresentation of Facts. It shall be unlawful for any person to misrepresent knowingly or willfully, or fail to include, any information required by the Chapter on any Application for annexation, zoning, development, or subdivision of property.
 - (2) Penalties and Exceptions. If any Applicant for such hearing or any owner of property subject to such hearing, shall allow such hearing before the Planning and Zoning Commission, Parks and Recreation Board, and/or the City Council to be heard in violation of any of the provisions of this Chapter, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per Section 02.03.002(d), *Violations and Penalties*.

Sec. 02.03.003 ...PAYMENT OF ALL INDEBTEDNESS TO A SPECIFIC PROPERTY.

- (a) No person who owes delinquent taxes, delinquent paving assessments, or any other delinquent debts or obligations to the City of Kaufman, the Kaufman Independent School District, or Kaufman County, and which are directly attributable to a piece of property, shall be allowed to record an approved Plat until the taxes, assessments, debts and/or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the payment of such debts or obligations. It shall be the Applicant's responsibility to provide evidence or proof that all taxes, assessments, debts and/or obligations have been paid.

Sec. 0.03.004 to Sec. 02.03.009. RESERVED

ARTICLE 02.03.010 AUTHORITY OF DECISION-MAKERS

SEC. 02.03.011 ...GENERAL PROVISIONS.

- (a) **Source of Authority.** Authority under this Chapter shall be vested in and delegated to the officials and decision-makers designated in Section 02.03.012, *Responsible Official Assigned*, and under the City's Charter, the Constitution and laws of the State of Texas, and the Kaufman Code of Ordinances. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers under the City's Charter, the Constitution or laws of the State of Texas, or the Kaufman Code of Ordinances, or the failure to identify in this Article authority conferred by other provisions of this Chapter, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.
- (b) **Implied Authority.** The officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by CHAPTER 212 of the TEXAS LOCAL GOVERNMENT CODE as amended, and this Chapter, to the extent that the implied authority is not in conflict with the expressly delegated authority.
- (c) **Limitation on Authority.**
 - (1) City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction (ETJ) are as stated in this Chapter, notwithstanding any representation by any City official summarizing, paraphrasing, or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.
 - (2) Representations. The Applicant shall not rely on any representation made by an employee of the City, a member of an appointed board or Commission, or a member of the City Council concerning the likelihood of an outcome of that official's decision or the decision of an appointed board, Commission, or City Council, on any Application that has yet to be filed or is pending before the City. An official may, however, convey information concerning that official's position on a pending Application in accordance with his role as the Responsible Official for such Application or as the City staff contact person.
 - (3) Effect of Comprehensive Plan or Development Standards on Liability Claims. The City's approval of an Application under the standards and procedures of this Chapter does not guarantee or ensure that development of the property in accordance with the standards will prevent, minimize, or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an Application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this Chapter constitute an exercise of the City's governmental authority, and approval of an Application shall not give rise to any liability on the part of the City or its officers, agents, and employees, nor will an approval release the Applicant from any liability for harm arising out of development of the property under applicable law.
 - (4) Exceptions. Except as expressly provided for in this Chapter, no official, board or Commission of the City, or the City Council, shall have authority to waive any requirement or standard for an Application. Any attempted exception of a requirement or standard for an Application in contravention of this section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approved Application.
- (d) **Conflict in Authority.** If any of the provisions of this Chapter are in apparent conflict, the Director of Development Services shall, after due consideration as to the purpose and intent of each conflicting provision, make a determination as to which provision shall apply. The Director of

Development Services shall make every effort to be fair and consistent in such interpretations and their decision may be Appealed to the City Manager (see Section 02.03.016, *City Manager & Other Officials*), unless otherwise noted within.

SEC. 02.03.012 ...RESPONSIBLE OFFICIAL ASSIGNED.

- (a) **Responsible Official.** The Responsible Official shall be the Director of a designated City department who is assigned responsibility under this Chapter for taking the following actions with regard to a particular type of Application authorized under this Chapter:
 - (1) Accepting the Application for filing, and processing an Application;
 - (2) Reviewing and making recommendations concerning an Application;
 - (3) Seeking advice of other City departments, and coordinating any recommendations from such departments concerning an Application;
 - (4) Determining a request for exemption;
 - (5) Preparing reports to and advising any board, Commission or the City Council that has responsibility for making recommendations on or approving/denying an Application;
 - (6) Promulgating additional or modified policies, standards, and administrative rules for adoption by the City Council that apply to an Application;
 - (7) Initiating enforcement actions concerning compliance with the standards applicable to an Application and the conditions imposed thereon; and
 - (8) Taking all other actions necessary for administration of the provisions of this Chapter with respect to an Application, petition, approval, or Appeal.
- (b) **Delegation.** The responsible official may delegate the official authority under this Chapter to subordinate employees, who shall thereupon be deemed the responsible official for purposes of carrying out the delegated duties.

SEC. 02.03.013 ...DIRECTOR OF DEVELOPMENT SERVICES.

- (a) **Responsible Official.** The Director of Development Services is the responsible official for the following types of Applications, waivers, exceptions, and petitions:
 - (1) Review of Application and accompanying exhibits and documents;
 - (2) Compile staff report, including a staff recommendation for approval, approval with condition(s) or denial, for any type of Plat;
 - (3) Process written request for extension of a Preliminary Plat approval, as outlined in Section 02.03.034, *Preliminary Plats*;
 - (4) Time extensions for Construction Plans, as outlined in Section 02.03.041(i), *Extension of Expiration Date*;
 - (5) Appeal of a staff decision on any Application;
 - (6) Certain types of Vested Rights petition for an Application for which the Director of Development Services is the initial decision-maker, as outlined in Section 02.03.087, *Vested Rights*; and
 - (7) Certain types of Minor Exceptions (related to construction requirements), as outlined in Section 02.03.086, *Exceptions & Minor Modifications*.
- (b) **Final Decision-Maker.** The Director of Development Services is the final decision-maker for the following types of Applications (subject to any Appeal):

- (1) Conveyance Plat, as outlined in Section 02.03.032, *Conveyance Plats*;
 - (2) Minor Plat, as outlined in Section 02.03.036, *Minor Plats*;
 - (3) Amending Plat, as outlined in Section 02.03.038, *Amending Plats*;
 - (4) Extension for a Preliminary Plat approval, as outlined in Section 02.03.034, *Preliminary Plats*;
 - (5) Extension for Construction Plans approval; as outlined in Section 02.03.041(i), *Construction Plans*;
 - (6) Certain types of Minor Modifications (related to construction requirements), as outlined in Section 02.03.086(d), *Modifications, Appeals & Exceptions*; and
 - (7) Certain types of vested rights petitions, as outlined in Section 02.03.087, *Vested Rights*; and
 - (8) Grading Permit, as outlined in Section 02.03.042, *Grading Permit*.
- (c) **Appeals.** Notwithstanding the foregoing subsection, the Director of Development Services may defer its decision-making authority under this Section as outlined in Section 02.03.086(c), *Modifications, Appeals and Exceptions* to City Council. Additionally, the Developer may Appeal Minor and/or Major Modifications as outlined in Section 02.03.086(d) or (e), *Modifications, Appeals and Exceptions*.

SEC. 02.03.014 ...RESERVED.

SEC. 02.03.015 ...DIRECTOR OF PUBLIC WORKS AND CITY ENGINEER.

- (a) **Responsible Official and Initial Decision-Maker.** The Director of Public Works and/or the City Engineer as applicable is the responsible official for the review and/or approval of the following types of Applications:
- (1) Construction Plans, including all engineering plans and related construction tasks, and approval of contracts for Public Improvements, including without limitation cost estimates for Public Improvement construction, as outlined in Section 02.03.041, *Construction Plans*;
 - (2) Construction Releases, as outlined in Section 02.03.041(j), *Construction Plans*;
 - (3) Appeal of a staff decision related to an Application for which the Director of Public Works is the responsible official;
 - (4) Certain types of Minor Modifications (related to construction requirements), as outlined in Section 02.03.086(d), *Modifications, Appeals and Exceptions*;
 - (5) Certain types of Vested Rights petition for an Application for which the Director of Public Works is the responsible official, as outlined in Section 02.03.087, *Vested Rights*; and
 - (6) *Reviews the Parks and Open Space Master Plan*, park land dedication, and makes recommendations to the Parks and Recreation Board and implements the Board's decisions.
- (b) **Final Decision-Maker.** The Director of Public Works in conjunction with the City Engineer is the final decision-maker for the following types of Applications (subject to any Appeal):
- (1) Approval of Construction Plans, including engineering plans and related construction management tasks, and approval of contracts for Public Improvements, including sufficiency of cost estimates for Public Improvements construction;
 - (2) Construction Release; and
 - (3) Certain types of Vested Rights petitions for an Application for which the Director of Public

Works is the initial decision-maker as outlined in Section 02.03.087 *Vested Rights*.

- (c) **Appeals.** Notwithstanding the foregoing subsection, the Director of Public Works and/or the City Engineer may defer its decision-making authority as outlined in Section 02.03.086, *Modifications, Appeals and Exceptions*. Additionally, the Developer may Appeal Minor and/or Major Modifications as outlined in Section 02.03.086(d) or (e), *Modifications, Appeals and Exceptions*.

SEC. 02.03.016 ...CITY MANAGER & OTHER CITY OFFICIALS.

- (a) **City Manager.** Any decision that cannot be resolved initially by the Director of Development Services, or the Director of Public Works and/or the City Engineer, shall be Appealed to the City Manager or his designee, who is the appellate decision-maker for any Appeal for which the Director of Development Services, or the Director of Public Works and/or the City Engineer is responsible. A decision of the City Manager may be Appealed as outlined in Section 02.03.086, *Modifications, Appeals and Exceptions*.
- (b) **Fire Chief.** No provision contained in this Chapter shall be deemed or interpreted as a limitation on the Fire Chief's exclusive authority as set forth in the International Fire Code, especially as the decision relates to health and safety issues.
- (c) **Other City Officials.** The City Attorney and any other official delegated responsibilities under this Chapter or other provisions of the Code of Ordinances are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed herein.

SEC. 02.03.017 ...PARKS AND RECREATION BOARD.

- (a) **Organization, Powers, & Duties.** The Parks and Recreation Board (also referred to as the "Board") shall hold meetings and have the powers and duties as provided for in the Code of Ordinances of the City (Code of Ordinances, Chapter 10, Division 2 *Streets, Parks and Other Public Ways and Place, Parks, and Recreation*, as amended), and as authorized by CHAPTER 211 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE. Such powers and duties shall include exercising all the authority and control conferred by law relating to Platting.
- (b) **Staff Liaison.** The Director of Public Works shall act as the staff liaison to the Parks and Recreation Board and shall abide by the City's usual record-keeping and retention policies for boards and commissions, as amended, in maintaining records of the Parks and Recreation Board's meetings and actions.
- (c) **Authority to Recommend Park Land Dedications and Fees.** The Parks and Recreation Board is the recommending body and shall have the authority to make a recommendation to the City Council regarding park land dedications, the development of park facilities, and fees in lieu of park land dedications & improvements:
 - (1) Dedication of Land for Park Use;
 - (2) Dedication of Open Space in Lieu of Park Land Dedication;
 - (3) Fee in Lieu of Park Land Dedication;
 - (4) Residential Park Development Fees;
 - (5) Open Space Development Fees; or
 - (6) Construction of Park Improvements in Lieu of Park Development Fee;
- (d) **Authority to Recommend Prior Dedication or Absence of Prior Dedication.** Depending on circumstances, additional proportionate dedication (or fees in lieu) may be required for the

increase in dwelling units from what was originally proposed and may be either land dedication or money in lieu of land or development. At the discretion of the City Council, any former gift of land or cash to the City may be credited towards eventual land dedication or development requirement imposed on the Developer. The Parks and Recreation Board shall make recommendations to City Council in exercising its discretion under this section.

SEC. 02.03.018 ...PLANNING & ZONING COMMISSION.

- (a) **Organization, Powers, & Duties.** The Planning & Zoning Commission (also referred to as the “Commission”) shall hold meetings and have the powers and duties as provided for in the Code of Ordinances of the City (Code of Ordinances, Chapter 118, *Zoning*, as amended), and as authorized by CHAPTER 211 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE. Such powers and duties shall include exercising all the authority and control conferred by law relating to Platting.
- (b) **Staff Liaison.** The Director of Development Services shall act as the staff liaison to the Commission and shall abide by the City’s usual record-keeping and retention policies for boards and commissions, as amended, in maintaining records of the Planning & Zoning Commission’s meetings and actions.
- (c) **Authority to Recommend Applications.** The Commission is the recommending body and shall have the authority to make a recommendation to the City Council on the following types of Applications:
 - (1) Preliminary Plats;
 - (2) Land Studies;
 - (3) Final Plats;
 - (4) Replats (at a public hearing);
 - (5) Development Plats;
 - (6) All other types of Plats, with the exception of Conveyance Plats, Minor Plats and Amending Plats (which may be approved by the Director of Development Services, unless deferred to the Commission); and
- (d) **Authority to Recommend Major Modifications/Exceptions.** The Commission is the recommending body and shall have the authority to make a recommendation to the City Council on the following exceptions:
 - (1) Any Major Modification/Exception petition on an Application for a Land Study, Preliminary Plat, Final Plat, Replat, or Development Plat;
 - (2) Any Conveyance Plat, Minor Plat, or Amended Plat that is deferred by the Director of Development Services, as outlined in Section 02.03.032(i), *Deferral of Decision on Conveyance Plat Application*, Section 02.03.036(i), *Deferral of Decision on Minor Plat Application*, or Section 02.03.038(j), *Deferral of Decision on Amending Plat Application*, as applicable;
 - (3) Any other requirement so authorized by this Ordinance.
- (e) **Authority to Approve or Deny Requests to Extend the Review of Plat Applications.** The Commission is the final authority to act on the following types of requests:

Written requests made by the Developer fifteen (15) calendar days prior to the Commission’s meeting date for a thirty (30) calendar day extension for further review, and consideration of proposed plat Applications.

SEC. 02.03.019 CITY COUNCIL.

- (a) **Authority for Deciding Applications.** The City Council shall have the final authority to act on the following types of Applications:
 - (1) Preliminary Plats;
 - (2) Land Studies;
 - (3) Final Plats;
 - (4) Replats (at a public hearing);
 - (5) Development Plats;
 - (6) All other type of Plats, with the exception of Conveyance Plats, Minor Plats and Amending Plats (which may be approved by the Director of Development Services, unless deferred to the Planning & Zoning Commission); and
 - (7) Written requests made by the Developer fifteen (15) calendar days prior to the Commission's meeting date for a thirty (30) calendar day extension for further review, consideration of proposed plat Applications.
- (b) **Authority for Deciding Appeals.** The City Council shall hear and decide Appeals from final decision-makers (Director of Development Services, Director of Public Works and/or the City Engineer, and City Manager) who:
 - (1) Deferred its decision-making authority as outlined in Section 02.03.013(c) *Appeals*, and Section 02.03.015(c), *Appeals* ;
 - (2) Received a petition from the Developer Appealing for relief from a final decision that could not be resolved by City staff, relative to Section 02.03.013(b), *Final Decision-Maker*, Section 02.03.015(b), *Final Decision-Maker*, and Section 02.03.016(a) *City Manager*.
- (c) **Authority for Deciding Major Modifications/Exceptions.** City Council shall hear and decide the following Major Modifications/Exceptions after receiving a recommendation from the Planning & Zoning Commission:
 - (1) Any Major Modification/Exception petition on an Application for a Preliminary Plat, Land Study, Final Plat, Replat, or Development Plat;
 - (2) Any Conveyance Plat, Minor Plat, or Amended Plat that is deferred by the Director of Development Services, as outlined in Section 02.03.032(i), *Deferral of Decision on Conveyance Plat Application*, Section 02.03.036(i), *Deferral of Decision on Minor Plat Application*, or Section 02.03.038(j), *Deferral of Decision on Amending Plat Application*, as applicable;
 - (3) Any Minor Modification Petition, as outlined in Section 02.03.086(d), *Modifications, Appeals and Exceptions* after the final Appeal decision of the City Manager on an Application for a Plat or for Construction Plans.
 - (4) Any Major Modification/Exception Petition as outlined in Section 02.03.086(e), *Modifications, Appeals, and Exceptions* on an Application for Construction Plans;
 - (5) Any other requirement so authorized by this Chapter.

SEC. 02.03.020 ...RESERVED.

ARTICLE 02.03.020 SUBMITTAL PROCESS

SEC. 02.03.021 ...PRE-SUBMITTAL OR PRE-DEVELOPMENT MEETING (DEVELOPMENT REVIEW COMMITTEE MEETING).

- (a) **Development Review Committee Meeting – Pre-Application Submittal.** Prior to the submission of an Application for development, including without limitation Plats, Construction Plans, Development Agreements, Annexation Applications, Zoning Applications, Site Plan Applications, and commercial building permit plans, for review and consideration, Applicants are required to contact the Development Services staff to schedule a Development Review Committee (DRC) Meeting. The Development Services Director, at his discretion, may waive the DRC meeting requirement when determined unnecessary due to the size of the development, the adequacy of existing available infrastructure, Staff's familiarity with the property and/or project and prior conversations with the Applicant, and/or other development issues.
- (b) **Members of DRC.** Members of the DRC are made up of representatives from the departments that have direct communication with all aspects of the development process, including but not limited to Development Services (including the Planning & Building Safety Divisions), the City Manager's Office, the City Engineer, Fire, and Public Works. The Economic Development Corporation, the Police Department, the Finance Department, the City Attorney, the City's financial consultant(s), and partner agencies (i.e. County, ISD, TxDOT, utility service providers, etc.) may also be included on an as-needed basis.
- (c) **Meeting Request.** To schedule a DRC Meeting, the Applicant shall request a DRC Meeting with the Development Services staff using the official pre-development meeting application form, and such request shall describe the type of development desired and/or the type of Application intended for submittal, along with an initial concept plan. The Applicant shall then be notified by the Development Services staff of the time and place for the requested meeting.
- (d) **Vested Rights.** The purpose of the DRC meeting is to have a general discussion regarding applicable City requirements in order to alert the Applicant to the ordinances, requirements, procedures, timeframes, and development applications that apply to a potential project, as well as any site-specific circumstances or challenges associated with a particular property or project proposal. Neither the holding of a DRC meeting nor review of documents at a DRC meeting under this section should be construed as the filing of an Application for permit or plan for development. Therefore, there shall be no vested rights conveyed based upon attendance at, or submission of documents at, a DRC Meeting.
- (e) **Effect.** Following the DRC Meeting, the Applicant may proceed with the submittal of the appropriate Application(s), for development.

SEC. 02.03.022 ...APPLICATION CONTENTS.

- (a) **Application Contents Generally.** All Applications shall be submitted on the City-designated Application form approved by the Development Services Director and shall include all required information and exhibits as stated on the Application form, and the City's adopted Table 02.0.113, *Required Plat Features* in order to be considered complete. An incomplete Application shall not be deemed filed for purposes of determining vested rights and is subject to expiration in accordance with CHAPTER 245 of the TEXAS LOCAL GOVERNMENT CODE, as amended, or other applicable law.
- (b) **Application Timing/Completeness.**
 - (1) Application Timing. The date and timeframe for submittal of all Applications will be established at the discretion of the Director of Development Services.
 - (2) Complete Application. In accordance with CHAPTER 245 of the TEXAS LOCAL

GOVERNMENT CODE (TLGC), as amended, and other applicable law, a permit Application filed with the City shall expire on or after the forty-fifth (45th) day after the date the Application is filed if:

- i. The Applicant fails to provide documents or other information necessary to comply with the technical requirements relating to and conforming with the form and content of the City's permit Application; and
 - ii. On or before the tenth (10th) business day after the date the Application is filed, the City provides the Applicant with written notice of the failure the Applicant to comply with the requirements of subparagraph (i), and the written notice specifies the necessary documents or other information and the date the Application will expire if the documents or other information is not provided, and
 - iii. The Applicant fails to provide the specified documents or other information within the time provided in the notice
- (c) **Fees Required.** Every Application shall be accompanied by the prescribed fees set forth in the City's approved Fee Schedule, as approved by City Council and as may be amended from time to time. Fees are not refundable and are not a guarantee of approval. Review of the Application will not begin until the appropriate fees have been received from the Applicant and processed by the City.

SEC. 02.03.023 ... DEVELOPMENT APPLICATION SUBMITTAL PROCESS.

- (a) **Initiation by Owner.** An Application required under this Chapter shall be initiated only by the owner(s) of the land subject to the Application, or by the owner's duly authorized representative(s). If the Applicant is a representative of the property owner, the Application shall include a written notarized statement from the owner, authorizing the representative to file the Application on the owner's behalf or such additional documentation that the City determines necessary to verify the owner's authorization.
- (b) **Applicability.** The procedures within this Chapter shall apply to all Applications that are required by the City and submitted in accordance with this Chapter.
- (c) **Official Filing Date.** The submission date established by the City upon which a Plat Application is filed in accordance with this Chapter shall be the "official filing date" for purposes of determining the time frame within which the city is required to act upon a Plat to approve, approve with conditions, or deny.
- (d) **Owners Dedication Language.** Refer to the Plat checklist for the appropriate owner dedication language which shall be included on the Plat and all other appropriate Plat signature block wording and form.
- (e) **Land Study Checklist.** A Land Study checklist containing the required features for a Land Study Exhibit in conjunction with specific associative Plats as described in Section 02.03.033 *Land Study Procedures and Requirements* is included in Table 02.03.0112 *Required Land Study Features*, attached hereto, and incorporated herein.
- (f) **Plat Checklist.** A Plat checklist containing the required features for each type of Plat Application is included in Table 02.03.113 *Required Plat Features*, attached hereto, and incorporated herein. In addition to any other requirements of this Chapter or other applicable ordinance, all Plats shall include the required items listed for each Plat type in the Plat check list.

SEC. 02.03.024 ...DEVELOPMENT APPLICATION REVIEW AND ASSESSMENT.

- (a) **Action by Responsible Official.** After the submission of a development Application regulated by this Chapter, the Responsible Official for an Application shall initiate internal (i.e., by City departments)

review and assessment of the Application according to the City's development review procedures. The Responsible Official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that shall be necessary to bring the Application into compliance with City regulations in preparation for consideration by the appropriate decision-maker.

- (b) **Revisions to Exhibits.** The Responsible Official shall enumerate to the Applicant such revisions to the exhibits as are necessary to bring the exhibits into compliance with this Chapter. Such revisions shall be made by the Applicant or his agent in a timely fashion as directed by the Responsible Official and prior to any stated deadline necessary to allow for the review of the revised exhibits and for the inclusion of the revised exhibits in the agenda packet for the recommending or approving body.

SEC.02.03.025DEVELOPMENT APPLICATION APPROVAL

- (a) **Decision.** The decision-maker for the Application as identified in this Chapter shall approve, approve with conditions, or deny the Application within the time period prescribed by this Chapter.
- (b) **Conditions Attached.** The decision-maker shall attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with all applicable requirements of this Chapter. These conditions of approval shall be completed prior to the Plat being filed for record in Kaufman County.
- (c) **Notification of Decision – Conditional Approval or Disapproval.** When the Commission or the City Council conditionally approves or disapproves a plan or Plat under this Chapter, the Director of Development Services shall provide the Applicant a written statement of the conditions for the conditional approval or reasons for disapproval articulating each specific condition for the conditional approval or reasons for disapproval. Such notice shall include conditions or reasons directly related to the requirements upon which the conditional approval or disapproval relate and include a citation to the applicable federal, state, or local ordinance or regulation that is the basis for the conditional approval or disapproval.

SEC. 02.03.026 ...AMENDMENTS /REVISIONS OF APPROVED APPLICATIONS.

- (a) **Amendments/Revisions to an Approved Application.** Unless another method is expressly provided by this Chapter, any request to amend or revise an approved Application shall be considered a new Application, which must be considered in accordance with the procedures governing the original Application and the standards in effect at the time such new Application is filed with the City.

SEC. 02.03.027 EXPIRATION OF CURRENT DEVELOPMENT APPLICATIONS.

- (a) **Expiration of Preliminary Plats and Construction Plans.**
 - (1) Unless otherwise expressly provided by this Chapter, an approved Application for a Preliminary Plat or Construction Plans shall automatically expire one (1) year following the approval date of the Application (see Section 02.03.041(h), *Expiration of Construction Plans*), and shall become null and void, and all activities under the Application thereafter shall be deemed in violation of this Chapter, if:
 - i. The Applicant fails to satisfy any condition that was imposed by this Chapter or as part of the approval of the Application or that was made under the terms of any Development or Facilities Agreement, within the time limits established for satisfaction of such condition or term; or
 - ii. The Applicant fails to submit a subsequent complete Application required by this Chapter within the time so required; or
 - iii. A Facilities Agreement has not been approved for the development.

- (2) The Director of Development Services may extend the time of expiration for the Preliminary Plat or Construction Plans by one (1) year if the Applicant has requested the extension in writing and listed the cause for the delay. Any further extension of the expiration date shall be considered by the City Council and the Council's decision shall be final.
- (3) If no time limit for satisfaction of conditions is specified in the decision on the Application, the time shall be presumed to be two (2) years following the date the Application was approved, except as provided through a vested rights petition.
- (4) An expiration date may differ from the first anniversary of approval upon approval of a different date being determined pursuant to a vested rights petition as outlined in Section 02.03.087, *Vested Rights*.

- (b) **Effect of Preliminary Plat and Construction Plan Expiration.** Upon the expiration of an approved Preliminary Plat or Construction Plan Applications, all previously approved Applications for the same land shall also expire on the expiration date if the filing of a Development Application was required to avoid expiration for the previously approved Application(s), except as provided in Section 02.03.028, *Expiration of Development Applications Approved Prior to the Establishment of this Subdivision Ordinance*. Thereafter, a new Application must be submitted for consideration and approval subject to regulations in effect at the time the new Application is filed.

SEC. 02.03.028 ...EXPIRATION OF DEVELOPMENT APPLICATIONS APPROVED PRIOR TO THE ESTABLISHMENT OF THIS SUBDIVISION ORDINANCE.

- (a) **Two-Year Expiration Established.** Notwithstanding any other provision of this Chapter, for any approved Development Application for which no expiration date was in effect on the date this Chapter was duly adopted by City Council, an expiration date of two (2) years following the date of approval of the Application shall apply, unless the Applicant files a written petition before such date for a vested rights determination pursuant to Section 02.03.087, *Vested Rights*, alleging that progress has been made toward completion of the project for which the Application subject to expiration was filed. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the Application in deciding the petition.
- (b) **Five-Year Expiration Established.** Notwithstanding any other provision of this Chapter, once a Development Application has expired as described above, all previously approved Applications for the same land also shall expire no later than five (5) years following the date of filing of the first Application for the project for which the expired Application was filed, unless the Applicant files a written petition before such date for a vested rights determination pursuant to Section 02.03.087, *Vested Rights*. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved Applications in deciding the petition.

SEC. 02.03.029 RESERVED.

ARTICLE 02.03.030 SUBDIVISION PROCEDURES AND PLAT TYPES

SEC. 02.03.031 ...SUBDIVISION PROCEDURES & PLAT TYPES.

(a) **Approval Required.**

- (1) Unless and until any Plat, Construction Plan, or Replat shall have been first approved in the manner provided by law, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings, or other improvements to any tract of land within the City limits or the ETJ; and any official of the City shall not issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of the owners, or purchasers of said land, or any part thereof, with any public utilities such as water, wastewater, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by the City.
- (2) Where the land to be Platted lies within the ETJ of the City, pursuant to the existing or amended interlocal agreement with Kaufman County under State law, a complete Application shall be submitted to the City.
- (3) No building permits will be issued for the construction of any building on any unplatted land within the City. Minor repair permits may be issued for an existing structure. When additions, alterations, or repairs increase the lot coverage or reduce the distance of structures from surrounding property lines on previously unplatted property, the land upon which such building or structure is located shall be Platted in accordance with the provisions of this Chapter.

(b) **Improvements Required.**

- (1) Responsibility for Improvements. All the improvements required under these regulations, or improvements specified in the *Comprehensive Plan* and other adopted plans of the City, or improvements which, in the judgment of the Director of Public Works and/or the City Engineer, are necessary for the adequate provision of streets, utilities, drainage, services, and facilities to the subdivision and to the surrounding areas of the City, shall be constructed at the sole expense of the Developer, unless otherwise provided for and approved by City Council. All improvements required by this ordinance shall be constructed after the Plat is filed for record with the Kaufman County Clerk's office. All the improvements required by this ordinance shall be constructed and recommended for approval by the Director of Public Works and/or the City Engineer prior to acceptance by City Council, unless otherwise specified in a binding contractual Facilities and/or Development Agreement approved by City Council. Payment for any and all improvements that are not to be made at the time of the primary construction of the subdivision or development shall be made a part of the signed and executed Facilities and/or Development Agreement.
- (2) Plats Prior to Development. Plats shall not be used as a mechanism to establish boundaries without the dedication of required infrastructure, such as public utility Easements, drainage Easements, Right-of-Way dedication, and any other requirement of this Chapter. Platting of property is reserved for those properties that are anticipating immediate development, with the exception of Conveyance Plats.

(c) **Types of Plats Required.** The following Plat types shall be required for subdivision or development as specified in Section 02.03.001, *Authority, Purpose & Applicability* or as otherwise specified in this Chapter.

- (1) Final Plat or a Minor Plat. A Final Plat, or Minor Plat, shall be approved prior to commencement of any new development or construction project and in accordance with Section 02.03.035, *Final Plats* or Section 02.03.036, *Minor Plats*.

- (2) Preliminary Plat. A Preliminary Plat shall be required prior to Final Plat as outlined in Section 02.03.034, *Preliminary Plats*.
 - (3) Conveyance Plat. A Conveyance Plat may be approved but no vertical construction shall occur as outlined in Section 02.03.032, *Conveyance Plats*, until an associated Final Plat or Minor Plat is approved.
 - (4) Development Plat. A Development Plat shall be approved prior to any land subdivision that is subject to these regulations including new development on an existing unplatted parcel prior to commencement of any new development or construction project as outlined in Section 02.03.039 *Development Plats* (see the definition of Plat, Development in Section 02.03.0100 for more details).
 - (5) Replat. A Replat in accordance with State Law and the provisions of Section 02.03.037, *Replats*, shall be required any time a Platted, recorded lot is further divided, combined, or expanded, thereby changing the boundary and dimensions of the property.
 - (6) Amending Plats. In the case of minor revisions to recorded Plats or lots, an Amending Plat may be utilized if allowed by State Law and if in accordance with Section 02.03.037, *Replats*, and 02.03.038, *Amending Plats*, respectively.
 - (7) Plat Vacations. In the case where a recorded Plat may need to be nullified in its entirety by the property owner, all lot owners, or by City initiation if deemed necessary to protect the health, safety, and welfare of the public, or as otherwise allowed by State law and if in accordance with Section 02.03.0391, *Plat Vacation*.
 - (8) Right-of-Way Vacation, Abandonment and Relinquishment Plat. In the case where vehicular circulation needs and traffic patterns change, Right-of-Way previously dedicated to or acquired by the City may no longer be necessary and can be vacated if allowed by State Law and if in accordance with Section 02.03.392, *Right-of-Way Vacation, Abandonment and Relinquishment Plat*.
- (d) **Exemptions.** The Platting provisions of this Chapter shall not apply to:
- (1) Existing cemeteries complying with all State and local laws and regulations; or
 - (2) New cemeteries or expansion of existing cemeteries; or
 - (3) Development of a lot of record for which a legally approved and recorded Plat was filed of record in the Plat Records of Kaufman County, Texas prior to April 22, 2024; or
 - (4) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, subdivision, or alteration is occurring; or
 - (5) A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a Plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits; or
 - (6) When a building permit is requested for unplatted, or already Platted parcels for the following activities:
 - i. Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage of the original structure; or
 - ii. Single-family residential additions (i.e.; increasing square footage of structure) of not over twenty percent (20%) of the gross floor area; or
 - iii. Single-family residential accessory buildings; or
 - iv. Remodeling or repair (i.e., no expansion of square footage); or
 - v. Moving a structure off of a lot or parcel, or for demolition permits.
- (e) **Zoning.** A property within the City's corporate limits that is being proposed for Platting or

development must be properly zoned by the City prior to submission of an Application for approval of any concept plan or Plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan, where required, and/or Plat must be in conformance with all standards and requirements prescribed in the City's *Zoning Ordinance* and this Chapter.

- (1) Conformance with Existing Zoning. All Applications shall be in conformance with the existing zoning on the property, as applicable.
- (2) Request to Rezone Prior to Platting. If an Applicant seeks to change the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for any type of Plat for recordation unless as otherwise provided below:
 - i. It is not necessary to rezone the tract prior to the submittal and approval of a Conveyance Plat which is exclusively for the purpose of the sale of land and not as a precursor to development; or
 - ii. It is not necessary to zone or rezone the tract prior to the submittal and approval of any Plat within the City's ETJ, since the ETJ is not subject to the *Zoning Ordinance*.

(f) **Stages of Plat Approval, Staff Review, & Approval.**

- (1) Preliminary and Final Plats. The process of Platting land not previously Platted typically involves two approval stages: submission and approval of a Preliminary Plat (and a Land Study as may be required by Section 02.03.033, *Land Study Requirements*) or Conveyance Plat (under certain circumstances); and subsequent submission and approval of an associated Final Plat. However:
 - i. An Applicant may proceed with the Final Plat process without an approved Conveyance Plat or Preliminary Plat if one of the following conditions apply:
 - a. A Minor Plat is sufficient for submittal; or
 - b. The tract in question is less than two acres in size; or
 - c. The property will be entirely developed in one phase.
 - ii. After approval of Construction Plans for a development described above in subsection 02.03.031(f)(i)(a, b, and c), an Applicant may submit a Final Plat (or Minor Plat) in lieu of a Preliminary Plat, if a Facilities Agreement and appropriate surety (see Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*) are submitted along with the Application as required by the City.
- (2) Staff Review. Unless otherwise specified under the regulations for a specific type of Plat:
 - i. The Director of Development Services shall be the responsible official for processing a Plat and shall be responsible for the initial review of a Plat for conformance with this Chapter and any other applicable ordinances of the City;
 - ii. The Director of Development Services shall direct the City Engineer and other City departments as deemed necessary, to review all Applications for conformance with this Chapter and with other applicable City regulations and supply to the Applicant a list of revisions necessary for compliance with this Chapter and other applicable City regulations, if warranted;
 - iii. Determine whether the Plat substantially conforms to an associated Conveyance Plat, Preliminary Plat, or other applicable Land Study and/or concept plan associated with any approved Planned Development District, Facilities Agreement and/or Development Agreement;
 - iv. The Director of Development Services shall provide and make available the Plat exhibit and reports to the Commission and Council for review;
 - v. Schedule the Plat for consideration on the agenda of the next available meeting of the Commission and Council; and
 - vi. Make a recommendation to the Commission and Council to approve, approve with

- conditions, or deny the Plat (with reasons for the denial and citations to the particular regulations noted)
- vii. Record Plats at the Kaufman County Clerk's office upon approval by the Responsible Official and after all signatures have been obtained, all recording fees have been paid, and all other requirements are met.
- (3) Approval. Authority for the approval of Plats is granted by the State to the City Council with recommendation from the Planning & Zoning Commission.
 - (4) Signatures Required on Filed Plats. When any Plat is prepared for filing with Kaufman County, each copy to be certified by the County shall be signed by both the Mayor, the Planning and Zoning Commission Chairperson for Preliminary, Final, Development Plats, Replats, Vacation Plats and Right-of-Way Vacation Plat. The City Manager or designee shall sign Conveyance, Minor and Amending Plats approved administratively. All signatures shall be attested by the City Secretary.
 - (5) Building Permit. All conditions of Plat approval shall be satisfied; all public land, rights-of-way, or easements shall be dedicated; and all Public Improvements shall be completed and installed in accordance with City's specifications and accepted by City prior to the issuance of a building permit unless otherwise approved as part of a Facilities or Development Agreement.

SEC.02.03.032CONVEYANCE PLATS

- (a) **Purpose**. There are several purposes of a Conveyance Plat:
 - (1) To subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.
 - (2) To record a tract that is not intended for immediate development.
 - (3) To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development.
- (b) **Exemptions**.
 - (1) A Conveyance Plat is not required when the following conditions apply:
 - i. The subdivision of the property into parcels greater than five (5) acres, that are not intended for immediate development.
- (c) **Subsequent Filing of a Final Plat**. No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.
- (d) **Conveyance Plat Limitations**.
 - (1) A Conveyance Plat may be used within the corporate city limits to add to an existing tract that cannot meet the minimum lot requirement, but it shall not create a future lot that will not meet the minimum lot size.
 - (2) No building or development permit shall be issued, nor permanent utility service provided for land that has only received approval as a Conveyance Plat. A Final Plat, Minor Plat or Development Plat must be filed prior to issuance of a building permit and for permanent utility service.
 - (3) No utility service shall be provided for lots conveyed in the City's ETJ that has only received approval as a Conveyance Plat. A Final Plat, Minor Plat or Development Plat shall be filed

prior to permanent utility service.

- (4) A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of this Ordinance for approval of a Final Plat.
- (5) A Conveyance Plat shall not take the place of a Preliminary Plat.

(e) **Accompanying Applications.**

- (1) The Applicant shall furnish as part of the Conveyance Plat acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Conveyance Plat;
- (2) The Conveyance Plat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to the dedications, reservations, and covenants that may be contained in the Conveyance Plat. Such consent shall be subject to review and approval by the City Attorney, and the Applicant shall provide documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full as a condition of approval, if applicable;
- (3) The Director of Development Services, the Director of Public Works and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*;
- (4) Specific feature requirements for the Conveyance Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
- (5) The Conveyance Plat and all accompanying data shall conform to all conditions imposed or required at time of approval, and/or per any previously approved concept plan, an associated Facilities and/or Development Agreement, and/or a Planned Development district.

(f) **Standards for Approval.** The following criteria shall be used by staff to determine whether the Application of a Conveyance Plat shall be recommended for approval, approval with conditions, or denial:

- (1) All documentation required as outlined above in Section 02.03.032(e) Accompanying Applications;
- (2) The Conveyance Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed Plat is located in whole or in part in the ETJ of the City and in the County;
- (3) The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
- (4) The Conveyance Plat is consistent with the *Comprehensive Plan*, and any other approved plan or regulation, except where Application of the *Plan* may conflict with State law (e.g., land use in the ETJ);
- (5) All lots located within the corporate city limits shall meet the minimum requirements for the district in which the lot is located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards;
- (6) The Plat shall comply with all requirements contained within an approved Facilities Agreement and/or Development Agreement, as applicable;

- (7) Frontage. All lots created by a Conveyance Plat shall front onto a public street meeting the requirements of this Chapter and the *Thoroughfare Plan*, and the construction of a new street or the extension of an existing street or Alley is not required. All lots created by a Conveyance Plat located within the City's ETJ and all lots fronting on a County-maintained roadway shall meet the County's minimum lot frontage requirements;
 - (8) Access. All lots created by a Conveyance Plat shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All lots created by a Conveyance Plat shall provide points of Access as required by the *Zoning Ordinance* and/or by this Chapter, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between the Access requirements set forth herein and those set forth in the regulations of Planned Development District, the regulations of the Planned Development District shall control. All lots created by a Conveyance Plat in the City's ETJ or fronting on a County-maintained roadway shall provide points of Access as required by the County's Fire Marshal and/or County Engineer;
 - (9) Reservation of Rights-of-Way. Conveyance Plats must provide for the reservation of future Rights-of-Way of planned roadways, in accordance with the *Thoroughfare Plan* and State law. Right-of-Way reservation provides the property owner's acknowledgement of and notice to future property owners of the future intended use of such reserved land for Right-of-Way for public thoroughfares and streets specified on Kaufman County's and/or the City's *Thoroughfare Plan* or other type of mobility or transportation plan approved by City Council. The requirement for reservation and dedication shall be included in a Plat note and shall be determined in accordance with the *Thoroughfare Plan* as allowed by law. Reservation of Right-of-Way does not grant any right or interest in the property to the City, State, or other government entity. The final alignment of such roadways shall be adjusted upon Final Platting in order to meet the standards of the *Standards of Design and Construction* and to comply with the City's and/or County's *Thoroughfare Plan* in effect at the time of Final Platting. A Plat note reflecting compliance with the requirements of this section shall be included on each Conveyance Plat;
 - (10) Dedication of Rights-of-Way. Dedication of Right-of-Way shall be required where a Conveyance Plat is used to record the remainder of a tract created by the Final Platting of a portion of that property. The required Right-of-Way dedication shall be limited to that which is necessary to provide Access to the property proposed for the Final Plat approval and to complete turn lanes, intersections, and transitions in road pavement width resulting from development of the property proposed for the Final Plat approval in the amount and quantity determined to be roughly proportional to the impact of the development (see Section 02.03.088, *Rough Proportionality*, for more information). The Director of Public Works, and/or the City Engineer, or Fire Marshal may require a temporary paved turn-around if a street is stubbed pending future construction;
 - (11) Compliance with specific feature requirements for the Conveyance Plat exhibit as outlined in Table 02.03.113, *Required Plat Features*; and
 - (12) The proposed Conveyance Plat does not endanger public health, safety, or welfare.
- (g) **Action by Staff.**
- (1) Initiate review of the Conveyance Plat and materials and/or documents outlined in Section 02.03.033(e), *Accompanying Applications* submitted along with any other plans necessary for review by the Director of Development Services, the Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113, *Required Plat Features*;
 - (2) Prepare written review comments statute and request comments also be provided from the

City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions; Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;

- (3) Determine whether the Conveyance Plat substantially conforms to the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), any approved concept plan,, and any associated Facilities Agreement and/or Development Agreement;
 - (4) Determine that the requirements of submission have been met and accept the Conveyance Plat; and
 - (5) Approval of a Conveyance Plat is outlined below in Section 02.03.033(i) Approval of Conveyance Plat.
- (h) **Action by Director of Development Services.** The Director of Development Services shall:
- (1) Determine that the requirements of submission have been met and, if so, accept the Conveyance Plat, which shall begin the thirty (30) calendar day process;
 - (2) The Director of Development Services is authorized to take one of the following actions:
 - i. Approve the Conveyance Plat and submit to appropriate City officials for signatures;
 - ii. Approve the Conveyance Plat with conditions, which shall mean that the Conveyance Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Conveyance Plat to the Commission for consideration and recommendation to Council prior to the expiration of the required thirty (30) day approval period.
- (i) **Approval of Conveyance Plats.** The Director of Development Services is authorized to approve, approve with conditions, or disapprove Conveyance Plats. However, the Director of Development Services may defer the decision of any Conveyance Plat for any reason to the Commission and Council in accordance subsection 02.03.032(j), *Deferral on Conveyance Plat Application*. Conveyance Plats may be approved on the Consent Agenda.
- (j) **Deferral of Decision on Conveyance Plat Application.** The Director of Development Services may defer the Conveyance Plat Application to the Commission for consideration and recommendation to Council.
- (1) Planning and Zoning Commission.
- i. Consider the Conveyance Plat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Conveyance Plat conforms to the regulations of this Chapter;
 - ii. Act within thirty (30) calendar days following the official submittal date of the Conveyance Plat Application in accordance with State law;
 - iii. The Commission shall, upon simple majority vote, make a recommendation for one of the following actions:
 - a. Recommend for approval the Conveyance Plat;
 - b. Recommend for approval the Conveyance Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Conveyance Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled; or
 - c. Recommend for denial the Conveyance Plat with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the denial);
 - d. Approve or deny an extension of consideration of the Conveyance Plat upon

receipt of a written request by the Plat Applicant for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.

(2) **Council Decision.** The decision of the Council is final.

- i. The recommendation of the Commission shall be submitted to the City Council for consideration and decision. The Council shall, upon simple majority vote, take one of the following actions:
 - a. Approve the Conveyance Plat;
 - b. Approve the Conveyance Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Conveyance Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled; or
 - c. Deny the Conveyance Plat with reasons for denial (including a citation to ordinance, statute, or regulations that is the basis for the conditions).

(k) **Procedures for Recordation Following Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Conveyance Plat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that shall be needed to file the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted.

(1) **General.**

- i. ***Signatures.*** After approval of the Conveyance Plat, the Director of Development Services shall procure the appropriate City signatures on the Conveyance Plat.
- ii. ***County Requirements.*** It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
- iii. ***Recording Upon Approval.*** The Conveyance Plat shall be recorded by the City after:
 - a. The Conveyance Plat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.

(l) **Effect of Approval**

- (1) The approval and recordation of a Conveyance Plat authorizes the sale of the lot(s) created thereon but does not authorize any type of development on the property. The Applicant and future owner(s) of the property remain obligated to comply with all provisions in this Chapter upon future development of the property including, but not limited to, all requirements for Platting, required Public Improvements, utility extensions, street improvements or assessments, Right of Way and Easement dedication, and all other requirements in this Chapter;
- (2) Neither reservation nor dedication of Right-of-Way shall relieve the Developer from obligations for street construction or assessments associated with public street improvement programs;

- (3) Easements for Access, utilities, and drainage may be recorded on Conveyance Plats;
- (4) No building permit shall be issued, nor permanent utility service provided, for land which has only received approval as a Conveyance Plat.
- (m) **Revisions Following Approval.** Revisions submitted by the Applicant following Conveyance Plat approval shall only be processed and approved as a new Conveyance Plat, Preliminary Plat or Final Plat, as applicable.

SEC.02.03.033LAND STUDY PROCEDURES AND REQUIREMENTS.

- (a) **Purpose.** The purpose of the Land Study is to allow the Planning and Zoning Commission and City Council to review an exhibit showing all proposed road, thoroughfare and collector street patterns; land use; environmental issues; conformance to the *Comprehensive Plan, Zoning Ordinance, Future Land Use Plan, Park Land Dedication, Thoroughfare Plan* (City's and Kaufman County's), and other applicable plans and regulations; and the property's relationship to adjoining subdivisions or properties. The Land Study exhibit shall be used to assist in evaluating the impacts of developing the land to be Platted on provision of supporting public facilities and services, the environment, provision of open space and recreational opportunities, and the general health, safety, and welfare of the community.
- (b) **Applicability.** A Land Study shall be submitted in conjunction with the following circumstances:
 - (1) In conjunction with a Preliminary Plat Application for any tract of land twenty-five (25) acres or more, or for a smaller tract, where the land is part of a larger parcel twenty-five (25) acres or more, which is ultimately to be developed under this Chapter; or
 - (2) In conjunction with a Development Plat for any tract of land twenty-five (25) acres or more, or for a smaller tract, where the land is part of a larger parcel twenty-five (25) acres or more which is ultimately to be developed under this Chapter; or
 - (3) Where an existing or proposed road or thoroughfare is proposed to be realigned:
 - i. The Director of Development Services has the authority to override this requirement if the realignment is deemed to be insignificant.
- (c) **Extent of Area Required for Land Study.**
 - (1) When the Preliminary Plat or Development Plat designates the land to be developed in phases, the Land Study exhibit shall include the entire property from which the phase is being subdivided and an approximate development schedule.
- (d) **Accompanying Applications.**
 - (1) The Applicant shall furnish as part of the Land Study acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Land Study;
 - (2) The Land Study Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to the dedications and covenants that may be contained in the Preliminary Plat. Such consent shall be subject to review and approval by the City Attorney; the Applicant shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full as a condition of approval, if applicable;
 - (3) The Director of Development Services, the Director of Public Works and/or the City Engineer may require the submission of additional documents as set forth on the City's Adopted Table 02.03.112 Required Land Study Features, and as determined necessary to allow a full

review of the Application for compliance with City Regulations;

- (4) Specific feature requirements for the Land Study exhibit are outlined in Table 02.03.112, *Required Land Study Features*;
 - (5) The Land Study and all accompanying data shall conform to any associated approved Conveyance Plat and shall incorporate all conditions imposed or required at time of approval, and/or per any previously approved concept plan, associated Facilities and/or Development Agreement, and/or a Planned Development district.
- (e) **Standards for Approval.** The following criteria shall be used by staff, the Commission and Council to determine whether the Land Study exhibit shall be approved, approved with conditions, or denied:
- (1) All documentation required as outlined above in Section 02.03.033(d) *Accompanying Applications*;
 - (2) The Land Study conforms to the associated Plat exhibit;
 - (3) The Land Study meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - (4) The Land Study is consistent with the *Comprehensive Plan* and any other approved plan or regulation, except where Application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - (5) All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot(s) are located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and all requirements contained within an approved Facilities and/or Development Agreements, as applicable;
 - (6) The Land Study conforms to all conditions imposed at the time of the approval of any associated Conveyance Plat and/or Preliminary Plat, or per any previously approved concept plan, as applicable;
 - (7) The preliminary layout of the subdivision development meets all standards for adequacy of public facilities contained in this Chapter;
 - (8) The proposed provision and configuration of Public Improvements satisfy the requirements of the *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities;
 - (9) Compliance with specific feature requirements for the Land Study Exhibit as outlined in Table 02.03.112, *Required Land Study Exhibit Features*; and
 - (10) The proposed development represented on the Land Study exhibit does not endanger public health, safety, or welfare.
- (f) **Action by Staff.**
- (1) Initiate review of the Land Study exhibit, material and/or documents outlined in Section 02.03.032(d), *Accompanying Applications* submitted along with any other plans necessary for review by the Director of Development Services, Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.112, *Required Land Study Features*;
 - (2) Prepare written review comments and request comments also be provided from the City

Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;

- (3) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
- (4) Determine whether the Land Study substantially conforms to any associated approved Conveyance Plat, the Preliminary Plat or Development Plat as applicable, the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), any approved concept plan,, and any associated Facilities Agreement and/or Development Agreement;
- (5) statuteProvide and make available the Land Study exhibit and report to the Commission for review;
- (6) Determine that the requirements of submission have been met and accept the Land Study exhibit; and
- (7) Schedule the Land Study exhibit in conjunction with the appropriate Preliminary or Development Plat Application for consideration on the agendas of the next available meetings of the Planning and Zoning Commission and City Council.

(g) **Action by Planning and Zoning Commission and City Council.**

(1) Planning and Zoning Commission:

- i. Consider the Land Study exhibit, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Land Study conforms to the regulations of this Chapter;
- ii. Act within thirty (30) calendar days following the official submittal date of the appropriate Plat Application. If no decision is rendered by the Commission within the thirty (30) day period, the Land Study is considered approved;
- iii. Take one of the following actions:
 - a. Recommend for approval the Land Study exhibit; or
 - b. Recommend for approval the Land Study exhibit with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Land Study shall be considered to have been approved once such conditions are fulfilled; or
 - c. Recommend denial, including a citation to ordinance, statute or regulation that is the basis for the conditions of the Land Study exhibit with reasons for denial; or
 - d. Approve or deny an extension of consideration of the Land Study exhibit upon receipt of a written request by the Plat Applicant for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.

(2) City Council: The decision of the City Council is final.

- i. Take one of the following actions:
 - a. Approve the Land Study exhibit in conjunction with the appropriate Plat Application; or
 - b. Approve the Land Study exhibit in conjunction with the appropriate Plat Application with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Land Study shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Land Study exhibit in conjunction with the appropriate Plat Application with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the denial); or

(h) **Land Study Expiration.**

(1) Two-Year Validity:

- i. The approval of a Land Study exhibit in conjunction with the appropriate Plat Application shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans; and
- ii. Any proposed use or development depicted in the Land Study exhibit shall not be deemed authorized or approved unless the development is part of the approved appropriate Plat Application.

(2) Phased Developments. A Final Plat and Construction Plans must be approved within two (2) years of the approval of the Land Study exhibit in conjunction with a Preliminary Plat Application, or the Land Study exhibit shall automatically expire;

- i. If a project is phased and bona fide progress has been made toward the installation of infrastructure in one or more phases of the project, then upon approval the Director of Development Services, the Land Study exhibit in conjunction with the approved Preliminary Plat may be extended for a period of one (1) year from the date of the expiration, during which time a subsequent Final Plat and Construction Plans must be approved.

(3) Void If Not Extended. If the Land Study exhibit in conjunction with the approved Preliminary Plat is not extended as provided herein, it shall expire and shall be null and void after a period of two (2) years of the date of approval.

(i) **Land Study Extension.** A Land Study exhibit in conjunction with the approved Preliminary Plat may be extended pursuant to Section 02.03.34(i) Preliminary Plat Extension.

SEC. 02.03.034 ...PRELIMINARY PLATS.

(a) **Purpose.** The purpose of a Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Chapter and the *Zoning Ordinance* regulations for each zoning district. A Preliminary Plat is not recorded in the County.

(b) **Exemptions.**

(1) A Preliminary Plat is not required when a Minor Plat has the following conditions:

- i. No Right-of-Way dedication is required;
- ii. No extensions of public utilities are required;
- iii. No public drainage improvements are required; or

(2) The property in question will include no more than four (4) lots and will be entirely developed in one single phase. A Preliminary Plat is not required when a Final Plat has the following conditions:

- i. The property in question will be entirely developed in one single phase.

(c) **Accompanying Applications.**

(1) The Applicant shall furnish as part of the Preliminary Plat acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Preliminary Plat;

(2) The Preliminary Plat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to the dedications and covenants that may be contained in the Preliminary Plat. Such consent shall be subject to review and approval by the City Attorney; the Applicant shall provide such documentation requested by the City

for use in determining legal ownership of the property and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full as a condition of approval, if applicable;

- (3) As applicable, submit the proposed Professional Services Agreement for review and approval. A Professional Services Agreement shall be prepared in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*, of this Chapter;
 - (4) As a prerequisite to the submission of an Application for a Preliminary Plat, the associated preliminary drainage plan, the preliminary utility plan, and other plans and documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features* shall be submitted, reviewed, and approved by the Director of Development Services, the Director of Public Works and/or the City Engineer;
 - i. The Director of Public Works and/or the City Engineer may allow the Preliminary Plat Application to be submitted and to proceed through the approval process while the preliminary plans are still in review if the Director of Public Works and/or the City Engineer have determined that the only remaining items are minor and expected to be addressed prior to approval of the Plat;
 - ii. The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features* ;
 - (5) An Application for a Preliminary Plat, if applicable, shall be accompanied by a Land Study exhibit in accordance with Section 02.03.033(b), *Land Study Procedures and Requirements* and with Table 02.03.112, *Required Land Study Exhibit Features*;
 - (6) Specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*;
 - (7) The Preliminary Plat and all accompanying data shall conform to the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), any associated approved Conveyance Plat (including all conditions imposed or required at time of approval), any previously approved concept plan, and any associated Facilities and/or Development Agreement.
- (d) **Standards for Approval.** The following criteria shall be used by staff, the Commission and Council to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:
- (1) All documentation required as outlined above in Section 02.03.034(c) Accompanying Applications;
 - (2) The Preliminary Plat shall conform to any associated Conveyance Plat or any previously approved concept plan and incorporate all conditions imposed at the time of approval;
 - (3) The Preliminary Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - (4) The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
 - (5) The Preliminary Plat is consistent with the *Comprehensive Plan* and any other approved plan or regulation, except where Application of the *Plan* may conflict with State law (e.g., land use in the ETJ);

- (6) All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards;
 - (7) The Plat shall comply with all requirements contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
 - (8) The proposed provision and configuration of Public Improvements satisfy the requirements of the *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, as required, Easements and Rights-of-Way are adequate to serve the development, meet applicable standards of this this Chapter, and conform to the City's adopted master plans for those facilities;
 - (9) The Preliminary Plat conforms to design requirements and construction standards as set forth in the *Standards of Design and Construction*;
 - (10) The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Preliminary Plat;
 - (11) All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by the *Zoning Ordinance* and/or this Chapter, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between Access requirements set forth herein and those set forth in the regulations of a Planned Development District, the regulations the Planned Development District shall control;
 - (12) The proposed Facilities Agreement and/or Professional Services Agreement are approved by City in accordance with applicable City policies;
 - (13) Compliance with specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
 - (14) The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare.
- (e) **Action by Staff.**
- (1) Initiate review of the Preliminary Plat exhibit, materials, and/or documents outlined in Section 02.03.034(c), *Accompanying Applications* submitted along with any other plans necessary for review by the Director of Development Services, the Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113 *Required Plat Features*;
 - (2) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
 - (3) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
 - (4) Determine whether the Preliminary Plat substantially conforms to any associated approved Conveyance Plat, the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), any approved concept plan, and any associated Facilities Agreement and/or Development Agreement;
 - (5) Statute Provide and make available the Plat exhibit and reports to the Commission for review;

- (6) Determine that the requirements of submission have been met and accept the Preliminary Plat; and
- (7) Schedule the Preliminary Plat for consideration on the agendas of the next available meetings of the Planning and Zoning Commission and City Council.

(f) **Action by Planning and Zoning Commission and City Council.**

(1) Planning and Zoning Commission:

- i. Consider the Preliminary Plat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Chapter;
- ii. Act within thirty (30) calendar days following the official submittal date of the Preliminary Plat Application. If no decision is rendered by the Commission within the thirty (30) day period, the Preliminary Plat, as submitted, shall be considered approve;
- iii. Take one of the following actions:
 - a. Recommend for approval the Preliminary Plat;
 - b. Recommend for approval the Preliminary Plat with conditions (including a citation to ordinance, statute or regulation that is the basis for the conditions), which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Recommend denial of the Preliminary Plat with reasons for denial (including citations to ordinance, statute, or regulation that is the basis for the denial); or
 - d. Approve or deny an extension of consideration of the Preliminary Plat upon receipt of written request by the Applicant for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.

(2) City Council: The decision of the Council is final.

- i. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, including a citation to ordinance, statute or regulation that is the basis for the conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Preliminary Plat, with reasons for denial, including a citation to ordinance, statute, or regulation that is the basis for the denial; or

- (g) **Procedure for Execution of Preliminary Plat Documents upon Approval.** The Applicant shall supply to Development Services Department the required number of original signed and executed copies of the Preliminary Plat documents (whether Mylar or paper originals, as required by the City). All documents shall be originals and no copies of the exhibits will be accepted.

(1) General.

- i. *Signatures.* After approval of the Preliminary Plat, the Director of Development Services shall procure the appropriate City signatures on the Preliminary Plat;
- ii. *Filing Upon Approval by City Council.* The Preliminary Plat shall be filed in the City records once all conditions have been satisfied, all required plat originals with signatures have been provided to the City by the Applicant, and all City signatures have been obtained.

(h) **Expiration.**

- (1) Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans and a Final Plat of the land area shown on the Preliminary Plat, except as specifically provided in subsection (2) below for phased development. If Construction Plans and a Final Plat Application have not been approved

within the two (2)-year period, the Preliminary Plat shall automatically expire.

- (2) Phased Developments. A Final Plat and Construction Plans must be approved within two (2) years of the approval of the Preliminary Plat, or the Preliminary Plat shall automatically expire;
 - i. If a project is phased and bona fide progress has been made toward the installation of infrastructure in one or more phases of the project, then upon approval by the Director of Development Services, the Preliminary Plat may be extended for a period of one (1) year from the date of expiration, during which time a subsequent Final Plat and Construction Plans must be approved.
 - (3) Void If Not Extended. If the Preliminary Plat is not extended as provided herein, it shall expire and shall become null and void after a period of two (2) years of the date of approval.
- (i) **Extension**. Pursuant to the provisions of this Section, upon written request of an Applicant, a Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to the Development Services Department in writing no less than sixty (60) calendar days prior to the date of expiration of the Preliminary Plat and shall include reasons why the Preliminary Plat should be extended.
- (1) Decision by the Director of Development Services.
 - i. The Director of Development Services will review the extension request and shall approve it, approve it with conditions to be met during the extension period, or deny the extension request within thirty (30) calendar days following the official filing date of the request.
 - (2) Considerations. In considering an extension, the Director of Development Services shall consider whether the following conditions exist:
 - i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - ii. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - iii. Construction is occurring on the subject property;
 - iv. The Preliminary Plat complies with new ordinances that impact the health, safety, and general welfare of the community; and/or
 - v. If there is a need for a park, school, or other public facility or improvement on the property.
 - (3) Additional Conditions.
 - i. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest and safety is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 - ii. All applicable City taxes shall be current prior to the consideration of any extension of the Preliminary Plat expiration date. Time extensions will not be considered for any property on which taxes are delinquent. Proof of payment shall be entered into the file.
 - (4) Appeal of Denial for Extension.
 - i. Appeal of the Director's Decision. The denial of an extension by the Director of Development Services may be Appealed to the Commission.
 - a. A written request for such an Appeal shall be received by the Development Services Department within fourteen (14) calendar days following the denial.
 - b. The Commission shall hear and consider such an Appeal at the first scheduled public meeting that meets the published deadlines of the Development Services Department.

- c. The Commission shall affirm, modify, or deny the decision of the Director of Development Services by simple majority vote.
 - ii. **Appeal of the Commission's Decision.** The denial of an extension by the Commission may be Appealed to the City Council.
 - a A written request for such an Appeal shall be received by the Director of Development Services within fourteen (14) calendar days following the denial.
 - b Once the formal Appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the agenda item deadline of the City Secretary.
 - c The City Council shall affirm, modify, or reverse the decision of the Commission by simple majority vote. The decision of the Council is final.
- (j) **Effect of Approval.** The approval of a Preliminary Plat shall allow the Applicant to proceed with the following:
 - (1) Submit to the City for review a set of complete, signed, and sealed Construction Plans in accordance with *Standards of Design and Construction* and as outlined in Attachment "E".
 - (2) After the Construction Plans are approved by the Director of Public Works and/or the City Engineer, the Final Plat Application may be submitted to the Development Services Department for review and consideration.
 - (3) Submit the draft Facilities Agreement in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*, of this Chapter in conjunction with the Final Plat Application.
 - (4) Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only and shall not constitute approval or acceptance of the Construction Plans or the associated Final Plat.
- (k) **Minor Modifications to Preliminary Plat Following Approval.**
 - (1) Minor Modifications. Minor Modifications approved by the Director of Development Services, the Director of Public Works and/or City Engineer to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an Application for the associated Final Plat without the necessity of submitting a new Application for reconsideration of a Preliminary Plat. Minor Modifications include, but are not limited to, minor adjustments in street or Alley alignments, street lengths and paving details, adjustments to the boundaries of phases and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (that do not comply with Zoning standards), provided that such amendments are consistent with the intent of the previously approved Application. (See Section 02.03.086, *Modifications, Appeals and Exceptions*)
 - (2) Major Modifications. Any proposed Major Modifications to an approved Preliminary Plat cannot be approved by the Director of Development Services, the Director of Public Works and/or City Engineer, and/or the City Manager thereby requiring new submittal and approval of a Preliminary Plat. Staff may also refer the matter to the Council for final determination. (See Section 02.03.086, *Modifications, Appeals and Exceptions*)

SEC. 02.03.035 ...FINAL PLATS.

- (a) **Purpose.** The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Chapter and the *Standards of Design and Construction* pertaining to the adequacy of public facilities, that all requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- (b) **Exceptions.**

- (1) A Final Plat is not required when a Minor Plat or a Development Plat is sufficient (refer to Section 02.03.036, *Minor Plats* or Section 02.03.039, *Development Plat*).

(c) **Accompanying Applications.**

- (1) Construction Plans. As a prerequisite to the submission of an Application for a Final Plat, the associated Construction Plans and other documents as set forth in the Standards of Design and Construction shall be submitted, reviewed, and approved by the Director of Public Works and/or the City Engineer.
 - i. The Director of Public Works and/or the City Engineer may allow the Final Plat to be submitted and proceed through the approval process prior to the approval of the Construction Plans if they have determined that the only remaining items are minor and expected to be addressed prior to the consideration of the Plat;
- (2) As part of the Final Plat Application, the Applicant shall furnish acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Final Plat;
- (3) The Final Plat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the City Attorney, and the Applicant shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat;
- (4) As applicable, submit the proposed Facilities and Professional Services Agreements for review and approval. Facilities and Professional Services Agreements shall be prepared in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter;
- (5) The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
- (6) Specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and

(d) **Standards for Approval.** The following criteria shall be used by staff, the Commission, and Council to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied:

- (1) Final Plat Approval with Prior Approved Conveyance Plat, Concept Plan, Land Study, or Preliminary Plat.
 - i. All documentation required as outlined above in Section 02.03.035(c) Accompanying Applications;
 - ii. The Final Plat conforms to the associated approved Conveyance Plat (as applicable), the associated approved Concept Plan (as applicable), the associated approved Land Study (as applicable), or the associated approved Preliminary Plat (as applicable), including any minor amendments that are authorized under Section 02.03.034(k), *Amendments to Preliminary Plats Following Approval*, and including those changes that may be approved without the necessity of revising the approved associated Plat;
 - iii. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where

the proposed development is located in whole or in part in the ETJ of the City and in the County; The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;

- iv. The Final Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - v. All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located, in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and any associated conditions;
 - vi. The Plat shall comply with all requirements and conditions contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
 - vii. The Final Plat conforms to all conditions imposed at the time of approval of the Conveyance Plat, Concept Plan, Land Study, or Preliminary Plat, and shall incorporate all conditions imposed or required at time of approval;
 - viii. The Final Plat conforms to the Construction Plans as approved by the Director of Public Works and/or the City Engineer;
 - ix. The proposed provision and configuration of Public Improvements satisfy the requirements of *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration as required, Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities;
 - x. The Final Plat conforms to design requirements and construction standards as set forth in *Standards of Design and Construction*;
 - xi. The Construction Plans conform to the requirements of Section 02.03.041, *Construction Plans, Standards of Design and Construction*;
 - xii. The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Final Plat;
 - xiii. All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by the *Zoning Ordinance* and/or by this Chapter, and/or the Standards of Design and Construction, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between the Access requirements set forth herein and those set forth in the regulations of a Planned Development District, the regulations of the Planned Development District shall control;
 - xiv. As applicable, the proposed Facilities Agreement and Professional Services Agreement are approved by the City in accordance with applicable City policies;
 - xv. Compliance with specific feature requirements for the Final Plat exhibit as outlined in Table 02.03.113, *Required Plat Features*; and
 - xvi. The proposed development represented on the Final Plat exhibit does not endanger the public health, safety, or welfare.
- (2) Final Plat Approval with No Prior Approved Conveyance Plat, Concept Plan, Land Study, or Preliminary Plat.
- i. All documentation required as outlined above in Section 02.03.035(c) Accompanying Applications;
 - ii. A Final Plat may be approved without prior approval of a Preliminary Plat when in

- accordance with Preliminary Plats, Section 02.03.034(b) *Exemptions*;
- iii. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - iv. The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
 - v. The Final Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - vi. All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and any associated conditions;
 - vii. The Plat shall comply with all requirements and conditions contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
 - viii. The Final Plat conforms to the Construction Plans as approved by the Director of Public Works and/or the City Engineer;
 - ix. The proposed provision and configuration of Public Improvements satisfy the requirements of *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration as required, Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities;
 - x. The Construction Plans conform to the requirements of Section 02.03.041, *Construction Plans*, and the *Standards of Design and Construction*;
 - xi. The Final Plat conforms to design requirements and construction standards as set forth in *Standards of Design and Construction*;
 - xii. The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Final Plat;
 - xiii. All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by the *Zoning Ordinance* and/or by this Chapter, and/or the Standards of Design and Construction, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between the Access requirements set forth herein and those set forth in the regulations of a Planned Development District, the regulations of the Planned Development District shall control.
 - xiv. The proposed Facilities Agreement and Professional Services Agreement, as applicable, are approved by City in accordance with applicable City policies;
 - xv. Compliance with specific feature requirements for the Final Plat exhibit as outlined in Table 02.03.113, *Required Plat Features*; and
 - xvi. The proposed development represented on the Final Plat exhibit does not endanger the public health, safety, or welfare.
- (e) **Facilities Agreement.** The Developer shall be required to execute a Facilities Agreement as a condition of Plat approval and filing whenever the installation of Community Facilities or Public Improvements is required. A Facilities Agreement shall be prepared after the Director of Public Works and/or the City Engineer have approved the construction plans and have determined the

appropriate cost amounts and quantities roughly proportional to the impact of the development of Public Improvements all in accordance with Section 02.03.045, *Facilities and Professional Service Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter. The proposed Facilities Agreement shall be approved by the City in accordance with applicable City policies.

- (f) **Early Grading.** The Director of Development Services may approve a grading permit of the subject property prior to the approval of a Final Plat subject to the following conditions:
 - (1) Execution of a waiver or other documentation required by the City;
 - (2) The approval of a grading permit by the Director of Development Services, the Director of Public Works and/or the City Engineer in accordance with Section 02.03.042, *Grading Permit*; and
 - (3) Approval of the Construction Plans by the Director of Public Works and/or the City Engineer; or
 - i. The Director of Public Works and/or the City Engineer recommends that the Director of Development Services allow a grading permit to be submitted and to proceed through the approval process, because the remaining Construction Plans review comments are minor as determined by the Director of Public Works and/or the City Engineer.
- (g) **Action by Staff.**
 - (1) Initiate review of the Final Plat exhibit, materials and/or documents outlined in Section 02.03.035(c), *Accompanying Applications* along with any other plans necessary for review by the Director of Development Services, Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113, *Required Plat Features*;
 - (2) Determine that the requirements of submission have been met and accept the Final Plat;
 - (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
 - (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
 - (5) Determine whether the Final Plat substantially conforms to any associated approved Conveyance Plat, Preliminary Plat, and/or Land Study (incorporating all conditions imposed or required at the time of approval), the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), any approved Concept Plan, any approved Site Plan or Site Plan being considered for contemporaneous approval, and any associated Facilities Agreement and/or Development Agreement;
 - (6) Statute provide and make available the Final Plat exhibit and report to the Commission and Council for review;
 - (7) Schedule the Final Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission and City Council, and schedule a public hearing for a Final Plat with a variance when required by State law.
- (h) **Action by the Planning and Zoning Commission and City Council.**
 - (1) Planning and Zoning Commission:
 - i. Consider the Final Plat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine

- whether the Final Plat conforms to the regulations of this Chapter;
- ii. Act within thirty (30) calendar days following the official submittal date of the Final Plat Application, in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval the Final Plat;
 - b. Recommend for approval the Final Plat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled;
 - c. Recommend denial of the Final Plat with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the denial); or
 - d. Approve or deny an extension of the Final Plat upon receipt of a written request by the Applicant for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.
- (2) City Council: The decision of the Council is final.
- i. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Final Plat, with reasons for denial (including a citation to ordinance, statute or regulation that is the basis for the denial).
- (i) **Procedures for Recordation of Final Plat Documents upon Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Final Plat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that will be needed to file the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted.
- (1) General.
- i. *Signatures.* After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat;
 - ii. *County Requirements.* It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
 - iii. *Recording Upon Approval by City Council.* The Final Plat shall be recorded by the City after:
 - a. The Final Plat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.
- (j) **Effect of Approval.** The approval and recordation of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the lots Final Platted;
 - (2) Authorizes the Applicant to install any improvements in public Rights-of-Way in conformance with approved Construction Plans and under a Facilities Agreement (refer to Section 02.03.045, *Facilities and Professional Service Agreements, Financial Assurances, and Construction Contracts for Public Improvements*), or under a Development Agreement, as applicable;
 - (3) Authorizes the Applicant to implement the physical change to the property as approved by the Construction Plans in accordance with the Section 02.03.041, *Constructions Plans, and Standards of Design and Construction*;
 - (4) Authorizes the Applicant to seek Construction Release (refer to Section 02.03.041(j), *Construction Release*); and
 - (5) After acceptance of the Public Improvements by the City, apply for a Building Permit for vertical construction in accordance with an associated, approved Facilities Agreement and/or Development Agreement, as applicable.
- (k) **Revisions Following Approval.** Revisions submitted by the Developer following Final Plat approval shall only be processed and approved as a Replat or Amending Plat, as applicable.

SEC. 02.03.036 ...MINOR PLATS.

- (a) **Purpose.** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in State law. A subdivision meeting the following requirements is considered a Minor Plat:
 - (1) The proposed subdivision results in four (4) or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction of a new street or the extension of an existing street or Alley is not required to meet the requirements of this Chapter; and
 - (3) The proposed development does not require the extension of any public facilities. As such, a Minor Plat is not allowed in situations in which a Development Agreement and/or Facilities Agreement exists or is required.
- (b) **Exemptions.**
 - (1) A Final Plat is required when the proposed Plat does not meet the definition of a Minor Plat as described above in Section 02.03.036(a), *Purpose*;
 - (2) A Minor Plat may be approved without prior approval of a Preliminary Plat when in accordance with Preliminary Plats, Section 02.03.034(b), *Exemptions*.
- (c) **Accompanying Applications**
 - (1) As a prerequisite to the submission of an Application for a Minor Plat, the associated site plan, if applicable, and other construction type plans (i.e., grading, drainage or utility plans) as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and deemed necessary for thorough review by the Director of Development Services, Director of Public Works and/or the City Engineer shall be submitted;
 - (2) The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
 - (3) As part of the Minor Plat Application, the Applicant shall furnish acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the

subject of the Minor Plat;

- (4) The Minor Plat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to any applicable covenants that may be contained in the Minor Plat. Such consent shall be subject to review and approval by the City Attorney, the Applicant shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Minor Plat;
 - (5) Specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*;
 - (6) The Minor Plat and all accompanying data shall conform to the associated approved Conveyance Plat (as applicable), the associated approved Concept Plan (as applicable), and the associated approved Site Plan (as applicable), and shall incorporate all conditions imposed or required at the time of approval.
- (d) **Standards for Approval.** The following criteria shall be used by the Director of Development Services to determine whether the Application for a Minor Plat shall be approved, approved with conditions, or denied or deferred to the Commission for consideration and recommendation to City Council:
- (1) Minor Plat with Prior Approved Conveyance Plat, Concept Plan, or Site Plan.
 - i. All documentation required as outlined above in Section 02.03.036(c), Accompanying Applications;
 - ii. The Minor Plat conforms to the associated approved Conveyance Plat (as applicable), the associated approved Concept Plan (as applicable), and the associated approved Site Plan (as applicable), and shall incorporate all conditions imposed or required at the time of approval;
 - iii. The Minor Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - iv. The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
 - v. The Minor Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - vi. All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and any associated conditions; The Minor Plat conforms to design requirements and construction standards as set forth in the *Standards of Design and Construction*;
 - vii. The ownership, maintenance responsibility and allowed uses of all designated Easements shall be stated on the Minor Plat;
 - viii. The final layout of the subdivision or development is already adequately served by an improved public street frontage and by all required City utilities and services and by Alleys, if applicable that meet all the standards of this Chapter and the *Standards of Design and Construction*;

- ix. All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by this Chapter, and/or the *Standards of Design and Construction*, and/or the *Zoning Ordinance*;
 - x. All created lots in the proposed subdivision shall front onto an existing public street meeting the requirements of this Chapter and the *Thoroughfare Plan*, and the construction of a new street or the extension of an existing street or Alley is not required;
 - xi. Any associated Construction Plans deemed necessary in Section 02.03.036(c)(1) conform to the requirements of Section 02.03.041, *Construction Plans*, the *Standards of Design and Construction*, and have been approved by the Director of Public Works and/or the City Engineer;
 - xii. Compliance with specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
 - xiii. The proposed development represented on the Minor Plat does not endanger the public health, safety, or welfare.
- (2) Minor Plat Approval with No Prior Approved Conveyance Plat, Concept Plan, or Site Plan.
A Minor Plat may be approved without prior approval of a Conveyance Plat, Concept Plan, or Site Plan when the following conditions are met:
- i. All documentation required as outlined above in Section 02.03.036(c) Accompanying Applications;
 - ii. The Minor Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - iii. The Minor Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulations, except where Application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - iv. All lots located within the corporate City limit shall meet all of the minimum zoning requirements for the district in which the lot is located in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and any associated conditions;
 - v. The Minor Plat conforms to design requirements and construction standards as set forth the *Standards of Design and Construction*;
 - vi. The ownership, maintenance responsibility and allowed uses of all designated Easements shall be stated on the Minor Plat;
 - vii. The final layout of the subdivision or development is already adequately served by an improved public street frontage and by all required City utilities and services, and by Alley, if applicable that meet all the standards of the Chapter and the *Standards of Designs and Construction*;
 - viii. All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by this Chapter, and/or the *Standards of Design and Construction*, and/or the *Zoning Ordinance*;
 - ix. All created lots in the proposed subdivision shall front onto an existing public street meeting the requirements of the Chapter and the *Thoroughfare Plan*, and the construction of a new street or the extension of an existing street or Alley is not required;
 - x. Any associated Construction Plans deemed necessary in Section 02.03.036(c)(1) conform to the requirements of Section 002.03.041, *Construction Plans*, the *Standards of Design and Construction*, and have been approved by the Director of

- Public Works and/or the City Engineer;
 - xi. Compliance with specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Feature*; and
 - xii. The proposed development represented on the Minor Plat does not endanger the public health, safety, or welfare.
- (e) **Early Grading.** The Director of Development Services may approve a grading permit of the subject property prior to the approval of the Minor Plat subject to the following conditions:
 - (1) Execution of a waiver or other documentation required by the City;
 - (2) The approval of a grading permit by the Director of Public Works, and/or the City Engineer in accordance with Section 0.03.042, *Grading Permit*; and
 - (3) Approval of the Construction Plans by the Director of Public Works and/or the City Engineer; or
 - i. The Director of Public Works and/or the City Engineer recommends that the Director of Development Services allow a grading permit to be submitted and to proceed through the approval process, because the remaining Construction Plans review comments are minor as determined by the Director of Public Works, and/or the City Engineer.
- (f) **Action by Staff.**
 - (1) Initiate review of the Minor Plat exhibit, materials and/or documents outlined in Section 02.03.036(c), *Accompanying Applications* submitted along with any other plans necessary for review by the Director of Development Services, the Director of Public Works, and/or the City Engineer as set forth on the City's adopted Table 02.03.113, *Required Plat Features*;
 - (2) Determine that the requirements of submission have been met and accept the Minor Plat;
 - (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
 - (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
 - (5) Determine whether the Minor Plat substantially conforms to any associated approved Conveyance Plat (incorporating all conditions imposed or required at the time of approval), any approved Concept Plan or Site Plan (incorporating all conditions imposed or required at the time of approval), the requirements of this Chapter, the zoning requirements (as applicable), and the requirements of Kaufman County (as applicable); and
 - (6) statute Approval of a Minor Plat is outlined below in Section 02.03.036(h), *Approval of Minor Plats*.
- (g) **Action by Director of Development Services.** The Director of Development Services shall:
 - (1) Determine that the requirements of submission have been met and, if so, accept the Minor Plat, which shall begin the thirty (30) calendar day process; and
 - (2) The Director of Development Services is authorized to take one of the following actions:
 - i. Approve the Minor Plat and submit to appropriate City officials for signatures;
 - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Minor Plat to the Commission for consideration and recommendation to Council prior to expiration of the required thirty (30) day approval period.
- (h) **Approval of Minor Plats.** The Director of Development Services is authorized to approve,

approve with conditions, or disapprove Minor Plats. However, the Director of Development Services may defer the decision of any Minor Plat for any reason to the Commission and Council in accordance with the Section 02.03.036(i), *Deferral on Minor Plat Application*. A Minor Plat may be approved on the Consent Agenda.

- (i) **Deferral of Decision on Minor Plat Application.** The Director of Development Services may defer the Minor Plat Application to the Commission for consideration and recommendation to Council.

(1) Planning and Zoning Commission:

- i. Consider the Minor Plat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Minor Plat conforms to the regulations of this Chapter;
- ii. Act within thirty (30) calendar days following the official submittal date of the Minor Plat Application in accordance with State law;
- iii. Take one of the following actions:
 - a. Recommend for approval the Minor Plat; or
 - b. Recommend for approval the Minor Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Minor Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled; or
 - c. Recommend for denial the Minor Plat with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the *denial*); or
 - d. Approve or deny an extension of consideration of the Minor Plat upon receipt of written request by the Developer for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.

(2) Council Decision: The decision of the Council is final.

- i. Take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Minor Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled; or
 - c. Deny the Minor Plat with reasons for denial (including a citation to ordinance, statute, or regulations that is the basis for the conditions).

- (j) **Procedures for Recordation of Minor Plat Following Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Minor Plat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that will be needed to record the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted.

(1) General.

- i. **Signatures.** After approval of the Minor Plat, the Director of Development Services shall procure the appropriate City signatures on the Minor Plat.
- ii. **County Requirements.** It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and

- d. Payment of the recording fee.
- iii. **Recording Upon Approval by City Council.** The Minor Plat shall be recorded after:
 - a. The Minor Plat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.
- (k) **Effect of Approval.** The approval and recordation of a Minor Plat:
 - (1) Authorizes the Developer to implement the physical changes to the property as approved by the Construction Plans in accordance with Section 02.03.041, *Construction Plans and Standards of Design and Construction*;
 - (2) Authorizes the Developer to seek Construction Release (refer to Section 02.03.041(j), *Construction Release*);
 - (3) After acceptance of physical changes to the property by the City, apply for a Building Permit for vertical construction in accordance with the zoning regulations and an associated, approved site plan, as applicable.
- (l) **Revisions Following Approval.** Revisions submitted by the Developer following initial Minor Plat approval shall only be processed and approved as a Replat or Amending Plat, as applicable.

SEC. 02.03.037 ...REPLATS.

- (a) **Purpose.** The purpose of a Replat is to allow division to a previously recorded Final Plat, Minor Plat, Development Plat, or Amending Plat, or a combination of subdivisions previously approved, or expanding a previously recorded Plat to include territory not previously platted, ensuring the subdivision and development of the land is consistent with all the standards of this Chapter. Unless otherwise specified, any change to a recorded Plat shall be subject to approval by the City Council in accordance with the applicable procedures set forth in this Chapter.
- (b) **Applicability and Terminology.**
 - (1) The procedures outlined in this section, and 02.03.038, *Amending Plats*, shall apply only if a Developer seeks to change any portion of a Plat that has been filed for record with Kaufman County;
 - (2) The term “Replat” includes changes to a recorded Final Plat, whether the change is effected by Replatting without vacation or Replatting by vacating the recorded Plat (Section 02.03.039, *Plat Vacation*) and approving a new Application.
- (c) **Exemptions.** A Replat is not required when an Amending Plat is sufficient as outlined in Section 02.03.038, *Amending Plats*.
- (d) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously Platted subdivision, the Replat must reference the previous subdivision name and recording information and must state on the Replat the specific lots that are being changed along with a detailed “Purpose for Replat” statement.
- (e) **Replats Requiring a Zoning Ordinance Variance or Subdivision Ordinance Exception.** Repplats requiring a *Zoning Ordinance* variance or *Subdivision Ordinance* Exception must be considered as a public hearing item.
 - (1) In these cases, notification in the official newspaper of the City a minimum of fifteen (15) days prior to the public hearing is required;

- (2) In addition to Replat notices, a written notice of any requested variance(s) to the *Zoning Ordinance* and/or any requested Major Modification(s)/Exception(s) to the *Subdivision Ordinance* shall be mailed to all property owners located within two-hundred (200) feet of the subject property a minimum of fifteen (15) days prior to the public hearing;
 - (3) Notice of the public hearing shall also be posted with the agenda at the City Hall and on the City's website within the prescribed time limits, as required by State law;
 - (4) If the variance is protested, the Replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present of the Commission and Council;
 - (5) A legal protest consists of written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed Replat and extending two-hundred (200) feet from that area, but within the original Subdivision, and must be filed with the Commission and/or Council prior to the close of the public hearing;
 - i. In computing the percentage of land area, the area of streets and Alleys shall be included.
- (f) **Requirements for Residential and Non-Residential Replats.**
- (1) Written notices of the proposed residential Replat shall be mailed to all property owners located within two-hundred (200) feet of the subject property a minimum of fifteen (15) days prior to the public hearing;
 - (2) In addition, a notice shall be published in the official newspaper of the City a minimum of fifteen (15) days prior to the public hearing;
 - (3) Notice of the public hearing shall also be posted with the agenda at the City Hall and on the City's website within the prescribed time limits, as required by State law;
- (g) **Requirements for Non-Residential Replats.** Non-residential Replats do not require noticing by newspaper or to adjacent property owners. However, a public hearing shall be held on any non-residential Replat that requires a *Zoning Ordinance Variance* or *Subdivision Ordinance Exception*.
- (h) **Construction Management.** If the subdivision, as Replatted, requires construction of additional Public Improvements, the provisions of the Facilities Agreement between the City and the Developer shall apply (see Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*). If in the determination of the City, the subdivision as Replatted does not require any appreciable alteration or improvement of utility installations, streets, Alleys, building setback lines, etc., then no additional Construction Plans shall be required.
- (j) **Accompanying Applications.**
- (1) Construction Plans. If the subdivision, as Replatted, requires construction of additional Public Improvements, as a prerequisite to the submission of an Application for a Replat, the associated Construction Plans and other documents as set forth on the City's adopted adopted Table 02.03.113, *Required Plat Features* shall be submitted, reviewed, and approved by the Director of Public Works and/or the City Engineer.
 - i. The Director of Public Works and/or the City Engineer may allow the Final Plat to be submitted and proceed through the approval process prior to the approval of the Construction Plans if they have determined that the only remaining items are minor and expected to be addressed prior to the consideration of the Replat;
 - (2) As part of the Replat Application, the Applicant shall furnish acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Replat;

- (3) The Replat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to the dedications and covenants that may be contained in the Replat. Such consent shall be subject to review and approval by the City Attorney, and the Developer shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Replat;
 - (4) As applicable, submit the proposed Facilities Agreement and Professional Services Agreement for review and approval. A Facilities Agreement and Professional Services Agreement shall be prepared in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter;
 - (5) The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
 - (6) Specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
- (k) **Standards for Approval.** The following criteria shall be used by staff, the Commission and Council to determine whether the Application for a Replat shall be approved, approved with conditions, or denied:
- i. All documentation required as outlined above in Section 02.03.037(j) Accompanying Applications;
 - ii. The Replat conforms to the associated, previously approved Final Plat, Minor Plat, Development Plat, or Amending Plat, incorporating all conditions required at the time of approval;
 - iii. The Replat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - iv. The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
 - v. The Replat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - vi. All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located, in addition to other applicable provisions of the City's *Zoning Ordinance*, including all applicable Planned Development zoning standards and any associated conditions;
 - vii. The Plat shall comply with all requirements contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
 - viii. The Replat conforms to all applicable Construction Plans as approved by the Director of Public Works and/or the City Engineer;
 - ix. The proposed provision and configuration of Public Improvements satisfy the requirements of the *Standards of Design and Construction*, including but not limited to roads, water, wastewater, storm drainage, park facilities, open space, habitat

- restoration as required, Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities;
- x. The Replat conforms to design requirements and construction standards as set forth in the *Standards of Design and Construction*;
 - xi. The Construction Plans conform to the requirements of Section 02.03.041, *Construction Plans*, the *Standards of Design and Construction*;
 - xii. The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Replat;
 - xiii. All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by the *Zoning Ordinance*, and/or by this Chapter, and/or the *Standards of Design and Construction*, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between the Access requirements set forth herein and those set forth in the regulations of a Planned Development District, the regulations of the Planned Development District control;
 - xiv. The proposed Facilities Agreement, and Professional Services Agreement, as applicable, are approved by City in accordance with applicable City policies;
 - xv. Compliance with specific feature requirements for the Replat exhibit as outlined in Table 02.03.113, *Required Plat Features*.; and
 - xvi. The proposed development represented on the Replat does not endanger public health, safety, or welfare.
- (l) **Facilities Agreement.** The Developer shall be required to execute a Facilities Agreement as a condition of Plat approval and filing whenever the installation of Community Facilities or Public Improvements is required. A Facilities Agreement shall be prepared after the Director of Public Works and/or the City Engineer have approved the Construction Plans and have determined the appropriate cost amounts and quantities roughly proportional to the impact of the development of Public Improvements all in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter. The proposed Facilities Agreement shall be approved by the City in accordance with applicable City policies.
- (m) **Early Grading.** The Director of Development Services may approve a grading permit of the subject property prior to the approval of a Replat subject to the following conditions:
- (1) Execution of a waiver or other documentation required by the City;
 - (2) The approval of a grading permit by the Director of Development Services, the Director of Public Works, and/or the City Engineer, in accordance with Section 02.03.042, *Grading Permit*; and
 - (3) Approval of the Construction Plans by the Director of Public Works and/or the City Engineer; or
 - i. The Director of Public Works and/or the City Engineer recommends that the Director of Development Services allow a grading permit to be submitted and to proceed through the approval process, because the remaining Construction Plans review comments are minor as determined by the Director of Public Works and/or the City Engineer.
- (n) **Action by Staff.**
- (1) Initiate review of the Replat exhibit, materials and/or documents as outlined in Section 02.03.037(j), *Accompanying Applications* along with any other plans necessary for review by

the Director Development Services, Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113 *Required Plat Features*;

- (2) Determine that the requirements of submission have been met and accept the Replat;
 - (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
 - (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
 - (5) Determine whether the Replat substantially conforms to the associated approved Final Plat, Minor Plat, Development Plat, or Amending Plat, incorporating all conditions required at the time of approval;
 - (6) Provide and make available the Replat exhibit and report to the Commission and Council for review.
 - (7) As applicable, prepare public hearing notifications as outlined in Section 02.03.037(f) *Replat Requiring a Zoning Ordinance Variance or Subdivision Ordinance Exception*, Section 02.03.037(g) *Requirements for Residential Replats*, Section 02.03.037(h), *Requirements for Non-Residential Replats*; and
 - (8) Schedule the public hearing for the Replat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission and City Council.
- (o) **Action by the Planning and Zoning Commission and City Council.**
- (1) Planning and Zoning Commission:
 - i. Conduct a public hearing and consider the Replat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Replat conforms to the regulations of this Chapter;
 - ii. Act within thirty (30) calendar days following the official submittal date of the Replat Application, in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval the Replat;
 - b. Recommend for approval the Replat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Replat shall be considered to have been approved once such conditions are fulfilled;
 - c. Recommend denial of the Replat with reasons for denial (including a citation to ordinance, statute or regulation that is the basis for the denial); or
 - d. Approve or deny an extension of consideration of the Replat upon receipt of a written request by the Developer for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.
 - (2) City Council: The decision of the City Council is final.
 - i. Conduct a public hearing and take one of the following actions:
 - a. Approve the Replat;
 - b. Approve the Replat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Replat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Replat, with reasons for denial (including a citation to ordinance,

statute or regulation that is the basis for the denial).

- (p) **Procedures for Recordation of Replat Documents upon Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Replat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that will be needed to record the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted.

(1) General.

- i. **Signatures.** After approval of the Replat, the Director of Development Services shall procure the appropriate City signatures on the Replat;
- ii. **County Requirements.** It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
- iii. **Recording Upon Approval by City Council.** The Replat shall be recorded after:
 - a. The Replat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.

- (q) **Effect of Approval.** Upon approval and recording of the Replat, it is controlling over the previously recorded Plat for the portion Replatted without vacation of the previously recorded Plat.

- (1) Upon approval, a certificate stating that the Replat has been reviewed and approved by the City shall be provided to the Applicant, as required by State law;
- (2) Authorizes the Developer to install any improvement in public Right-of-Way in conformance with approved Construction Plans and under an associated Facilities Agreement and/or Development Agreement (refer to Section 02.03044, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*), as applicable;
- (3) Authorizes the Developer to implement the physical changes to the property as specified in the approved Construction Plans in accordance with Section 02.03.041, and *Standards of Design and Construction*;
- (4) Authorizes the Developer to seek Construction Release (refer to Section 02.03.041(j), *Construction Release*) and
- (5) After acceptance of the Public Improvements by the City, apply for a Building Permit for vertical construction in accordance with an associated, approved Facilities Agreement and/or Development Agreement, as applicable

SEC. 02.03.038 ...AMENDING PLATS.

- (a) **Purpose.** The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with the provisions of State law.
- (b) **Applicability.** The procedures for an Amending Plat shall apply only if the sole purpose of the

Amending Plat is to achieve one or more of the following:

- (1) To correct an error in a course or distance shown on the preceding Plat;
 - (2) To add a course or distance that was omitted on the preceding Plat;
 - (3) To correct an error in a real property description shown on the preceding Plat;
 - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat;
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats;
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - i. Both lot owners join in the Application for amending the Plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of any of the owners in the Plat;
 - (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or Easement;
 - (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots;
 - (10) To make necessary changes to the preceding Plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding Plat if:
 - i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the Commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
 - (11) To Replat one (1) or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) **Certificates of Correction.** Certificates of Correction are prohibited.
- (d) **Notice.** In accordance with State law, the approval and issuance of an Amending Plat shall not require notice, public hearing, or approval of adjacent lot owners.
- (e) **Accompanying Applications.**
- (1) As a prerequisite to the submission of an Application for an Amending Plat, the associated site plan, if applicable, and other applicable revised construction type plans (i.e. grading, drainage, or utility plans) as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and deemed necessary for thorough review by the Director of Development

Services, Director of Public Works, and/or the City Engineer shall be submitted;

- (2) The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
 - (3) As part of the Amending Plat Application, the Applicant shall furnish acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Amending Plat;
 - (4) The Amending Plat Application shall be signed by each owner, or the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to any applicable covenants that may be contained in the Amending Plat. Such consent shall be subject to review and approval by the City Attorney, the Developer shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Amending Plat;
 - (5) Specific feature requirements for the Amending Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*.
- (f) **Standards for Approval.** The following criteria shall be used by the Director of Development Services to determine whether the Application for an Amending Plat shall be approved, approved with conditions, or denied or deferred to the Commission for consideration and recommendation to City Council:
- (1) All documentation required as outlined above in Section 02.03.038(e) Accompanying Applications;
 - (2) The Amending Plat conforms to the associated previously approved Final Plat, Minor Plat, Replat, Development Plat, or Amending Plat, incorporating all conditions required at the time of approval;
 - (3) The Amending Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - (4) The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
 - (5) The Amending Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - (6) All lots located within the corporate City limits shall meet all of the minimum zoning requirements for the district in which the lot is located in addition to other applicable provisions of the City's Zoning Ordinance, including all applicable Planned Development zoning standards and any associated conditions;
 - (7) The Amending Plat shall comply with all requirements contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
 - (8) The proposed provision and configuration of Public Improvements satisfy the requirements of the *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration as required,

Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities;

- (9) The Amending Plat conforms to all applicable Construction Plans as approved by the Director of Public Works and/or the City Engineer;
- (10) The Amending Plat conforms to design requirements and construction standards as set forth in the *Standards of Design and Construction*;
- (11) The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Amending Plat.;
- (12) All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by this Chapter, and/or the *Standards of Design and Construction* and/or the *Zoning Ordinance*;
- (13) 41, Compliance with specific feature requirements for the Amending Plat exhibit as outlined in Table 02.03.113, *Required Plat Features*; and
- (14) The proposed development represented on the Amending Plat does not endanger public health, safety, or welfare.

(g) **Action by Staff.**

- (1) Initiate review of the Amending Plat exhibit, materials and/or documents as outlined in Section 02.03.038(e), *Accompanying Applications* along with any other plans necessary for review by the Director of Development Services, Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113 *Required Plat Features*;
- (2) Determine that the requirements of submission have been met and accept the Amending Plat;
- (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
- (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
- (5) Determine whether the Amending Plat substantially conforms, as applicable, to the associated approved Final Plat, Minor Plat, Replat, Development Plat, or Amending Plat (incorporating all conditions required at the time of approval), any approved Site Plan (incorporating all conditions imposed or required at the time of approval), the requirements of this Chapter, the zoning requirements (as applicable), a Facilities and/or Development Agreement (as applicable), and the requirements of Kaufman County (as applicable); and
- (6) Approval of an Amending Plat as outlined below in Section 02.03.038(i), *Approval of Amending Plat*.

(h) **Action by Director of Development Services.** The Director of Development Services shall:

- (1) Determine that the requirements of submission have been met and, if so, accept the Amending Plat, which shall begin the thirty (30) calendar day process; and
- (2) The Director of Development Services is authorized to take one of the following actions:
 - i. Approve the Amending Plat and submit to appropriate City officials for signatures;
 - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or

- iii. Defer the Amending Plat to the Commission for consideration and recommendation to Council prior to expiration of the required thirty (30) day approval period.
- (i) **Approval of Amending Plats.** The Director of Development Services is authorized to approve, approve with conditions, or disapprove Amending Plats. However, the Director of Development Services may defer the decision of any Amending Plat for any reason to the Planning & Zoning Commission and City Council in accordance with Section 02.033.038(j), *Deferral of Amending Plat Application*. An Amending Plat may be approved on the Consent Agenda.
- (j) **Deferral of Decision on Amending Plat Application.** The Director of Development Services may defer the Amending Plat Application to the Commission for consideration and recommendation to Council.
 - (1) Planning and Zoning Commission:
 - i. Consider the Amending Plat Application, the findings and recommendation of staff, and any other information available. From all such information, the Commission shall determine whether the Amending Plat conforms to the regulations of this Chapter;
 - ii. Act within thirty (30) calendar days following the official submittal date of the Amending Plat Application in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval the Amending Plat; or
 - b. Recommend for approval the Amending Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Amending Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled;
 - c. Recommend for denial the Amending Plat with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the *denial*); or
 - d. Approve or deny an extension of consideration of the Amending Plat upon receipt of written request by the Developer for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.
 - (2) Council Decision: The decision of the Council is final.
 - i. Take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions (including a citation to ordinance, statute, or regulations that is the basis for the conditions), which shall mean that the Amending Plat shall be considered to have been approved once such conditions are determined by the City to be fulfilled; or
 - c. Deny the Amending Plat with reasons for denial (including a citation to ordinance, statute, or regulations that is the basis for the conditions).
- (k) **Procedures for Recordation of Amending Plat Following Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Amending Plat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that will be needed to record the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits will be accepted.
 - (1) General.
 - i. *Signatures.* After approval of the Amending Plat, the Director of Development Services shall procure the appropriate City signatures on the Amending Plat;
 - ii. *County Requirements.* It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and

- sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
 - iii. *Recording Upon Approval by City Council.* The Amending Plat shall be recorded after:
 - a. The Amending Plat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.
- (l) **Effect of Approval.** Upon approval and recording of the Amending Plat, it is controlling over the previously recorded Plat for the portion included in the Amending Plat without vacation of the previously recorded Plat.
 - (1) Upon approval, a certificate stating that the Amending Plat has been reviewed and approved by the City shall be provided to the Applicant, as required by State law;
 - (2) As applicable, authorizes the Developer to implement the physical changes to the property as set forth in the approved and/or revised Construction Plans in accordance with Section 02.03.041, *Construction Plans* and the *Standards of Design and Construction*;
 - (3) Authorizes the Developer to seek Construction Release (refer to Section 02.03.041(j), *Construction Release*); and
 - (4) After acceptance of the Public Improvements by the City, apply for a Building Permit for vertical construction in accordance with an associated, approved Facilities Agreement and/or Development Agreement, as applicable.

SEC. 02.03.039 ...DEVELOPMENT PLATS.

- (a) **Purpose.** This section is adopted pursuant to the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212, SUBCHAPTER B, Section 212.041 through 212.050, as amended. The purpose of a Development Plat is to ensure that the proposed development complies with the applicable standards of the *Zoning Ordinance*, this Chapter, and the *Standards of Design and Construction*, including but not limited to requirements for Easements, infrastructure, setbacks, adjacency standards, and that there are no property line encroachments. For the purposes of this section, the term "development" means the new construction of any building, structure, or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City limits or within its extraterritorial jurisdiction in the following circumstances:
 - (1) The development of any tract of land which has not been Platted or Replatted prior to the effective date of this Chapter, unless expressly exempted herein;
 - (2) The development of any tract of land for which the Developer claims an exemption from the City's Subdivision Ordinance (see SUBCHAPTER A of Section 212 of the TEXAS LOCAL GOVERNMENT CODE, as amended), including requirements to Replat, which exemption is not expressly provided for in such regulations;
 - (3) The division of any tract of land resulting in parcels or lots, each of which is greater than five (5) acres in size, and where no Public Improvement is proposed to be dedicated.
- (b) **Exemptions.** A Development Plat shall not be required where the land to be developed has received Plat approval prior to the effective date of this Ordinance.
- (c) **Accompanying Applications.**

- (1) **Construction Plans.**
 - i. As a prerequisite to the submission of an Application for a Development Plat, the associated site plan, if applicable, and other construction type plans (i.e. grading, drainage or utility plans) as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and deemed necessary for thorough review by the Director of Development Services, Director of Public Works and/or the City Engineer shall be submitted;
 - ii. If public improvements are being extended, the Development Plat Application shall be accompanied by approved Construction Plans, in accordance with Section 02.03.041, Construction Plans and *Standards of Design and Construction* ;
 - (2) As applicable, the Applicant shall submit the proposed Facilities Agreement and/or Professional Services Agreement for review and approval. A Facilities Agreement and/or Professional Services Agreement shall be prepared in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter;
 - (3) As part of the Development Plat Application, the Applicant shall furnish acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Development Plat;
 - (4) The Development Plat Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Platting of the property and to any applicable covenants that may be contained in the Development Plat. Such consent shall be subject to review and approval by the City Attorney, the Developer shall provide such documentation requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Development Plat.;
 - (5) As applicable, the Applicant shall submit the proposed Facilities and Professional Services Agreement for review and approval. A Facilities Agreement and Professional Services Agreement shall be prepared in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, of this Chapter;
 - (6) The Director of Development Services, the Director of Public Works, and/or the City Engineer may require the submission of additional documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
 - (7) Specific feature requirements for the Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
 - (8) The Development Plat and all accompanying data shall conform to the associated approved Conveyance Plat (as applicable), and shall incorporate all conditions imposed or required at time of approval by City Council, and/or per any previously approved concept plan, an associated Facilities Agreement, and/or Development Agreement and/or a Planned Development District.
- (d) **Standards for Approval.**
- (1) All documentation required as outlined above in Section 02.03.039(e) Accompanying Applications;
 - (2) The Development Plat conforms to the associated approved Conveyance Plat (as applicable) or approved concept plan (as applicable), including any conditions imposed at the time of approval;
 - (3) The Development Plat meets all applicable County standards to be applied under an

interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;

- (4) The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
- (5) The Development Plat is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
- (6) All lots located within the corporate City limits shall meet all of the minimum zoning requirements for which the district in which the lot is located in addition to other applicable provisions of the City's Zoning Ordinance, including all applicable Planned Development zoning standards and any associated conditions;
- (7) The Plat shall comply with all requirements contained within an approved Facilities Agreement and/or Development Agreement, as applicable;
- (8) If applicable, the Development Plat conforms to the Construction Plans as approved by the Director of Public Works and/or the City Engineer;
- (9) The proposed provision and configuration of Public Improvements satisfy the requirements of the *Standards of Design and Construction*, including, but not limited to roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration as required, Easements and Rights-of-Way that are adequate to serve the development, meet applicable standards of this Chapter, and conform to the City's adopted master plans for those facilities have been provided;
- (10) The applicable Construction Plans conform to the requirements of Section 02.03.041, *Construction Plans*;
- (11) The Development Plat conforms to design requirements and construction standards as set forth in the *Standards of Design and Construction*;
- (12) The ownership, maintenance responsibility, and allowed uses of all designated Easements shall be stated on the Development Plat;
- (13) All affected lots shall have Access to an improved public street that meets the City's minimum design and paving standards applicable thereto. All created lots shall provide points of Access as required by this Chapter, the *Standards of Design and Construction*, and the *Zoning Ordinance*, including without limitation driveway standards. Notwithstanding the foregoing, in the event of a conflict between the Access requirements set forth herein and those set forth in the regulations of a Planned Development District, the regulations of the Planned Development District shall control;
- (14) As applicable, the proposed Facilities Agreement and Professional Services Agreement are approved by City in accordance with applicable City policies;
- (15) Compliance with specific feature requirements for the Development Plat exhibit are outlined in Table 02.03.113, *Required Plat Features*; and
- (16) The proposed development represented on the Development Plat exhibit does not endanger the public health, safety, or welfare.

(e) **Action by Staff.**

- (1) Initiate review of the Development Plat exhibit, materials and/or documents outlined in Section 02.03.039(c), Accompanying Applications submitted along with any other plans

necessary for review by the Director of Development Services, the Director of Public Works and/or the City Engineer as set forth on the City's adopted Table 02.03.113 *Required Plat Features*;

- (2) Determine that the requirements of submission have been met and accept the Development Plat;
 - (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
 - (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
 - (5) As applicable, determine whether the Development Plat substantially conforms to an associated approved Conveyance Plat (incorporating all conditions imposed or required at the time of approval), the requirements of this Chapter, the zoning requirements (as applicable), the requirements of Kaufman County (as applicable), an approved Concept Plan and/or Site Plan (as applicable), and an associated Facilities Agreement and/or Development Agreement (as applicable);
 - (6) Provide and make available the Development Plat exhibit and reports to the Commission for review; and
 - (7) Schedule the Development Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission and City Council.
- (f) **Facilities Agreement.** The Developer shall be required to execute a Facilities Agreement as a condition of Plat approval and filing whenever the installation of Community Facilities or Public Improvements is required. A Facilities Agreement shall be prepared after the Director of Public Works and/or the City Engineer have approved the construction plans and have determined the appropriate cost amounts and quantities roughly proportional to the impact of the development of Public Improvements all in accordance with Section 02.03.045, Facilities and Professional Service Agreements, Financial Assurances, and Construction Contracts for Public Improvements, of this Chapter. The proposed Facilities Agreement shall be approved by the City in accordance with applicable City policies.
- (g) **Early Grading.** The Director of Development Services may approve a grading permit of the subject property prior to the approval of a Development Plat subject to the following conditions:
- (1) Execution of a waiver or other documentation required by the City;
 - (2) The approval of a grading permit by the Director of Development Services, the Director of Public Works and/or the City Engineer in accordance with Section 02.03.042, *Grading Permit*; and
 - (3) Approval of the Construction Plans by the Director of Public Works and/or the City Engineer; or
 - i. The Director of Public Works and/or the City Engineer recommends that the Director of Development Services allow a grading permit to be submitted and to proceed through the approval process, because the remaining Construction Plans review comments are minor as determined by the Director of Public Works and/or the City Engineer
- (h) **Action by the Planning and Zoning Commission and City Council.**
- (1) Planning and Zoning Commission:
 - i. Consider the Development Plat Application, the findings and recommendation of staff,

- and any other information available. From such information, the Commission shall determine whether the Development Plat conforms to the regulations of this Chapter;
- ii. Act within thirty (30) calendar days following the official submittal date of the Development Plat Application in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval of the Development Plat;
 - b. Recommend for approval of the Development Plat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Development Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Recommend denial of the Development Plat with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the denial); or
 - d. Approve or deny an extension of consideration of the Development Plat upon receipt of a written request by the Developer for a thirty (30) day extension when received fifteen (15) days prior to the meeting date.

(2) City Council: The Decision of the Council is final.

- i. Take one of the following actions:
 - a. Approve the Development Plat;
 - b. Approve the Development Plat with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Development Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Development Plat, with reasons for denial (including a citation to ordinance, statute, or regulation that is the basis for the denial).

- (i) **Procedures for Recordation of Development Plat Documents upon Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Development Plat documents (whether Mylar or paper originals, as required by both the City and Kaufman County) that will be needed to record the Plat, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted.

(1) General.

- i. *Signatures.* After approval of the Development Plat, the Director of Development services shall procure the appropriate City Signatures on the Development Plat;
- ii. *County Requirements.* It is the responsibility of the Applicant to comply with the Platting requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of Plat originals in the requested plat types and sizes;
 - b. Providing space on each Plat page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
- iii. *Recording Upon Approval by City Council.* The Development Plat shall be recorded after:
 - a. The Development Plat is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and

d. All Kaufman County filing requirements are met.

(j) **Effect of Approval.** The approval and recordation of a Development Plat:

- (1) Authorizes the Applicant to install any improvements in public Rights-of-Way in conformance with approved Construction Plans and under a Facilities Agreement (refer to Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*) and/or under a Development Agreement, as applicable;
- (2) Authorizes the Applicant to implement the physical changes to the property as set forth in the approved Construction Plans in accordance with Section 02.03.041, *Construction Plans, and Standards of Design and Construction*;
- (3) After acceptance of the Public Improvements by the City, apply for a Building Permit for vertical construction in accordance with an associated, approved Facilities Agreement and/or Development Agreement, as applicable.

SEC. 02.03.0391...PLAT VACATION.

- (a) **Purpose.** The purpose of a Plat Vacation is to provide an expeditious means of nullifying a recorded Plat in its entirety, consistent with provisions of State law.
- (b) **Initiation of a Plat Vacation.**
 - (1) By Property Owner. The property owner or Developer of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold;
 - (2) By All Lot Owners. If lots in the Plat have been sold, an Application to vacate the Plat must be submitted by **ALL** the owners of Lots in the Plat. All Plat Vacations require the signatures of one-hundred percent (100%) of the property owners in the Subdivision who own intact original Lots as shown on the original plat as required by State law per Section 212.013 of the TEXAS LOCAL GOVERNMENT CODE;
 - (3) City Initiation. City Council may take such action to vacate a Plat to protect the public health, safety, and welfare, or as otherwise allowed by law.
- (c) **Notice.** Published notice of the public hearing on the Plat Vacation Application shall be given in accordance with State law. The hearing shall be conducted by the Planning and Zoning Commission and City Council.
- (d) **Accompanying Applications.**
 - (1) PDF file copy of current filed plat;
 - (2) PDF file copy of current recorded deed(s);
 - (3) Original and PDF file copy of Declaration of Petition of Vacation of Plat;
 - (4) As a prerequisite to the submission of an Application for a Plat Vacation, the Developer shall provide written documentation/certification from each appropriate entity evidencing that any Right-of-Way to be vacated, abandoned, and relinquished is free of all public and private utilities including, but not limited to water, wastewater, storm water, electricity, gas, and franchise utilities;
 - i. If public or private utilities are present within the Right-of-Way, a utility Easement of an appropriate size and location, as determined by either the Director of Public Works and/or the City Engineer, or the appropriate entity shall be retained. A drainage Easement shall also be retained, as determined by the Director of Public Works and/or the City Engineer;
 - a. As a prerequisite of a Plat Vacation, submit a metes and bounds description and

- visual depiction, or exhibit, showing the location and limits of the Right-of-Way and/or Easement proposed to be vacated;
 - b. As a prerequisite of a Plat Vacation submit a metes and bound description and visual depiction, or exhibit, showing the location and limits of any required Easements necessary to be retained for purposes of filing with the County Clerk of Kaufman County;
- (5) Plat attributes survey form;
 - (6) The Applicant shall furnish as part of the Plat Vacation acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Plat Vacation, which may include current title report, or attorney's title opinion showing ownership of Lot(s) or Plat to be vacated;
 - (7) Original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat to be vacated;
 - (8) All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements;
 - (9) Short statement as to the reason that Plat Vacation is being requested;
 - (10) The Plat Vacation Application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the Vacation of the Plat. Such consent shall be subject to review and approval by the City Attorney; the Applicant shall provide such documentation as requested by the City for use in determining legal ownership of the property, and shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full as a condition of approval, if applicable;
 - (11) The Director of Development Services, the Director of Public Works and/or the City Engineer may require the submission of a plat exhibit indicating what is proposed to be vacated and associated planning documents as set forth on the City's adopted Table 02.03.113, *Required Plat Features*, and as determined necessary to allow a full review of the Application for compliance with City regulations;
 - i. Requirements for Plat Vacation for Purpose of Replatting:
 - a. Submit a Final Plat exhibit in accordance with the City's adopted Table 02.03.113, *Required Plat Features*;
 - b. The title shall identify the document as "____ Addition, Block _____, Lot(s) _____, Being a Vacation of _____ Addition, Block _____, Lot(s) _____, an addition to the City of Kaufman, as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Kaufman, County, Texas.
 - ii. Requirements for Plat Vacation Not for the Purpose of Replatting:
 - a. Submit finalized versions of item (5)(a) above: surveyor signed and sealed metes and bounds description and visual depiction or exhibit showing the limits of the Right(s)-of-Way and/or Easement(s) proposed to be vacated. These documents will be exhibits to an ordinance which will be filed in the office of the County Clerk of Kaufman County;
 - b. Submit finalized versions of item (5)(b) above surveyor signed and sealed metes and bounds description and visual depiction(s), or exhibit(s) showing the location and limits of any required Easements necessary to be retained for purposes of filing with the County Clerk of Kaufman County.
 - (12) As a prerequisite to the submission of a Plat Vacation, the Applicant may be required to

amend an associated Development Agreement and/or Facilities Agreement, Professional Services Agreement, Planned Development, Concept Plan, or other plan or agreement related to the Plat to be vacated, subject to the provisions of the plan or agreement and/or the conditions of approval;

(e) **Standards for Approval.**

- (1) All required documentation has been provided as outlined above in Section 02.03.0391(d) Accompanying Applications;
- (2) Written documentation from each appropriate entity evidencing that the Right-of-Way to be vacated, abandoned, and relinquished is free of all public and private utilities including, but not limited to water, wastewater stormwater, electricity, gas, and franchise utilities has been provided;
 - i. A utility Easement of an appropriate size and location, as determined by the Director of Public Works and/or the City Engineer, shall be retained for any present public or private utilities within the Right-of-Way that need to remain;
- (3) The Plat Vacation meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the Plat to be vacated is located in whole or in part in the ETJ of the City and in the County;
- (4) The Applicant has provided to the City original, stamped tax certificate(s) from the Kaufman County Tax Assessor indicating that all taxes, assessments, debts and/or obligations from each taxing entity have been paid for the current year for all properties included in the Plat;
- (5) The Plat Vacation is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
- (6) As a prerequisite to the submission of a Plat Vacation, any associated Development Agreement and/or Facilities Agreement, Professional Services Agreement, Planned Development, Concept Plan, or other plan or agreement related to the Plat to be vacated is amended to reflect the vacation of the Plat, subject to the provisions of the plan or agreement and/or the conditions of approval;
- (7) The ownership, maintenance responsibility, and allowed uses of all designated easements that are required shall be stated on the instrument(s) retaining or establishing the easements;
- (8) The Plat Vacation exhibit clearly shows and defines the area to be vacated; and
- (9) The proposed Plat Vacation does not endanger public health, safety, or welfare.

(f) **Action by Staff.**

- (1) Initiate review of the Plat Vacation Application, exhibits, materials and/or documents outlined in Section 02.03.0391, *Accompanying Applications* submitted along with any other associated plans necessary for review by the Director of Development Services, the Director of Public Works and/or the City Engineer;
- (2) Determine that the requirements of submission have been met and accept the Plat Vacation;
- (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
- (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;

- (5) The Director shall consider issues of utility and drainage Easements, franchise utilities, and traffic Access to determine whether to retain all or specific portions of road Rights-of-Way or Easements shown on the Plat being considered for Plat Vacation. If determined all or any portion of Easements and/or Rights-of-Way are to be retained as a condition of approval, they shall be conveyed to the City in a separate legal document using forms provided by the City Attorney's office;
 - (6) Determine if the Plat Vacation violates any of the conditions imposed or required by City Council for the associated Plat, or per any previously approved concept plan, an associated Facilities Agreement, and/or Development Agreement, and/or Planned Development District;
 - (7) Provide and make available the Plat Vacation exhibit and report to the Commission and Council for review; and
 - (8) Schedule the public hearing for consideration on the agenda of the next available meeting of the Planning and Zoning Commission and City Council.
- (g) **Action by the Planning & Zoning Commission and Council.**
- (1) Planning and Zoning Commission:
 - i. Consider the Plat Vacation Application, the findings and recommendation of staff, and any other information provided. The Commission shall conduct a public hearing and from all such information make a finding as to whether or not the Plat should be vacated;
 - ii. Act within thirty (30) calendar days following the official submittal date of the Plat Vacation Application, in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval the Plat Vacation;
 - b. Recommend for approval the Plat Vacation with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled;
 - c. Recommend denial of the Plat Vacation with reasons for the denial (including a citation to ordinance, statute, or regulation that is the basis for the denial); or
 - d. Approve or deny an extension of the Plat Vacation upon receipt of a written request by the Applicant for a thirty (30) day extension when received fifteen (15) calendar days prior to the meeting date.
 - (2) City Council: The decision of Council is final.
 - i. Take one of the following actions:
 - a. Approve the Plat Vacation;
 - b. Approve the Plat Vacation with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Plat Vacation with reasons for the denial (including a citation to ordinance, statute, or regulation that is the basis for the denial).
- (h) **Action by the City Council.** If the City Council chooses to approve a Plat Vacation, an ordinance shall be adopted and said ordinance shall be filed for record with the Kaufman County Clerks' Office. A metes and bounds description and a visual depiction or exhibit showing the location and limits of the vacated Right-of-Way shall be attached to the ordinance. If the City Council adopts an ordinance vacating a Plat in part, it shall cause a revised Final Plat to be recorded along with the ordinance and filing number which shows that portion of the original Plat that has been

vacated and that portion that has not been vacated.

- (i) **Procedures for Recordation of Vacation Plat Documents upon Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Plat Vacation documents (as required by both the City and Kaufman County) that will be needed to record the Plat Vacation, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted;
 - (1) **General.**
 - i. *Signatures.* After approval of the Plat Vacation, the Director of Development Services shall procure the appropriate City Signatures on the Plat Vacation;
 - ii. *County Requirements.* It is the responsibility of the Applicant to comply with the recording requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of originals in the requested types and sizes;
 - b. Providing space on each page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
 - iii. *Recording Upon Approval by City Council.* The Development Plat shall be recorded after:
 - a. The Plat Vacation is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat Vacation in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and
 - d. All Kaufman County filing requirements are met.
- (j) **Effect of Approval.**
 - (1) On the execution and recording of the vacating instrument, the previously filed Plat shall have no effect. Regardless of the City Council's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City, nor to the return of any property or consideration dedicated or delivered to the City;
 - (2) The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat;
 - (3) The City Council, at its discretion, shall have the right to retain all or specific portions of road Rights-of-Way or Easements shown on the Plat being considered for vacation. However, the City Council shall consider Plat vacation upon satisfactory conveyance of Easements and/or Rights-of-Way in separate legal document(s) using forms provided by the City Attorney's office;

SEC. 02.03.0392 .RIGHT-OF-WAY VACATION, ABANDONMENT AND RELINQUISHMENT.

- (a) **Purpose.** From time to time, as the City's vehicular circulation needs and traffic patterns change, rights- of-way previously dedicated to, or acquired by, the City for public travel may no longer be necessary. Therefore, in accordance with the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 272 and the TEXAS TRANSPORTATION CODE, CHAPTER 311.007, the City may choose to vacate, abandon, relinquish, or close a street or Alley on its own accord or upon receipt of a petition from property owners or Developer adjacent to, Abutting or directly served by the Right-of-Way sought to be closed and/or abandoned.
- (b) **Notice.** Prior to the vacation, abandonment, and relinquishment of a public street, or Alley Right-of-Way, a public hearing shall be held by the City Council;

- (1) Written notices of the proposed Right-of-Way vacation abandonment and relinquishment request shall be mailed to all property owners immediately adjacent to the subject property a minimum of ten (10) days prior to the public hearing; and
 - (2) A notice shall be published in the official newspaper of the City a minimum of fifteen (15) days prior to the public hearing in accordance with State law.
- (c) **Accompanying Applications.**
- (1) As a prerequisite of the submission of an Application for a Right-of-Way Vacation, Abandonment, and Relinquishment Plat, the Applicant shall provide written documentation from each appropriate entity evidencing that the Right-of-Way to be vacated, abandoned, and relinquished is free of all public and private utilities including, but not limited to, water, wastewater stormwater, electricity, gas, and franchise utilities;
 - i. If public or private utilities are present within the Right-of-Way, a utility Easement of an appropriate size and location, as determined by the Director of Public Works and/or the City Engineer, will be retained. A drainage Easement shall also be retained, as determined by the Director of Public Works and/or the City Engineer;
 - (2) A metes & bounds description and visual depiction or exhibit showing the limits of the Right(s)-of-Way proposed to be vacated, signed and sealed by a registered surveyor. These documents will be exhibits to an ordinance which will be filed in the office of the County Clerk of Kaufman County;
 - (3) As a prerequisite to the submission of an application for Right-of-Way Vacation, Abandonment, and Relinquishment, the Applicant may be required to amend an associated Development Agreement and/or Facilities Agreement, Professional Services Agreement, Planned Development, Concept Plan, or other plan or agreement related to the Right-of-Way to be vacated, abandoned, and relinquished, subject to the provisions of the plan or agreement and/or the conditions of approval;
- (d) **Standards for Approval.**
- (1) All required documentation has been provided as outlined above in Section 02.03.0392(c) Accompanying Applications;
 - (2) Written documentation from each appropriate entity evidencing that the Right-of-Way to be vacated, abandoned, and relinquished is free of all public and private utilities including, but not limited to water, wastewater stormwater, electricity, gas, and franchise utilities has been provided;
 - i. A utility Easement of an appropriate size and location, as determined by the Director of Public Works and/or the City Engineer, shall be retained for any present public or private utilities within the Right-of-Way that need to remain;
 - (3) The Right-of-Way Vacation, Abandonment, and Relinquishment meets all applicable County standards to be applied under an interlocal agreement between the City and Kaufman County under State law, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - (4) The Right-of-Way Vacation, Abandonment, and Relinquishment is consistent with the *Comprehensive Plan*, the *Thoroughfare Plan*, and any other approved plan or regulation, except where application of the Plan may conflict with State law (e.g., land use in the ETJ);
 - (5) The ownership, maintenance responsibility, and allowed uses of all designated easements that are required shall be stated on the instrument(s) retaining or establishing the easements;
 - (6) As a prerequisite to the submission of an application for Right-of-Way Vacation, Abandonment, and Relinquishment, any associated Development Agreement and/or

Facilities Agreement, Professional Services Agreement, Planned Development, Concept Plan, or other plan or agreement related to the Right-of-Way to be vacated, abandoned, and relinquished is amended to reflect the vacation, abandonment, and relinquishment of the Right-of-Way, subject to the provisions of the plan or agreement and/or the conditions of approval;

- (7) The proposed Right-of-Way Vacation, Abandonment, and Relinquishment does not endanger public health, safety, or welfare

(e) **Action by Staff.**

- (1) Initiate review of the Right-of-Way Vacation, Abandonment and Relinquishment Application, exhibits, materials and/or documents outlined in Section 02.03.0391, *Accompanying Applications* submitted along with any other associated plans necessary for review by the Director of Development Services, the Director of Public Works and/or the City Engineer;
- (2) Determine that the requirements of submission have been met and accept the Application for Right-of-Way Vacation, Abandonment and Relinquishment;
- (3) Prepare written review comments and request comments also be provided from the City Engineer and other City departments, as deemed necessary, which will be submitted to the Applicant for compliance and revisions;
- (4) Process the review of subsequent resubmittals to ensure all review comments have been addressed to ensure compliance with the applicable regulations;
- (5) The Director shall consider issues of utility and drainage Easements, franchise utilities, and traffic Access to determine whether to retain all or specific portions of road Rights-of-Way, or Easements included in the area being considered for Right-of-Way Vacation, Abandonment and Relinquishment. If determined all or any portion of Easements and/or Rights-of-Way are to be retained as a condition of approval, they shall be conveyed to the City in a separate legal document using forms provided by the City Attorney's office;
- (6) Determine if the Right-of-Way Vacation, Abandonment and Relinquishment violates any of the conditions imposed or required by City Council for the associated Plat, or per any previously approved concept plan, an associated Facilities Agreement, and/or Development Agreement, and/or Planned Development District;
- (7) Provide and make available the Right-of-Way Vacation, Abandonment, and Relinquishment exhibit and report to the Commission and Council for review; and
- (8) Schedule the public hearing for consideration on the agenda of the next available meeting of the City Council.

(f) **Action by the Planning & Zoning Commission and Council.**

- (1) Planning and Zoning Commission:
 - i. Consider the Application for Right-of-Way Vacation, Abandonment, and Relinquishment, the findings and recommendation of staff, and any other information provided. The Commission shall conduct a public hearing and from all such information make a finding as to whether or not the Right-of-Way should be vacated, abandoned, and relinquished;
 - ii. Act within thirty (30) calendar days following the official submittal date of the Application for Right-of-Way Vacation, Abandonment, and Relinquishment, in accordance with State law;
 - iii. Take one of the following actions:
 - a. Recommend for approval the Right-of-Way Vacation, Abandonment, and Relinquishment;

- b. Recommend for approval the Right-of-Way Vacation, Abandonment, and Relinquishment with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Right-of-Way Vacation Abandonment, and Relinquishment shall be considered to have been approved once such conditions are fulfilled;
- c. Recommend denial of the Right-of-Way Vacation, Abandonment, and Relinquishment with reasons for the denial (including a citation to ordinance, statute, or regulation that is the basis for the denial); or
- d. Approve or deny an extension of the Right-of-Way Vacation, Abandonment, and Relinquishment upon receipt of a written request by the Applicant for a thirty (30) day extension when received fifteen (15) calendar days prior to the meeting date.

(2) City Council: The decision of Council is final.

- i. Take one of the following actions:
 - a. Approve the Right-of-Way Vacation, Abandonment, and Relinquishment;
 - b. Approve the Right-of-Way Vacation, Abandonment, and Relinquishment with conditions (including a citation to ordinance, statute, or regulation that is the basis for the conditions), which shall mean that the Right-of-Way Vacation, Abandonment, and Relinquishment shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Right-of-Way Vacation, Abandonment, and Relinquishment with reasons for the denial (including a citation to ordinance, statute, or regulation that is the basis for the denial).
- (g) **Action by the City Council.** If the City Council chooses to vacate, abandon, and relinquish a Right-of-Way, an ordinance shall be adopted and said ordinance shall be filed for record with the Kaufman County clerk. A metes & bounds description and a visual depiction or exhibit showing the location and limits of the vacated Right-of-Way shall be attached to the ordinance.
- (h) **Procedures for Recordation of Right-of-Way Vacation, Abandonment, and Relinquishment Documents upon Approval.** The Applicant shall supply to the Development Services Department the required number of original signed and executed copies of the Right-of-Way Vacation, Abandonment, and Relinquishment documents (as required by both the City and Kaufman County) that will be needed to record the Right-of-Way Vacation, Abandonment, and Relinquishment, upon approval, with Kaufman County. All documents and signatures shall be originals and no copies of the exhibits or signatures will be accepted;
 - i. *Signatures.* After approval of the Right-of-Way Vacation, Abandonment, and Relinquishment, the Director of Development Services shall procure the appropriate City Signatures on the Right-of-Way Vacation, Abandonment, and Relinquishment;
 - ii. *County Requirements.* It is the responsibility of the Applicant to comply with the recording requirements of Kaufman County, including but not limited to:
 - a. Supplying the required number of originals in the requested types and sizes;
 - b. Providing space on each page for the County's recording information;
 - c. Providing tax certificates for the current tax year indicating all taxes have been paid on the subject property for the current tax year; and
 - d. Payment of the recording fee.
 - iii. *Recording Upon Approval by City Council.* The Development Plat shall be recorded after:
 - a. The Plat Vacation is approved by the City and all conditions have been satisfied;
 - b. The signed and executed originals of the Plat Vacation in the requested quantities, types, and sizes, along with the current tax certificates and recording fee are provided to the City by the Applicant;
 - c. All required City signatures have been obtained; and

d. All Kaufman County filing requirements are met.

(i) **Effect of Approval.**

- (1) The Right-of-Way is vacated, abandoned, and relinquished when a signed, acknowledged instrument vacating, abandoning, and relinquishing the Right-of-Way is approved and recorded in the manner prescribed in Section 02.03.0392 (f), (g), and (h);
- (2) The City Council, at its discretion, shall have the right to retain all or specific portions of Right-of-Way or Easements being considered for vacation or abandonment;
- (3) Once a Right-of-Way is duly vacated, according to the regulations above, the property lines of the adjacent properties shall extend to the centerline of the Right-of-Way or as otherwise approved by Council;
- (4) The zoning of the adjacent property extending into the previous Right-of-Way shall be designated in accordance with the *Zoning Ordinance*;
- (5) Any subsequent Platting or Replatting shall include the ordinance and subsequent filing number of the Right-of-Way vacation.

ARTICLE 02.03.040 CONSTRUCTION PLANS & PROCEDURES

SEC. 02.03.041 ...CONSTRUCTION PLANS.

- (a) **Purpose.** This Construction Plans section, which includes design criteria and standards for the City of Kaufman is intended primarily for use by the Developer's engineer. The adopted *Standards of Design and Construction*, as amended, shall also be used in designing the Construction Plans. These criteria and standards should enable the engineer to design the required Public Improvements and Community Facilities in a manner acceptable to the City. There may be special circumstances which would call for requirements in excess of those outlined. In most cases, additional requirements will be apparent to the Developer's engineer while preparing the plans for the subdivision or during conferences/discussions with the City staff.
- (b) **Applicability.** Construction Plans for Public Improvements shall be submitted to the City prior to the Application for the associated Final, Replat, Minor or Development Plat, as applicable.
- (c) **Submitting Plans.** Signed and sealed, engineered Construction Plans shall be submitted in accordance with the policies of the Development Services Department. Specific feature requirements, necessary items and exhibits to be included in the Construction Plans are included in the Standards of Design and Construction. Incomplete Construction Plans will not be accepted, and such plans shall be returned to the Developer.
- (d) **Responsible Official and Decision.** The Director of Public Works and/or the City Engineer shall be responsible for the overall final approval of Construction Plans. The Director of Development Services shall oversee the official review from other City departments and the City Engineer, as deemed necessary.
 - (1) The Director of Public Works and/or the City Engineer shall also be the initial decision-maker for Construction Plans. In this capacity, therefore, the Director of Public Works and/or the City Engineer shall approve, identify required modifications, or deny the Construction Plans.
- (e) **Approval Required & Timing of Construction.** Construction Plans shall be approved in accordance with this Chapter and *Standards of Design and Construction*, as amended, prior to the submittal of an Application for the associated Plat, unless otherwise stated within this Chapter or in a Facilities and/or Development Agreement.
- (f) **Criteria for Approval.** Listed below is the criteria for Construction Plans approval:
 - (1) Compliance Required. Prior to making an Application for the associated Plat, the Construction Plans shall be submitted and approved by the Director of Public Works and/or the City Engineer in accordance with Section 02.03.044(d)(1), *Responsible Official and Decision*. The Director of Public Works and/or the City Engineer may allow the Plat to be submitted prior to the Construction Plans being approved if they have determined that the remaining revisions required are minor and expected to be addressed in less than 30 days (prior to the Plat moving forward for approval). The Developer shall comply, or provide for compliance, with the policies and procedures set forth in these regulations and the *Standards of Design and Construction* for construction of public and private improvements, and shall meet the following criteria:
 - i. As applicable, the plans are consistent with the associated, approved Preliminary Plat, and the preliminary grading, utility, and drainage plans;
 - ii. If located in the City limits, the plans conform to the subject property's zoning and planned development district standards;
 - iii. If located in the City's ETJ, the plans conform to Kaufman County's regulations and requirements, as applicable;
 - iv. The plans conform to the standards for adequate public facilities, contained in this Chapter, and all other applicable regulations as stated in the Code of Ordinances;

- v. The working drawings, specifications, and Facilities and/or Development Agreement required herein have been reviewed and approved by the Director of Public Works and/or the City Engineer, affected City departments, and as required, by the City Attorney; and
 - vi. No building, permit shall be issued by the City prior to approval of the associated Plat, Facilities Agreement, and Construction Plans, as applicable.
- (2) Standards of Design and Construction. Appendix 1, *Standards of Design and Construction* are hereby adopted and incorporated into and made a part of these regulations, design criteria, and standards which shall be controlling in design, construction, and installation of street paving, curbs and gutters, sidewalks, utilities, and other Public Improvements required herein. All references to *Standards of Design and Construction* shall mean and include those standards and specifications, together with all exhibits, charts, drawings, and diagrams, adopted by the City Council, and placed on file in the office of the City Secretary.
- (3) Conformance to NCTCOG Standards. When the *Standards of Design and Construction* lack the specificity required in certain circumstances, the specifications of the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments (NCTCOG), shall apply.
- (4) Installation and Financing. The Developer shall sequence all construction in accordance with the approved Facilities and/or Development Agreement.
- (g) **Effect.** Approval of Construction Plans authorizes the Developer to submit an Application for the associated Plat, then after approval of the associated Plat and Facilities Agreement, schedule a Pre-Construction Meeting in accordance with Section 02.03.043, *Pre-Construction Meeting*, and apply for Construction Release in accordance with Section 02.03.041(j), *Construction Release*.
- (h) **Expiration.** The approval of Construction Plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that construction of the project has commenced and is continuous without a lapse of more than ninety (90) days in any six (6) month period, unless an extension is granted in accordance with Section 02.03.041(i), *Extension of Expiration Date*.
- (i) **Extension of Expiration Date.** Construction Plans may be extended for a period of one (1) additional year beyond the expiration date. A request shall be made in writing to the Director of Development Services for such extension two (2) months prior to expiration of the plans and shall include reasons why the plans should be extended.
- (1) Decision by the Director of Development Services.
- i. The Director of Development Services will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date the request for extension is received;
 - ii. Should the Director of Development Services fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
- (2) Consideration. The Director of Development Services shall extend Construction Plans approval for a period of one (1) additional year beyond the plans' expiration date if all of the following conditions are met:
- i. The associated Plat has been approved and recorded for any portion of the property shown on the Construction Plans;
 - ii. The Construction Plans comply with all ordinances, statutes, and regulations that impact the health, safety, and general welfare of the community;
 - iii. Demonstrable forward progress has been made to proceed with construction of required improvements; and

- iv. A Facilities Agreement (Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*) and/or Development Agreement, if applicable, is still valid and in full effect.
- (3) **Conditions.** In granting an extension, the Director of Development Services may impose such conditions as are needed to ensure that the land will be developed in a timely manner and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Developer waiving any vested rights.
- (j) **Construction Release.** Upon approval of the associated Plat and the Construction Plans, approval of the Facilities Agreement, approval of any required Homeowners' Association or Property Owners' Association covenants, receipt of all required documentation (e.g., insurance information, bonds, etc.), receipt of all required fees, completion and approval of required park land dedication or receipt of fees in lieu of (if applicable), and after the Pre-Construction Meeting with City staff, the Director of Public Works and/or the City Engineer may release the plans for construction if all City requirements pertaining to construction have been met. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated. Expiration, and possible extension, of the Construction Release shall be the same as for the Construction Plans in Section 02.03.041(i), *Extension of Expiration Date*.

SEC. 02.03.042 ...GRADING PERMIT

- (a) **Purpose.** The purpose of a grading Permit is to allow the Developer to begin brush removal, erect any required Protective Fencing, remove approved trees, conduct fill and excavation work, and conduct site grading prior to Construction Release, or prior to the final approval and recordation of a Final Plat, Minor Plat, Replat, or Development Plat Application that has been submitted to the City, and subject to the following conditions:
 - (1) Construction Plans have been approved by the Director of Public Works and/or the City Engineer,; or
 - (2) The Construction Plans have not yet been approved, but the Director of Public Works and/or the City Engineer has approved early grading to proceed because the remaining Construction Plan review comments are deemed minor and close to completion as determined by the Director of Public Works and/or the City Engineer.
- (b) **Application Submittal Requirements.**
 - (1) Completion and execution of a grading Permit Application;
 - (2) Completion of contractor registration;
 - (3) Payment of grading Permit fee;
 - (4) Execution of a waiver or other documentation as required by the City;
 - (5) Aerial exhibit outlining the area of disturbance, as approved by the City;
 - (6) Stormwater Pollution Prevention Plan (SWPPP), as approved by the City;
 - (7) Silt fencing plan, as approved by the City;
 - (8) Tree Preservation and Tree Removal Plans; and
 - (9) Other exhibits as determined and approved by the City .
- (c) **Pre-Grading Meeting.** In addition to compliance with the application submittal requirements in

Section 02.03.042 (b), the Developer is required to meet with City staff (to include members of the Development Services and Public Works Departments, as well as the City Engineer, and any other members of City staff as deemed appropriate) for a pre-grading meeting to discuss the construction policies and procedures prior to approval of the grading Permit.

- (d) **Responsible Official and Decision.** Upon compliance with Sections 02.03.042 (b) and 02.03.042 (c), the Director of Development Services may approve a grading Permit once the Director of Public Works and/or the City Engineer have either approved the Construction Plans, or the remaining Construction Plan review comments are deemed minor or close to completion. Approval of a grading Permit prior to Plat approval & recordation, and prior to Construction Release, is considered to be early grading and is at the sole discretion of the City.
- (e) **Criteria for Approval.** Listed below is the criteria for the grading Permit approval:
 - (1) Approval of Construction Plans for the subject property by the City Engineer and/or Director of Public Works, or clearance to submit for a grading Permit because the remaining review comments are deemed minor and close to completion;
 - (2) Submission of an Application for a Final Plat, Minor Plat, Replat, and/or Development Plat for the subject property and the initial round of Plat review comments has been issued by the City;
 - (3) Compliance with the application submittal requirements listed in Section 02.03.042 (b) and approval of all application materials and exhibits by the Director of Development Services;
 - (4) Participation in a pre-grading meeting with City staff as noted in Section 02.03.042 (c);
 - (5) Satisfaction of any other requirements by the City. Approval of a grading Permit prior to Plat approval & recordation, and prior to Construction Release, is considered to be early grading and is at the sole discretion of the City.
- (f) **Effect.** Approval of a grading Permit allows the Developer to begin brush removal, erect any required Protective Fencing, remove approved trees, conduct fill and excavation work, and conduct site grading in accordance with the City-approved plans and exhibits attached to the grading permit, after participation in a pre-grading meeting with City staff.

SEC. 02.03.043 ...PRE-CONSTRUCTION MEETING.

- (a) **Purpose.** The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for the project prior to the onset of construction. A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and Easements are included in the *Standards of Design and Construction*. The list shall be furnished to the Developer prior to the pre-construction meeting.
- (b) **Notice.** The Developer shall receive written notice from the Director of Public Works and/or the City Engineer that the Construction Plans have been approved. The project is eligible for a Pre-Construction Meeting once the associated Plat (and Facilities and/or Development Agreement, as applicable) have been approved.
- (c) **Required Attendance.** The Developer, along with key construction managers, shall attend a Pre-Construction Meeting with the Director of Public Works, the City Engineer, the Director of Development Services (or their designees) and other appropriate City officials following the approval of Construction Plans, the approval of the associated Plat, the approval of the Facilities and/or Development Agreement (as applicable), and prior to commencement of any construction on the property.
- (d) **Effect.** Following the Pre-Construction Meeting and upon approval of the Construction Plans and

full compliance with all pre-construction requirements, the Director of Public Works and/or the City Engineer shall authorize Construction Release, allowing the Developer to commence with construction of Community Facilities and Public Improvements of the project. The Developer may also be issued a Building Permit in accordance with an approved Facilities and/or Development Agreement, provided that a Building Permit Application has been submitted and approved and all other Building Permit requirements have also been met.

- (e) **Fees Due.** Fees for the Development Application, fees identified Section 02.03.041(j) *Construction Release*, and fees for any associated permits to be issued are due prior to the Pre-Construction Meeting.

SEC. 02.03.044 ...TIMING OF PUBLIC IMPROVEMENTS.

- (a) **Final Inspection of Public Improvements.** When the applicable public and/or private improvements such as street, Alley, drainage, water, and sanitary sewer improvements have been completely constructed, the contractor shall notify the Director of Public Works and/or the City Engineer, requesting a final inspection of such improvements. The Director of Public Works and/or the City Engineer and/or his designee(s) shall inspect all the applicable required improvements to ensure compliance with all the specifications herein, the approved associated Plat, the Construction Plans, and the Facilities and/or Development Agreement as applicable. The inspection shall find either:
 - (1) The work is not satisfactory and issue in writing to the Developer and the contractor a punch list denoting items remaining to be completed;
 - i. The contractor shall notify the Director of Public Works and/or the City Engineer requesting another Final Inspection when all the items on the punch list have been completed;
 - ii. If the work is again not satisfactory, a written punch list shall be issued to the Developer and the contractor denoting the items remaining to be completed. This process may be repeated to ensure compliance with all the specifications herein, the approved associated Plat, the Construction Plans, and the Facilities and/or Development Agreement, as applicable; or
 - (2) The work is satisfactorily completed and in accordance with all the applicable Construction Plans, documentation, and specifications herein, then the Director of Public Works and/or the City Engineer shall issue a letter of acceptance to the Developer and contractor in accordance with Section 02.03.047(e)(3), *Letter of Final Acceptance* after City Council has voted to accept the construction of the Public Improvements and the subdivision for development permit(s).
- (b) **Phased Development.** If the development is being Platted and constructed in phases, improvements shall be completed as Platted areas are approved and phases are constructed. Also refer to Section 02.03.034(i), *Expiration*, for details regarding phased development and Preliminary Plat validity.
- (c) **Easements for Utility Providers.** The Developer is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary Easements for same prior to the associated Plat approval and recordation. The Developer's engineer shall provide the Director of Public Works and/or the City Engineer with written certification that all necessary Easements are secured for the various utility providers, and such Easements shall be shown on the associated Plat with the recording information for each (if previously dedicated by separate instrument) or established through the recordation of the associated Plat.
- (d) **Off-Site Easements.** All necessary off-site Easements required for installation of required off-site Public Improvements to serve the development shall be acquired by the Developer prior to the

approval and recordation of the Final Plat. Off-site Easements shall be conveyed and recorded in Kaufman County by filing the off-site Easement in a separate instrument prior to filing the Final Plat. The instrument recording information shall be included on the associated Plat prior to its recordation. If there is an existing off-site Easement that has been dedicated by Plat that needs to be modified, an Amending Plat may be required to modify the Easement.

- (e) **Oversized Facilities.** At its sole discretion, the City may participate with the Developer on major items of construction, such as oversizing of water and wastewater lines, lift stations, bridges, or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided, in accordance with a Development and/or Facilities Agreement. (See Section 02.03.045(d)(2), *Oversizing of Infrastructure*, and Section 02.03.046, *City Participation* below).
 - (1) All extensions and/or oversizing of any water or wastewater facility deemed necessary by the Director of Public Works and/or the City Engineer for future developments shall be in accordance with the *Kaufman Code of Ordinances, Chapter 12 Utilities, Water and Sewer Main Extensions, Division 2, Extension Policies*.

SEC. 02.03.045 ...FACILITIES AND PROFESSIONAL SERVICES AGREEMENTS, FINANCIAL ASSURANCES, AND CONSTRUCTION CONTRACTS FOR PUBLIC IMPROVEMENTS.

- (a) **Required Contract Purpose.** A Property Owner and/or Developer shall be required to execute a Facilities Agreement and Professional Services Agreement with the City as a condition of the associated Plat approval whenever the installation of Community Facilities or Public Improvements is required.
- (b) **Approval of contract.**
 - (1) The Property Owner and/or Developer shall be required to execute a Facilities Agreement as a condition of Plat approval whenever the installation of Community Facilities or Public Improvement is required. A Facilities Agreement shall be prepared after the final construction plans and cost estimates have been approved by the City.
 - (2) No construction work shall begin on a development before the Facilities Agreement is approved and executed by the City, before a Pre-Construction Meeting is held, and before a Construction Release is granted by the City. This provision may exclude the moving of dirt, clearing of land and tree removal when such work is done pursuant to a grading permit approved by the City as provided in Section 02.03.042.
- (c) **Changes in contract/scope of project.** Any subsequent changes in the plans and specifications of the approved project which result in an increase in the project scope shall necessitate an amendment to the Facilities Agreement and amendments to all required financial assurance instruments. An increase in the project scope shall also require an increase in the inspection fee, as applicable and authorized in Section 02.03.045(g)(4), *Performance Bonds, Payment Bonds, Maintenance Bonds and Financial Assurances* below. The Developer shall bear the full cost of any additional work required by the City Attorney and/or the City Engineer in revising and/or reviewing the revised documents, and approval shall not be granted until such additional fees are paid.
- (d) **Applicability.**
 - (1) Improvements. Prior to commencement of required Public Improvements, the Developer shall execute a Facilities Agreement, subject to City approval, to ensure the completion of all required Public Improvements. The associated Plat shall not be filed until the applicable Facilities Agreement has been approved by the City.
 - (2) Oversizing of Infrastructure. Any required oversizing of infrastructure (and responsibility for costs) may be documented in the Development and/or Facilities Agreement. The provisions

providing for oversizing of infrastructure as adopted in Kaufman's *Code of Ordinances, Chapter 12, Utilities*, as amended.

- (e) **Authority of the City to Complete Work.** This Facilities Agreement shall be based upon the requirements of this Chapter and shall provide the City with specific authority to complete, and financial assurances to pay for the costs of completion of, the improvements required in the Facilities Agreement in the event of default by the Developer, or its contractors. Completion of infrastructure by the City shall be at the sole discretion of the City.
- (f) **Joint Obligations.** The Facilities Agreement shall be a legally binding agreement between the City and the Developer specifying the individual and joint responsibilities of both the City and the Developer. Unusual circumstances relating to the subdivision shall be considered in the Facilities Agreement such that the purpose of this Chapter is best served for each particular subdivision. The Facilities Agreement shall include a hold harmless and indemnity clause requiring the Developer to hold the City harmless against any claim arising out of the subdivision of the property or any actions taken therein.
- (g) **Performance Bonds, Payment Bonds, Maintenance Bonds and Financial Assurances.**
 - (1) Performance Bonds. Performance bonds, sureties, or irrevocable letters of credit on forms approved by the City Attorney meeting the requirements of the V.T.C.A. GOVERNMENT CODE, CHAPTER 2253, where applicable shall be required for all Public Improvements or Community Facilities prior to the execution of the Facilities Agreement, the filing of the associated Plat and issuance of any building permits. Bonds, irrevocable letters of credit, certificates of deposit or cash deposits shall be provided by the Developer, or by a single general contractor for the development. The amount of the performance bond or other financial assurance shall be one hundred percent (100%) of the value of the public infrastructure for the development and shall also provide coverage for costs of adjustments necessary for increases in actual construction costs. The Director of Public Works and/or the City Engineer shall be responsible for verifying the construction costs of all Public Improvements and Community Facilities to be constructed for the development and may require modifications to reflect costs of construction more accurately.
 - i. A cash deposit may be made with the City in lieu of the performance bond. The cash deposit shall be in an amount equal to one hundred percent (100%) of the value of the public infrastructure for the development (subject to the verification of the Director of Public Works and/or the City Engineer as provided above) and shall also provide coverage for costs of adjustments necessary for increases in actual construction costs.
 - a. The cash deposit shall be held in escrow by the City in a regular insured savings account and shall accrue interest at the then-current available regular savings account rate of interest. Interest shall accrue in the account to the benefit of the Developer and shall be returned to the Developer with the cash deposit upon satisfactory completion of the facilities and acceptance by the City.
 - ii. A letter of credit may be submitted in lieu of the performance bond in an amount equal to one hundred percent (100%) of the value of the public infrastructure for the development (subject to the verification of the Director of Public Works and/or the City Engineer as provided above) and shall also provide coverage for costs of adjustments necessary for increases in actual construction costs. The letter of credit shall:
 - a. Be irrevocable;
 - b. Be in a form approved by the City Attorney;
 - c. Be for a term sufficient to comply with the timeframe for the completion of the

- improvements covered by the letter of credit, but in no event less than two (2) years;
- d. As portions of the Public Improvements are completed in accordance with *Standards of Design and Construction* and the approved Construction Plans, the Developer may request the Director of Public Works and/or the City Engineer reduce the amount of the original letter of credit. If the Director of Public Works and/or the City Engineer is satisfied that such portion of the improvements have been completed in accordance with the requirements of this Chapter and all other regulations, the Director of Public Works and/or the City Engineer may (but is not required to) cause the amount of the letter of credit to be reduced by such amount that the Director of Public Works and/or the City Engineer deems appropriate so that the remaining amount of the letter of credit adequately ensures the completion of the remaining Public Improvements.
- (2) Payment Bonds. The Developer shall provide a material and labor payment bond on a form approved by the City Attorney meeting the requirements of CHAPTER 2253 of the V.T.C.A. GOVERNMENT CODE in the amount of one hundred percent (100%) of the contract price for the public infrastructure for the development and shall also provide coverage for costs of adjustments necessary for increases in actual construction costs.
 - (3) Maintenance Bonds. The Developer shall provide a maintenance bond on a form approved by the City Attorney guaranteeing and agreeing to pay any necessary maintenance for a period of two (2) years after final acceptance by the City and shall be in the amount equal to one hundred percent (100%) of the value of the construction costs of all facilities to be constructed by the Developer, and such bond shall also provide coverage for costs of adjustments necessary for increases in actual construction costs. The Developer may submit any of the other forms of financial guarantee described above in subsection (1)(i), and (ii), of this section in lieu of providing the maintenance bond; providing, however, that the same conditions shall prevail as under subsection (1)(i), and (ii) as applicable, for an irrevocable letter of credit or a cash deposit.
 - (4) Inspection Fees and all Other Fees. The Developer shall pay all development-related fees, including but not limited to Plat application and recording fees, reimbursement of engineering review fees for Plat and Construction Plan reviews, reimbursement of engineering and attorney review fees for Development and/or Facilities Agreements or any other items pertaining to the development, and the engineering/infrastructure inspection fees in accordance with the City's adopted fee schedule. The Developer shall be responsible for obtaining any other permits which may be required by other Federal, State, or local authorities.
 - (5) Financial Assurances. The Developer shall furnish and maintain at all times prior to the City's final acceptance of the Public Improvements and Community Facilities, an owner's protective liability insurance policy naming the City as additional insured for property damage and bodily injury. Coverage shall be on an "occurrence" basis and shall be issued with a combined bodily injury and property damage minimum limit of six hundred thousand dollars (\$600,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate. The City shall be named as an additional insured on that policy.
 - (6) Approved Forms. All financial assurance provided under this section shall be submitted on a form approved by the City Attorney. Each financial assurance submitted by a Developer on a form other than the one which has been previously approved by the City as "acceptable" shall be submitted to the City Attorney at the Developer's expense.

- (7) Third Party Assurances. As an alternative means for compliance with the requirements contained in the subsections (1), (2), and (3) of this section, the Developer may submit to the City financial assurances for performance, payment, and maintenance from a single general contractor for the project provided that such assurances meet all other requirements and name the City as dual obligee.
- (8) Type of Security. The Developer shall guarantee proper construction of all improvements, in accordance with the City's *Standards of Design and Construction* and with this Chapter, by providing financial assurances for performance, payment, and maintenance as required by Section 02.03.045 *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*.
- (9) Cost and Security Approval.
 - i. Security shall be issued in the amount of one hundred percent (100%) of the cost to construct, complete, and maintain all required Public Improvements to the City's standards as approved by the Director of Public Works and/or the City Engineer and in accordance with Section 02.03.045 *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*.
 - ii. Security shall be subject to the review and approval of the City Attorney. The Developer shall reimburse the City for all related legal costs for the City's legal review.
- (h) Security for Construction in Extraterritorial Jurisdiction (ETJ). Where all or some portion of the proposed development is located in the City's ETJ, the security shall be provided in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*. Escrow Policies and Procedures.
 - (1) Request for Escrow. The City may require, or the Developer may petition the City, to defer construction of some of the required Public Improvements for a development in exchange for a deposit of escrow when the Developer can demonstrate that construction of the improvements would be untimely and would result in a hardship or damage to the public infrastructure due to a planned future Public Improvement project of the City, County, State or other governmental entity. The Director of Public Works and/or the City Engineer may require the Developer to provide studies and other supporting information determined necessary to evaluate the request to support the Developer's request to delay construction and escrow funds.
 - (2) Escrow Deposit with the City. When the Director of Public Works and/or the City Engineer requires, or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City an amount equal to one hundred percent (100%) of the total costs including, but not limited to, (i.) the design, (ii.) construction, (iii.) any required studies performed by a qualified third party, (iv.) permitting, (v.) acceptance, and (vi.) inflation costs related to the improvements. The Director of Public Works and/or the City Engineer shall review and approve the amount, which shall be approved and paid to the City prior to the pre-construction meeting.
 - i. The Developer shall deposit an amount equal to their share of the cost of design and construction in escrow with the City. Such an amount shall be paid prior to the release of Construction Plans by the City. The obligations and responsibilities of the Developer shall become those of the Developer's transferees, successors, and assigns; and the liability therefore shall be joint and several. The amount of escrow shall be determined by using the average of several comparable bids that were awarded by the City in the preceding six (6) months, or if none exist then in the preceding year or, if none exist, by using current costs of construction as proposed by the Developer's civil engineer and reviewed and approved by the Director of Public

Works and/or the City Engineer.

- (3) City Usage of Escrowed Funds. The City may use the escrowed funds, including accrued interest thereon, in participation with another entity (such as TxDOT, Kaufman County, etc.) to jointly construct the Public Improvements for which funds have been escrowed. Additionally, the City may use the escrowed funds for a City project to construct all of the improvements for which funds have been escrowed, or if such City project is for the construction of a portion of the Public Improvements for which funds have been escrowed, the City may utilize a proportionate share of such escrow funds.
 - (4) Termination of Escrow. Escrows, or portions of escrowed amounts, including accrued interest, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be refunded to the Developer. Such refund of escrowed funds does not remove any obligations of the Developer for construction of the required improvements. Notwithstanding the foregoing, if a project for Public Improvements for which funds have been escrowed has commenced prior to the expiration of the ten (10) year period described above, then the escrowed funds allocated to the project, including interest thereon, shall not be refunded. Project commencement shall occur upon any one or more of the following events:
 - i. A contract for the construction of Public Improvements for which funds have been escrowed is awarded by the City or other governmental entity in conjunction with the City;
 - ii. Engineering design work has commenced and/or will be completed within one (1) year after the date that such engineering design work is commenced.
 - (5) Refund. If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City or other governmental entity in conjunction with the City, the remaining unused escrowed funds, including accrued interest thereon, shall upon written request, be refunded to the Developer after completion and City acceptance of the street or Public Improvement.
 - (6) Interest on Escrowed Funds. When escrowed funds are returned or refunded to the escrowing Developer pursuant to this section, the accrued interest shall be paid to the Developer.
 - (7) Escrow Fee Agreement. An Escrow Fee Agreement shall be executed as a condition of escrow approval.
- (i) **Professional Services Agreement.** The City will utilize consulting firms to assist City staff in the review for compliance with any report and/or study requirements as established by this Chapter, Standards of Design and Construction, review of Plats and Construction Plans, review of Easement documents, review of Development and/or Facilities Agreements, review of financial assurances, and/or any applicable City regulations relating to development of Property. The cost of the reviews, by the consultants, shall be borne by the Developer.
- (1) Before commencement of any work on a proposed Development Agreement or as otherwise required by City policy, the Developer shall enter into a Professional Services Agreement with the City to retain consultants to provide a wide variety of professional services including, but not limited to engineering, financial, and legal services as needed to review and analyze the development project.
 - i. The City shall provide periodic invoices that describe the work performed by date and time entries as the study progresses;
 - ii. The Developer shall deposit funds as set forth in the Professional Services Agreement and shall replenish such funds as required by the terms of the Professional Services Agreement. Failure of the Developer to fund the Professional

- Services Agreement in accordance with its terms will result in the suspension of the City's work on the project;
- iii. Any unused funds deposited with the City pursuant to the Professional Services Agreement shall be refunded to the Developer upon completion of review and analysis of the development project, or as otherwise as provided by the Professional Services Agreement.
- (j) **Authority.** The City Council has the sole authority to approve the following types of agreements unless such authority has been delegated to the City Manager:
 - (1) Facilities Agreements and/or;
 - (2) Escrow Fee Agreement and/or;
 - (3) Maintenance Bond Agreement and/or;
 - (4) Development Agreement and/or;
 - (5) Professional Services Agreement.
 - (k) **Agreement to Run with the Land.** Such Agreements as listed above shall provide that the covenants and other terms of agreement contained therein shall run with the land and shall bind the Developer and all successors, heirs, and assignees. All existing owners and/or Developers shall be required to execute such agreement or provide written consent to the covenants and other terms contained in such agreements.
 - (l) **Termination of Agreement.** The Developer shall have a continuing responsibility under the Facilities Agreement, the Escrow Fee Agreement, or the Development Agreement until all facilities and improvements required under the Facilities or Escrow Fee Agreement have been completed, inspected, and accepted by the City and the maintenance period has expired. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the Director of Public Works and/or the City Engineer may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any approved and signed agreement as required by Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, shall remain in force for the entire subdivision until all public facilities and improvements required under the applicable agreement are completed, inspected, and accepted by the City, and the maintenance period has expired.
 - (m) **Agreement Review and Fees.** The Developer shall be responsible for reimbursing the City for all legal and engineering costs associated with the review of Facilities, Professional Services, Development, Escrow Fee, and Maintenance Bond Agreements. Additionally, the Developer shall be responsible for reimbursing the City for all recording fees associated with recording the agreements with Kaufman County. The direct cost of third-party review, including without limitation, the City Attorney's, the City's Financial Consultant, and the City's Engineer review of the applicable agreements shall be passed through to the Developer.

SEC. 02.03.046 ...CITY PARTICIPATION

- (a) At its sole discretion, the City may participate with the Developer on major items of construction, such as oversizing of water and wastewater lines, lift stations, bridges, or streets adjacent to the subdivision, which benefit existing or future development, in addition to the property being subdivided and/or developed by the Developer. The amount of financial responsibility of each party and the terms of discharging such responsibility shall be provided for in a Facilities Agreement, Development Agreement, and/or other agreement as approved by the City.

- (b) The construction of certain facilities required by the provisions of this Chapter may not be possible or practical at the time the Developer prepares his plans for Public Improvements. Such deletion or delay of improvements shall be specified in the Facilities Agreement, Development Agreement, Escrow Fee Agreement, and/or other agreement as approved by the City, together with provisions for escrow deposits or future payment by the City and/or Developer.
- (c) All extensions and/or oversizing of a wastewater facility deemed necessary by the Director of Public Works and/or the City Engineer for future developments shall be in accordance with Kaufman's *Code of Ordinances, Chapter 12 Utilities, Water and Sewer Main Extensions, Division 2, Extension Policies*.

SEC. 02.03.047 ...INSPECTION, MAINTENANCE & ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(a) Inspections.

- (1) The Director of Public Works and/or the City Engineer and/or their designees shall inspect the construction of improvements while in progress, as well as upon completion. The Developer, or his contractor, shall maintain contact with the Director of Public Works and/or the City Engineer and/or their designees during all phases of construction.
- (2) Construction shall be in accordance with the approved Construction Plans. Any significant change in design required during construction shall be made by the Developer's engineer and shall be subject to approval by the Director of Public Works and/or the City Engineer.
- (3) Any changes in design required during construction should be made by the engineer whose signature and seal are shown on the approved Construction Plans. Another engineer may make revisions to the original Construction Plans if so authorized by the owner of the Construction Plans and if those revisions are noted on the Construction Plans or documents. All revisions must be approved by the Director of Public Works and/or the City Engineer. Any associated Facilities, Professional Services, Development, Escrow Fee, or Maintenance Agreements shall be reviewed and revised as needed and shall be subject to City approval.
- (4) If the Director of Public Works and/or the City Engineer finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Developer shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.

- (b) **Maintenance During Construction.** The Property Owner and/or the Developer shall maintain all required Public Improvements during construction of the development phases or until the City approves the improvements and accepts same.

(c) As-Built Construction Plans and Submission of Record Drawings for Filing.

- (1) After construction is completed, the Property Owner and/or Developer shall provide the City a signed and sealed digital copy and one (1) signed and sealed eleven inches by seventeen inches (11" x 17") paper set of as-built Construction Plans of all streets, Alleys, sidewalks, drainage, underground utilities, signs, signals, street lighting and any other pertinent physical improvement of the subdivision.
- (2) The City shall accept the required Public Improvements when the Developer's engineer has certified to the Director of Public Works and/or the City Engineer, through submission of detailed "record" or "as built" drawings of the project and recorded copies of any off-site Easements, unless otherwise noted within the Chapter, that the Public Improvements have been built in accordance with the approved Construction Plans. Unless otherwise provided in any associated Facilities Agreement and/or Escrow Fee Agreement and/or Development Agreement, the City will not release the subdivision for development until all required

improvements have been accepted by the City Council.

- (d) **Revisions Documented on As-Built Construction Plans Plat.** Each record drawing sheet shall document all changes made in the plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and the date. Detailed requirements for such drawings and stamps are outlined in the *Standards of Design and Construction Table 02-03-0116 Final Acceptance Checklist*.
- (e) **Acceptance or Rejection of Improvements by the Director of Public Works and/or the City Engineer.**
 - (1) Responsible Official. Using the *Standards of Design and Construction*, the Director of Public Works and /or the City Engineer and/or their designees shall be responsible for inspecting all required Public Improvements shown in the approved Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.
 - (2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Public Works and/or the City Engineer and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements.
 - (3) Letter of Final Acceptance. If all improvements are completed, inspected, tested (when applicable), and determined by the City to be in conformance with this Chapter and the *Standards of Design and Construction*, then the Director of Public Works and/or the City Engineer shall recommend Council accept all the improvements. The Director of Public Works and/or the City Engineer, after Council acceptance, shall issue a Letter of Final Acceptance on behalf of the Council, to the Developer, thereby notifying the Developer of the City's acceptance.
 - (4) Effect of Acceptance. Acceptance of the improvements shall mean that the Developer has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.
 - (5) Rejection. If any portion of the Construction Plans fails to comply with the City's standards and specifications, the Director of Public Works and/or the City Engineer shall reject the complete set until the failure is remedied.
- (f) **Disclaimer.** Approval of the associated Plat by Council, or Construction Plans by the Director of Public Works and/or the City Engineer, shall not constitute acceptance of any of the Public Improvements required to serve the subdivision or development. No Public Improvements shall be accepted for dedication by the City except in accordance with this section.
- (g) **Acceptance or Rejection of Improvements in Extraterritorial Jurisdiction (ETJ).** Where the improvements to be constructed under a Facilities Agreement, and/or Development Agreement, and/or an Escrow Fee Agreement are located within the City's ETJ and are to be dedicated to Kaufman County, the Director of Public Works and/or the City Engineer shall inform the County officials that the Public Improvements have been constructed in accordance with approved Construction Plans and are ready for acceptance by the County.
- (h) **Maintenance Bond Following Acceptance.** The Developer shall furnish to the Director of Public Works and/or the City Engineer a sufficient maintenance bond with a reputable and solvent corporate surety registered with the State of Texas, in favor of the City, to indemnify the City against any repairs. The bond shall be in effect for two (2) years from the date of final acceptance of the entire project. The bond, which is a part of the requirements for final acceptance, shall be a minimum of one hundred percent (100%) of the value of the work constructed. The Developer shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in

full prior to final acceptance of the subdivision or development. The direct cost of the City Attorney's review of the maintenance bond shall be passed through to the Developer.

SEC. 02.03.048 ...BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

- (a) No building permit shall be issued for a lot or building site unless the associated Plat has been approved by the Council and recorded at the County and all Public Improvements as required for the associated Plat approval have been completed, except as permitted below:
 - (1) Building permits may be issued for nonresidential and multiple-family development provided that the associated Plat is approved by Council and Construction Plans have been approved by the Director of Public Works and/or the City Engineer. Building construction will not be allowed to surpass the construction of fire protection improvements. The decision to issue a building permit prior to the acceptance of Public Improvements is at the sole discretion of the City.
 - (2) The Director of Development Services may authorize the issuance of residential building permits for a portion of a subdivision, provided that the associated Plat has been approved by Council and all Public Improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection, access, water and sanitary sewer service, and drainage. The allotment of residential building permits allowed for early release shall be specified in an approved Development and/or Facilities Agreement. Notwithstanding, no lot shall be sold, nor title conveyed, until all the Public Improvements have been completed, inspected, and have been accepted by Council.
 - (3) No certificate of occupancy or final inspection approval shall be issued for a building permit unless the approved associated Plat has been recorded in the County and all subdivision improvements have been completed and accepted for the affected area. Notwithstanding the above, the Director of Development Services may authorize the temporary occupancy of a structure provided that a Facilities and/or a Development Agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the complete construction of all remaining Public Improvements. The temporary certificate of occupancy may be revoked if the remaining Public Improvements have not been completed or the Construction Plans are not accepted by Council.
 - (4) The temporary certificate of occupancy shall state on its face that the recipient accepts all liability resulting from occupancy of the building or space and indemnifies the City thereof.

SEC. 02.03.049 - 02.03.059.. Reserved for future use.

ARTICLE 02.03.060 SPECIAL EXTRATERRITORIAL JURISDICTION POLICIES & REGULATIONS

SEC. 02.03.061 ...KAUFMAN & KAUFMAN COUNTY REGULATIONS

- (a) The City has executed interlocal cooperation agreements, as authorized under CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE, with Kaufman County.
- (b) Kaufman County has assigned to the City its authority to approve Plats in the City's extra-territorial jurisdiction (ETJ). The agreement also provides for the City to enforce its *Subdivision Regulations*, together with the adopted *Subdivision and Land Development Regulations of Kaufman County*, as amended from time to time, and the *Kaufman County Thoroughfare Plan*, as amended from time to time, within the City's ETJ via Interlocal Cooperation Agreements.
- (c) In the event that the *Kaufman County Subdivision and Land Development Regulations* and/or the *Kaufman County Thoroughfare Plan* provide a more stringent standard than those of the City, then the more stringent standards shall apply.
- (d) Adopted International Fire Codes apply to all ETJ properties for health, life, and safety purposes.

SEC. 02.03.062 ...GENERAL POLICIES IN THE EXTRATERRITORIAL JURISDICTION (ETJ).

- (a) **Application of Requirements.** Unless otherwise stated within this Chapter, all standards, specifications, and regulations herein shall apply to development within the City's extra-territorial jurisdiction (ETJ).
- (b) **Extension of City Services.** Given that land proposed for development in the City's ETJ must be served adequately by essential public facilities and services, including those related to adequate water distribution, wastewater collection and treatment, streets, pedestrian circulation, storm drainage conveyance, and park and recreational facilities, the following policies for the provision of infrastructure services provided by the City of Kaufman into the City's ETJ shall apply:
 - (1) It is in the City's best interest to encourage development in areas adjacent to compatible development already receiving City services, and particularly where those services have excess capacity.
 - (2) It is in the City's best interest to annex areas that:
 - i. Need to be protected in order to prevent or reduce flood damage in existing urban areas;
 - ii. Possess unique physical characteristics;
 - iii. Have requested City services; or
 - iv. Minimize the City's fiscal liability.
 - (3) It is in the City's best interest to withhold all water and sewer extensions outside the City's limits except in instances where the extension will serve a large-volume user who has agreed in writing to annexation at a predetermined date, and who has demonstrated that a significant community benefit will accrue to the City if it provides such service outside the City's limits, and where no significant fiscal liabilities will be incurred by the City.
 - (4) It is in the City's best interest to provide services, other than water and wastewater service, to individual users beyond the City's limits:
 - i. Upon request and under contracts or cost-sharing arrangements that minimize future City fiscal liability;
 - ii. Upon request and under contracts or cost-sharing arrangements that encourage compact development;
 - iii. Upon request and under contracts or cost-sharing arrangements that ensure compliance with City subdivision, building, electrical, plumbing and fire codes; and

- iv. When it is not in the City's best interest to annex the areas to be served.
- (5) The City shall therefore provide for extension of public facilities and services only under the following circumstances:
 - i. Such extension is part of an Annexation Agreement that provides for development consistent with established City objectives and policies, as described and illustrated in the *Comprehensive Plan*;
 - ii. Such extension allows the City to retain its right under State law to annex the property in the future;
 - iii. The quality of the development that is occurring or will be occurring is consistent with City standards;
 - iv. The use or development offers significant public benefits to the City; and
 - v. The proposed development and land uses comply with City Building and Fire Codes (as agreed to in an Annexation Agreement with the City).
 - vi. The area to be served is, or becomes a part of, the City's Certificates of Convenience and Necessity (CCN) when required by State law.
- (c) **Design and Construction Standards for Public Improvements in the City's Extraterritorial Jurisdiction (ETJ).** All Public Improvements constructed in conjunction with a new development in the City's ETJ shall be designed, engineered, and constructed in accordance with this Chapter, the *Standards of Design and Construction*, and all of the City's regulations, standards, and all other applicable City master plans (e.g., the *Comprehensive Plan*, *Thoroughfare Plan*, *Parks Recreation and Open Space Master Plan*, *Trail Concept Master Plan*, *Water and Wastewater Master Plan*, Fire Codes, etc.).

SEC. 02.03.063 ...CITY PARTICIPATION IN IMPROVEMENTS IN THE ETJ.

- (a) **Improvements.** The City shall not be required to participate in the cost of any Public Improvements where such improvements required by this Chapter are outside the corporate limits of the City (i.e., they are within the City's ETJ area).
 - (1) At its sole discretion, the City may participate with the Developer on major items of construction, such as oversizing of water and wastewater lines, lift stations, bridges, or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided, in accordance with a Development and/or Facilities Agreement. (See Section 02.03.045(d)(2), Oversizing of Infrastructure, and Section 02.03.045, City Participation below).
- (b) **Certificates of Occupancy/Utility Connections.**
 - (1) Utility connections for all developments in the City's ETJ shall not be issued until a letter of final acceptance for any Public Improvements has been issued by the City or appropriate utility district, as applicable, and a copy of such letter has been submitted to the Director of Development Services by the Developer, unless otherwise authorized by the City Manager (refer to Section 02.03.046(e), *Acceptance or Rejection of Improvements by the Director of Public Works and/or the City Engineer in ETJ*).

SEC. 02.03.064 ...OTHER ETJ REGULATIONS.

- (a) **Minimum Lot Regulations.**
 - (1) Lot sizes greater than five (5) acres each. Any subdivision of land within the ETJ must be Platted unless the resulting subdivided lots are divided into parts greater than five (5) acres each with no Public Improvements being dedicated.
 - (2) Lot sizes less than five (5) acres. A subdivision of land within the ETJ in which the lot sizes are smaller than five (5) acres must be Platted and meet the a minimum required lot size, minimum

net usable acreage for a septic system, building setback line, direct road frontage, minimum driveway spacing requirements, and other requirements per the *Kaufman County Subdivision and Land Development Rules and Regulations*. This regulation is to encourage Platting of land within the ETJ.

- (b) **No Land Uses Shown on Plats.** Proposed land uses may not be shown on Plats within the ETJ, unless specifically allowed by the Director of Development Services. Proposed land uses that may be shown on Plats prior to the adoption of this ordinance do not in any way establish zoning or vest any rights to the use of the property in the future.
- (c) **Tree Preservation in the ETJ.** The requirements of Section 02.03.072, *Tree Preservation* are applicable to all development within the ETJ.

SEC. 02.03.065 to 02.03.069 RESERVED.

ARTICLE 02.03.070 SUBDIVISION REQUIREMENTS

SEC. 02.03.071 ...GENERAL SUBDIVISION POLICIES.

(a) **Conformance to Plans.**

- (1) Public Improvements. Proposed Public Improvements serving new development shall conform to and be properly related to the public facility elements of the *Comprehensive Plan*, other adopted Master Plans for public facilities and services, and applicable capital improvements plans, and shall at a minimum meet the service levels specified in such plans;
- (2) Conformance with Thoroughfare Plan. All property within the City and its extra-territorial jurisdiction (ETJ), and any corresponding Plats and/or Construction Plans, shall provide for thoroughfares as shown in the City of Kaufman *Thoroughfare Plan* and the *Kaufman County Thoroughfare Plan*. Minor adjustments to thoroughfare alignments may be allowed without amending the *Thoroughfare Plan* if the Director of Public Works and/or the City Engineer determines the new alignment meets the spirit and intent of the *Thoroughfare Plan* and will not compromise public safety or traffic efficiency. The design and construction of all proposed thoroughfares shall be in conformance with the *Standards of Design and Construction* and is subject to approval by the Director of Public Works and/or the City Engineer. Such approvals shall be required prior to any Plat approval;
- (3) Master Thoroughfare Plan Amendment. If a significantly different roadway alignment or a road type other than what is shown on the *City of Kaufman Thoroughfare Plan* or the *Kaufman County Transportation Plan* is proposed, then the applicable *Plan* shall be amended prior to any Construction Plan approval or Plat Application submittal. Submission of a Traffic Impact Analysis (TIA) of the proposed amendment by the Developer may be required if the Director of Development Services and the Director of Public Works and/or the City Engineer determine that such an analysis is necessary to fully assess the impact of the proposal upon the public health, safety, and welfare, and the City's overall thoroughfare network;
- (4) Water and Wastewater Plans. The design and construction of the water system and wastewater system to serve the development shall be in conformance with the City's master plans for water and wastewater facilities and with the *Standards of Design and Construction*. The design is subject to approval by the Director of Public Works and/or the City Engineer prior to approval of the Construction Plans and the associated Plat;
- (5) Storm Drainage Standards. The design and construction of the storm drainage system to serve the development shall be in conformance with, but not limited to, the City's Master Plans for storm water drainage (as applicable), the City's storm drainage policies, and the *Standards of Design and Construction*. The design is subject to approval by the Director of Public Works and/or the City Engineer prior to approval of the Construction Plans and the associated Plat.

(b) **Provision of Adequate Public Facilities.**

- (1) Developer's Responsibilities. The Developer shall be responsible for, but not limited to, the following:
 - i. Facilities Impact Studies. The City may require that a Developer prepare a comprehensive Traffic Impact Analysis (TIA), flood or drainage study or downstream assessment, or other facilities impact studies in order to assist the City in the evaluation of public health, safety, and welfare impact and in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The cost of such study or studies shall be borne by the Developer;

- ii. *Timing and Approval of Facilities Impact Studies.* Any outside study shall be subject to approval by the Director of Public Works and/or the City Engineer prior to approval of the Preliminary Plat and prior to the approval of the Construction Plans. The City also may require, at the time of approval of subsequent Applications (e.g., Final Plat), updates to facilities impact studies that were approved in conjunction with a prior Application (e.g., Preliminary Plat). Although not explicitly required as part of the Plat Application process, the Developer shall be required to provide facilities impact studies as specified in this Chapter, the *Standards of Design and Construction*, and any other applicable regulation as a part of the Construction Plan review process;
- iii. *Future Extension of Public Facilities.* The Developer shall make provisions for future expansion of the public facilities, as needed, to serve future developments, subject to the City's oversize participation policies (see *Kaufman Code of Ordinances, Chapter 12 Utilities, Water and Sewer Main Extensions, Division 2, Extension Policies*), if applicable;
- iv. *Approvals from Utility Providers.* The Developer shall obtain all necessary approvals from the applicable utility providers other than the City and shall submit written verification of such approvals to the City with the Construction Plans;
- v. *Compliance with Utility Providers.* The Developer shall comply with all requirements of the utility providers, including the City and all applicable utility districts;
- vi. *Dedication and Construction of Improvements.* The Developer shall dedicate all rights- of-way and Easements for, and shall construct and extend, all necessary on-site and off-site Public Improvements for water distribution, wastewater collection and treatment, streets, storm drainage conveyance, and other improvements that are necessary to adequately serve each phase of a proposed development at service levels that are consistent with the City's applicable master facilities plans and the *Standards of Design and Construction*;
- vii. *Fiscal Security.* The Developer shall provide all fiscal security required for the construction of the public facilities in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*;
- viii. *Operations and Maintenance of the Public Improvements, Infrastructure, and/or Facilities.* For any public infrastructure, facilities, or improvement within an Easement that is on private property, the Developer shall provide Access for maintenance. The Developer is responsible for maintaining their property in a condition that allows the City to readily Access and maintain public infrastructure located upon such private property;
- ix. *Abutting Substandard Streets.* Where a substandard street abuts or traverses a proposed development, the City may require the Developer to dedicate additional Right-of-Way and to improve the street to the current City design and construction standards as set forth in the *Standards of Design and Construction*. Such requirements to improve the substandard street to the City's current standards shall only be imposed following careful review of factors including, but not limited to:
 - a. The impact of the new development on the street;
 - b. The timing of the development in relation to need for the street; and
 - c. The likelihood that adjoining property will develop in a timely manner;
- x. In the case of frontage or service roads for State or Federally designated highways, the entire Abutting Right-of-Way shall be dedicated to the City and improved to the County, State or Federal agency's applicable construction design standards if such improvement is approved by the agency;
- xi. *Right-turn Lanes Mandatory.* The City reserves the right to require free right turn

lanes into any development from a Collector or higher category roadway. Should the Developer request Major Modification/Exception from this requirement, the Developer must provide to the City a Traffic Impact Analysis by a qualified third party that justifies the elimination of the required free right turn lane. The determination of necessity is within the sole discretion of the City based upon public health, safety, and welfare impact. The cost of such study or studies shall be borne by the Developer; and

- xii. *Operations and Maintenance of Privately Owned Amenities and Improvements.* The Developer, Homeowners' Association (HOA), Property Owners Association (POA), or Property Owner, as applicable, shall provide for all operations and maintenance of the privately owned amenities and improvements located on private property, or shall provide proof that a separate entity will be responsible for the operations and maintenance of the facilities. Privately owned amenities and improvements shall include but are not limited to open space, parks, detention facilities, privately owned utilities, sidewalks, trails, Amenity Centers, recreational facilities, landscaping, screening, signage, retaining walls, parking lots and Access Easements.

- (2) Adequate Services for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ shall be served adequately by essential public facilities and services, including but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, open space/park and recreational facilities. Land shall not be approved for Platting or development until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

- i. *Street Access.* A Plat will not be approved unless all of the proposed lots have safe and reliable street Access or frontage for daily use and emergency purposes.
 - a. A Plat will not be approved unless all of the proposed lots have Access-to an improved public street (or a public street that will be improved during construction of the proposed development) that meets the City's minimum design and paving standards, or to an approved public way or mutual Access Easement that is connected to an improved public street.
 - 1. In the case of a property located in the City's ETJ and/or on a County-maintained roadway, a Plat will not be approved unless all of the proposed lots meet the County's minimum lot frontage requirements.
 - b. All development shall have at least two (2) means of Access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of Access, the City may, but is not required to, accept a temporary, paved street connection provided that a second permanent Access point can be reasonably anticipated with future development of adjacent properties. Such Access will be secured by a public Right-of-Way or Access Easement during the Platting process either as a condition of Plat approval or Plat recording. Notwithstanding the foregoing, Access shall be provided in accordance with applicable regulations and codes including, without limitation, the Fire Code, and an approved Traffic Impact Analysis, as applicable.
 - c. In certain circumstances where providing two (2) means of Access to a development is not feasible, the City Council may waive this requirement if staff can demonstrate that the site can be adequately served by emergency vehicles and that life and safety issues have not been compromised.
 - d. For properties situated adjacent to an existing or planned median-divided

thoroughfare, at least one (1) of the required Access points shall occur at, or through Access Easement connection to, a median opening. (See Diagram 02.03.114, *Median & Cross Access*)

- ii. **Water.** A Plat will not be approved unless all of the proposed lots are connected to a public water system which is capable of providing adequate water for health and emergency purposes.
 - a. Except for lots along an approved cul-de-sac, all lots shall be provided service connections from a looped water main providing water flow from two (2) directions or sources.
 - b. Water service shall be sufficient to meet the fire flow requirements of the proposed development, except in special circumstances in which the fire flow requirements cannot be met and only if a suitable alternative means of fire protection is approved by the Fire Chief.
 - c. The City may require the phasing of development and/or improvements to the water system to ensure adequate fire protection.
- iii. **Wastewater.** A Plat will not be approved unless all of the proposed lots are served by an approved means of wastewater collection and treatment.
 - a. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system;
 - b. The City may require the phasing of development and/or improvements to the sanitary sewer system so as to maintain adequate wastewater capacity;
 - c. Plats located within three hundred (300) feet of the sanitary sewer system are required to pay adopted fees and make connection thereto in the manner and at the location required by the ordinances of the City;
 - d. Plats for lots located in the ETJ are required to have a minimum of one (1) net acre (excluding area used for structures, driveways, right-of-way dedications, utility easements, drainage facilities, ponds/wetlands/floodplain, etc.), for installation of an aerobic septic system or other on-site sewerage facilities. Aerobic septic systems are allowed for those lots not within three-hundred feet (300) feet of the City's sewer district. Kaufman County, per the adopted interlocal cooperation agreement, permits and inspects all on-site sewerage facilities in the ETJ.
- iv. **Storm Drainage.** Increased storm water runoff attributable to new development shall not cause impacts to the adjoining, upstream, or downstream properties. Impacts are defined as the change (delta) in runoff between pre- and post-development counts. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, obtaining off-site drainage Easements, and/or the construction of off-site drainage improvements as means of mitigation. All designs shall comply with the *Standards of Design and Construction*, as existing or as may be amended.

- (3) **City's Cost of Review.** Should the City deem that adequate review of the roadway, water, wastewater, or drainage submittal should be outsourced to a qualified third party, the cost of such review shall be passed through to the Applicant or Developer.

- (c) **Provision of Utilities.** All electrical, cable, telecommunications, and other similar utility systems for new development shall be located underground, with the exception of regional transmission and feeder lines in accordance with the requirements of this Chapter.

SEC.02.03.072TREE PRESERVATION REQUIREMENTS.

- (a) **Purpose.** Trees provide vital benefits by cleaning the air, conserving energy, preventing soil erosion, and providing shade, thus, the City has determined that trees, both within its corporate limits and in its extraterritorial jurisdiction, should be protected as vital assets of the community as they serve the public health, safety, and welfare by protecting the environment and providing aesthetic beauty. This section establishes rules and regulations to protect and preserve trees within the City and its extraterritorial jurisdiction.
- (b) **Applicability.** The provisions of this section apply to:
 - (1) All vacant and undeveloped property, and
 - (2) All property to be redeveloped, including additions and/or alterations.
- (c) **Exemptions.**
 - (1) This section does not apply to individual single-family, duplex, and townhouse lots after initial Development and final inspection of the dwelling units by the Development Services Department. Individual single-family and duplex lots ten (10) acres or less in size created through a Minor Plat in accordance with the City's Subdivision Regulations are also exempt. However, Clear-Cutting is prohibited on all individual single-family, duplex and townhouse lots ten (10) acres or larger in size;
 - (2) For all new single-family developments, the Buildable Area, as defined in Section 02.03.102, *Definitions*, plus the area needed to establish proper drainage, detention and retention areas, sidewalks, septic systems and lateral lines, fences, screening walls, swimming pools and decking, driveways, public street Rights-of-Way, private street lots and utility Easements are exempt. Sufficient area to allow the normal operation of construction equipment for these improvements is also exempt;
 - (3) For all nonresidential and multifamily developments, the Building Pads, proposed public street Rights-of-Way, utility Easements, areas needed to establish property drainage, detention and retention areas, drive aisles, sidewalks and fire lanes are exempt. Sufficient area to allow the normal operation of construction equipment for these improvements is also exempt;
 - (4) During the period of an emergency such as a tornado, severe thunderstorm, ice storm, flood, or other natural disaster, the requirements of this section may be waived as deemed necessary by the City Manager or designee;
 - (5) In addition to rights granted by Easement, utility companies franchised by the City may remove trees during the period of an emergency that are determined by the company to be a danger to public safety and welfare by interfering with utility service;
 - (6) Any plant nursery (growing for commercial sales) shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises for the sale or intended sale to the public;
 - (7) Utility and drainage Easements required by the City and utility companies to install and maintain infrastructure;
 - (8) Trees that are diseased or dead unless the tree was required to be planted as part of an approved landscape plan or tree mitigation plan;
 - (9) The City may approve selective thinning of trees protected by this section, upon the recommendation of a certified arborist engaged by the Developer, that will enhance the

likelihood of survival of a larger tree or trees;

- (10) **Exempt Tree Species:** the following tree species are exempt from the provisions of this section if less than eight (8) Caliper Inches in DBH, or if located in a Floodplain, or as otherwise determined in writing by the City Manager or designee:

Exempt Tree Species if < 8 Caliper Inches in DBH or Located in a Floodplain	
Scientific Name	Common Name
<i>Acer saccherinum</i>	Silver Maple
<i>Celtis occidentalis</i>	Common Hackberry
<i>Maclura Pomifera</i>	Bois d’Arc
<i>Melia azedearach</i>	Chinaberry
<i>Morus alba</i>	Mulberry
<i>Populus spp.</i>	Cottonwood

- (d) **Tree Preservation Requirements.** The following requirements must be met:
- (1) In all zoning districts, no Clear-Cutting of land is allowed without a permit. An approved Tree Preservation Plan or approved site plan is the permit that allows the removal of trees subject to this section;
 - (2) Removal and clearing of underbrush (but not Grubbing) is allowed and does not require a permit;
 - (3) No tree eighteen (18) Caliper Inches in DBH may be removed unless located in areas specifically exempted by this section, the City has approved removal based on the tree’s health and condition, or the City has approved removal after assessment of a Tree Mitigation Fee.
- (e) **Tree Survey and Preservation Plan Requirements.**
- (1) **Tree Survey:** A Tree Survey must be submitted with all site plan, and Preliminary Plat Applications. A Tree Preservation Plan, if applicable, shall be submitted with all Final Plat Applications. The Development Services Department is authorized to maintain a list of required information for tree surveys and tree preservation plans. The Tree Survey shall include the exact location, size, condition if damaged or diseased, and common name of each tree protected by this section, including those located in a Floodplain. Trees that will be used to qualify for tree preservation incentives in accordance with subsection (i) below must also be shown on the Tree Survey. The Tree Survey for properties with ten (10) or fewer protected trees may be shown on the site plan or Preliminary Plat instead of a separate plan.
 - i. In lieu of a Tree Survey, the Developer may submit a statement from a certified arborist certifying that there are no protected trees on a property;.
 - ii. **Tree Preservation Plan:** The Tree Preservation Plan shall indicate which trees are to be preserved, which are to be removed and the manner in which they will be protected during the construction period. A tree mitigation plan, if required, must be included as part of the Tree Preservation Plan.
- (f) **Requirements for Tree Preservation.** Developers shall adhere to the following tree protection measures on all construction sites:
- (1) Prior to grading, brush removal, or construction, the Developer shall clearly tag or mark all trees to be preserved;

- (2) The Developer shall erect Protective Fencing around each tree or group of trees to prevent the placement of debris or fill within the root protection zone. The fence shall be installed prior to the release of any permit. If the protection fence is found removed, down, or altered at any time during construction prior to final inspection or landscape installation, a stop work order may be issued;
 - (3) During the construction phase of Development, the Developer shall prohibit cleaning, parking, or storage of equipment or materials under the canopy of any tree or group of trees being preserved. The Developer shall not allow the disposal of any waste material such as, but not limited to, paint, oil solvents, asphalt, concrete, mortar, etc. in the canopy area;
 - (4) No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree;
 - (5) No fill or excavation may occur within the Drip Line of a tree to be preserved unless there is a specific approved plan for use of tree wells or retaining walls. Major changes of grade (six (6) inches or greater) will require additional measures to maintain proper oxygen and water exchange with the roots;
- (g) **Tree Replacement and Mitigation.**
- (1) If protected trees eighteen (18) Caliper Inches and larger DBH are removed from a property, Replacement Trees a minimum of three (3) Caliper Inches must be planted to equal three (3) times the aggregate diameter of the tree(s) removed. If trees protected by this section less than eighteen (18) Caliper Inches in DBH are removed from a property, Replacement Trees a minimum of three (3) Caliper Inches must be planted to equal the aggregate diameter of such tree(s) removed. Replacement Trees are a credit towards the trees removed from the property and shall be in addition to trees required by other landscape requirements of the City's Code of Ordinances.
 - (2) Replacement Trees planted to mitigate tree removal may be located on the property being developed or in a location mutually agreed upon by the City and Developer.
 - (3) If all Replacement Trees cannot be properly located, the Developer may pay a Tree Mitigation Fee to the City in lieu of tree replacement. All fees shall be paid prior to the issuance of any building permits associated with the Development or project.
- (h) **Incentives for Preservation of Protected Trees:** These incentives are designed to maintain a more natural and less manicured aesthetic through the preservation of existing trees. These incentives shall not be used to reduce the landscaping requirements in the City's Code of Ordinances.
- (1) Tree Preservation. The following incentives are applicable for existing trees that are protected by this section and that are preserved:
 - i. Reduction in parking. For developments requiring fifty (50) parking spaces or more, the number of parking spaces may be reduced by two (2) spaces for every one (1) protected tree preserved. However, in no case shall the parking requirement be reduced by more than twenty percent (20%).
 - ii. Tree credits. Credit toward the total number of trees required as outlined in the following:

Tree Credits	
DBH of Existing Tree	Credit Against Tree Requirement
4 inches to 6 inches	1.5 trees
Over 6 inches to 8 inches	2 trees
Over 8 inches to 10 inches	2.5 trees
Over 10 inches to 12 inches	3 trees
Over 12 inches to 15 inches	4 trees
Over 15 inches	5 trees

- (i) **Tree Mitigation Fee.** The Tree Mitigation Fee shall be in the amount deemed necessary to purchase, plant, and irrigate a new tree, as provided below. The fee shall be reviewed on an annual basis to ensure its adequacy for its designated uses by the Development Services Director. The fee shall be assessed and collected from the owner of the property to be developed as provided for in these Subdivision Regulations. The Director of Development Services, or designee, shall collect the fee and deposit the fee into the Tree Mitigation Fund.

Tree Mitigation Fee		
Tree Mitigation	In City	Out City
Tree Mitigation Fee (per Caliper Inch of a protection tree that is removed)	\$125.00	\$125.00

- (j) **Penalty; Enforcement.** In addition to the penalties provided by Section 02.03.002, *Enforcement, Violations, & Penalties* of the City's Subdivision Regulations, no building permit(s), certificate of occupancy, or acceptance of Public Improvements shall be issued or authorized by the City until any and all violation(s) have been mitigated by replacement of the protected tree or payment of the Tree Mitigation Fee in accordance with this section. Unless otherwise specifically set forth herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section. Each tree removed or transplanted without a permit shall constitute a separate offence. Violation of this Section shall not constitute an exemption to the replacement requirements of this Section.

SEC. 02.03.073 ...WATER, WASTEWATER & DRAINAGE REQUIREMENTS & ENVIRONMENTAL STANDARDS.

(a) **Water & Wastewater Basic Policy.**

(1) Construction Requirements.

- i. All public water and wastewater mains shall be located at the frontage of the property along streets, or in Easements adjacent to the development, in order to provide service to adjacent property;
- ii. Public water and/or wastewater mains shall not be located within a private street, drive, or Access Easement, unless a public utility Easement is provided;
- iii. The minimum Easement width for water or wastewater mains shall be fifteen (15) feet, or as determined by the Director of Public Works and/or the City Engineer. Where it is necessary for water and wastewater facilities to be located within the same Easement, the Easement shall be a minimum of twenty (20) feet in width, or as determined by the Director of Public Works and/or the City Engineer;
- iv. No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs,

chimneys, fire flues, etc.) shall encroach over or into any Easement, except that wall-attached window awnings, “bay” style windows, and roof eaves shall be allowed to encroach into an Easement a maximum of twenty-four (24) inches;

- v. A water or wastewater Easement between two (2) lots must fall entirely on a single lot and shall not straddle the lot line unless specifically approved by the Director of Public Works and/or the City Engineer;
- vi. Easements shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the associated Plat for the specific purpose intended. When it is necessary for additional utilities to be placed within such utility Easement, additional width shall be provided, and the Easement shall be labeled for its additional intended purpose on the associated Plat;
- vii. When it is necessary to relocate or replace an existing water or sewer facility to accommodate a proposed subdivision, the Developer is responsible for all costs associated with the relocation, except as agreed to by City Council as specified in a Development Agreement and/or Facilities Agreement (see Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*).

(2) Construction Plans. Plans for construction of all water and wastewater facilities required by these regulations shall be prepared in accordance with the requirements and specifications contained in the *Standards of Design and Construction*, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundation (NSF), Texas Department of Insurance, Insurance Services Office, and the City's current adopted Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by a licensed engineer and accepted by the Director of Public Works and/or the City Engineer.

(b) Acquisition of Easements. The Developer shall be responsible for the acquisition of all required off- site Easements. If the Developer is unable to acquire the necessary off-site Easement, the City shall be provided with Easement or right-of-way survey exhibits and documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these Easements, either through negotiations or through condemnation in appropriate situations. The Developer shall reimburse the City for the costs of acquiring the necessary Easements, including but not limited to attorney fees, engineering fees, survey costs, expert fees, the price paid to the affected property owner(s) to acquire the easement, recording fees, and title searches.

(c) Preliminary Utility Plan.

(1) Submittal of Plans. Prior to the submission of a Preliminary Plat, Final Plat, Replat, Minor Plat, or Development Plat, the Developer shall submit a plan showing the location and size of water, wastewater, and storm drainage mains that will be required to provide adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be submitted to the Fire Marshal for review prior to construction;

(2) Plan Document. The plan shall conform to the *Standards of Design and Construction*;

(3) Coordination with other Utility Providers;

- i. *Preliminary Plat*. When the subdivision is located in an area served by a utility provider other than the City, the Developer must provide a water system analysis that supports domestic service and fire protection;
- ii. *Minor Plat, Replat, Development Plat*. When a subdivision is located in an area served by a utility provider other than the City, the Developer must provide a letter from the utility provider stating that the existing facilities provide adequate domestic

service and fire protection. If the City has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required;

- iii. *Final Plat.* The Final Plat will not be recorded with Kaufman County until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

(d) **Miscellaneous Requirements.**

- (1) No new building or building expansion shall be constructed or placed within or over an existing wastewater, lateral, water main, or storm drain Easement;
- (2) In the case of an existing building or structure located over an existing wastewater, lateral, water main, storm drain line or Easement, the City, the County and/or public utility provider has the authority to enter the Easement property to make the necessary repairs or improvements to the line. Additionally, should the City, the County and/or public utility provider require Access to said Easement, that any repairs to the affected building or structure shall be solely at the expense of the Developer or Property Owner;
- (3) Monument signs, flatwork, fencing, screening walls, vegetation, and other appurtenances may be constructed over an existing wastewater, lateral, water main, or storm drain Easement, if approved by the Director of Public Works and/or the City Engineer in an approved and executed Facilities Agreement stating that should any disturbance, repair, or realignment conducted by the City or a franchise utility company within the Easement that may affect the improvement requires that the Developer make all necessary repairs to the improvement, including the entire replacement of the improvement, at the Property Owner's sole expense;
- (4) Ownership and maintenance of water and wastewater mains and service connections shall be regulated as follows:
 - i. The title to all wastewater lines constructed, including wastewater service connections located in a Right-of-Way or dedicated Easement, shall be vested in the City or the applicable utility provider;
 - ii. The Developer, or single customer, shall be responsible for all maintenance of the wastewater service connection, unless replacement of the service is required in the Right-of-Way. When replacement is determined to be necessary by the Director of Public Works and/or the City Engineer, the City shall assume the responsibility for replacement of that portion in the Right-of-Way under the pavement; and
 - iii. The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the City or the applicable utility provider.
- (5) The City makes no guarantee that water supply or wastewater capacity will be available at any particular time or place;
- (6) The service lines shall extend across the lot in question to provide future service connections to the adjacent property;
- (7) Water and wastewater service lines shall be maintained by the Property Owner; and
- (8) Public water and wastewater mains adjacent to federal, state, or county roadways shall be constructed outside the Right-of-Way in a separate Easement unless otherwise agreed upon by the agency.

(e) **Water.**

(1) Design & Construction.

- i. *Installation of Water Facilities.* Where water is to be provided through the City system, the Developer shall install adequate water facilities, including fire hydrants,

in accordance with the City's *Standards of Design and Construction*, the adopted Fire Code, the current Rules and Regulations for Public Water Systems of the Texas Commission on Environmental Quality (TCEQ), and the firefighting standards of the Texas Board of Insurance. If any such requirements conflict, the most stringent requirement shall apply;

- ii. *Facilities for Health and Safety Emergencies; Alternative Water Sources.* All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with the *Standards of Design and Construction*. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
 - a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ);
 - b. Design and construction of water service from the City shall be in accordance with the City's *Standards of Design and Construction*; and
 - c. Design and construction of a fire protection and suppression system shall be in accordance with the City's *Standards of Design and Construction*, and in accordance with the City's Fire Department and adopted Fire Code.

(2) Location.

- i. *Shown on Construction Plans.* The location and design of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems, and certified water service areas, indicating all improvements proposed to be served, shall be shown on the Construction Plans;
- ii. *Extension of Lines.* Extension of water lines shall be made along the entire frontage of the development adjacent to a street. If the subdivision is not adjacent to a street, the extension of water lines shall be accomplished in such a manner as to allow convenient future connections to said lines by new subdivisions and the Developer shall provide stub out connections at the property line at the time of water infrastructure installation;
- iii. *Exception from Requirement.* If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Director of Public Works and/or the City Engineer may approve an Exception for this requirement in accordance with Section 02.03.086, Modifications, Appeals and Exceptions, of this Ordinance prior to action on the Construction Plans or prior to action on any Plat.

- (3) Cost of Installation. The cost of installing all water supply improvements to be made by the Developer, including off-site improvements, shall be included in the performance guarantees and Facilities Agreement, if applicable (refer to Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*).

(4) Cost of Extension to Serve Developers.

- i. Where the City's water distribution system is not extended in time to serve a proposed new development, all necessary water facilities to serve such development shall be provided by and at the expense of the Developer;
 - a. All extension and/or oversizing of a water facility deemed necessary by the Director of Public Works and/or the City Engineer for future developments shall be in accordance with the *Kaufman Code of Ordinances, Chapter 12 Utilities, Water and Sewer Main Extensions, Division 2, Extension Policies*. At its sole discretion, the City may participate in such oversizing costs as part

of a Development Agreement, a Facilities Agreement, and/or an Escrow Agreement.

- ii. The Developer will pay one hundred percent (100%) of the construction cost of the water facilities required to serve their development, including the design, construction, and City inspection of the approach main(s). Water lines to all lots to be served by water facilities located in the Right-of-Way will be constructed at the same time as a part of the same contract as all other Public Improvements in the Developer's addition.
- iii. When the Developer desires that water mains be extended to serve their property, they will submit a request in writing to the Director of Public Works and/or the City Engineer showing the following:
 - a. The property to be served, including the lot, block, and subdivision;
 - b. If the area to be served is a part of a larger area that is owned or controlled by the Developer and which is reasonably expected to be served by water in the future, a tentative design of a main layout will be made of the entire area;
 - c. The cost estimate will be made on that portion of the subdivision to be served immediately;
 - d. The Director of Public Works and/or the City Engineer shall approve the size of the approach main required to serve the Developer's property and the actual size to be constructed. Should the City elect to construct a main larger than the Developer's required approach main, said upsizing and responsibility for costs shall be in accordance with Chapter 12.08.033 of the City's Code of Ordinances or as specified in an approved Development Agreement and/or Facilities Agreement and/or Escrow Agreement.
- iv. The amount of the Developer's payment shall be determined using unit bid prices contained in the award contract.

(5) Individual Wells in ETJ.

- i. *Well Approval.* Individual wells to provide potable water within the City's ETJ shall be subject to approval by the Kaufman County health official, and this approval shall be documented by the health official's signature on the water system statement on the Plat. The Developer must submit with the Plat Application a certificate from a professional engineer or a geoscientist (who are licensed to practice in the State of Texas) verifying the adequacy of the proposed well water supply and potability prior to a Plat Application submittal or Construction Plan approval; and
- ii. *Compliance with Other Regulations.* Installation, operations, and maintenance of individual wells shall comply with City standards, regulations of the Texas Commission on Environmental Quality (TCEQ), and any other applicable County or State rules and regulations. In the event of conflict among these regulations, whichever is the most stringent shall apply.

(f) **Wastewater.**

- (1) Extension of and Connection to the City's Wastewater Collection System. Extension of, and connection to, the City's wastewater collection system shall be required for all new developments within the City limits. Extension of, and connection to, the municipal wastewater collection system shall also be required for new developments within the City's ETJ for any proposed development, lot, tract, or parcel that is less than one (1) net acre in size. The City is not in any way obligated to allow extension of municipal wastewater collection lines outside the City limits. The required extension of, and connection to, the municipal wastewater collection system may be waived only in accordance with a Development Agreement approved by City Council after determining that such extension would require unreasonable expenditures and

that an on-site wastewater disposal system (see Section 02.03.073(f)(9), *On-Site Wastewater Disposal Systems*) will function properly and safely. The decision to allow an exception is at the sole discretion of the City;

- (2) Design & Construction. It is the policy of the City to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless a gravity design is impractical, as determined by the Director of Public Works and/or the City Engineer. The location, design and sizing of all wastewater improvements shall be shown on the Construction Plans and are subject to approval by the Director of Public Works and/or the City Engineer;
- (3) Cost of Installation. The cost of installing all wastewater improvements to be made by the Developer, including off-site improvements, shall be included in the performance guarantees and Facilities Agreement, if applicable;
- (4) Wastewater Collection Line Extension, Generally. All wastewater collection line extensions shall be designed in accordance with the latest applicable rules and regulations as published by the Texas State Department of Health and Texas Commission for Environmental Quality (TCEQ). All wastewater collection lines shall be designed with consideration for serving the full drainage area subject to collection by the wastewater collection system in question except as modified with the concurrence of the Director of Public Works and/or the City Engineer because of the projected rate of development or the financial feasibility of the proposed extension;
- (5) Cost of Extensions to Serve Developers.
 - i. Where the City's wastewater collection system is not extended in time to serve a proposed new development, all necessary wastewater facilities to serve such development shall be provided by, and at the expense of, the Developer;
 - a. All extension and/or oversizing of a wastewater facility deemed necessary by the Director of Public Works and/or the City Engineer for future developments shall be in accordance with the *Kaufman Code of Ordinances, Chapter 12 Utilities, Water and Sewer Main Extensions, Division 2, Extension Policies*. At its sole discretion, the City may participate in such oversizing costs as part of a Development Agreement, a Facilities Agreement, and/or an Escrow Agreement;
 - ii. The Developer will pay one hundred percent (100%) of the construction cost of the wastewater facilities required to serve their development, including the design, construction, and City inspection of the approach main(s). Wastewater lines to all lots to be served by wastewater facilities located in the Right-of-Way will be constructed at the same time as a part of the same contract as all other Public Improvements in the Developer's addition;
 - iii. When the Developer desires that the wastewater mains be extended to serve their property, they will submit a request in writing to the Director of Public Works and/or the City Engineer showing the following information:
 - a. The property to be served, including the lot, block, and subdivision;
 - b. If the area to be served is a part of a larger area that is owned or controlled by the Developer and which is reasonably expected to be served by the wastewater collection system in the future, a tentative design of a main layout will be made of the entire area;
 - c. The cost estimate will be made on that portion of the subdivision to be served immediately.
 - d. The Director of Public Works and/or the City Engineer shall approve the size of the approach main required to serve the Developer's property and the actual size to be constructed. Should the City elect to construct a main larger than

the Developer's required approach main, said upsizing and responsibility for costs shall be in accordance with Chapter 12.08.033 of the City's Code of Ordinances or as specified in an approved Development Agreement and/or Facilities Agreement and/or Escrow Agreement.

- iv. The amount of the Developer's payment shall be determined using unit bid prices contained in the award contract.

(6) Required Stub-Out to Adjacent Properties. All lateral and wastewater mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collecting system regardless of whether or not such extensions are required for service within the subdivision;

(7) Lift Stations or Separate Treatment Facilities. The provision for lift stations or separate treatment facilities will not be permitted unless the cost of constructing such lift stations or separate facilities is at least twenty percent (20%) less than the costs of constructing an adequate outfall or approach wastewater from the existing system;

(8) Connections. No connection shall be made to any wastewater collection system within the City which will permit the entrance of surface water or waste other than domestic wastewater characteristics without the specific authorization by the City Council;

(9) On-Site Wastewater Disposal Systems.

- i. In cases where the Director of Public Works and/or the City Engineer determines that extension of and connection to the City's wastewater collection system is impractical or not feasible, and where the Director of Public Works and/or the City Engineer approves the use of an on-site wastewater disposal system, such on-site system shall provide adequate sewage disposal for all lots, tracts, parcels, and structures in the development that cannot be connected to the City's sewer system;
- ii. All on-site wastewater disposal systems shall be designed, permitted, constructed, operated, and maintained in compliance with all applicable local, County and State regulations, and a permit from TCEQ for such system shall be acquired prior to submission of Applications for a Preliminary Plat and/or Construction Plans;
- iii. On-site wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly in conditions of high groundwater, flooding, unsuitable soil characteristics, or other topographical or environmental issues.
- iv. Each lot, tract, parcel, and structure that utilizes an on-site wastewater disposal system shall have a minimum land area of at least one (1) net acre;
- v. No portion of any on-site wastewater disposal system shall be constructed within a minimum 150-foot radius around any water well either on-site or on other properties.
- vi. In order to protect the public health, safety, and welfare, an existing on-site wastewater disposal system shall be upgraded, or reconstructed, if necessary, to comply with the City's standards by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or if it causes objectionable odors, unsanitary conditions, pollution, etc.

(g) **Stormwater.**

(1) Adoption. This Ordinance is in compliance with the adopted *Flood Damage Prevention Ordinance*, *Standards of Design and Construction*, and the *Code of Ordinances* of the City of Kaufman;

(2) Purpose and Scope. The purpose of policies and design standards set forth herein is to ensure adequate stormwater drainage and flood control within the City of Kaufman. The policies and standards are included in the most recent version of *Standards of Design and Construction*

and are intended to protect public health and safety, to prevent property damage due to flooding, to equitably distribute the cost of necessary drainage improvements, and to minimize the maintenance cost of drainage facilities constructed. Any development or improvement of property affecting storm drainage and flood control in the City of Kaufman is subject to the provisions of this Ordinance;

- i. The development of land shall consider all drainage elements normally used in the engineering standards of design;.
- ii. Evaluation of stormwater runoff characteristics shall consider development conditions of the watershed as specified in the *Standards of Design and Construction*;
- iii. Stormwater design shall be in accordance with the *Standards of Design and Construction* and should evaluate drainage for existing and proposed conditions using ultimate (fully developed) land use conditions;

(3) Standard Provisions for Storm Drainage. All construction for storm drainage in the development or improvement of real property within the City of Kaufman shall conform to the requirements set forth in the *Standards of Design and Construction*;

(4) Responsibility of Developer for Storm Drainage.

- i. The Developer of property to be developed or used shall be responsible for all storm drainage flowing through or Abutting such property. This responsibility includes the drainage directed to that property by prior development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of this Ordinance that provision be made for storm drainage in accordance with Section 02.03.073(g)(2) above and the *Standards of Design and Construction*, at such time as any property affected is proposed for development use;
- ii. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the owner hereafter proposing development or use of his property, shall be responsible for the required improvements at the time of development, including the dedication of all necessary Right-of-Way or Easements, to accommodate the improvements;
- iii. Where a Developer's entire proposed development or use of only a portion of their property, provision for storm drainage in accordance with Section 02.03.073(g)(2) above and the *Standards of Design and Construction*, shall only be required in that portion of the property proposed for immediate development or use, except as construction or improvements of a drainage facility outside that designated portion of the property is deemed essential to the development or use of that designated portion;
- iv. The owner or owners shall dedicate to the City the required drainage Easements. Minimum Easement requirements are set forth in the *Standards of Design and Construction*. Final determination of Easement requirements shall be made by the Director of Public Works and/or the City Engineer.
- v. In the event that a Property Owner or Developer desires to impound stormwater by excavation, filling, or construction of a dam within a property, thereby creating a lake, pond, or lagoon as a part of the planned development of that property, the following provisions shall apply:
 - a. An engineering plan for such construction, accompanied by complete drainage design information, prepared by a registered professional engineer, shall have been approved by the Director of Public Works and/or the City Engineer;
 - b. The Property Owner or Developer shall have agreed to retain under private ownership the lake, pond, or lagoon constructed, and to assume full responsibility for the protection of the general public from any health or safety

- hazards related to the lake, pond, or lagoon constructed;
- c. The Property Owner or Developer shall have agreed to assume full responsibility for the maintenance of the lake, pond, or lagoon constructed;
- d. The obligations herein shall run with the land and shall be a continuing obligation of the owner(s) of such land;
- e. The requirements of the Texas Water Code pertaining to impoundment of surface water are complied with including the design, construction, and safety of the impounding structure; and
- f. On any existing structure, the owner will furnish a study or design prepared by a professional engineer for the City for approval.

(5) Responsibility and Participation of the City in Storm Drainage Improvements.

- i. The City may, in its sole discretion, participate in the cost of such improvements as are required by this Ordinance;
- ii. The City may, in its sole discretion, participate in any project of improvements by the levy of a special assessment against the lands to be enhanced in value by such improvements;
- iii. The City may acquire drainage Easements necessary for such improvements by acceptance of dedication, purchase, or condemnation;
- iv. The City may, at its sole discretion, upon acquisition of the drainage Easements and the completion of improvements as hereinabove provided, assume full responsibility for the maintenance of such drainage facilities except for detention ponds;

(6) Engineering Design. The design of all storm drainage facilities in the development or improvement of real property shall be in accordance with the requirements set forth in the *Standards of Design and Construction* and the following requirements:

- i. Storm sewer inlets shall be provided along paved streets at such intervals as are necessary to limit the depth of flow according to the requirements set forth in *Standards of Design and Construction*;
- ii. A closed storm sewer system shall generally be required to accommodate a run-off exceeding the street capacity, as provided above and as specified in *Standards of Design and Construction*. Design of open channel systems in lieu of a closed system shall adhere to the requirements set forth in the *Standards of Design and Construction*; and
- iii. Excavation, fill, and grading operations within the city limits shall be undertaken only after a proper permit has been obtained from the City.

(7) Easements. Drainage Easements shall be dedicated for public drainage features in accordance with the requirements of this Ordinance and the *Standards of Design and Construction*;

(8) Stormwater Quality. Designs for new development shall manage stormwater in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the Municipal Separate Storm Sewer System (MS4) and natural waterways.

- i. The goal is to maintain after development, to the maximum extent practical, the predevelopment characteristics in the waterway, which ultimately receives stormwater runoff from the development;
- ii. It is the Developer's responsibility to ensure that designs for new development meet the stormwater management requirements in the General Permit for Stormwater Discharges Associated with Construction Activities (TXR150000) issued by the TCEQ and its successor agencies. This permit includes the requirement for measures that will be installed during construction to control pollutants in stormwater

discharges after construction operations have been completed.

- (9) Minimum Finished Floor Elevations. The Director of Public Works and/or the City Engineer may require minimum finished floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the Plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages.
 - i. The minimum finished floor elevation shall conform with the requirements set forth in the Flood Damage Prevention Ordinance (see *Kaufman Code of Ordinances, Article 4.05 of the Building Regulations*, as amended) and the *Standards of Design and Construction*. The following note or an amended version appropriate to the specific Plat shall be added to any Plat upon which the Director of Public Works and/or the City Engineer requires the establishment of minimum finished floor elevations:
 "The City reserves the right to require minimum finished floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the Plat is filed and are subject to change."
 - (10) Off-Site Drainage. When any proposed development requires off-site grading where stormwater runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels, storm sewers, or streets. In such a case, a drainage Easement shall be dedicated and shall be of a width sufficient to comply with the criteria outlined in this Ordinance and in the *Standards of Design and Construction*;
 - (11) Building or Structure Setback Requirement. Any building or structure constructed, reconstructed, or relocated adjacent to an open drainage channel shall conform to the setback requirements established in the *Standards of Design and Construction*;
 - (12) Construction Over Drainage Facilities. No building or structure shall hereafter be constructed, reconstructed, expanded over, or relocated over or across any storm drainage facility, unless specifically approved by the Director of Public Works and/or the City Engineer and pursuant to the criteria established in *Standards of Design and Construction*; and .
 - (13) Stormwater Storage. Temporary storage of stormwater on-site is allowable pursuant to the criteria established in the *Engineering Standards*.
- (h) **Preliminary Drainage Plan.**
- (1) The preliminary drainage plan shall show the watershed affecting the development and how stormwater will be conveyed to, through, and from the development.
 - i. It must comply with the standards outlined in this Chapter and the drainage design criteria found in the *Standards of Design and Construction*.
 - ii. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize an exception to this Chapter.
 - (2) For any property involved in the development process, a preliminary drainage plan shall be provided, at the Developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new Plat. The Director of Public Works and/or the City Engineer may waive the requirement for a preliminary drainage plan if the submitted Plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the Developer requests an exception in

writing, a copy of any previous drainage plan shall be provided.

- (3) At the request of the City, the Developer shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary Plat. For any study required by the City that is outsourced to a third party, the cost of such study shall be passed through to the Property Owner or Developer.
 - i. Environmental Assessment;
 - ii. Wetland Delineation Study;
 - iii. Habitat Study;
 - iv. Vegetative Study;
 - v. Erosion Hazard Setback Study;
 - vi. Storm Drainage Study;
 - vii. Riparian (i.e., Tributary) Study;
 - viii. Hydrologic and Hydraulic Analysis;
 - ix. Flood Study; and
 - x. Downstream Assessment Study.

- (4) Electronic copies of the preliminary drainage plan shall be submitted for review and acceptance by the City prior to the submittal of a Preliminary Plat. The plan shall be labeled as "Preliminary." The plan shall be stamped and dated by the engineer and be accompanied by a floodplain development Application (if applicable) describing the hydrologic and hydraulic impacts of the development and all associated supporting data files.

(i) **Major Creeks.**

- (1) Definition. Major creeks shall be defined by the most recent FEMA Flood Insurance Rate maps.;
- (2) Major Creek Restrictions. All major creeks shall be maintained in an open natural condition. All major creeks are subject to the requirements set forth in the *Standards of Design and Construction* and the additional following requirements for all types of development:
 - i. The one-hundred-year (100-year) floodplain and Erosion Hazard Setback shall be dedicated on the Final Plat to the City as a single lot (only if the City is agreeable to accept the land dedication) or shall be established as an open space lot to be owned and maintained by a Homeowners' Association (HOA) or Property Owners' Association (POA), pursuant to Section 02.03.0791(d), *HOA Requirements*, of this Chapter;
 - ii. At no time shall any portion of the one-hundred-year (100-year) floodplain encroach upon any single-family or two-family residential lot; and.
 - iii. The Council may waive any of these dedication requirements for a Replat that was originally Platted prior to the adoption of this Chapter.
- (3) Access. Public Access and maintenance Access to parks and open space shall be provided as required by the Director of Public Works and/or the City Engineer.

(j) **Floodplain Development Requirements.**

- (1) One-Hundred-Year (100-Year) Floodplain Restrictions. All development proposed adjacent to or within the one-hundred-year (100-year) Floodplain shall be in accordance with this Chapter, the City's Flood Damage Prevention Ordinance, and the *Standards of Design and Construction*. A floodplain development permit must be submitted and approved by the Director of Public Works and/or City Engineer prior to any construction on the site.

(k) **Stormwater Detention Facilities.**

- (1) Intent. The City of Kaufman encourages the use of detention facilities for the benefits of the

community outlined below:

- i. *Control of flood discharges.* The intent of detention basin design shall be to reduce flood discharges for the ultimate watershed development conditions without increasing peak discharges above the peak discharges for undeveloped watershed conditions;
- ii. *Environment.* As development occurs, there is a loss of wildlife and bird life habitat. It is possible to create a natural micro-environment around ponds and storage areas that can offset this loss of habitat. These "natural" environmental pockets in conjunction with natural open space areas can help maintain the rural setting of the City. Detention ponds also benefit downstream water quality by allowing the sedimentation of pollutants;
- iii. *Recreation.* Detention basins may offer recreational opportunities in an urban setting; for example, a normally dry detention basin could be used for athletic fields or picnic areas, while the banks of a pond offer valuable park space; and
- iv. *Aesthetics.* As an integral part of the City of Kaufman, a detention basin or flood storage area needs to blend into the landscape and into the community. Measures such as gentle side slopes, planting of trees and shrubs, and other landscaping features can transform the detention facility into an attractive Amenity for the neighborhood.

(2) Requirements.

- i. All detention facilities shall be designed and constructed according to the requirements set forth in the *Standards of Design and Construction*;
- ii. Detailed engineering studies of the detention facility according to the requirements set forth in the *Standards of Design and Construction* shall be required to evaluate the timing of hydrographs from regional and on-site facilities, as well as backwater calculations to determine the effect of the detention/retention facilities on upstream water surface elevations;
- iii. All detention facility designs shall be performed by a professional engineer registered in the State of Texas and shall meet the requirements of Permanent Rule 31, TEXAS ADMINISTRATION CODE (TAC) CHAPTER 299, and other requirements, as applicable;
- iv. Detention ponds shall have trees planted on the perimeter of the facility at a rate of one large canopy tree for every fifty (50) linear feet;
- v. Detention ponds shall be designed in a manner to be an Amenity to the development by providing a gentle six-to-one (6:1) slope. Detention "pits" with sheer exterior walls are prohibited for residential subdivision designs. The Director of Public Works and/or the City Engineer may provide a Minor Modification to the slope requirements of a detention pond, such as retention ponds with aerators; and
- vi. Detention ponds may not be located in a required landscape buffer area adjacent to perimeter roadways.

SEC. 02.03.074 ...STREET & ALLEY STANDARDS.

(a) **Street Basic Policy.**

- (1) Street Improvements. In Platting a new development, the Developer shall provide additional Right-of-Way needed for existing or future streets as required by the *Standards of Design and Construction* (Figures 2.1) and as shown on the City of Kaufman Thoroughfare Plan and/or the Kaufman County Transportation Plan, as applicable.
- (2) Existing Substandard Streets.
 - i. When a proposed residential or nonresidential development abuts one (1) or both

sides of an existing substandard street, the Developer shall be required to improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies, including any ordinances that are in effect at the time of Final Plat approval;

- ii. If the proposed development is located along only one (1) side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time, the City may require the Developer to pay into escrow, in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, funds for the future improvement of the street as a condition of Final Plat approval for the development;
- iii. When a Traffic Impact Analysis (TIA) is required or voluntarily submitted, the findings determined shall not be imposed upon, alter, or supersede the requirements, alignment, Right-of-Way widths, and number of lanes shown on the Master Thoroughfare Plan, as it exists or may be amended, except as expressly approved by the City. The TIA may be used to justify amendments to the Thoroughfare Plan, but in no case shall the TIA dictate such amendments.

(3) New Perimeter Streets and Entryways.

- i. When a proposed residential or nonresidential development is developed Abutting an existing or planned Thoroughfare as shown on the City of Kaufman and/or Kaufman County Thoroughfare Plans (as applicable), the Developer shall construct a portion (representing at least half of the width of the full street section) of the Abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the City's standards for that type of street (per the *Standards of Design and Construction*);
 - a. If the Director of Public Works and/or the City Engineer determines that it is not feasible to construct the Abutting street and its appurtenances at the time of development, the City may require the Developer to pay into escrow, in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements*, funds for the future construction of the street as a condition of associated Plat approval for the development. The funds placed in escrow, or the value of the lanes constructed shall be roughly proportional to the amount of traffic estimated to be generated by the development itself;
 - b. If the Developer elects or if the Director of Public Works and/or the City Engineer determine that constructing the full street section of an Abutting Thoroughfare is required for traffic safety or efficiency, then the Developer may be eligible for cost sharing with the City and/or future reimbursement from benefitting property owners on the other side of the Thoroughfare at the time those properties develop in accordance with a Development Agreement and/or Facilities Agreement and/or Escrow Fee Agreement.
- ii. When a proposed residential or nonresidential development is constructed and has designed an unplanned perimeter street in order to provide Access to the site and/or adjacent land, the Developer shall construct a portion of the Abutting street as described below in Section 02.03.074(a)(4), *New Internal Streets*, and under the same conditions.;
- iii. Streets at the entrance to residential, multiple-family, and non-residential developments shall have decorative pavers or stamped concrete to delineate the

entrance. Single-family, two-family, and townhome residential developments shall also have a divided entrance with the median being a common area lot to be owned and maintained by the HOA. An entrance monument sign and landscaping may be located on this lot.

(4) **New Internal Streets.**

- i. All new streets and their appurtenances internal to a proposed residential or nonresidential development shall, at a minimum, be built to a width and design that will adequately serve the development and shall conform to the City's standards as described in the *Standards of Design and Construction*;
- a. If oversizing of an internal street is deemed necessary by the Director of Public Works and/or the City Engineer for traffic safety or efficiency (such as establishment of a new collector street not identified on the Thoroughfare Plan that will carry significant traffic volumes, or a street adjacent to a school or park site), then the City and/or the applicable entity may, at their sole discretion, participate in such oversizing costs as part of a Development Agreement and/or Facilities Agreement and/or Escrow Fee Agreement;
- ii. Streets which temporarily dead end at power lines, railroads or similar Rights-of-Way shall be constructed for at least one-half (½) the distance across these Rights-of-Way, or provision shall be made to place the construction cost for said improvements in escrow with the City in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*;
- iii. When, in the judgment of the Director of Public Works and/or the City Engineer, it is not feasible to construct an internal street or appurtenances at the time of development of the subdivision, the City may require the Developer to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development, in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements Facilities Agreements*.

- (5) **Impact Fees.** All impact fees due on the project shall be paid in accordance with the City's Impact Fee Ordinance and/or executed Development Agreement and/or Facilities Agreement.

(b) **Street Design & Appurtenances.**

- (1) **Application of Requirements.** Street design requirements are subject to the provisions included in the *Standards of Design and Construction*, the City of Kaufman's and/or Kaufman County's *Thoroughfare Plan* (as applicable), a Development Agreement and/or Facilities Agreement and/or a Planned Development Ordinance (if applicable to the subject property), as well as the regulations contained within this Chapter.
- (2) **Conformity to the Thoroughfare Plans.** The general location of streets shall conform to the City of Kaufman's and Kaufman County's *Thoroughfare Plan*. For streets that are not shown on the *Thoroughfare Plans*, such as local residential streets, the arrangement of such streets shall:
 - i. Provide for the continuation or appropriate continuation of existing streets or street stubs from or into surrounding areas – refer to street stub requirements outlined in Section 02.03.074(b)(11), *Stub Streets*, and connectivity requirements in Section 02.03.074(b)(12), *Street Connectivity*;
 - ii. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;

- iii. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned Thoroughfare, as described within the *Standards of Design and Construction*; and
 - iv. New streets that intersect with divided Arterials shall align to the greatest extent possible with opposite streets such that median openings can be shared.
- (3) Relation to Adjoining Street System. The proposed street system shall extend all existing Thoroughfares and local streets as may be necessary for safe and efficient traffic circulation and emergency ingress and egress.
- (4) Maximum Street Length. No street shall be more than twelve hundred (1,200) feet in length without an intersection with another street, which will provide some degree of flexibility in traffic patterns, improved traffic circulation, and public convenience;
 - i. See *Standards of Design and Construction* for specific design requirements;
 - ii. In certain circumstances, the City may consider Exceptions to the maximum street lengths if sought by the Applicant. These circumstances include, but are not limited to:
 - a. Rerouting of streets;
 - b. Large areas of open space/park land on one or both sides of the street;
 - c. Intersecting trails that provide pedestrian access at mid-block locations;
 - d. Decreasing the lot count by five percent (5%) or more from the previously approved Preliminary Plat or Final Plat; or
 - e. Approval by the Council through a Subdivision Ordinance Major Modification/Exception. Any Major Modification/Exception approved by the Council shall include the curvilinear requirement and street calming methods, as described below in Section 02.03.074(b)(6) and (7).
- (5) Maximum Cul-de-Sac Length. No cul-de-sac shall exceed six hundred (600) feet in length, measured from the center of the cul-de sac to the center of the intersecting street, as described in the *Standards of Design and Construction*;
 - i. In certain circumstances, the City may consider an Exception to the maximum cul-de-sac length if sought by the Developer. These circumstances include, but are not limited to:
 - a. Rerouting of streets;
 - b. Large areas of open space/park land on one or both sides of the street;
 - c. Intersecting trails that provide pedestrian access at mid-block locations;
 - d. Decreasing the lot count by five percent (5%) or more from the previously approved Preliminary Plat or Final Plat; or
 - e. Approval by the Council through a Subdivision Ordinance Major Modification/Exception. Any Major Modification/Exception approved by the Council shall include the curvilinear requirement and street calming methods, described in Section 02.03.074(b)(6), *Curvilinear Requirement and (7), Additional Street Calming Methods*.
- (6) Curvilinear Streets. In situations where curvilinear streets are provided, the design of the street shall include a curve of between one hundred to two hundred (100 to 200) foot radius for a length equal to the curve radius.
 - i. Curvilinear streets may be used as a traffic calming method in situations where the street length exceeds 1,200 feet.
- (7) Additional Street Calming Methods. One or more of the following street calming methods (or other methods not listed here as approved by the Director of Public Works and/or the City Engineer) may be required by the City and incorporated into the design, in addition to the curvilinear requirement (above), in order to reduce traffic velocity and increase safety to

pedestrians and cyclists, subject to the review and approval of the Director of Public Works and/or the City Engineer:

- i. Stop signs;
 - ii. Street width narrowing with landscaped islands placed approximately every 400 feet or other distances as necessary to provide traffic calming;
 - iii. Roundabouts placed approximately in the center of the street length or near a major entrance to the development; and/or
 - iv. Landscaped medians that include pedestrian crossing oases to be determined by the Director of Public Works and/or the City Engineer on a cases by case basis depending on the length and width of the street;
 - v. Speed humps/bumps are **prohibited** from being installed in public and private streets, Alleys, private aisles, and any fire lanes, unless approved in writing by the Director of Public Works and/or the City Engineer.
- (8) Street Widths & Rights-of-Way. Street widths and related Rights-of-Way shall be designed in accordance with the following:
- i. City of Kaufman's and Kaufman County's *Thoroughfare Plans* (existing, and as amended);
 - ii. Associated Development Agreement and/or Facilities Agreement, and/or Escrow Agreement;
 - iii. Planned Development Ordinance (if applicable to the subject property); and
 - iv. The *Standards of Design and Construction*.
- (9) Street Names, Street Name Signs, and Traffic Control Signs.
- i. *Street Names*. New streets shall be named so as to provide naming continuity with existing streets, and so as to prevent conflict or "sound-alike" confusion with similar street names;
 - a. All street names shall be approved by both the City and Kaufman County's 911 Addressing division prior to any Plat Application submittal, and prior to submittal of the Construction Plans and should comply with the approved street name policies of both the City and the County, as they exist or as may be amended.
 - ii. *Cost of Signs*. The cost of street name signs and traffic control signs shall be paid for and installed by the Developer;
 - iii. *City Standards*. All street name signs, and traffic control signs shall conform to the City's details for street name sign design and the latest edition of the Texas "Manual of Uniform Traffic Control Devices" (TMUTCD).
- (10) Traffic Studies. The Director of Public Works and/or the City Engineer may require a Traffic Impact Analysis (TIA) or other type of engineering study from the Developer prior to Construction Plan approval or the submittal of any associated Plat Applications to ascertain technical data pertaining to the potential traffic impact of the proposed development on the City's street system;
- i. For any study required by the City that is outsourced to a qualified third party, the cost of such study shall be passed through to the Developer. See specific Traffic Impact Analysis requirements as outlined in the *Standards of Design and Construction*
- (11) Stub Streets.
- i. See *Standards of Design and Construction* for all design requirements;
 - ii. Future connections are required to adjacent vacant properties at locations as approved by the Director of Public Work and/or the City Engineer, and the Director of Development Services;

- iii. When a residential development is constructed in phases requiring a temporary stubbed street, a paved temporary turn-around shall be provided for maneuvering by emergency vehicles (see requirements for temporary turn-arounds in the *Standards of Design and Construction*), as determined by the City's Fire Chief (for properties in the city limits) or the County's Fire Marshal (for properties in the ETJ);
- iv. A note shall be clearly placed on the Final Plat indicating that the stub street will be extended with future development;
- v. All stub streets shall have barricades that meet TMUTCD standards;
- vi. All stub streets shall have a sign prominently posted at the terminus of the street to indicate no through traffic and that the street will be extended in the future;
 - a. The sign shall comply with standards established by the Director of Public Works and/or the City Engineer, and
 - b. Installation and cost of the signs shall be the responsibility of the Developer.

(12) Connectivity.

- i. New residential developments shall provide street connections to adjacent developments, as determined by the Director of Development Services, allowing Access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity;
- ii. Commercial developments shall provide off-street connections to other businesses through mutual Access Easements and shared Access drives to surrounding streets;
- iii. Connectivity between different land uses to create mixed-use developments is encouraged, but in some situations, it may be appropriate to have a street serve as a buffer between residential and non-residential land uses.

(c) **Street Lighting.**

(1) Street Lighting Required.

- i. Street lighting shall be provided by the Developer along all streets and thoroughfares in accordance with the *Standards of Design and Construction*. Perimeter sidewalks, site entrances, parks, trails, amenities, and other public areas and parking lots shall be adequately illuminated (minimum average of three (3) foot candle visibility).
- ii. The Developer is responsible for the installation of street lighting, and shall be installed to City standards prior to the City accepting responsibility for the future provision of electricity to the street lights;
- iii. The Director of Public Works and/or the City Engineer shall be the responsible official for decisions related to street lighting, and may authorize Minor Modifications to these regulations, in accordance with Section 02.03.086, *Modifications, Appeals and Exceptions*, for a street lighting requirement if such exception will not compromise public health, safety, security, and convenience.

(2) New Subdivisions.

- i. New subdivisions are required to prepare and submit a street lighting plan as a part of the Construction Plan submittal. This plan is reviewed by the Director of Public Works and/or the City Engineer to ensure conformance with current street lighting policies;
- ii. Financial responsibility for the purchase of lighting equipment and construction is the responsibility of the Developer;
- iii. In the City of Kaufman, electricity is provided by franchise utility companies. Upon completion of the street light system, the appropriate electric service provider will be the owner and maintenance provider of the street light equipment and the City of Kaufman will become responsible for the monthly electrical and maintenance expenses.

- (3) Street Lighting Placement. Street lighting shall be chosen and installed according to the *Standards of Design and Construction*.
- (4) Subdivisions without Existing Street Lighting.
 - i. Residents of subdivisions located within the City limits without existing street lighting or infrastructure required to support street lighting who request to have street lighting added should submit a petition for street lighting to the Director of Development Services;
 - ii. Upon receipt of the petition, City staff will contact the appropriate electricity provider to prepare an estimate of the cost to install the requested lighting. Additionally, the provider will be requested to provide information about necessary Easements for light pole and other facilities required for installation;
 - iii. The petition and request form will be presented to the City Council during the budgeting process. At this time, Council will determine if the City will participate in the funding to complete the lighting request or establish assessments to the property owners for the cost to construct the requested lighting system.

(d) **Private Streets.**

- (1) Private Streets.
 - i. Private streets within the City may be allowed in accordance with a Planned Development District, a Development Agreement, and/or a Facilities Agreement;
 - ii. All streets in the ETJ that are not a designated as a Thoroughfare on the Kaufman County Thoroughfare Plan, or a Farm to Market Road, or any other State or Federal road, shall be a private street;
 - iii. Private streets shall be designed and constructed to the same standards as for public streets, in accordance with the *Standards of Design and Construction*.
- (2) City Council Action Required. Dedicated streets and Rights-of-Way shall not be designated or used as private streets and such use is prohibited. A request to convert public streets to private streets shall be in accordance with Section 02.03.074.(d)(6).
- (3) Private Street Development.
 - i. Private Street Developments are subject to provisions of the *Thoroughfare Plans* and this Chapter, as they exist or may be amended;
 - ii. Private Street Developments in the City limits shall only be permitted through the approval of a Planned Development District with any conditions at the sole discretion of City Council;
 - iii. Private Street Developments in the ETJ shall be permitted through the Platting process and the approval of a Development Agreement and/or a Facilities Agreement as applicable, with any conditions at the sole discretion of City Council;
 - iv. Private Street Developments may not cross an existing or proposed thoroughfare as shown on the City's and/or County's adopted *Thoroughfare Plan*, nor shall a private street development disrupt an existing or proposed hike & bike route; and
 - v. Private Street HOA or a POA Fund. A Developer requesting private streets must show that adequate funds will be set aside and held in reserve for private street maintenance and replacement costs by the associated Homeowners Association (HOA) or Property Owners Association (POA).
- (4) Connectivity. The *Comprehensive Plan* calls for all plans for development in the City to include a high degree of connectivity within developments and between one development and another;
 - i. Any proposed Private Street Development adjacent to an existing public street subdivision that can be reasonably connected, including by constructing a bridge or

culvert, for example, should not be approved as a Private Street Development. The two adjacent subdivisions should allow cross-connectivity using public streets. This is especially important when one of the two adjacent subdivisions has a school and/or park site within the development that will be Accessed by both developments.

- (5) Criteria for Approval for Private Streets in New Developments. When considering a Private Street Development, the Planning & Zoning Commission and City Council shall use any of the following criteria:
 - i. Non-disruption of planned public streets and/or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
 - ii. Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
 - iii. No negative effect on traffic circulation on nearby public streets;
 - iv. Not less than one hundred (100) feet of street frontage on which to locate the main entrance gate;
 - v. No more than two (2) gated street entrances, subject to approval by the Director of Public Works and/or the City Engineer, may face the same Thoroughfare;
 - vi. No impairment of Access to and from public facilities including schools or public parks;
 - vii. No impairment of the adequate and timely provision of essential municipal services (emergency services, water/wastewater improvements or maintenance, etc.);
 - viii. The main entrance to the Private Street Development shall have adequate throat depth to provide for residents, their guests, and any accidental Access and have an escape aisle for those vehicles not admitted into the subdivision;
 - ix. Adequate perimeter landscaping and screening in accordance with this Chapter.
- (6) Conversion of Public Streets to Private Streets. The criteria for converting existing public streets to private streets includes all the criteria, issues, and procedures involved with new developments, listed above, plus:
 - i. Submittal of a petition signed by one hundred percent (100%) of the owners in the existing subdivision requesting conversion to private streets;
 - ii. Existence of a HOA or POA that would be responsible for owning and maintaining the converted streets and Rights-of-Way;
 - iii. Applicants must agree to contract with the City for the purchase of the installed infrastructure and Rights-of-Way from the City of Kaufman at fair market appraised value for cash in full payment, and agree to maintain the infrastructure and Rights-of-Way at City standards thereafter prior to the approval of the Development Agreement;
 - iv. All documents are subject to the review and approval of the City Attorney;
 - v. Submittal of a Development Agreement shall first be considered for approval by City Council before proceeding to the vacating and replating process;
 - vi. Subsequent to the approval of the Private Street designation, the affected Right-of-Way shall be vacated and the entire subdivision affected shall be Replatted concurrently to reflect the conversion of Right-of-Way to private streets.
- (7) Conversion of Private Streets to Public Streets. The City may, but is in no way obligated to, accept private streets for public Access and maintenance. Requests to convert private streets to public streets shall be subject to all of the following provisions:
 - i. The homeowners' association (HOA) or property owners' association (POA) shall submit a petition signed by at least sixty-seven percent (67%) of its members/lot owners (or a greater number of signatures, if required by the HOA or POA documents or declarations).

- ii. All of the infrastructure shall be in a condition that is acceptable to the Director of Public Works and/or the City Engineer.
 - iii. All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.
 - iv. All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA. Private Street Developments that exist as of the adoption of this ordinance are not required to deliver a reserve fund balance to the City.
 - v. The HOA shall prepare and submit a Replat to the City for review and approval. The City may also require a Development Agreement, as applicable;
 - vi. The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to Private Street developments. The City Attorney shall review the modified HOA documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.
- (8) HOA and POA Requirements. Private Street developments and the related HOA or POA shall meet all requirements of Section 02.03.079, *HOA and POA Requirements*, of this Ordinance
- (e) **Alleys.**
 - (1) When Alleys are Optional. Alleys are optional for all single-family residential lots that are equal to or greater than fifty (50) feet in width at the front building line.
 - (2) When Alleys are Required. Alleys are required for single-family residential lots that are less than fifty (50) feet in width at the front building line, except as otherwise approved through a Planned Development District or Development Agreement. When so utilized, Alleys shall be constructed according to design criteria in *Standards of Design and Construction*.
 - (3) Alleys Required for Single-Family Attached Residences. Alleys are required for all townhome buildings with four (4) units or more, except as otherwise approved through a Planned Development District or Development Agreement. When so utilized, Alleys shall be constructed according to design criteria in the *Standards of Design and Construction*.
 - (4) Alley Design. Permanent dead end and “hammerhead” Alleys are **prohibited**. All Alleys shall have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient.
 - i. Where a temporary dead end Alley situation is unavoidable (such as due to project phasing), a temporary, paved turn-around bulb or turnout onto a street, either of which will require a temporary Alley Easement, shall be shown on the Plat
 - (5) Street Access when Alleys are Present. No driveway shall Access a street when an Alley is available unless specifically allowed in writing by the Director of Public Works and/or the City Engineer.
- (f) **Mews Streets**. A development incorporating mews streets and Alleys shall be approved through a Planned Development District in the City limits or through a Development Agreement in the ETJ.
 - (1) Definition. A mews street is a grassy, landscaped area on which houses, or housing units may face in lieu of facing a paved street.
 - (2) Minimum Width of Mews Street. The common area of the mews shall be a minimum of forty (40) feet in width.
 - (3) Mews Alley - Fire & Emergency Access. Since fire and other emergency vehicles must

Access the homes from the Alley, the Alley shall be a minimum of twenty-four (24) feet in width within a thirty (30) foot right- of-way.

- i. The mews Alley shall be striped as a fire lane.
 - ii. Fire hydrants shall be placed in the Alley and spaced as they would on any similar residential street.
 - iii. No parking is allowed within the fire lane.
 - iv. A rear door to the home shall be provided that is a minimum of thirty-six (36) inches wide and is not through the garage.
- (4) Maximum Mews Length. The maximum mews length is five-hundred (500) feet. Minor Modifications may be considered by the Fire Department and Director Public Works and/or City Engineer.
 - (5) Garage Set-Back. Garages shall be set back either a minimum of twenty (20) feet to allow tandem parking or a maximum of three (3) feet where no parking, tandem or parallel, is allowed.
 - (6) Trash Receptacles. Trash receptacles shall be placed on a concrete pad that is outside the limits of the fire lane.
 - (7) Parking. Additional parking for visitors and delivery vehicles shall be provided at the terminus of the mews street or at another nearby acceptable location as approved by the City.
 - (8) Vehicle Access. Dead-ended mews streets and Alleys are prohibited.
 - (9) Sidewalks. Sidewalks within the mews street shall be a minimum of six (6) feet in width if located at or near the center of the mews or a minimum of five (5) feet if two (2) sidewalks are provided on each side of the mews. Sidewalk connections to each residential unit's front door shall be provided.
 - (10) Side Yards. No side yard shall be paved.
 - (11) Signage. Wayfinding signs that include address numbers shall be provided at the end of the mews to direct pedestrians to the houses facing the mews.
 - (12) Addressing. Individual house or unit addressing shall be provided at the entrance to the mews Alley, with an additional street number and street name sign on each house or unit's rear and side façade. Addresses shall be posted on the building prominently. Both wayfinding signs and individual house numbers shall be illuminated for nighttime viewing. All such signage is subject to the discretionary review and approval by the Development Services and Fire Departments.

SEC. 02.03.075 ... SIDEWALKS & TRAIL STANDARDS.

- (a) Sidewalks are required adjacent to all public streets (on both sides of the street), and shall be provided according to the regulations in the *Standards of Design and Construction*, and shall stub out to the adjacent property. No meter valves or drainage inlets may encroach into sidewalks.
- (b) Bicycle and pedestrian trails shall be a minimum of twelve (12) feet in width and be constructed of an improved surface unless otherwise approved by the City through a Development Agreement and/or Planned Development District. Any portion of a sidewalk or trail located on private property shall be shown on the filed Plat and placed within a pedestrian access easement. Trails and sidewalks shall comply with the City's adopted Parks Recreation and Open Space Master Plan and Kaufman Trail Concept Master Plan.
- (c) Sidewalks perpendicular to and in front of head-in parking shall be a minimum six (6) feet in width

to accommodate the over-hang of vehicles. Sidewalks in front of buildings directly adjacent to public Right-of-Way shall be a minimum of 10' in width. Any trails near a cul-de-sac or other sidewalk shall provide a connection, including any barrier-free-ramp that may be needed. See also Section 02.03.084, *Hike & Bike Trail Requirements*.

SEC. 02.03.076 ...DRIVEWAYS, FIRE LANES, RETAINING WALLS, & ACCESS.

- (a) **Driveways, Generally.** All driveway approaches, curbs, gutters, pavements, and appurtenances necessary to provide Access to properties shall be provided by the Developer and shall be designed, constructed, and maintained in accordance with the City's *Standards of Design and Construction, Zoning Ordinance*, and Planned Development Ordinance (if applicable to the subject property).
- (b) **Driveways, Residential.**
 - (1) Residential driveway approach widths and curb cuts shall not be wider than the combined width of the garage door or doors, or the edge of house on driveway past the garage door. In certain large lot cases, additional pad sites may be allowed for vehicle parking, at the discretion of the Director of Development Services.
 - (2) Residential tracts smaller than ¼ acre in size may have only one drive per lot.
- (c) **Fire Lanes.** Fire lanes are to be designed in accordance with the City's adopted Fire Code and *Standards of Design and Construction*. Fire Lane Easements shall be shown on the Site Plan (see the *Zoning Ordinance*) and on any associated Plat, and shall be maintained to the City's standards by the Property Owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions shall not be allowed to proceed with vertical structural construction above the foundation prior to:
 - (1) Completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief); and
 - (2) Issuance of a Building Permit for the structure.
- (d) **Retaining Walls.** Any retaining wall over four (4) feet in height requires engineered plans. Contractors shall incorporate a form liner or add a brick or stone façade. Plain concrete retaining walls are prohibited.
- (e) **Cross Access & Access Easements.** Vehicular cross Access shall be provided between all properties through the use of Access Easements. For safety, emergency response purposes, improved value for all tracts, and increased connectivity, cross Access between adjacent (single-family residential, non-residential, and multi-family residential) parcels is required, as determined by staff.
 - (1) Properties that abut an undeveloped tract shall provide a paved stub-out for future connections, including the Access Easement.
 - (2) Adjacent properties shall be provided cross Access unless the Director of Development Services or the Director of Public Works and/or the City Engineer provides a Minor Modification for a challenging geographical feature (e.g., creek) or for when a single-family residential neighborhood is adjacent to a multi-family residential or non-residential parcel, unless the parcels are part of a mixed-use development in which the land uses are more integrated. All other instances require cross Access via an Access Easement. Pedestrian cross Access is required in all instances, even single-family residential adjacency, except for when a Minor Modification is provided by the Director for a geographic frustration.

SEC. 02.03.077 ...LANDSCAPING & SCREENING ADJACENT TO STREETS.

Landscaping, hardscaping (i.e., man-made features such as sidewalks, trails, paths, entryway signage, decorative lighting and/or screening walls and fencing, as well as non-vegetative natural features such as decorative boulders, rocks, or stones), and irrigation improvements shall be installed within street medians, parkways, and Street Buffer Lots which shall front along all proposed, or planned Thoroughfares within the City limits and the ETJ, as shown on the City's and County's *Thoroughfare Plans* and all other streets within the City Limits and the ETJ.

- (a) **Definition.** A Street Buffer Lot, as defined in this section, shall be owned and maintained by a home owners' association or a property owners' association (HOA or POA), and serve as a landscape and screening buffer area between the private property line and the Right-of-Way line. The minimum lot width is defined in Section 02.03.077(d), *Street Landscape Buffer Lots*. Such lots shall front along the Right-of-Way of divided Thoroughfares, with separate frontages to exist on each side of the Thoroughfare, only within single-family residential developments.

(b) **Street Landscaping Improvements Required.**

- (1) Developer obligation. The Developer shall be fully responsible for the design, construction, and installation of all required perimeter/street landscaping, hardscaping, and irrigation. The Developer shall be responsible for the maintenance of these improvements for a period of two (2) years after City Council has accepted the Subdivision.
 - a. During the first two (2) years following installation, the Developer shall replace any tree, shrub, sod, groundcover, or hardscape element in substandard condition.
 - b. Following the first two (2) years, the Director of Public Works and/or the City Engineer and/or their designee(s) shall inspect the installation and determine what, if any, plant materials and/or hardscape elements are in substandard condition and must be replaced by the Developer prior to an HOA or POA taking over maintenance.
- (2) Plan Design. The proposed landscape, hardscape, and irrigation design of a development's street medians, parkways, and/or Street Buffer Lots shall be submitted in conjunction with the associated Plat's Construction Plans. The Director of Development Services and/or their designee shall be responsible for the review of the landscape, hardscape, and irrigation plans for compliance with this Chapter, the *Standards of Design and Construction*, any previously-approved preliminary landscape plan set, the zoning requirements (including any Planned Development zoning regulations, as applicable), and any associated Development Agreement. The Director of Public Works and/or the City Engineer, or their designee(s), shall also review the plans and provide review comments to the Director of Development Services to forward on to the Applicant/Developer. Once all plan review comments have been fully addressed, the Director of Development Services shall approve the plans..
- (3) Plan Design Burden. In the case where undeveloped land exists on both sides of a divided Thoroughfare or street, the first to develop shall carry the burden of submitting design plans for landscaping, hardscaping, and irrigation of the median and parkways..
- (4) Installation or deferment of Landscaping, Hardscaping, and Irrigation. The required landscaping, hardscaping, and irrigation of all medians, parkways, and/or Street Buffer Lots shall be installed during the construction of the associated Plat. In the event that the Director of Public Works and/or the City Engineer, in their sole discretion, determine that the design and installation of landscaping, hardscaping, and irrigation improvements at any given time period is impractical due to further road construction and/or other factors, the Developer shall deposit in escrow with the City an amount equal to one-hundred percent (100%) of the total costs of the deferred improvements. The Director of Public Works and/or the City

Engineer shall determine the appropriate cost amount to guarantee the installation of required deferred landscaping, hardscaping, and irrigation improvements to all the associated Plat's street median(s), parkways and/or Street Buffer Lots. The cost amount to be determined shall include, but not be limited to:

- i. the design;
- ii. the construction;
- iii. the installation;
- iv. the acceptance;
- v. the inflation costs related to the improvements; and
- vi. the maintenance costs prior to being transferred to an HOA or POA.

- (5) Installation burden. In the case where undeveloped land exists on both sides of a divided Thoroughfare or street, the second to develop will utilize the approved plans (or modify the approved plans with City approval of the modifications) and shall be responsible for the purchase and installation of the median and parkway landscape, hardscape, and irrigation improvements, using the escrowed account from the first Developer and shall contribute an equal amount to the overall cost of the median and parkway landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the second Developer will make up the difference in cost or the plans shall be modified to be installed within the cost allotted at the sole discretion of the City. Any surplus funds shall be placed a City account for the purpose of landscape maintenance.

(a) **Minimum Requirements for Street Median Landscaping.**

- (1) Only developments or subdivisions Abutting or adjacent to a divided Thoroughfare, as defined in the City and County's *Thoroughfare Plans*, shall be subject to this section.
- (2) All trees and plant materials shall be chosen from the City's approved plant list;
- (3) One small ornamental tree per forty (40) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;
- (4) One large canopy tree per forty (40) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;
- (5) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect, so long as shade is provided to all pedestrian areas;
- (6) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;
- (7) Planting beds shall be separated from turf grass using fourteen-gauge (14-gauge) steel edging to define ground cover beds and reduce weed incursion;
- (8) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors; and
- (9) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Public Works and/or the City Engineer. The location and placement of landscaping shall conform to the City street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that

these lanes will likely not be constructed in less than ten (10) years.

- (b) **Street Buffer Lots.** Street Buffer Lots as defined in Section 02.03.077(a), *Definition* are open, landscaped areas between the private property line and the Right-of-Way. The street parkway is the portion of Right-of-Way that is typically sodded and kept clear of trees or deep-rooted shrubs since this is often the location of underground or above-ground infrastructure, such as water and wastewater collection lines and electrical wiring, respectively. In some cases, but rarely, underground utilities be placed entirely or partially within the Street Buffer Lot and therefore the Street Buffer Lot and Easements shall be shown on the associated Plat. The following standards apply, unless a more stringent standard applies due to the lot being located in a Planned Development District or an overlay district. Street Buffer Lots are only required along Thoroughfares adjacent to single-family residential, two-family residential, and townhome residential developments.

(1) Minimum width of Street Buffer Lots.

- i. Adjacent to all six (6)-lane divided streets and limited Access service roads, as shown on the *Thoroughfare Plan*, the Street Buffer Lot shall be a minimum of thirty (30) feet wide.
- ii. Adjacent to all four (4)-lane divided streets, as shown on the *Thoroughfare Plan*, the Street Buffer Lot shall be a minimum of twenty (20) feet wide.
- iii. Adjacent to all other streets called out on the *Thoroughfare Plan*, the Street Buffer lot shall be a minimum fifteen (15) feet wide.
- iv. Adjacent to residential streets and other streets not called out on the *Thoroughfare Plan*, the Street Buffer Lot shall be a minimum of ten (10) feet wide.
- v. A Street Buffer Lot width may need to be increased a proportionate amount to accommodate the location of Easements for utilities, the presence of a trail, the usage of berms, etc.

- (2) Landscaping Within Street Buffer Lots. Canopy trees, ornamental trees, shrubs, native grasses, groundcover, decorative boulders, and sod may be planted within the Street Buffer Lot, avoiding conflicts with any utility service.

- (3) Screening Walls within Street Buffer Lots. Required screening walls or fences shall generally be placed on the property line between the Street Buffer Lot(s) and the private property lines of the residential lots that back up to the Street Buffer Lot(s). In some instances (such as the usage of berm or live screening treatments with a split-rail or decorative metal fence located closer to the street, or the usage of an articulated screening wall), fencing or screening walls may extend further into the Street Buffer Lot(s) as allowed by the approved preliminary landscape plan, zoning regulations (including Planned Development zoning regulations, as applicable), and/or a Development Agreement.

- (4) Signs Located Within Street Buffer Lots. Any Developer who places a monument sign within a Street Buffer Lot that may also be the location of underground or above-ground infrastructure shall be required to allow the City and/or utility company Access to the facilities located beneath or above the monument sign and must sign a Facilities Agreement authorizing the City and/or utility company to carry out needed repairs or replacement with no obligation to rebuild or compensate the owner/Developer for the removal, repair, or loss of the sign. The Developer shall make every effort to design Street Buffer Lots so that monument signs are not placed in conflict with utility lines or infrastructure.

(c) **Minimum Requirements for Landscaping within Street Buffer Lots.**

- (1) Street Buffer Lots shall be made up of an attractive mix of canopy trees, ornamental trees, shrubs, native grasses, groundcover, sod, berms, and boulders between the Right-of-Way and the screening wall.

- (2) All trees and plant materials shall be chosen from the City's approved plant list.
 - (3) One large, canopy tree per forty (40) linear feet of street frontage, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species.
 - (4) One small, ornamental tree per forty (40) linear feet of street frontage. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees dispersed within the canopy trees.
 - (5) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect within the landscape Easement or buffer.
 - (6) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover, and/or native grasses.
 - (7) Planting beds shall be separated from turf grass using fourteen-gauge (14-gauge) steel edging to define ground cover beds and reduce weed incursion.
 - (8) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly disperse water over the planting beds and shall be equipped with rain- freeze sensors.
 - (9) If drainage facilities are required, the Street Buffer Lot(s) shall be increased a proportionate width to accommodate the drainage facilities, as well as the required landscaping. In addition, the drainage facilities shall be enhanced in design, which could include gentle sloping berms around the banks of a detention basin, pond aerators or fountains, naturalized detention basins, lush landscaping around the perimeter of the drainage facility, and stone retaining walls and decorative metal fencing.
 - (10) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Public Works and/or the City Engineer. The location and placement of landscaping shall conform to the City street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years; and
 - (11) At corner intersections, a subdivision entrance sign is required for branding and identification.
- (d) **Street Trees.** In order to provide for a more attractive streetscape, shade for streets and pedestrians, and more vegetation to soften areas of impervious surface, the City encourages the use of Street Trees within developments. Street Trees are generally defined as canopy or ornamental trees located in the Right-of-Way and generally placed in the strip of grass between the street and sidewalk. If the use of Street Trees is sought by the Developer or required by the City, the following requirements shall apply:
- (1) The location, spacing, species, and allowed distribution of canopy and ornamental trees shall be specified in a Development Agreement and/or Planned Development and further detailed in preliminary and final landscape plans to be approved by the Director of Development Services concurrent with the Construction Plans.
 - (2) The Street Trees shall be maintained by a Homeowners' Association and/or Property Owners' Association.
 - (3) In order to accommodate the Street Trees at full maturity, the landscape strip between the street and the sidewalk will need to be widened by 5' (particularly for landscape strips including canopy trees). To achieve this, the Right-of-Way width shall be increased by 10' and the required building setback shall be reduced by 5' on either side; or a 5' pedestrian

access easement shall be dedicated along the frontage of the affected lots to allow for the sidewalk to be shifted out of the Right-of-Way and onto the affected lots.

- (e) **Escrow Funds.** Should the Director of Public Works and/or the City Engineer, in their sole discretion, determine that the immediate installation of median, parkway, or Street Buffer Lot landscaping, hardscaping, and irrigation is impractical, funds shall be collected and placed in escrow at the rate listed in the current Fee Schedule. The funds shall be collected prior to acceptance of the public improvements by the City. Said funds shall be applied to the design, construction, reconstruction, upgrading, installation, and maintenance of median, parkway, or Street Buffer Lot landscaping, hardscaping, and irrigation.
- (f) **Refund of Fees.** Any escrowed funds not expended within ten (10) years of collection shall be returned to the Developer who deposited the fees with the City. The time period for the expenditure of fees escrowed with the City for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the City, and the roadway medians are ready for standard median landscaping and irrigation.
 - (1) Notwithstanding the provisions of this subsection, the City shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping and irrigation.
- (g) **Screening Requirements.**
 - (1) Screening adjacent to roadways.
 - i. Single-family residential land uses adjacent to roadways shall install a solid masonry screening wall that has a minimum height of six (6) feet and a maximum height of eight (8) feet.
 - ii. Maintenance Easement. A five (5) foot-wide wall maintenance Easement shall be provided along the private property line where a required screening wall or device may be installed currently or in the future, to allow Access for repairs or replacement.
 - iii. Residential fences adjacent to Thoroughfares. All wood residential fences that face a Thoroughfare identified on the City or County's *Thoroughfare Plans* must be a minimum of six (6) feet in height and constructed of cedar board-on-board with a decorative cap and metal support poles with caps facing the inside of the lot. Residential fences that only face a local street not identified on the *Thoroughfare Plan* (anything less than a collector) are not required to have this treatment.
 - iv. Conflict of fences. No parallel, adjacent fencing (i.e., back-to-back fencing) is allowed, nor is the creation of a "maintenance gap" between two (2) fencing devices. When a non-residential use is proposed adjacent to an existing residential wooden fence, the wooden fence shall be removed and the masonry screening wall (or other approved fencing) becomes the mutual boundary line between the properties.
 - v. When single-family residential land uses are adjacent to perimeter roadways that are not part of the *Thoroughfare Plan*, then a ten (10) feet wide landscape buffer applies, and enhanced wooden fencing (6' tall cedar, board-on-board fence with a decorative cap, with metal posts on the inside, with periodic masonry columns; all to be maintained by the HOA) may be installed in lieu of the masonry wall. In this instance, evergreen shrubs shall be planted along the enhanced wooden fence in addition to the standard landscaping already required. The City may also approve alternate screening through a Development Agreement and/or Planned Development zoning.
 - vi. The City allows for additional options such as decorative metal fencing (with masonry columns and associated landscaping) in lieu of the masonry wall along

open spaces, floodplains, cul-de-sacs, and U-shaped streets.

(2) Screening in the ETJ.

- i. The requirements of Section (1) above apply to all single-family residential developments in the ETJ
- ii. Non-residential and multi-family residential uses adjacent to single-family residential uses:
 - a. A solid masonry screening wall is required, minimum six (6) feet in height, along the property line;
 - b. In some cases, at the sole discretion of the Director of Development Services, decorative metal or wrought-iron screening fence may be allowed in lieu of a solid masonry screening wall. This decorative metal or wrought-iron screening fence have regularly spaced masonry columns, along with medium- sized evergreen plants spaced every five (5) feet on-center that will grow to a minimum height of six (6) feet within two (2) years of planting;
 - c. In some cases, at the sole discretion of the Director of Development Services, enhanced wooden fences between six (6) and eight (8) feet in height, constructed of cedar board-on-board with a decorative cap, and metal support poles with caps facing the inside of the lot, with regularly-spaced masonry columns, may be allowed;
 - d. In some cases due to topography or other natural land features, at the sole discretion of the Director of Development Services, industrial quality metal fencing or welded wire fence panels may be allowed, such as *DesignMaster®* fencing products.
- iii. Uniformity. Each development shall have a uniform screening wall in terms of materials and height, subject to approval by the Director of Development Services during the Construction Plan review process.
- iv. Maintenance Easement. A five (5) foot wide wall maintenance Easement shall be provided on both sides of a screening wall where a required screening wall or devise may be installed currently or in the future, to allow Access for repairs or replacement.
- v. Generally speaking, decorative columns should be spaced every one-hundred (100) linear feet (and at transitions) for masonry walls, decorative metal fences, and enhanced wooden fences for all land uses and situations within the Screening section. Staff may provide minor modifications to this.

(3) Site elements in the ETJ required to be screened. The following site elements shall be screened from the public view:

- i. Mechanical & Utility equipment.
 - a. Ground located equipment. A solid masonry “wing” wall of sufficient height to effectively screen the equipment.
 - b. Roof-mounted equipment. Roof-mounted equipment shall be screened from view from the adjacent Right-of-Way. Appropriate screening includes wall extensions, such as a parapet wall.
- ii. Utility Substations & Tower Facilities in the ETJ only. For electric substations, wastewater pump stations, communication towers, generator plants, or any other free-standing utility facility, the above ground mechanical equipment shall be screened to mitigate its negative visual impact and safely secure the site. The screening device shall be scaled accordingly to the height, size, scope, and area of the proposed facility, to be no less than six (6) feet in height and might be up to twelve (12) feet in height, subject to discretionary review and approval by the Director of Development Services. Generally, masonry screening walls are required

- with the allowance for decorative metal in limited Application for visibility, ventilation, and Access points. Larger facilities shall also provide large evergreen screening trees every twenty (20) feet on center. Concrete vehicle Access shall be provided, in addition to associated Easements necessary for development. Any associated utility lines shall be buried, with the exception of regional transmission lines.
- iii. Trash & recycling enclosures in the ETJ only. Screening enclosures shall consist of a solid masonry wall or architectural element of the building on at least three (3) sides that is a minimum six (6) feet in height with the fourth side a solid metal gate (primed and painted) that is to remain closed at all times other than servicing.
 - a. Single trash & recycling enclosures shall be a minimum of twelve (12) by fourteen (14) feet in size.
 - b. Adequately reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.
 - (4) Screening adjacent to open space, creeks, or other view corridors. Notwithstanding the obligation of a Developer to construct a solid masonry screening wall surrounding the property, when portions of that property are adjacent to a dedicated open space, natural land feature such as a creek, or other notable views such as a golf course, the screening shall be decorative metal or wrought-iron with regularly spaced masonry columns or industrial-quality metal fencing or welded wire fence panels, such as DesignMaster® fencing products, or wooden split-rail fencing with Director of Development Services approval.
 - (5) Prohibited screening elements in City limits and in the ETJ. No screening wall visible from a public street shall be:
 - i. Located within any required visibility triangle;
 - ii. Constructed with any of the following materials: Surface painted or coated concrete, chain-link, concertina wire, barbed wire, corrugated metal, or fiberglass panels; and
 - iii. Placed parallel and in the immediate vicinity of an existing residential fence causing a close back-to-back fence arrangement. When a residential fence exists at the time of commercial development, the required masonry screening wall shall replace the residential fence, with wall maintenance Easements to be shown on the associated Plat.

SEC. 02.03.078 ...LOT AND BLOCK DESIGN.

- (a) **Zoning Compliance.** All lots shall conform to the zoning district requirements, unless located in the ETJ, in which they shall comply with any interlocal agreements between the City and Kaufman County.
- (b) **Residential Lots Adjacent to Drainage Areas.** Lots shall be exclusive of any portion of a natural drainage area (i.e., major creek, stream, tributary, etc.), maintenance Access, and/or erosion hazard setback, as defined in Section 02.03.102, *Definitions*. Retaining walls may be allowed on lots adjacent to natural drainage areas, as approved by the Director of Public Works and/or the City Engineer.
- (c) **Lot Shape.** The City reserves the right to disapprove any lot which, in its opinion, will not be suitable or desirable for the purpose intended, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties and/or create an irregular building envelope. The following requirements shall also apply:
 - (1) Lots shall be generally rectangular in shape; sharp angles between lot lines shall be avoided.
 - (2) Flag lots are prohibited (See Diagram 02.03.115).
 - (3) Irregularly shaped lots shall have sufficient width at the building line to meet minimum lot

width and frontage requirements for the appropriate zoning district (if applicable), and shall provide the minimum building pad required by zoning without encroachment into front, side, or rear yard setbacks or into any type of Easement.

(d) **Lot Lines and Legal Buildable Lots.**

- (1) Side Lot Lines. Side lot lines shall be generally perpendicular (ninety-degree (90°) angle) to street Right-of-Way lines to the greatest extent possible (side lot lines may vary from eighty-degree (80°) to one-hundred-degree (100°) angles from the street frontage (see Diagrams 02.03.116 and 02.03.117). The Director of Development Services may grant a minor modification if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.
- (2) Lot Lines and Jurisdictional Boundaries. All lot lines, to the greatest extent possible, shall align along county, school district, and other jurisdictional boundary lines such that lots are fully within one county, school district, or other jurisdiction. The Director of Development Services may grant a minor modification to this requirement if a county, school district, or other jurisdictional boundary line will bisect a lot, provided that the entire residential dwelling or main structure is constructed entirely within one county, school district, or other jurisdiction (i.e., the structure does not “straddle” school district or jurisdictional boundary line even though the lot line may straddle the jurisdictional line).
- (3) Legal Buildable Lots. Any portion of a lot that is non-buildable for any reason shall be clearly shown as such on the Preliminary and Final Plats. A typical detail shall be submitted along with the Preliminary and Final Plats, and shall verify that the buildable portion of such a lot can accommodate a dwelling or main structure that complies with applicable City zoning regulations (if located within the City limits) and building codes (if located either within the City limits or the ETJ).

(e) **Lot Orientation Restrictions in the City Limits.**

- (1) No single-family residential lots shall front onto or have a driveway onto any Thoroughfare with a Right-of-Way of seventy (70) feet or greater, as identified on the City's *Thoroughfare Plan* and described within the *Standards of Design and Construction*, unless the house was existing prior to the roadway being designated as such on the City's *Thoroughfare Plan*.
- (2) No two-family residential or townhome residential lots shall have a driveway onto any Thoroughfare with a Right-of-Way of sixty (60) feet or greater, as identified on the City's *Thoroughfare Plan* and described within the *Standards of Design and Construction*, unless the dwelling was existing prior to the roadway being designated as such on the City's *Thoroughfare Plan*.

(f) **Lot Frontages.**

- (1) Street Frontage.
 - i. *Adequate Frontage in the ETJ.* Per the requirements of Kaufman County, each lot in the ETJ shall have a minimum lot frontage of seventy-five (75) feet at the street Right-of-Way line. This minimum lot width shall extend to at least the building setback before any further lot width reductions are allowed.
 - ii. *Adequate Frontage in the City limits.* Each lot within the City limits shall have Access to a street (or an approved public way) by having frontage on such a street that is not less than fifty (50) feet at the street Right-of-Way line, or as otherwise specified in the *Zoning Ordinance* or a Planned Development (PD) Ordinance, if applicable. Lots fronting onto an eyebrow or bulb portion of a cul-de-sac may have a reduced minimum frontage of forty (40) feet.
 - iii. *Frontage Exceptions in the City limits.*
 - To encourage infill development, smaller developments of no more than

three (3) lots located within the City limits may share a common Access Easement, with only one of the lots being required to have street frontage. The common Access Easement will need to be paved in concrete, also dedicated as a Fire Lane, maintained by the Property Owners, and meet all the requirements of the Fire Chief. In addition, utility Easements are required to provide utility services to each lot.

- Lots that front on a Mews and back to an Alley are exempted from the street frontage requirement. These lots shall meet the Mews and Alley requirements stated in this Chapter.
- Lots within non-residential developments may be exempted from the street frontage requirement, as long as the lots are part of a larger development in which at least one (1) of the lots has street frontage, each lot is served by a private street or common Access Easement (which shall also be platted as a Fire Lane) that provides Access to a public street, and the development includes at least two points of Access to a public street.

(2) Double Frontage.

- i. *Single-Family Residential, Two-Family Residential, and Townhome Residential Lots.* Double frontage lots are prohibited. In cases where a single-family residential, two-family residential, or townhome residential lot backs or sides onto a Collector street or larger Thoroughfare, a Street Buffer Lot is required as specified in Section 02.03.078 of this Chapter. Where lots back or side onto a Collector street or larger Thoroughfare, no driveway Access is allowed onto the Thoroughfare from the rear or side of the lot.
- ii. *Establishment of Building Lines.* Where any lot has frontage on more than one (1) street, a front building line shall be established for each street, regardless of orientation of the structure.

(3) Lots Facing Other Lots. Whenever feasible, each residential lot shall face the front of a similar lot, or shall face or side onto a park or open space if one exists or is planned (see Diagram 02.03.1191, *Access & Lot Orientation to Parks and/or Open Space*). In general, an arrangement placing adjacent lots at right angles to each other should be avoided. The Director of Development Services may grant a Minor Modification, in accordance with Section 02.03.086, *Modifications, Appeals and Exceptions*, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement. Council may also authorize exceptions to this requirement through approval of a Planned Development zoning district that specifically authorizes this deviation.

- (g) **Lots in Relation to Parks/Open Space/Creeks.** All lots that are located directly across a street from a park/open space shall face or side onto the park/open space, where feasible (See Diagram 02.03.1191, *Access & Lot Orientation to Parks and/or Open Space*). For streets adjacent to floodplain or creeks, a minimum of one-hundred feet (100') or ten percent (10%) of street length, whichever is greater, shall be single-loaded (i.e. residential lots on only one side of the street with open space on the other side). Concrete pedestrian connections from trails in the open space areas into the neighborhood should be integrated into the design.
- (h) **Large Lots and Tracts.** If the lots or tracts of land in a proposed development are large enough to suggest possible further subdivision in the future, or if portions of the property are not subdivided or developed immediately, then the Preliminary Plat shall show how such large tracts or remainder portions of the property can be subdivided into conforming lots at a later time, and shall also show how streets can be extended and how median openings can be aligned and shared in the future.
- (i) **Lot and Block Numbering.**
 - (1) All lots within each phase of a development are to be numbered consecutively within each

block. Each block shall have an alphabetical designation (e.g., “Block A, B, C” etc.). Each lot shall have a numeric designation (e.g., Lot 1, 2, 3, etc.).

- (2) Each open space lot (i.e. park land to be dedicated to the City or open space lots to be owned and maintained by a HOA or POA) shall be numbered with an X after the lot (i.e. Lot 1X). These lots shall be numbered in sequential order within the rest of the block as described in i.1 above (i.e. Lot 1X, Lot 2, Lot 3, Lot 4, Lot 5X, Lot 6, etc.).
- (3) Different phases shall begin with different block numbers – in other words, a single block may not straddle more than one construction phase.
- (4) Subsequent Replat numbering shall be indicated with an “R” suffix for the first revision (e.g., from Lot 3 to Lot 3**R**) and any additional Replatting changes to the lot shall be indicated with a numeric suffix following the “R” designation (e.g., Lot 3R-1) and continue numerically as changes occur (Lot 3R-2, Lot 3R-3, etc.).
- (5) With the exception of multi-family residential developments (in which multiple dwellings may be on the same lot), all other dwelling units shall be located on an individually Platted lot with its own lot number.
- (j) **Building Setback Lines.** Building setback lines adjacent to public Rights-of-Way and Alleys shall be shown on all Plats.
- (k) **Addressing.** The Director of Development Services, in conjunction with the Kaufman County 911 Addressing and Geographic Information Systems division, shall assign addresses that are in compliance with standards established by the *U.S. Postal Service*. Only one address shall be issued to each lot, and only one electric meter shall be provided for each address, with the exception of multi-family residential developments and multi-tenant non-residential developments.
- (l) **Other Block Requirements.** See the *Standards of Design and Construction*.

SEC. 02.03.079...OTHER SUBDIVISION REGULATIONS.

(a) Easements.

- (1) Easements Shown on Plats. The type, size, and location of Easements shall be determined by the Director of Public Works and/or the City Engineer. All existing and proposed Easements shall be shown on the associated Plat. All Easements shall be labeled on the Plat and dedicated for the specific purpose intended (e.g., “Utility Easement,” “Drainage Easement,” “Electric Easement,” etc.).
 - i. In areas of the City that call for a dense development, the Director of Public Works and/or the City Engineer shall work with the Director of Development Services, Fire Chief, and utility providers, as applicable, to devise smaller and/or overlapping Easements that allow for the dense development to occur as envisioned, while also ensuring adequacy of infrastructure, public health, and safety.
- (2) Off-Site Easements. Off-site Easements that are necessary to fulfill City requirements, or are required by the City, shall be dedicated to the City by separate instrument on forms approved by the City Attorney and shall be approved as to size and location by the Director of Public Works and/or City Engineer. The off-site easement documents shall be submitted to the City for review and approval prior to execution and recordation. The off-site easements shall be shown on the Plat and the recording information for the off-site easements shall be added to the Plat prior to the Plat being executed by all parties and recorded by the City. If the Abutting property is already Platted, then a Replat or Amending Plat of that property shall be required to establish the new off-site Easement.

- (3) Maintenance Easements. When a retaining wall or screening wall is proposed for construction, the associated Plat must show a minimum five (5) foot maintenance Easement on both sides of the proposed wall. In areas where one side of the wall is an open space lot (owned and maintained by the City or an HOA/POA), the maintenance Easement is only necessary on the private property side of the wall.

(b) **Reservations.**

- (1) Permitted Uses. No land contained in the proposed subdivision and located within the City limits shall be reserved for any use other than a use permitted by the *Zoning Ordinance* or a Planned Development for the district in which the land to be reserved is located.
- (2) Future Uses.
 - i. Reservations in the proposed subdivision and located within the City limits or in the ETJ shall be required for future roadways as shown on the City's *Thoroughfare Plan* and the Kaufman County *Thoroughfare Plan*;
 - ii. Reservations in the proposed subdivision and located within the City limits or in the ETJ shall be required for future utility easements as shown on Utility Master Plans of the City or by franchise utilities;
 - iii. Reservations in the proposed subdivision and located within the City limits or in the ETJ shall be required for future drainage easements as shown on any Master Plan of the City.
- (3) Designation on Plat. The specific use for which each portion of land is to be reserved must be shown on the Plat by an appropriate label or description. Provision for abandonment of a reservation in the future, as may be appropriate, must likewise be shown on said Plat.
- (4) Parks and Open Space. The location and size of parks and open space areas shall be in conformance with Article 02.03.080, *Parks and Open Space*, the *Zoning Ordinance*, a Planned Development and/or Development Agreement, the *Comprehensive Plan*, the *Parks, Recreation, and Open Space Master Plan*, and the *Kaufman Trail Concept Master Plan*, and subject to the recommendations of the Parks and Recreation Board and the approval of the City Council. All areas retained as floodway shall be reserved for public use, unless other provisions are approved by the City Council.
- (5) Schools. The location and size of school sites shall be in conformance with the *Comprehensive Plan* and the recommendations of the Kaufman Independent School District.
- (6) Public Facilities. The location and size of sites for public buildings, major utility facilities, and related Community Facilities shall be in conformance with the *Comprehensive Plan* or a *Capital Improvement Plan*, and subject to the recommendations of City staff and the approval of City Council.

(c) **Monuments & Markers**

- (1) General Placement. Monuments consisting of a minimum three-eighths (3/8) inch diameter steel rods, at least twenty-four (24) inches in length shall be placed at all:
 - i. Lot and block corners (wherever a lot line bearing changes);
 - ii. Intersection points of Alley and block lines; and
 - iii. Curve and tangent points along block, lot, and Right-of-Way lines within the subdivision.
- (2) Subdivision Monumentation. At least two (2) property corners shall be marked with monuments of three (3) dimensional coordinates established from the City's *Standards of Design and Construction*. The corners so marked should be at opposing ends of the property unless otherwise approved by the Director of Public Works and/or the City Engineer.

- (d) **Subdivision Names.** New subdivisions shall be named so as to prevent conflict or “sound-alike” confusion with the names of other subdivisions. Subdivisions with similar names (e.g., Preston Lakes and Preston Hills) shall be located in proximity to each other, not in different areas of the City. Subdivision names shall be reviewed and approved by the Director of Development Services to ensure that the proposed subdivision name will not cause confusion or misdirection, especially for emergency responders.
- (e) **Franchise Utility Policy.**
 - (1) General Requirements. The Director of Public Works and/or the City Engineer may require Easements for poles, wires, conduits, gas, telephone, cable TV, internet, or other utility lines, if necessary or advisable in the opinion of the Director of Public Works and/or the City Engineer.
 - (2) Locations. Utility Easements may be located as follows:
 - i. Utilities shall be located in the Alley Rights-of-Way along the rear property lines of lots or tracts whenever an Alley is provided.
 - ii. Utilities shall be located in Easements adjacent to the street Rights-of-Way along the front of lots or tracts whenever an Alley is not provided. Utility Easements shall be a minimum width of ten (10) feet unless specifically reduced by the Director of Public Works and/or the City Engineer.
 - (3) Ground-Mounted Equipment. Ground-mounted equipment shall not be placed in visibility, Access, or maintenance Easements.
 - i. All ground-mounted equipment within view of a public street Right-of-Way shall be screened from the adjacent street by minimum five (5) gallon evergreen shrubs, or larger, placed three (3) feet on center on the side facing the Right-of-Way, as well as along both sides of the equipment such that it will be fully screened from view from the street.
 - ii. Planting materials selected shall be such that will grow at least to the height of the equipment height and will provide a continuous and generally solid/opaque living screen, within two (2) growing seasons from the date planted. The planting material shall be selected from the list of approved materials set forth in the City’s *Zoning Ordinance*.
 - iii. Any planting material used for screening that may be removed or damaged due to repairs and/or maintenance to the ground-mounted equipment shall be replaced after such repairs or maintenance is completed.
 - (4) Installation and Financing. The Developer shall arrange with the City and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of streets and Alleys, utility lines and other Public Improvements. The Developer shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the Final Plat, then the Final Plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required.
- (f) **Fiber Optic Network Conduit and Fiber Optic Cable.** All residential and multiple-family subdivisions must make best efforts to install fiber optic capability before receiving a Certificate of Occupancy. In addition, the Developer must inform the City of the provider chosen to serve the development and specify both the overall speed (minimum 1 GB) and the speed to each individual house or unit.
- (g) **Retaining Walls.** On any development, whether residential or non-residential, the slopes located at the perimeter of the property shall be graded so that there shall be no retaining walls necessary between the development being constructed and future adjacent developments, unless approved

by the Director of Public Work and/or the City Engineer.

- (h) **Amenity Lot Irrigation.** Residential subdivisions containing 500 lots or more shall irrigate their common area lots from on-site wells or detention/retention devices. All open space areas that are not left in a riparian condition shall be irrigated. The Director of Public Works and/or the City Engineer may provide Minor Modifications for this.

SEC. 02.03.0791 .REQUIRED SUBDIVISION AMENITIES.

- (a) **Description & Definition.** The term “Amenity” is defined within Section 02.03.102, *Definitions*, of this Ordinance.
- (b) **Requirements.** Where Amenities are proposed in conjunction with a development, such amenities shall be reviewed and approved in accordance with the following:
 - (1) The City may require conceptual plans for amenities to be included in the Development Agreement and/or Planned Development zoning exhibits, as applicable. Plans and illustrations, along with a written statement of such concepts, shall be included. In instances where a Development Agreement and/or Planned Development do not apply, these conceptual amenity plans shall be provided prior to the Preliminary Plat submittal.
 - (2) Detailed plans for Amenities shall be incorporated into the Landscape and Screening Plans, submitted concurrently with the Construction Plans. These detailed plans shall include Site Plans and detailed Landscape Plans for all amenity centers, private recreational facilities, parks, trail systems and trail heads, and similar elements, with elevations and floor plans for any structures. These plans shall be reviewed and approved by the Director of Development Services and/or their designee. The Director, at their discretion, may defer final approval to the City Council.
 - (3) Structural elements shall be sealed by a licensed professional engineer and shall be approved by the City. All structures, fences/walls, and swimming pools require approval of a Building Permit prior to construction.
 - (4) Any screening or retaining wall shall be located in a common area lot (or along the common area lot line), with a wall-maintenance Easement (minimum five (5) feet wide) on the private property side to facilitate repairs, as needed.
 - (5) City review and approval of plans for Amenities shall be required prior to issuance of a Letter of Final Acceptance for the subdivision improvements (refer to Section 02.03.046, *Inspection, Maintenance & Acceptance of Public Improvements*).
 - (6) All open space, landscaped areas, common areas, screening walls, subdivision signs, and other Amenities proposed and/or built with a residential development shall be owned and maintained by the HOA and shall not be closed, removed from the system, shut down, inaccessible to residents, abandoned, or otherwise discontinued or have operations cease without express approval from the City Council, excluding general and routine maintenance and adjustments for construction projects.
 - i. Should any private/public financing partnership be in place, the common areas, open space, and Amenities may benefit from such lawful financing reimbursements or payments. At no time shall the ownership of any open space, landscaped areas, entry features, common areas or other Amenities associated with the development pass to the City, unless specifically approved by the City Council.
- (c) **Design of Amenities.** The design of amenities shall conform to the following:
 - (1) Entry features shall be constructed entirely on privately owned property (i.e., not within public Right-of-Way), and shall not suspend over a public Right-of-Way, unless otherwise

approved by a license agreement approved by the City. In addition, all decorative pavement at entry ways shall be maintained by the HOA.

- (2) The primary entry features, including landscaping, hardscaping, identifying monument sign and/or other identifying branding or focal points, shall be placed within separate HOA-owned (i.e., common area) lots. Medians that are part of divided entry ways shall be Platted as HOA-owned common area lots and shall include entry features. An entry feature having a water pond, fountain, or other water feature shall only be allowed if approved by the Director of Public Works and/or the City Engineer and the Fire Chief.
- (3) No entry feature, other than screening walls or extensions of screening walls, may be constructed on any portion of a single-family residential, two-family residential, or townhome residential lot. These screening walls shall generally only be located along residential lot lines. All such features shall be constructed on lots that are Platted as "non-buildable" common-area lots and dedicated to an HOA for private ownership and maintenance.
- (4) Entry features for multi-family residential and non-residential developments that are located in a median placed within a right-of-way shall be dedicated as private property lots or common area lots to be maintained by the property owner or a POA.
- (5) Entry features shall not encroach into visibility Easements or otherwise impair pedestrian, cyclist, or driver visibility.
- (6) Private recreational facilities, if provided in a development, shall, to the greatest extent possible, be centrally located within the overall development. (See Diagram 02.03.118)

(d) **Homeowners Association (HOA) Requirements.**

- (1) Purpose. The purpose for the establishment of an HOA (also referred to as "Association") for residential developments is to create an organization that owns and is responsible for maintaining commonly owned properties and Amenities including, but not limited to, private Rights-of-Way, club houses, recreational facilities, open space lots, and riparian areas used for the communal good of the development's property owners and residents. The ownership and maintenance of said property and Amenities shall be organized and established to exist in perpetuity.
- (2) Definition. For purposes of this section, the terms "Homeowners Association," (HOA), and "Association" are interchangeable with the term "Property Owners' Association" (POA) for multi-family and non-residential developments
- (3) Applicability. An HOA or POA shall be established for any development that contains any of the following:
 - i. An open space lot not owned by the City;
 - ii. A detention pond or other drainage feature not owned or maintained by the City;
 - iii. A private Amenity (such as a clubhouse, pool, playground, etc.);
 - iv. A private street;
 - v. A major creek or tributary;
 - vi. A thoroughfare screening wall or fence;
 - vii. A Street Buffer Lot;
 - viii. Street Trees;
 - ix. A median at a divided entry way with entry features or landscaping;
 - x. Monument signage or other branding/identification elements for the entire development;
 - xi. Alleys that are not to be dedicated to or maintained by the City;
 - xii. Common Access Easement(s) (driveway(s)) to be shared amongst multiple single-family residential, two-family residential, or townhome residential lots;

- a. Common Access Easements on multi-family residential or non-residential lots shall be maintained by the Property Owner for the portion located on their lot, unless the Property Owners form a POA whose responsibilities include maintenance of the Common Access Easement.

(4) Elements Requiring an HOA or POA. Any one (1) or more of the following elements created as part of the development shall require formation and continued operation of a mandatory HOA or POA:

- i. *Amenities.* Where proposed in conjunction with a development, the word “Amenity” shall be defined in Section 02.03.0102, Definitions, and shall include, but not be limited to the following:
 - a. Amenity center (e.g., private swimming pool, club house, conference or assembly rooms, tennis courts, etc.);
 - b. Private recreational facility;
 - c. Entry features, including signage and screening walls and other perimeter fencing;
 - d. Open space lots;
 - e. Ponds and detention features;
 - f. Drainage facilities not owned and maintained by the City;
 - g. Water fountains or features;
 - h. Street Trees;
 - i. Hike & bike trails not owned and maintained by the City; and
 - j. Parking lots, parking spaces, and sidewalks serving amenity centers, open space lots, and private recreational facilities;
 - k. Mews
 - l. Other commonly owned facilities not owned and maintained by the City.
- ii. *Major Creeks.* As defined in Section 02.03.102, *Definitions*, and as generally regulated by Section 02.03.073(i), *Major Creeks*, of this Ordinance, major creeks that run adjacent to or within a subdivision shall be maintained by the HOA or POA;
- iii. *Private Streets.* As generally regulated by Section 02.03.074(d), *Private Streets*, of this Ordinance, private streets shall be owned and maintained by the HOA/POA. This shall include all infrastructure including streets, Alleys, sidewalks, and other appurtenances within designated Access Easements, as well as associated structures as follows:
 - a. Security station structures and equipment (including gates, access card readers, perimeter security fencing, etc.);
 - b. Greenbelts; and
 - c. Other infrastructure necessary for vehicular circulation and neighborhood security.
- iv. *Alleys not owned and maintained by the City.*
- v. *Common Access Easement(s)* (driveway(s)) to be shared amongst multiple single-family residential, two-family residential, or townhome residential lots
 - a. Common Access Easements on multi-family residential or non-residential lots shall be maintained by the Property Owner for the portion located on their lot, unless the Property Owners form a POA whose responsibilities include maintenance of the Common Access Easement.

(5) Maintenance Agreement. All detention facilities shall be owned and maintained by the HOA/POA and the HOA/POA Board shall enter into a Maintenance Agreement with the City to ensure that adequate maintenance will be forthcoming over the life of the facility.

- (e) **Procedure for Establishing an HOA.** The establishment of a required HOA/POA shall occur in

conjunction with the recordation of the subdivision Final Plat, and shall generally be established as follows:

- (1) Documents Submitted for Review. The declaration, covenants, and other necessary documents establishing the HOA/POA shall be submitted to the City for conformance with this and other applicable ordinances prior to submission of the Final Plat, and no later than prior to plat recordation. HOA/POA documents shall include a site plan with descriptions of any open space lots, amenities, private streets, Thoroughfare screening, entry features and signage, Major Creeks or tributaries, detention facilities, Alleys or Mews, Common Access Easements, Street Trees, and other areas or structures for which the Association has maintenance responsibility, and shall outline the organization and board of the Association.
- (2) Approval by City Attorney. All HOA/POA documents shall be reviewed by the City Attorney and approved by the City prior to recordation of the Final Plat. The Developer shall reimburse the City for all related legal costs incurred by the City for review of the HOA documents. This reimbursement shall be deducted from the Professional Services Agreement. In the event there is no Professional Services Agreement associated with the development, the Developer shall reimburse the City within 30 days of being invoiced. Failure of the Developer to reimburse the City within 30 days of being invoiced may result in the withholding of building permits until the City is reimbursed.
- (3) Recordation. All HOA documents shall be recorded in Kaufman County prior to or concurrent with the recordation of the Final Plat. All copies of the HOA documents shall be submitted to the Development Services Department, along with the appropriate County fees and certified current tax certificates for staff to complete the Final Plat recordation process.
- (4) Additional Phases. An additional phase of an existing subdivision is not required to establish a separate and distinct HOA/POA, provided that:
 - i. The existing, recorded Association documents are amended to incorporate the area of the new subdivision phase (unless this has already been provided for) and to adopt the responsibility of its open space lots and associated landscaping, Amenities, Private Streets, Thoroughfare screening, entry features and signage, Major Creeks or tributaries, detention facilities, Alleys or Mews, Common Access Easements, Street Trees, and other areas or structures for which the Association has maintenance responsibility.
 - ii. The Developer shall provide a draft of the amended covenants to the City Attorney for review prior to the recordation of the associated Plat.
- (5) Revisions to HOA/POA Documents. As revisions are made to the HOA documents, a copy of the revised documents shall be forwarded to the Director of Development Services for the City's files.
- (f) **Notice to Purchasers.** The Developer shall be required to post notice in a prominent place at all model homes and sales offices stating the following:
 - (1) That an HOA has been established for the subdivision;
 - (2) That membership in the HOA is mandatory for all lot owners;
 - (3) That the Developer and/or builder is required to provide to any potential buyer, upon their request, a complete copy of the Association documents and a five (5) year projection (at a minimum) of HOA dues, income, and expenses; and
 - (4) Any other assessment on the property which may have resulted from a PID, TIRZ, or other public/private financial agreement with the City, including the duration of said assessment and manner of collection.

- (g) **General Requirements.** The following shall be set forth in the HOA/POA documents:
- (1) A statement that membership in the Association is mandatory for all owners of property within the subdivision;
 - (2) A listing of all required maintenance responsibilities, and where possible, the lot numbers, legal descriptions, street names, etc. as shown on the approved Plat for areas to be the responsibility of the Association;
 - (3) By-laws related to the governance of the Association;
 - (4) Covenants for maintenance assessments, which shall run with the land;
 - (5) Responsibility for liability insurance and local taxes;
 - (6) Statement that the authority for enforcement of Association rules and regulations is solely the responsibility of the Association and is not, in any way, the responsibility of the City;
 - (7) Authority for the Association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, to charge special assessments (such as fees associated with a Public Improvement District), and to place liens against property for failing to pay dues, assessments, and fines.
 - i. Dues shall be calculated based on a cost projection for the maintenance of all Amenities and based on eventual build-out of the subdivision;
 - ii. Dues shall not be based on calculations which include monies from the Developer which will not be provided following the transfer of the Association from the Developer to the lot owners.
 - iii. Dues shall be required to be disclosed to all lot owners at the time of property purchase by the lot owners.
 - (8) Provision that no amendment of the Association documents relating to maintenance of open space lots and associated landscaping, Amenities, Private Streets, Thoroughfare screening, entry features and signage, Major Creeks or tributaries, detention facilities, Alleys or Mews, Common Access Easements, Street Trees, any other Association- maintained area or facility, or related reserve funds (as applicable) shall occur without prior City approval;
 - (9) Written release of liability for maintenance to benefit the City; written indemnification of the City outlining that under no circumstances shall the City be liable to the Association or any individual property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any open space lots and associated landscaping, Amenities, Private Streets, Thoroughfare screening, entry features and signage, Major Creeks or tributaries, detention facilities, Alleys or Mews, Common Access Easements, Street Trees, or from any other Association-owned and maintained area or facility;
 - (10) Written assurance of adequate funds based on an accredited cost projection analysis within a specific reserve account of the Association for the maintenance and removal of amenities as determined by the City; and
 - (11) Written consent giving the City the authority to take appropriate actions for violations as set forth in Section 02.03.079(i), *Violations, Revocations and Liens*.
 - (12) Other City requirements as applicable.
- (h) **Supplementary Requirements.** The HOA shall also comply with the following regulations, where applicable:
- (1) Compliance with the Zoning Ordinance. Association documents shall not overrule the landscaping or other provisions of the *Zoning Ordinance* by penalizing or restricting water

conserving landscapes, by requiring landscape materials that do not comply with *Zoning Ordinance* landscape requirements, or by violating any other provision of the Zoning Ordinance relative to landscaping, screening, landscape maintenance, neighborhood design, or any other items, unless specifically deviated from in an approved Planned Development and/or Development Agreement.

- (2) Compliance with the Subdivision Ordinance and the Standards of Design and Construction. Association documents shall comply with this Chapter and the *Standards of Design and Construction*.

- (3) Amenities. The following regulations shall apply to any subdivision that includes an Amenity, as described in Section 02.03.0791, *Required Subdivision Amenities*, and defined in Section 02.03.102, *Definitions*:

- i. Where Amenities are proposed in conjunction with a development, the Developer shall comply with those regulations outlined in Section 02.03.0791, *Required Subdivision Amenities*, of this Ordinance;
- ii. All developments that require the provision of common open space shall submit covenants to maintain open space, recreational areas, and other commonly owned facilities for review with the Final Plat Application.

- (4) Private Streets. Whenever a public street becomes private following Plat recordation, an HOA/POA is required to be established, if not already in existence, that would be responsible for owning and maintaining the converted streets and Rights-of-Way. The following regulations shall apply to any subdivision that includes private streets, except those that exist prior to the effective date of this Chapter.

- i. The Association shall own and be responsible for the maintenance of private streets and appurtenances (such as Alleys, storm sewers, sidewalks, barrier-free ramps, street lights and signs, etc.) and shall provide for the payment of dues and assessments required to maintain the private streets and appurtenances.
- ii. The Association documents shall state that if the private streets are otherwise converted to public streets, the reserve fund shall become the property of the City (see the City's *Standards of Design and Construction* for conversion process).
- iii. In addition to any other requirements set forth in this section, the HOA/POA's documents shall specify the following:
 - a. That the streets within the development are private, that they are owned and maintained by the Association, and that the City has no obligation to maintain, repair or reconstruct the private streets.
 - b. A statement that the City may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that the same are safe for travel and are being maintained to City standards.
 - c. A statement that the Association may not be dissolved without the prior written consent of the City Council, which consent shall not be withheld by the City if it determines that an adequate reserve fund exists, and the streets and Alleys are in satisfactory condition for conversion to public streets, as determined by the Director of Public Works and/or the City Engineer.
 - d. That failure to bring the subdivision into compliance with these regulations may cause the City to take appropriate action relative to a default of the Development Agreement and/or Facilities Agreement and/or other instrument allowing the Private Street Development.
- iv. The HOA/POA documents shall note that certain City services may not be provided in Private Street Developments. The services that may not be provided include, but are not limited to: police enforcement of traffic and parking ordinances and

preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

- v. The HOA documents shall contain a provision that requires the Association to provide unrestricted Access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees, agents, or representatives in the performance of their official duties. All access gates shall be designed and constructed in accordance with emergency access design standards listed in the *Standards of Design and Construction* and shall be equipped with an emergency access-controlled gate opening system (e.g., Opticom® or Knox-Box®) or with another emergency operating system that is acceptable to the Fire Chief.

(5) Major Creeks, Tributaries, Ponds, and Water Features (100-Year Floodplain). For single-family and two- family residential developments, the area within the one-hundred-year (100-yr) floodplain shall be owned and maintained by a Homeowners Association, subject to City approval. The Final Plat shall reflect, and the Association documents shall provide:

- i. City Access for emergency vehicles, equipment, and personnel and for the improvement and maintenance of the one-hundred-year (100-yr) floodplain in the event they are not being properly maintained, as determined by the Director of Public Works and/or the City Engineer; and
- ii. Should the Association fail to maintain the floodplain area to the standards of the City, the Association shall reimburse the City for all costs incurred by the City for adequate maintenance.

(i) **Violations, Revocations & Liens.** The City will notify the HOA/POA of violations of any of the regulations specified within this section.

- (1) Failure to bring the subdivision into compliance with these regulations may cause the City to revoke the specific approval of the Association or take other remedies outlined in this section.
- (2) The City shall have all liens, assessments and enforcement rights granted therein to the Association, and the City shall have the ability to enforce the liens and assessments, and avail itself of any other enforcement actions available to the City pursuant to State law and/or City regulations.
- (3) Should the Association fail to carry out its duties as specified in this Chapter, the City shall have the right and ability, after due notice to the Association, to perform the duties required by this or any other Ordinance, regulation, or agreement with the City in order to bring the Association into compliance therewith. The City shall have the right and ability, after due notice to the Association, to assess the Association for the full amount owed and/or assess the property owners on a pro rata basis for all costs incurred by the City in performing said duties if the Association fails to do so. Said assessment shall constitute a lien, in favor of the City, upon the properties for which the assessment is made.

ARTICLE 02.03.080 PARKS AND OPEN SPACE.

SEC. 02.03.081 ...GENERAL PARK LAND GUIDELINES AND REQUIREMENTS.

- (a) **Purpose.** This Section is intended to provide open space and recreational areas in the form of parks as a function of subdivision and site development in the City and its Extra-Territorial Jurisdiction (ETJ).
- (1) Open space and recreational areas in the form of trails, parks and preserves are necessary for the health and welfare of the residents and that the only adequate procedure to provide for parks is by integrating such requirements into the procedure for planning and developing property or subdivision in the City and its ETJ to accommodate the associated and proportional impact on the Parks and Recreation System, whether such development consists of subdivision, new construction on vacant land, or rebuilding and remodeling of structures on previously developed property.
 - (2) Parks provide for a variety of indoor and outdoor recreational and health living opportunities and are located in various locations throughout the City. The land area of the City being less than nine (9) square miles shall be prima facie evidence that any park located therein is within a convenient distance from any residence located therein. The primary cost of purchasing or acquiring, developing, and improving parks shall be borne by the landowners of residential property or projects who, by reason of the proximity of the property to such parks, are the primary beneficiaries of such facilities.
 - (3) Due to the City's small size, a typical park is designed to serve the needs of residents from the entire community no matter where the park is or will be located in the City. Parks serve both active and passive leisure and recreation needs of residents and their visitors, in addition to serving the essential purposes of providing open space to maintain the rural character of the City as desired by the community. The purchase, acquisition, development and improvement of the basic infrastructure and facilities for parks are based upon the demand from the residents they are intended to serve.
 - (4) Recognizing that there are different sizes, scales, and types of park facilities, the required level of service has been designed based on the smallest of park facilities at existing level of service, a neighborhood park of five (5) to ten (10) acres, to meet the "basic" infrastructure and facilities standards. Any fees collected per these requirements can, however, be utilized in the purchase or acquisition of park land development, and/or improvement of any size or scale park facility as planned for or recommended in the *Parks, Recreation, and Trails Master Plan* (expressly or via intent), as may be amended from time to time, which is hereby adopted by reference and incorporated herein for all purposes. the goals and objectives of the City to meet the additional needs created by new residential development.
- (b) **Scope.** The provisions of this Article shall apply to a Developer who subdivides for which a Final Plat, Minor Plat, Replat, Development Plat, or Preliminary Plat is required to be submitted to the City for approval and/or develops land for residential uses located within the City or within its ETJ. The owner of any property to be developed for residential or multiple-family purposes shall convey land for park or open space purposes or make a payment of money in lieu of land, or a combination of both, to the City at the time of Platting to provide for the recreational needs created by such development, in accordance with the provisions of this article
- (c) **Exemptions.** The provisions of this Article shall not apply to the following:
- (1) Senior living facilities and senior care facilities, including assisted living facilities, senior congregate care facilities, memory care facilities and nursing homes. However, independent living and retirement communities or age-restricted housing developments shall be subject to the provisions of this Article.

- (2) Residential development for property to be located on a lot of record that was approved prior to the effective date of the ordinance from which this article derives.
 - (3) A record Plat, minor Plat, or replat which was approved prior to the effective date of the ordinance from which this article derives.
 - (4) Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this article derives.
- (d) **Park Land Guidelines and Requirements.**
- (1) Parks must be easy to Access and open to public view to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses.
 - (2) Usable open space (which must be Platted as an HOA X lot) shall have one (1) large canopy tree planted every 5,000 square feet. Staff may authorize minor modifications for tracts with extensive perimeter ROW tree requirements, tracts with extensive tree cover, or for areas intended for active recreation or detention.
 - (3) The following guidelines and requirements shall be used in designing and accepting parks and adjacent development:
 - i. Any land dedicated to the City under this Subchapter must be suitable for park and recreation uses.
 - a. This dedication shall be free and clear of any all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use.
 - b. Mineral may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees.
 - c. A current title report must be provided with the land dedication.
 - d. The Developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Kaufman County Tax Assessor, whichever is applicable, shall be submitted with the dedication or Plat.
 - ii. Land in floodplains or designated greenways is not preferred but can be considered on a fifty percent (50%) basis, at the discretion of the City Council (i.e., four (4) acres of floodplain or greenway will be equal to two (2) acres of potential park land). The following factors shall be considered for potential park land in the floodplain or in designated greenways.
 - a. Sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities or for improvements. At least fifty percent (50%) of a park land site shall be less than ten percent (10%) grade, well drained and suitable for active play, unless the intent of the dedication is to provide a beneficial connection or to preserve an environmental, natural, or cultural resource/asset.
 - b. Placement of recreational or park land support amenities, including paths or Access for maintenance purposes, can be placed in the area in compliance with applicable watershed requirements.
 - c. It is preferred that the floodplain area provide suitable passive recreation, scenic view, wildlife habitat protection, water quality protection, tree protection, and/or trail connectivity to the more intensive uses in non-floodplain areas.
 - 1. Parks shall have Access to water, wastewater , and electric lines prior to or upon acceptance of the park improvements. Site plans and subdivision Applications must demonstrate sufficient water and wastewater capacity

- to serve the park.
2. Where appropriate, sites with existing trees or other scenic elements or natural assets are preferred.
3. Detention/retention areas shall not be utilized to meet dedication requirements unless they are designed in an innovative manner so as to provide for suitable recreational purposes, but they may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the standards as specified in all City codes and regulations.
4. Where park sites are adjacent to greenways, schools, or existing or proposed subdivision, Access may be required to facilitate public Access and to provide public Access to parks.
5. It is preferred that a minimum fifty percent (50%) of the perimeter of a park should abut a public street. Parks shall have at least a portion of the property adjacent to a public street or shall have associated public Access Easements and improvements to allow for ready Access. Public view of the park from a public street is desirable to facilitate community connections and provide for crime prevention through environmental design.
6. Community scale parks should be accessible from major arterial streets so as to be accessible by large numbers of people.
7. Areas for potential park land that are encumbered by overhead utility lines or Easements of any type which would limit the opportunity for recreational and park development are not preferred.
8. All rubbish, trash, junk, and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as approved construction and improvements thereon.
9. For dedication of more than two (2) acres of land ad upon the request of the City, ad Developer funded environmental or engineering study, audit, or assessment may be required in some cases demonstration that the property is in a condition that would allow the City to utilize the property for public park purposes without expenditures to remove or mitigate environmental or hazardous materials or conditions, suitable and safe for use as a public parks, and free from environmental or engineering related problems.
- d. Where physically feasible, parks shall be bound by streets, or by other public uses (e.g., a school, library, recreation center).
- iii. Where residential lots are directly adjacent to a park, lots must be oriented to side and not back to the park. In this instance, cul-de-sac and looped streets must be used to Access the lots and park.
- iv. Residential lots may back to a park, open space, or greenbelt only when the site's physical character (e.g., shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g., lots backing to a golf course). Lots backing to a linear park, neighborhood park, or natural drainage corridor shall only be allowed upon approval by the City Manager or designee. A proposed subdivision adjacent to a park may not be designed to restrict reasonable Access to the park from other area subdivisions.
- v. Street connections to existing or future adjoining subdivisions may be required to provide reasonable Access to parks.
- vi. Alleys shall not abut a park.
- vii. Public Access to a park shall not be less than fifty (50) feet at the curb and in width

- to the Base Floodplain and/or Maintenance and/or Access Dedication and shall not be part of a Residential lot. The Developer shall install a Hike & Bike trail connection from the street to the Hike & Bike trail/park prior to final acceptance of the subdivision. This trail must be blocked from motor vehicle traffic. However, the Developer may request to escrow funds for the contracted amount prior to final acceptance of the subdivision with City approval. The escrow amount will remain in place until the trail has been completed and accepted by the City.
- viii. A twenty-five (25) foot level surface shall be provided for all public Hike & Bike trails. The twenty-five (25) foot wide level surface can be provided within and/or outside of the Base Floodplain and/or Access Dedication. The parkway for the public street may count towards the twenty-five (25) foot wide level surface.
 - ix. All proposed Hike & Bike trails shall be shown on the Preliminary Plat. The Public Works Department shall make the final determination of the placement of the public Hike & Bike trail at the time of the Final Plat.
 - x. No development shall interrupt future trail routes or otherwise hinder efficient public Access to or from an existing or future planned trail. Gated and other limited Access developments shall be designed such that they facilitate, and do not impede, through public Access, emergency ingress and egress, usage, and enjoyment of public trails.
 - xi. Streets Abutting a park shall be built in accordance with the Thoroughfare Plan, the standards of this Ordinance, and all other applicable construction standards and/or ordinances, as they exist or may be amended. However, the City may require any residential street built adjacent to a park to be constructed to collector street width to ensure Access and prevent traffic congestion.
 - a. When park land is acquired, the City shall reserve sufficient land to provide the additional Right-of-Way required for an Abutting collector-size street, sixty (60) feet of Right-of-Way, unless otherwise approved by the City.
 - b. The proposed street alignment fronting on City parks is subject to City approval. Land owners shall also provide street Access to all Major Creeks and/or Access Dedications.

SEC. 02.03.082 ...PARK LAND DEDICATION AND DEVELOPMENT REQUIREMENTS.

- (a) **General.** Generally, the Developer of property with residential uses must address the following requirements: dedication of land for park use or pay of a Fee-In-Lieu thereof and payment of a park development fee for parks or construction of the park improvement to which such fee relates. Requirements herein are based on actual or approved dwelling units for an entire development or project. Increases or decreases in final dwelling unit count may require an adjustment in fees paid or land dedication. If the actual number of dwelling units exceeds the original estimate, additional park land and additional park development fees may be required in accordance with the requirement in this Section.
- (b) ***Parks, Recreation and Open Space Master Plan and Kaufman Trail Concept Master Plan.*** The *Parks, Recreation and Open Space Master Plan*, and the *Trail Concept Master Plan* as may be amended by Council, comprise the park and trail planning basis for this Chapter. The City shall consider the need to regularly update the *Parks, Recreation and Open Space Master Plan* and the *Trail Concept Master Plan* to ensure that the Plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of public parks throughout the City.
- (c) **Fee Calculations and Updates.**
 - (1) The schedule of fees and required land dedications, along with the associated methodology and level of service standard, are outlined Table 02.03.083.1 *Park Land Dedication and*

Park Development Fees, Table 02.03.083.2 *Park Land Dedication and Park Development Methodology*, and Table 02..03.083.3, *Park Land Development: Neighborhood Park Level of Service Estimate* respectively and are incorporated and made a part of this Article for all purposes.

- (2) A quantifiable and reasonable methodology was established to base the park land dedication requirements, fees-in-lieu of dedication, and park land development fees contained herein on data and levels of service relevant to the City that are based on density as well as best practices. The park development fee is calculated utilizing empirical details of how much the average neighborhood park costs in the City based on the community feedback gathered in the Parks, Recreation Open Space Master Plan, and its associated analysis. The methodology and fees shall be reviewed every three (3) years and updated in tables contained herein.
- (3) Staff shall submit, as directed by the Parks and Recreation Board or Council, a fee derived from a park land dedication requirement per person. The park land dedication requirement per person will be calculated from the variables and formula(s) reflected in Table 02.03.083.2, *Park Land Dedication and Park Development Methodology*. Staff shall submit, as directed by the Parks and Recreation Board or the Council, a fee derived from a land cost per person. The land cost per person will be calculated from the variables and formula(s) reflected in Table 02.03.083.2, *Park Land Dedication and Park Development Methodology*. Staff shall submit, as directed by the Parks and Recreation Board or the Council, a fee derived from a park development cost per person. The park development cost per person will be calculated from the variable and formula(s) reflected in Table 02.03.083.2, *Park Land Dedication and Park Development Methodology*. The updated fees and dedication will be presented for adoption by Council with the City's Fee Schedule.

(d) **Land Dedication.**

- (1) The amount of land to be dedicated for park land purposes shall be as set forth in Table 02.030.083.1, *Park Land Dedication and Park Development Fees*. The required dedication may be met by payment of cash in lieu of land, or dedication of open space, when permitted or required by other provisions of this Article. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:
 - i. Prior to the issuance of any building permits for multi-family development on an associated Plat or via a deed or record or separate instrument;
 - ii. Concurrently with the Final Plat for a single-phase single family residential development clearly labeled and dedicated as City park land (or with applicable notes as stipulated in the Section for the ETJ);
 - iii. For a multi-phased single family residential development, the entire park(s) shall be either Platted concurrently with the Plat of the first phase of the development, clearly labeled and dedicated as City park land (or with applicable notes as stipulated in the Section for the ETJ);
 - iv. The Developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres park land required and, in a form acceptable to the City. The amount of the financial guarantee shall be the amount of Fee-in-Lieu of Land Dedication as set forth in Table 02.03.0803.1, *Park Land Dedication and Park Dedication Fees*. The financial guarantee will be released to the Developer, without interest, upon the filing of the final Plat for the phase that dedicates the required park land.
- (2) For development located within the ETJ of the City, the dedication requirements of this Section may be met through the creation of private park land in the same amount required

as set forth in Table 02.03.083.1, *Park Land Dedication and Park Dedication Fees* provided the Developer enters into a written agreement that all such private park land be dedicated to the City at the time of full purpose annexation into the City and provided that any Plat related to such development, is inscribed with a notation regarding same.

- (3) The obligation of a Developer to dedicate park land or make payments or improvements in lieu thereof shall be in addition to/independent of the requirements of the Applicant/Developer to provide open space in accordance with a Planned Development (PD) zoning Application. If the open space in the proposed Planned Development (PD) exceeds thirty thousand (30,000) square feet and is dedicated and accepted by the City as public park land, the required dedication or payment may be reduced in applicable proportion.

(e) **Fee-In Lieu of Land.**

- (1) **Fee In Lieu of Land.** In lieu of dedicating park land, a Developer may request to meet some or all of the park land dedication requirements through payment of a Fee-in-Lieu thereof in the amounts set forth in Table 02.03.083.1, *Park Land Dedication and Park Dedication Fees*. Such fees shall be due prior to filing an associated Plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.
- (2) **Open Space In Lieu of Land.** In lieu of dedication park land, a Developer may request to meet some or all the park land dedication requirements through dedication of open space in the amounts set for in Table 02.03.083.1., *Park Land Dedication and Park Dedication Fees*.

(f) **City Approval.** The Council shall have the final authority in determining how much, if any, open space, or fee may be accepted in lieu of required park land dedication.

- (1) The Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Table 02.03.083.1, *Park Land Dedication and Park Dedication Fees*.
- (2) The Council may, from time to time, require that open space land be dedicated in amounts as set forth in Table 02.03.083.1, *Park Land Dedication and Park Dedication Fees*.

(g) **Approval Process for Park Land Dedication.**

- (1) Land dedication equal or exceeding two (2) acres, and dedications of Floodplains and greenways:
 - i. For any proposed required park land dedication equaling or exceeding two (2) acres of land or equaling or exceeding payment of a fee-in-lieu thereof or for any proposed land dedication containing Floodplain or greenway, the Developer must:
 - a. Obtain a recommendation from the Parks and Recreation Board, and
 - b. Obtain approval from the City Council.
 - ii. Should a proposed dedication go before the Planning and Zoning Commission as part of a required project approval, the Planning and Zoning Commission shall consider the recommendation from the Parks and Recreation Board and both recommendations shall be forwarded to the Council for consideration.
- (2) Criteria for consideration.
 - i. For any proposed required park land dedication equaling or exceeding two (2) acres of land or equaling or exceeding payment of a fee in-lieu thereof or for any proposed land dedication containing Floodplain or greenway, the Parks and Recreation Board and Council shall utilize the following criteria for considering approval of the proposed park land dedication:
 - a. The proposed Plat shall clearly identify the proposed public park land to be

- dedicated;
- b. The proposed dedication or fee shall provide a sufficient amount of park land in the area of the proposed development for required park land dedication;
 - c. Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Table 02.03.083.1, *Park Land Dedication and Park Dedication Fees*.
 - d. Determination of acceptability of a proposed park land dedication is based upon the *Parks, Recreation, and Open Space Master Plan* and *Trail Concept Master Plan* as may be amended from time to time, and the criteria contain herein;
 - e. The proposed development of the park is at a minimum consistent with the City's level of service for neighborhood parks as set forth in Table 02.03.083.3, *Park Land Development: Neighborhood Park Level of Service Estimate* and in the *Parks and Recreation, and Open Space Master Plan*, as may be amended from time to time;
 - f. Land is usable and compatible with the *Comprehensive Plan, Parks, Recreation and Open Space Master Plan, Trail Concept Master Plan*, and other approved public plans;
 - g. There is a level of service need in the immediate vicinity of the proposed park area;
 - h. There is no nearby existing park that would be served with the funds better or more by expansion or improvement;
 - i. Public Access considerations; and
 - j. Whether there is a significant natural resource on the site that should be preserved and/or protected through park land dedication.
- (3) Development and maintenance of a park less than two (2) acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than one-hundred (100) dwelling units as specified in the Table 02.03.083.1, *Park Land Dedication and Park Development Fees* under Land Dedication are proposed by a Plat for single family residential or a building permit for multi-family residential, the Developer shall pay the applicable cash in lieu of land dedication.
- i. An exemption may be considered if the dedication is voluntarily greater than two (2) acres or will increase the size of an existing park adjacent to the proposed park land dedication or will provide a beneficial trail connection or Right-of-Way or will provide a synergistic benefit not otherwise listed, at the discretion of the Council.
 - ii. Additionally, Council, in its sole discretion, may accept park land dedications of less than two (2) acres upon a determination by Council that the proposed park will meet all other requirements of this Article and upon satisfaction of any additional conditions and/or requirements as approved by Council.
- (4) **Park Development Fee.** In addition to the land dedication requirements for parks, there is a park development fee established herein sufficient to develop parks in ways that meet the City's level of service as determined in the *Parks, Recreation, and Open Space Master Plan*.
- i. The park development fee assessed to a Developer, subject to the Section, is as shown in Table 02.03.083.1, *Park Land Dedication and Park Development Fees*. The process for the approval and collection of park development fees shall be the same as for the park land dedication requirements to which the development relates and shall be processed simultaneously with the park land dedication requirements.
 - ii. The City shall have the final authority in determining how much, if any, land, or fee may be accepted in lieu of required park development. Table 02.03.083.1, *Park Land Dedication and Park Development Fees* Likewise, the City may, from time to time, require that parks be developed to a level of services as reflecting Table 02.03.083.2,

Park Land Dedication and Park Development Methodology and the no fee-in Lieu of park development will be accepted.

- (5) **Construction of Park Improvements in Lieu of Park Development Fee.** A Developer may elect to construct required park improvements in lieu of paying the associated Park Development Fee as set forth herein. In such event:
- i. A park site plan, developed in cooperation with staff, must be reviewed and approved by the Parks and Recreation Board and Council upon submission of final Plat for single family residential uses or upon Application for a building permit for multi-family residential uses, whichever is applicable.
 - ii. Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to Public Improvements for Final Plats and for building permits issuance, whichever is applicable.
 - iii. All plans and specifications shall meet or exceed the City's level of service standards and/or scale-specific intent as specified in the *Parks, Recreation and Open Space Master Plan* and in Table 02.03.083.2, *Park Land Dedication and Park Development Methodology* as may be amended from time to time, and the criteria contained herein, in effect at the time of the submission.
 - iv. If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds in accordance with Section 02.03.045 *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements* to guarantee the payment to subcontractors and suppliers and to guarantee the Developer completes the work in accordance with the approved plans, specification, ordinance, and other applicable laws.
 - v. The construction of all improvements, including any required trails, must be completed in accordance with the requirements relating to the construction of Public Improvements for Final Plats and issuance of building permits, whichever is applicable. This includes the guaranteeing performance in lieu of completing the park improvements prior to final Plat approval and recordation. Notwithstanding any other applicable ordinance, park improvements should be completed within two (2) years from the date of the approval.
 - vi. Park development will be considered complete upon Council acceptance after the following requirements are met:
 - a. Improvements have been constructed in accordance with the approved plans and as-built drawings provided to the City;
 - b. All park land upon which the improvements have been constructed has been dedicated as required under the Section; and
 - c. All warranties as specified herein have been provided for any equipment installed in the park as part of these improvements.
 - vii. Prior to acceptance by Council, the Developer shall warrant the improvements for a period of two (2) years by providing a maintenance bond in accordance with Section 02.03.045, *Facilities and Professional Service Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, in a form acceptable to the City and City Attorney covering the total cost of improvements.
 - viii. The Developer shall be liable for any costs required to complete park development if:
 - a. Developer fails to complete the improvements in accordance with the approved plans;
 - b. Developer fails to complete the improvements within the required timeframe;

and/or

- c. Developer fails to complete any warranty work.

(6) Standards for Private Park Land.

- i. A Developer may submit an Application satisfy up to one hundred percent (100%) of the park land dedication and development required for a development or project by providing a Public Access and Recreational Easement rather than deeding the land to the City in Fee simple.
- ii. In order to earn credit for private park land, the park shall:
 - a. Provide signage visible from a Right-of-Way frontage to be reviewed and approved through the Application and consideration process, and the sign shall state that the area, including any recreational amenities, is open and available for public use, the park hours and City contact information, and it must be posted at the park entrance or in a location visible to the public; and
 - b. Provide language in the Public Access and Recreational Easement document or associated Plat that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, add penalties and arrangements for lack of compliance and language that specifies that repayment of the credits will be required via alternate land or compensations for release of the Easement.
 - c. Provide a design and features consistent with the guidelines and requirements contained herein.
- iii. The required dedication and development shall be calculated per the requirements in Table 02.03.083.1, *Park Land Dedication and Park Development Fees* and then the proposal shall be evaluated to determine the amount of park land dedication and/or development credit to be given using the following factors:
 - a. The presence of active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, and climbing or exercise structures or trails.
 - b. The ability of the public to Access and use the land for recreation purposes in perpetuity.
 - c. The presence of group gathering spaces, such as open lawns, seating, picnic areas, plazas, or pavilions.
 - d. Landscaping that enhances the City and the park by providing shade, educational opportunities, trees, and/or wildlife habitat.
 - e. The ability of the City to provide programming in the space.
- iv. If park development fees are credited, recreational amenities and other improvements must be construction on site and approved by the City during site plan or subdivision review at a specific time concurrent or prior to residential uses, as stipulated in the associated Development Agreement and/or Facilities Agreement. Amenities must be shown on the site plan and/or construction plan as determined by the City.
- v. A Developer must post cash escrow or irrevocable line of credit in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements* in a form approved by the City for amenities included on private park land during site plan or subdivision review.
- vi. If credited acreage does not satisfy the entire park land requirement, the City will calculate the remaining fee using the same requirements in Table 02.03.083.1, *Park Land Dedication and Park Development Fees* proportionally assessed.

- (7) **Submitting Fee.** Any fees required to be paid pursuant to this Section shall be remitted:
 - i. Prior to the issuance of any building permits for multi-family use or development; or
 - ii. Prior to filing an associated Plat for record for single family residential use or development.
- (8) **Use of Fees.**
 - i. Fees may be used only for the purchase, acquisition, development, and/or improvement of park facilities in the City. Potential park land in underserved areas within one (1) mile of developments that have paid park land dedication fees, which have not yet been refunded, shall be a top consideration (but not the only consideration) when evaluating potential land for purchase or acquisition for future parks.
 - ii. Unimproved park land or parks in need of additional improvements within one (1) mile of developments that have paid park development fees, that have not yet been refunded, will be a top consideration (but not the only consideration) when evaluating parks for potential development and/or improvement. Parks may be purchased, acquired, developed, or improved with park land fees in any portion of the City due to its small size since any existing or future resident in the City is and will be within a convenient distance to any existing or future park in the City.
- (9) **Reimbursement for City Acquired Park Land.** The City may from time to time acquire and/or develop land for parks in or near an area of actual or potential development. If the City does acquire and/or develop park land in a particular area near a development or subdivision that should come forward for consideration, the City may require subsequent dedication to be in fee-in-lieu land and Park Land Development Fees instead of dedication development. This will be to reimburse the City for the cost(s) of acquisition and/or development.
- (h) **Prior Dedication or Absence or Prior Dedication.**
 - (1) Depending on the circumstances, additional proportionate dedication may be required for the increase in dwelling units from what was originally proposed and may be either land dedication or money in lieu of land or development, at the discretion of the City Council. At the discretion of the City Council, any former gift of land or cash to the City may be credited toward eventual land dedication or development requirements imposed on the Developer.
 - (2) The City Council shall consider recommendations of the Parks and Recreation Board in exercising its discretion under this section.
- (i) **Planning Considerations.** The City's approved plans, including the *Comprehensive Plan* and the *Parks, Recreation, and Open Space Master Plan*, and the *Trail Concept Master Plan* are intended to provide the Parks and Recreation Board with a guide upon which to base its recommendations and for the City to take action. Because of the need to consider specific characteristics in the site selection process, the park locations and trail locations and sizes indicated in the plans are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations.
- (j) **Special Fund; Right to Refund.**
 - (1) All park land dedication fees will be deposited in a fund specifically dedicated to the purchase and/or acquisition of parks in the City. All park development fees will be deposited in a fund specifically dedicated to the improvement and/or development of parks in the City.
 - (2) The City shall account for all fees in lieu of land dedication and all park development fees paid under this Article with reference to the individual Plat(s) involved. Any fees paid for

such purposes must be encumbered or expended by the City within ten (10) years from the date received by the City for purchase, acquisition, development, and/or improvement of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis.

- i. The Developer of the property on the last day of the ten (10)-year period shall be entitled to a pro rata refund, that includes the original contribution, computed on a per dwelling unit basis, if the fees are not encumbered by contract or purchase order or expended or if the property under which fees were paid has not received benefit from a park acquired or developed within the City with the fees paid. The property owner of the property must request the refund in writing, within one year of entitlement, or the right shall be deemed permanently waived. Any interest earned with these funds shall remain in these funds and be used for the fund's intent.

(k) **Warranty Required.**

- (1) All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his designee and all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
- (2) All work by the Developer not conforming to these requirements, including, but not limited to, unapproved substitutions, may be considered defective.
- (3) This warranty is in addition to any rights or warranties expressed or implied by law.
- (4) Where more than a two (2)-year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- (5) This warranty obligation may be covered by any maintenance bond tendered in compliance with this Chapter.
- (6) If any of the work performed by the Developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this Chapter, the designs, plans, drawings or specifications within two (2) years after the date of the issuance of a certificate of final completion of the work or a designated portion thereof, whichever is longer, or within two (2) years after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, Developer shall promptly correct the defective work at no cost to the City, as set out in the maintenance bond in accordance with Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, which is required before Council acceptance
- (7) The failure, including cracking or other indication of failure, of an improvement shall be deemed conclusive that the workmanship or product is defective.
- (8) During the applicable warranty period and after receipt of written notice from the City to begin corrective work, Developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Chapter. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
- (9) If within twenty (20) calendar days after the City has notified Developer of a defect, failure, or abnormality in the work, Developer has not started to make, and continuously worked to

complete, the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by Developer.

- (10) The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- (11) The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be two (2) years after the installation or completion. The two (2)-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Chapter.

SEC.02.03.083PARK IMPROVEMENT FEES TABLES

TABLE 02.03.083.1 – PARK LAND DEDICATION AND PARK DEVELOPMENT FEES

(a) **Dedication Requirements.**

(1) Park Land Dedication.

- i. Single-family: one (1) acre per 26 dwelling units
- ii. Multi-family: one (1) acre per 64.3 dwelling units

OR

(2) Open Space In Lieu of Park Land Dedication.

- i. Single-family: one (1) acre per 104 dwelling units
- ii. Multi-family: one (1) acre per 257.2 dwelling units

OR

(3) Fee-In-Lieu of Park Land Dedication.

- i. Single-family: $\$2,455.50 \times 28\%$ (City Required Percentage) = \$687.54 per dwelling unit
- ii. Multi-family: $\$2,291.80 \times 12\%$ (City Required Percentage) = \$275.02 per dwelling unit

(b) **Park Development Fees.**

(1) Residential Park Development Fees.

- i. Single-family: $\$2,862.93 \times 28\%$ (City Required Percentage) = \$801.62 per dwelling unit
- ii. Multi-family: $\$2,672.07 \times 12\%$ (City Required Percentage) = \$320.65 per dwelling unit

OR

(2) Open Space Development Fees.

- i. Single-family: $\$2,862.93 \times 52\%$ = \$1,488.72 per dwelling unit
- ii. Multi-family: $\$2,672.07 \times 22\%$ = \$587.86 per dwelling unit

(c) **Total Park Fees.**

- i. **Single-family:** $\$5,318.43 \times 28\%$ (City Required Percentage) = **\$1,489.16** per dwelling unit
- ii. **Multi-family:** $\$4,963.87 \times 12\%$ (City Required Percentage) = **\$595.67** per dwelling unit

The City only requires thirty-nine thousandths' percent (.039%) of its single-family land dedication and nine thousandths' percent (.009%) of its multi-family land dedication to satisfy the land dedication requirement of this Article. Additionally, the City only requires twenty-eight percent (28%) of its single-family land and park fees and park fees and twelve per (12%) of its multi-family land and park fees to be paid to satisfy the park dedication requirements under this Article .

TABLE 02.03.083.2
PARK LAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY

Variable	Calculation Factor	Description
Park Land Dedication Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Existing City Park Acres	398.047	Acres of dedicated, City-owned park land
Park land Level of Service	20 people per 1 acre (rounded up from 19.56)	Existing City population/ existing City park acres
City Persons per Household -Single-family:	3	2014-2018 Persons per Household per most recently available US Census data
Multi-family:	2.8	
Fee-in-Lieu of Land Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Existing City Park Acres	398.047	Acres of dedicated, City-owned park land
Park land Level of Service	20 people per 1 acre (rounded up from 19.56)	Existing City population/ existing City park acres
Existing City Market Value – Kaufman County	\$16,370.00	October 22, 2020, value of vacant land purchased by the City of Kaufman
Existing City Acres	1,860	City of Kaufman land area, excluding ETJ
Park land Cost Factor	\$825,481.44 per 1 acre	Certified City market value/ existing city acres
City Persons per Household Single-family:	3	2014-2018 Persons per Household per most recently available US Census data
Multi-family:	2.8	
Park Development Fee Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Number of Developed City Parks	9	Count of all City-owned, developed parks
Facilities Level of Service	865 people per developed City park (rounded down from 865.33)	Population/ number of developed City parks
Park Development Cost Factor	\$825,481.44	Cost estimate of developing one Neighborhood Park to desired level of service
City Persons per Household Single-family:	3	City of Kaufman 2014-2018 Persons per Household per most recently available US Census data
Multi-family:	2.8	

TABLE 02.03.083.2 PARK LAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY (CONTINUED) (Use information from above to insert in the formulas below)

(a) Dedication Formulas:

(1) Park Land Dedication Formula:

Park Land Level of Service/City Person Per Household = Park Land Dedication Requirement

- i. Single-family: $20 / 3 \times 390\% = 1$ acre per 26 dwelling units
- ii. Multi-family: $20 / 2.8 \times 900\% = 1$ acre per 64.3 dwelling units

OR

(2) Open Space In Lieu of Park Land Dedication Formula:

Dwelling Units Per 1 Acre of Required Park Land Dedication x City Required Percentage = Open Space Dedication Requirement

- i. Single-family: $26 \times 400\% = 1$ acre per 104 dwelling units
- ii. Multi-family: $64.3 \times 400\% = 1$ acre per 257.2 dwelling units

OR

(3) Fee In Lieu of Park Land Dedication Formula

- i. STEP 1. Park Land Cost Factor / Park Land Level of Service= Land Cost Per Person
\$16,370 Per Acre / 20 people Per Acre = \$818.50 Per Person
- ii. STEP 2. (City Persons Per Household x Land Cost Per Person) x City Required Percentage= Fee In-Lieu of Land
Single-family: $3 \text{ PPH} \times \$818.50 \text{ Per Person} = \$2,455.50 \times 28\% = \text{\$687.54 Per Unit}$
Multi-family: $2.8 \text{ PPH} \times \$818.50 \text{ Per Person} = \$2,291.80 \times 12\% = \text{\$275.02 Per Unit}$

(b) Development Fee Formulas:

(1) Park Land Development Fee Formula:

- i. STEP 1. Park Land Development Cost Factor / Facilities Level of Service = Park Development Cost Per Person
\$825,481.44 Neighborhood Park Cost/ 865 People Per Developed Park = \$954.31 Per Person
- ii. STEP 2. (City Persons Per Household x Park Development Cost Per Person) x City Required Percentage = Park Land Development Fee by Density
Single-family: $3 \text{ PPH} \times \$954.31 \text{ Per Person} = \$2,862.93 \times 28\% = \text{\$801.62 Per Unit}$
Multi-Family: $2.8 \text{ PPH} \times \$954.31 \text{ Per Person} = \$2,672.07 \times 12\% = \text{\$320.65 Per Unit}$

OR

(2) Open Space Development Fee Formula:

- i. Park Land Development Fee by Density x City Required Percentage = Open Space in Lieu of Land Park Development Fee by Density
Single-family: $\$2,862.93 \times 52\% = \$1,488.72 \text{ Per Unit}$
Multi-family: $\$2,672.07 \times 22\% = \587.86 Per Unit

(The City requires a greater City Required Percentage of development fees when open space is accepted in lieu of park land as the Developer contributes less open space than park land to satisfy this Article.)

TABLE 02.03.083.2 PARK LAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY (CONTINUED)

(Use information from above to insert in the formulas below)

(c) **Total Park Land Fee Per Unit**

(Fee In-Lieu of Land by Density + Park Land Development Fee by Density X City Required Percent = Total Park Land Fee Per Unit

Single-Family: $\$2,455.50 + \$2,862.93 = \$5,318.43 \times 28\% = \mathbf{\$1,489.16 \text{ Per Unit}}$

Multi-Family: $\$2,291.80 + \$2,672.07 = \$4,963.87 \times 12\% = \mathbf{\$595.67 \text{ Per Unit}}$

(To satisfy this requirements of this Article, a Developer shall dedicate the required park land and pay the required park development fee. If the Council excepts a Developer from dedicating park land, the Developer may dedicate open space or pay a fee in lieu, as approved by the Council. Then, the Developer shall pay the City a park development fee to develop the park land into a park. If a Developer is dedicating open space, such Developer shall abide by the open space development fees provided herein. If a Developer is providing a fee in lieu of park land, such Developer shall pay the fee in lieu and the park land development fee).

**TABLE 02.03.083.3 PARK LAND DEVELOPMENT: NEIGHBORHOOD PARK
LEVEL OF SERVICE ESTIMATE**



**Opinion of Probable Cost
KAUFMAN PARK
Kaufman, Texas
January 19, 2021**

ITEM	UNIT	QUANTITY	PER EACH	TOTAL
Earthwork / Site Preparation	L.S.	1	\$ 5,500.00	\$ 5,500.00
8' Concrete Sidewalk (1/2 mile)	S.F.	21,120	\$ 7.00	\$ 147,840.00
Picnic Unit (Slab, Table, Trash Receptacle, Grill)	Each	3	\$ 4,500.00	\$ 13,500.00
Shade Pavilion (Slab and Shelter)	L.S.	1	\$ 60,000.00	\$ 60,000.00
Benches	Each	5	\$ 1,000.00	\$ 5,000.00
Trash Receptacles	Each	3	\$ 700.00	\$ 2,100.00
Drinking Fountain	Each	1	\$ 5,000.00	\$ 5,000.00
Playground (Equipment, Surfacing, and Drainage)	L.S.	1	\$ 175,000.00	\$ 175,000.00
Parking Lot (8 Spaces)	Each	8	\$ 2,500.00	\$ 20,000.00
Site Utilities (Water Meter, Electrical Service, Etc.)	L.S.	1	\$ 10,000.00	\$ 10,000.00
Area Lighting (12' Height)	Each	3	\$ 7,000.00	\$ 21,000.00
Shade Trees	Each	10	\$ 700.00	\$ 7,000.00
Finish Sodding, Grading and Seeding	L.S.	1	\$ 30,000.00	\$ 30,000.00
Irrigation	L.S.	1	\$ 200,000.00	\$ 200,000.00
Subtotal:				\$ 701,940.00
Contingency 5%:				\$ 35,097.00
Construction Total:				\$ 737,037.00
Soft Costs (Design, Surveying, Geotechnical, Engineering) 12%:				\$ 88,444.44
Typical Neighborhood Park Total:				\$ 825,481.44

SEC. 02.03.084 ...HIKE & BIKE TRAIL REQUIREMENTS.

- (a) **Trail Concept Master Plan.** Hike & Bike trails located within or adjacent to the development shall be constructed at the Developer's expense in accordance with any adopted master plan, and as amended.
- (b) **Requirements.** Hike & Bike Trails, especially those providing Access to and along a Major Creek and other open spaces, shall be in accordance with the following design criteria unless otherwise approved by the Director of Public Works and the Director of Development Services:
 - (1) A minimum twenty-five (25) foot wide level ground surface shall be provided for a twelve (12) foot wide public Hike & Bike trail, where required. The twenty-five (25) foot wide, level ground surface may be provided within and/or outside of the 100-year floodplain.
 - (2) The parkway of a public street may count toward the twenty-five (25) foot wide, level ground surface, upon approval of the Director of Public Works.
 - (3) Low water crossings for the Hike & Bike trail may be allowed upon approval from the Director of Engineering and the Director of Public Works.
 - (4) The Hike & Bike trails shall be designed so as to minimize visibility blind spots from public streets for public safety purposes.
 - (5) Construction Plans for the development shall include engineered drawings of trail cross-sections in accordance with the City's, *Standards of Design and Construction*. Trail geometric design, signage, and safety measures shall be in accordance with AASHTO standards.
 - (6) Hike & Bike trails shall be shown on the Final Plat and dedicated as "Trail Easements."
 - (7) Sidewalks and streets, including cul-de-sacs, adjacent or near a trail shall provide a concrete pedestrian connection to the trail, including any necessary barrier free ramps and bollards.
 - (8) All sidewalks shall be adequately lit for public safety purposes and shaded.
- (c) **Locations & Easements.** Locations of all trails shall be consistent with the locations designated in any adopted Master Plan, and are subject to approval by the Director of Public Works and the Director of Development Services.
 - (1) The Director of Public Works and the Director of Development Services shall have the authority to determine the placement of future Hike & Bike Trails at the time of Conveyance Plat or Preliminary Plat review and approval. If no Conveyance Plat or Preliminary Plat is required, placement shall be determined during the Construction Plan review for the associated Final Plat, Minor Plat, Development Plat, or Replat.
 - (2) No development shall interrupt future trail routes or otherwise hinder efficient public Access to or from an existing or future planned Hike & Bike Trail. Gated and other limited Access developments shall be designed such that they facilitate, and do not impede, through public Access, emergency ingress and egress, usage, and enjoyment of public trails.
 - (3) Residential developments that own, by means of an HOA/POA, open space, must provide a minimum twenty-five (25) feet wide pedestrian Access Easement to allow future Hike & Bike Trails to transverse the property that have plantings and irrigation.
- (d) **Trails Along Major Creeks & Greenways.**
 - (1) Hike & Bike trails shall be located adjacent to Major Creeks or greenways whether shown on the master trails plan or master parks plan or not. These trails shall be staked in the field by the Developer, provide stub outs to any local sidewalk system and approved by both the Director of Public Works and the Director of Development Services prior to the submittal of a Conveyance Plat or Preliminary Plat.

- (2) The location of the trail shall be specified on the Conveyance Plat or Preliminary Plat as the approved location for the Hike & Bike trail, and an Easement for such shall be shown on the Conveyance or Preliminary Plat and the associated Final Plat for any portions of the trail that traverse private property.
- (e) **Trails in Relation to Golf Courses.** When a trail system is extended through a golf course, improvements shall be made to protect and provide separation between users of the trail system and the golfers, at the Developer's expense. Such improvements include, but are not limited to, a series of berms and trees to help protect trail users from airborne golf balls. Upon approval of the Director of Public Works and the Director of Development Services, a golf cart path of sufficient width to accommodate both golf carts and bicycles may serve as a trail.
- (f) **Future Trails and Access for New Developments.** When development is adjacent to an undeveloped property, a pedestrian Access stub-out in conjunction with a street connection to the edge of the development shall be required to allow for future Access between developments.

ARTICLE 02.03.085 RELIEF PROCEDURES

SEC. 02.03.086 ...MODIFICATIONS, APPEALS AND EXCEPTIONS.

- (a) **Purpose and Applicability.** Unless a specific relief process is provided elsewhere in this Chapter, the following relief procedures shall apply in order to allow a Developer to differ from a particular administrative determination, and/or standard, and/or requirement of this Chapter or the *Standards of Design and Construction* that would substantially limit the Developer's ability to utilize the land in a manner requested.
 - (1) The rules and regulations of this Chapter are the standard requirements of the City. Modification from any of these rules and regulations may be granted upon a good and sufficient showing by the Developer that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this Article will deprive the Applicant of a substantial property right and that such suspension, if granted, will not be materially detrimental to the public health, safety, or welfare, or injurious to other property or property rights in the vicinity.
 - (2) Each and every Application for any type of Modification or Exception shall be decided solely and entirely on its own merits and the disposition of any prior or pending Application for any type of Modification or Exception shall not be allowed to enter into or affect any decision on the Application in question.
 - (3) Pecuniary interests (i.e., financial issues) standing alone shall not be justification for the granting of a Modification or Exception.
- (b) **Classifications of Levels of Relief.** The Director of Development Services shall be responsible for classifying any relief procedure as "minor" or "major." Minor Modifications or Appeal of a decision may be acted upon by the Director of Development Services, or the Director of Public Works and/or the City Engineer or the City Manager, as applicable. Major Modifications/Exceptions, as defined in Section 02.03.102, *Definitions*, of this Chapter, require consideration by City Council with a recommendation from the Planning and Zoning Commission. For Major Modifications, see Sections 02.03.086(g) through 02.03.086(k) below.
- (c) **Decision-Makers & Appeals.**
 - (1) Defer Approval. The Director of Development Services, the Director of Public Works and/or the City Engineer, as outlined in Sections 02.03.013(b) and 02.03.015(b) respectively, have at their sole discretion, the ability to defer its decision-making authority on specified types of Applications for any reason directly to the Planning and Zoning Commission and City Council. The decision by the City Council is final. A decision made pursuant to this section is not Appealable.
 - (2) Minor Modifications and Appeals. A Minor Modification or Appeal of an administrative determination of a decision-maker is acted upon by the Director of Development Services, or the Director of Public Works and/or the City Engineer, as applicable. Minor Modifications or Appeals shall be considered in conjunction with the associated Application. The procedural process is outlined below in subsection 02.03.086(d), *Minor Modification Procedure*.
 - i. A Developer must file a written request for reconsideration of a determination by Director of Development Services, the Director of Public Works and/or the City Engineer. The written request must outline the basis for the request and include any supporting documents. If the request for reconsideration is denied, then the Developer may petition for a Minor Modification or Appeal pursuant to subsection (ii) below.
 - ii. A Developer may petition for a Minor Modification or Appeal an administrative

determination made by the Director of Development Services or the Director of Public Works and/or the City Engineer (as applicable) to the City Manager. The City Manager will be the final staff decision maker for Minor Modifications or an administrative determination. The Developer may Appeal the City Manager's decision to City Council pursuant to subsection (iii) below

- iii. The Developer may petition for a Minor Modification or Appeal an administrative determination made by the City Manager to City Council as outlined below in subsection 02.03.086(d), *Minor Modification or Decision-Maker Appeal Procedure*. The decision by the City Council is final.

- (3) Major Modifications/Exceptions. A Major Modification/Exception to the requirements of this Chapter and the *Standards of Design and Construction* is acted upon by the City Council with a recommendation from the Planning and Zoning Commission. The decision by the City Council is final.

- (4) Vested Rights Petition. No petition for a Minor, or Major Modification, or Appeal shall be accepted in lieu of a vested rights petition (see Section 02.03.087, Vested Rights). If there is a question as to whether a vested rights petition is required, instead of a petition for relief, such determination shall be made by the Director of Development Services, or the Director of Public Works and/or the City Engineer, as applicable.

(d) **Minor Modification or Decision-Maker Appeal Procedure.**

- (1) A Developer may petition in writing to the Director of Development Services or the Director of Public Works and/or the City Engineer, as applicable; for a Minor Modification or Appeal of an administrative determination to the requirements of (a) this Chapter, or (b) the *Standards of Design and Construction*.

- (2) The written petition for a Minor Modification shall be made by the Developer within five (5) calendar days following the date of the decision. The decision of respective Director shall be final if not timely Appealed.

- i. A written petition for a Minor Modification or Appeal of an administrative determination:
 - 1. May include more than one (1) particular standard or requirement of this Chapter or the *Standards of Design and Construction*, and;
 - 2. Shall specify in nature (i.e., how much or less),and ;
 - 3. Shall include detailed grounds of justification for relief consideration that are specific only to the associated Plat, Land Study, or Construction Plans.
- ii. The Director of Development Services, or the Director of Public Works and/or the City Engineer , as applicable, shall determine what criteria apply for any relief petition that is considered "minor" in nature or Appeal of an administrative determination on a case-by-case basis. A Minor Modification petition or Appeal of an interpretation decision shall not be approved solely based on monetary interests. Minor Modification and Appeal petitions from a final decision-maker are heard on a case-by-case basis and do not establish precedent.
 - 1. The Director of Development Services, or Public Works, or the City Engineer shall respond in writing to the Minor Modification petition within five (5) business days.
- iii. A written petition Appealing a respective Director's determination shall be heard by the City Manager. The Appealing petition shall be submitted within five (5) calendar days of the Director's decision.
 - 1. The City Manager shall respond in writing to the Appeal petition within five (5) business days.
 - 2. The Developer may Appeal the City Manager's decision directly to City Council. Such written petition shall be submitted within five (5) calendar days and placed

on the next City Council agenda for a final decision.

- (3) Effect of Minor Modification or Appeal Approval. Following the granting of a Minor Modification or Appeal of a final decision-maker, the Developer may submit or continue the processing of the associated Plat, Land Study, or Construction Plans, as applicable.
 - i. The granted Minor Modification or Appeal shall remain in effect for the period the associated Plat, Land Study, or Construction Plans are in effect, and shall expire upon expiration of any of those Applications, unless negated by subsequent Applications, or unless otherwise provided by law. Extension of those Applications shall also result in extension of the Minor Modification or Appeal of a decision-maker.
 - ii. The approval of a Minor Modification or Appeal of a final decision-maker relieves the Applicant of the imposition of the particular standard or requirement for which a Minor Modification or Appeal of a decision-maker was sought following the finding of just cause for such Minor Modification to be allowed.

(e) **Major Modification or Exception Applicability.**

- (1) A Developer may petition a Major Modification or Exception to a particular standard or requirement of this Chapter, and/or the *Standards of Design and Construction* applicable to an associated Plat, Land Study, or Construction Plans The Major Modification or Exception petition shall be:
 - i. Specific in nature as outlined below in Section 02.03.086(f)(2), and
 - ii. Shall only involve relief consideration for one (1) particular standard or requirement.
 - iii. A Developer may, if desired, submit more than one (1) Exception petition, if there are several standards or requirements at issue.

(f) Major Modification/Exception Petition Procedure.

- (1) An Exception petition shall be submitted by the Developer in conjunction with the submittal of an associated Plat, Land Study, or Construction Plans, as applicable. No relief may be considered or granted unless the Developer has made such petition request and paid the applicable fee for each Exception.
- (2) The Developer's Exception request shall state (a) the specific section of this Chapter, or the *Standards for Design and Construction* being requested to be exempted from; (b) the specific amount (i.e. number or percentage) requesting to be Excepted; (c) the grounds for the Exception request; (d) all of the facts relied upon by the Developer for making such request and (e) address all of the *Exception Criteria* found below in Section 02.03.086(g). Failure to submit a necessary Exception Application will result in denial of the associated Plat, Land Study, or Construction Plans Application.

(g) **Major Modification/Exception Criteria.**

- (1) A Major Modification/ Exception to regulations within this Chapter, and the *Standards of Design and Construction* may be approved only when, in the City Council's opinion, undue hardship will result from strict compliance to the regulations.
- (2) The City Council shall take into account the following factors:
 - i. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - ii. The number of persons who will reside or work in the proposed development; and
 - iii. The effect such Exception might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
- (3) No Major Modification/Exception shall be granted unless the City Council finds:
 - i. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict Application of the provisions of this Ordinance would

- deprive the Applicant of the reasonable use of the land; and
 - ii. That the Major Modification/Exception is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Exception will not be detrimental to (1) the public health, safety, convenience, or welfare; and/or (2) injurious to other property in the area; and/or (3) injurious to property rights in the vicinity and
 - iii. That the granting of the Major Modification/Exception will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Chapter.
- (4) A Major Modification/Exception may be granted only when in harmony with the general purpose and intent of this Chapter and the *Standards of Design and Construction* so that the public health, safety, and welfare may be secured, and substantial justice done. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
- (5) No Major Modification/Exception shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Developer.
- (6) The City Council shall not authorize a Major Modification/Exception that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or *Comprehensive Plan* of the City.
- (7) Any falsification of information by the Developer shall be cause for the Major Modification/Exception request to be denied. If the Major Modification/Exception request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Major Modification/Exception, and shall be grounds for reconsideration of the Major Modification/Exception request.
- (h) **Burden of Proof.** The Developer bears the burden of proof to demonstrate that the requirement for which a Major Modification/Exception is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Developer. The Developer shall submit the burden of proof with the original Major Modification/Exception Application submittal.
- (i) **Decision.** The City Council shall consider the Major Modification/Exception Application and, based upon the criteria set forth in Section 02.03.086(g), *Exception Criteria*, and shall take one of the following actions:
 - (1) Deny the petition, and impose the standard or requirement as it is stated in this Chapter, and the *Standards of Design and Construction* ; or
 - (2) Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Chapter or in the *Standards of Design and Construction*.
- (j) **Notification of Decision on Petition.** The Applicant shall be notified of the decision on the Major Modification/Exception by the Director within fourteen (14) calendar days following the decision.
- (k) **Effect of a Major Modification/Exception Approval.** Following the granting of a Major Modification/Exception, the Applicant may submit or continue the processing of an associated Plat , Land Study, or Construction Plans, as applicable. The Major Modification/Exception granted shall remain in effect for the period the associated Plat, Land Study, or Construction Plans are in effect, and shall expire upon expiration of any of those Applications. Extension of those Applications shall also result in extension of the Major Modification/Exception.

SEC. 02.03.087 ...VESTED RIGHTS.

- (a) **Purpose.** The purpose of a vested rights petition is to determine whether an Application should

be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.

- (b) **Applicability.**
 - (1) A vested rights petition may be submitted for any Application authorized under this Chapter.
 - (2) A vested rights petition cannot be submitted by a Developer along with submission of a request for a text amendment to this Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.
- (c) **Submission.** A vested rights petition shall be submitted to and officially filed with the City's responsible official (see Section 02.03.023(g), *Application Submittal Process* in accordance with State law prior to the filing of an Application. Submission of a vested rights petition as provided in Section 02.03.087(e), *Form of Petition*, of this Chapter shall stay the filing of the related Application until a final decision is reached on the vested rights petition.
- (d) **Effect.** If a properly submitted vested rights petition is approved in whole or in part, the responsible official shall then process the original Application and the decision-maker shall decide the Application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards existing at the date vesting is established, or shall extend the validity of the original Application that would otherwise be subject to expiration pursuant to this Chapter.
- (e) **Form of Petition.** The vested rights petition shall allege in writing that the Developer has a vested right for some or all of the land subject to the Application under State law that requires the City to review and decide the Application under standards that were in effect prior to the effective date of the currently applicable standards.
 - (1) The Applicant shall reimburse the City for all related legal costs for review of the vested rights petition. This reimbursement shall be paid in full prior to any decision on the petition. The petition shall include the following information and documents:
 - i. A written vested rights petition form, with a notarized original signature of the property owner(s);
 - ii. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
 - iii. A copy of each approved or pending Application that is the basis for the contention that the City may not apply current standards to the Application;
 - iv. The official filing date of the Application;
 - v. The date the subdivision for which the Application was submitted was commenced;
 - vi. Identification of all standards otherwise applicable to the Application from which relief is sought;
 - vii. Identification of any current standards which Applicant agrees can be applied to the Application at issue
 - viii. A narrative description of how the Application of current standards affect proposed landscaping, open space, or park dedication, shown on the Application for which the petition is filed;
 - ix. A copy of any prior vested rights determination involving the same land; and
 - x. Whenever the Applicant alleges that an Application subject to expiration should not

be terminated, a description of the events constituting progress toward completion of the subdivision for which the Application was approved..

- (f) **Timing for Filing Petition.** A vested rights petition shall be filed with an Application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any already approved Application when filed pursuant to Section 02.03.089, *Dormant Projects*. Where more than one Application is authorized to be filed simultaneously by this Chapter, the petition may be filed simultaneously for each Application
- (g) **Processing and Decision.**
 - (1) Responsible Official. The responsible official for a vested rights petition is the same as that for processing the Application with which the petition is associated, except where a petition is submitted pursuant to Section 02.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*. Where multiple Applications are submitted, and there is more than one (1) responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition.
 - i. The City Attorney shall also be notified of the vested rights petition following its filing and acceptance for processing. The Applicant shall reimburse the City for all related legal costs for review of a vested rights petition. This reimbursement shall be paid in full prior to the filing of the Application for which vested rights is claimed.
 - (2) Action and/or Decision by Responsible Official.
 - i. If the responsible official is the decision-maker on the original related Application, that official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and recommendation.
 - ii. The responsible official may defer making a decision on the vested rights petition and instead forward the petition to the Council for a decision, in accordance with the process outlined below in Section 02.03.087(k)(3), *Decision by City Council*.
 - iii. The Applicant shall be notified of the decision within thirty (30) calendar days following the date the vested rights petition was filed at the City.
 - (3) Appeal of Decision. The Applicant may Appeal to City Council the responsible official's decision on the vested rights petition by submitting written notice of Appeal to the applicable responsible official within fourteen (14) calendar days following the date of such decision. The City Council shall hear and decide the Appeal within thirty (30) calendar days following receipt of the notice of Appeal by the City. Appeal to the City Council shall be approved or disapproved by a simple majority vote of the City Council and shall be final. The City Council appeal process is outlined in Section 02.03.087(k), *Appeal*.
 - (4) Effect on Related Applications. A final decision on the vested rights petition or Appeal under this section must be achieved prior to filing of the related Application. Upon such final resolution and decision on a vested rights petition, the Application may be filed, and the responsible official shall commence processing, review and consideration for the related Application as provided in this Ordinance.
- (h) **Criteria for Approval.**
 - (1) Factors. The decision-maker shall decide the vested rights petition based upon the following factors:
 - i. The nature and extent of prior Applications filed for the land subject to the petition;
 - ii. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - iii. Whether any prior approved Applications for the property have expired or have been terminated in accordance with State law or local ordinances;

- iv. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed Application;
- v. Whether any statutory exception applies to the standards in this Chapter from which the Applicant seeks relief;
- vi. Whether any prior approved Applications relied upon by the Applicant have expired;
- vii. For petitions filed pursuant to Section 02.03.028 of this Chapter, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, whether any of the events in Section 02.03.028 have occurred; and
- viii. Any other applicable provisions of State law.

(i) **Action and Record of Action.**

(1) Action. The decision-maker may take any of the following actions:

- i. Deny the relief requested in the petition, and direct that the Application shall be reviewed and decided under currently applicable standards; or
- ii. Grant the relief requested in the petition, and direct that the related Application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
- iii. Grant the relief requested in part, and direct that certain identified current standards be applied to the related Application, while standards contained in identified prior regulations also shall be applied; or
- iv. For petitions filed pursuant to Section 02.03.028, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, specify the expiration date or the conditions of expiration for the related Application(s).

(2) Record. The responsible official's report and the decision on the vested rights petition shall be recorded in writing in an order identifying the following:

- i. The nature of the relief granted, if any;
- ii. The related Applications upon which relief is premised under the petition;
- iii. Current standards which shall apply to the related Application for which relief is sought, if applicable;
- iv. Prior standards which shall apply to the related Application for which relief is sought, including any procedural standards, if applicable;
- v. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
- vi. To the extent feasible, subsequent related Applications that are subject to the same relief granted on the petition; and
- vii. For petitions filed pursuant to Section 02.03.028, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, the date of expiration of the related Application.

(j) **Associated Applications Following Final Decision.**

- (1) Following the City's final decision on the vested rights petition, the Applicant shall, if necessary, revise the related Application such that it conforms to the City's decision on the vested rights petition.
- (2) The decision-maker on the related Application shall review and consider the revised Application in accordance with the procedures for deciding that type of Application, as outlined in this Ordinance, and in conformity with any relief granted.
- (3) If the relief granted on the vested rights petition is consistent with the related Application on file, no revisions shall be necessary, and the related Application shall be deemed officially

filed at the time of the final decision on the vested rights petition.

(k) **Appeal.**

- (1) Initiation of an Appeal. The Applicant may Appeal the decision of the responsible official by submitting a written notice of Appeal to the either the Director of Development Services and/or the Director of Public Works (dependent upon who made the original decision) within fourteen (14) calendar days following the date of the responsible official's decision.
 - i. For a City Council-initiated Appeal,
 - a. the Council shall consider and act on whether it will Appeal the responsible official's decision at its first regular meeting (for which there is time to include such Appeal on its posted agenda, as required by State law)
 - ii. Written notice of the City Council's vote to Appeal shall be submitted to the Director of Development Services within seven (7) calendar days following the City Council's vote to Appeal the decision.
 - iii. For an Applicant-initiated Appeal, a letter stating the reasons for the Appeal, citing the specific applicable sections of the Chapter, shall be submitted by the Applicant.
 - iv. The Director of Development Services may, on his/her own initiative, Appeal the decision of the Commission by scheduling an Appeal on the City Council's next regular meeting (for which there is time to include such Appeal on its posted agenda as required by State law) that occurs after the Commission meeting at which the decision was made.
- (2) Council Decision. The City Council shall consider the Appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of Appeal is submitted to the Director of Development Services. The City Council may affirm, modify, or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final

(l) **Expiration & Extension.**

- (1) Expiration. Relief granted on a vested rights petition shall expire on occurrence of one of the following events:
 - i. The Applicant fails to submit a revised Application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the vested rights petition;
 - ii. The Application for which relief was granted on the vested rights petition is denied; or
 - iii. The Application for which relief was granted on the vested rights petition expires.
- (2) Extension. Extension of the date of expiration for the Application for which relief was granted on a vested rights petition shall result in extension of the relief granted on the vested rights petition for the same time period.

SEC. 02.03.088 ...ROUGH PROPORTIONALITY.

- (a) Notwithstanding anything in this Ordinance to the contrary, if the City requires as a condition of approval for a property development project that the Developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs pursuant to this Ordinance, the Developer's portion may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer retained by the City. Municipal infrastructure improvements have the meaning set forth in the TEXAS LOCAL GOVERNMENT CODE SECTION 212.904, as that term is interpreted by the Texas Attorney General and Texas courts.
- (b) The dedication or construction of an infrastructure improvement imposed by the City as a condition of Plat or site plan approval in accordance with the City's adopted subdivision and

development regulations shall be deemed to be the City's determination, upon the advice of a professional engineer duly licensed in this state and retained by the City, that such requirements, together with any impact fees due for the development, are roughly proportionate to the impacts created by the development on the City's municipal infrastructure.

- (c) A Developer who disputes the determination made under subsection (b) above, may Appeal to the City Council. Prior to filing the Appeal, the Developer shall notify the Director of Development Services, in writing, of the pending dispute. The Director shall send the Developer their written response, reviewed and approved by the Engineering Division or other professional engineer on behalf of the City, to the proportionality issues raised by the Developer and in so doing may revise the dedication or construction requirement(s) at issue. If the Developer is not satisfied with the Engineering Division's response, they may file an Appeal to the City Council with the City Secretary. At the Appeal, the Developer may present evidence and testimony under procedures adopted by the City Council.
- (d) The City may not require a Developer to waive the right of Appeal authorized by this section as a condition of approval for a development project.
- (e) For municipal infrastructure improvements for which the City has enacted impact fees, the measure of rough proportionality shall be the maximum impact fee per service unit then in effect for that category of infrastructure improvements, as may be amended from time to time, unless an alternative measure is approved by the Director of Engineering or his designee. To the extent that the impact fee charged against a new development, as may be amended from time to time, is less than the maximum impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to measurement of the impacts of the new development on the City's infrastructure systems. The maximum impact fee per service unit may be used in evaluating any claim by a Developer that the dedication of land for right- of-way or construction of an infrastructure improvement within an impact fee service area, which is imposed as a condition of development approval pursuant to the City's subdivision or development regulations, together with the imposition of an impact fee, is disproportionate to the impacts created by the development on the City's infrastructure system for that category of infrastructure improvements.
- (f) After hearing any testimony and reviewing the evidence, the City Council shall make its determination within thirty (30) days following the final submission of any testimony or evidence by the Developer. The Council shall decide whether requirements imposed by this Ordinance is roughly proportional to the nature and extent of the development proposed. In reaching such determination, the Council shall take into account the information in the evidence supplied by the Applicant, the measure of proportionality in Subsection (e) or any alternative measure proposed by the Director of Engineering or his designee, the total costs to the City for supplying infrastructure capacity to the proposed development and all developments associated with the original Plat of which the proposed development is a part, and the extent to which requirements imposed by the City benefit the proposed development.
- (g) If the City Council finds that the requirement is not roughly proportional to the nature and extent of the development being proposed, it may take any of the following actions:
 - (1) Waive in whole or in part a dedication or construction requirement imposed by the City's development regulations and/or reduce the amount of impact fees due; or
 - (2) Direct that the City participate in the costs of acquiring or constructing such a municipal infrastructure improvement pursuant to standard participation policies; or
 - (3) Require some combination of such measures.

SEC. 02.03.089 ...DORMANT PROJECTS.

- (a) **Definitions.** For purposes of this Chapter only:
- (1) **Initial permit** means any of the following types of approvals granted under this Subdivision Ordinance, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Chapter: Preliminary Plat, Construction Plans, Construction Release, Exceptions to any requirement in this Chapter, or any other Application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.
 - (2) **Final permit** means a Final Plat, Replat, Minor Plat, Amending Plat, or Development Plat approved under this Chapter, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance.
- (b) **Expiration of Permits.** Any Application for an initial permit that was approved or filed before, but that was not subject to an expiration date, two (2) years prior to the adoption date of this Chapter shall expire on the effective date of this Chapter.
- (c) **Reinstatement.** The Developer of the land subject to an initial permit that expires under Section 02.03.089, *Dormant Projects*, may petition the Council to reinstate such permit by filing a written petition within sixty (60) calendar days following the effective date of this Chapter. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:
- (1) As of two (2) years prior to the effective date of this Chapter, one of the following events had occurred:
 - i. A final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved initial permit and was approved by the City, or was filed and was subsequently approved by the City;
 - ii. An Application for a final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired initial permit, but such Application was rejected on grounds of incompleteness consistent with State law;
 - iii. Costs for development of the land subject to the initial permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;
 - iv. Fiscal security was posted with the City to guarantee performance of obligations required under this Chapter, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved initial permit; or
 - v. Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid to the City.
 - (2) After two (2) years prior to the adoption date of this Chapter, but before the expiration date specified in Section 02.03.089(b), *Expiration of Permits*, one of the following events had occurred:
 - i. A final permit was approved for all or part of the land subject to the approved Application, and remained in effect for such land on such expiration date; or
 - ii. A complete Application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.
- (d) **Commission Action on Reinstatement.** The Commission may take one of the following actions:

- (1) Reinstate the expired initial permit without an expiration date, if it finds that the Applicant has met any of the criteria listed in Section 02.03.089(c), *Reinstatement*;
- (2) Reinstate the initial permit for all or part of the land subject thereto, if it finds that the Applicant has met any of the criteria listed in Section 02.03.089(c), *Reinstatement*, subject to such expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending final permit Application will be developed in a timely fashion. In granting relief under this provision, the Commission may require that development of such remaining land is subject to standards enacted after approval of the initial permit;
- (3) Deny the reinstatement petition, if it finds that the Applicant has failed to meet any of the criteria in Section 02.03.089(c), *Reinstatement*, or
- (4) Reinstate the permit for only that part of the land subject to a pending final permit Application, if it finds that the Applicant has met the criteria in Section 02.03.089(c), *Reinstatement* and the pending Application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired initial permit.

ARTICLE 02.03.090 AMENDMENTS; FEES; VIOLATIONS; CONFLICTS

SEC. 02.03.091 ...TEXT AMENDMENTS.

- (a) The City may initiate changes to this Chapter. The Planning & Zoning Commission may review the proposed changes and make a recommendation to the City Council. The City Council will conduct a public hearing, review the proposed changes, consider any recommendation from the Commission and City staff, and take action upon the proposed amendments to the Chapter.

SEC. 02.03.092 ...FILING FEES & CHARGES.

- (a) **General.** Fees shall be paid to the City when any Application authorized by this Ordinance is submitted to Development Services. Each of the fees, as provided in Section 02.03.092(c), *Calculations & Charges*, shall be paid in advance, and no action of the Commission, the City Council, or any other City board or commission shall be valid until all required fees have been paid. Fees paid for the review and consideration of Plats and Applications under this Ordinance are non-refundable.
- (b) **Consequence of Non-Payment of Fees.** Fees that are not paid within thirty (30) days of the date they are due shall cause any action or Application to be null and void.
- (c) **Calculations & Charges.** Fees and charges shall be calculated in accordance with the following:
 - (1) All fees shall be as established by City Fee Schedule Ordinance, as amended.
 - (2) These fees shall be charged on all Plats and Applications authorized by this Chapter, regardless of the action taken by the decision-making authority and whether the Application is approved, denied, withdrawn, or otherwise closed.

ARTICLE 02.03.100 DEFINITIONS, USAGE, AND INTERPRETATION

SEC. 02.03.101 USAGE & INTERPRETATION.

- (a) **Usage.** The definitions within this ARTICLE 02.03.102 are intended to provide descriptions for words and terms used within this Chapter. Absent any conflict, words and terms used in this Chapter shall have the meanings ascribed thereto in this ARTICLE 02.03.101.
- (b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in Section 02.03.102 and subject to the terms of this Article shall control.
- (c) **Present & Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) **Usage of Shall & May.** The words shall and must are mandatory and not directory. The word may is directory and not mandatory.
- (e) **Certain Terms & Words.** Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Chapter wherein they apply to certain regulations.
- (f) **Words of Gender.** Words of masculine gender shall include the feminine gender and vice versa.

SEC. 02.03.102 DEFINITIONS.

The following definitions shall apply to terms and words used within this Chapter:

100-Year Floodplain. A flood having a one percent (1%) chance of being equaled or exceeded in any given year, based upon a fully developed watershed and the City's criteria to accommodate a 100-year storm in any designated drainage way.

Abutting. Adjacent, adjoining, and contiguous; to physically touch or border upon; or to share a common property line with a Right-of-Way or Easement, or with a physical improvement such as a street, waterline, park, or open space, or other property.

Access. A means to enter a property or the ability to traverse a property (such as in the use of an Easement, including without limitation, a mutual Access Easement).

Acreage, Gross. The total acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc. without any exclusions.

Acreage, Net. The acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc., but., excluding floodplain, drainage and utility easements, public and private parks, public Rights-of-Way, and private streets.

Agreement, Annexation. A written agreement with the owner(s) of land in which a landowner consents to annexation of its property into the corporate limits of the City and which contains standard for City's provision of services to the property in accordance with State law.

Agreement, Development A written agreement between the City and Developer(s) for the purpose of establishing mutually agreed upon standards and conditions that will govern development of the property and the provisions of development incentives to the property owner. The terms of a Development Agreement may include but are not limited to the following: conditions to mitigate the project impacts, development incentives, clarification of project phasing and timing of Public Improvements. allocation of responsibility for the construction of water, wastewater, and road and drainage infrastructure and the sharing of costs; payment of impact fees, and other charges related to the development; dedication of park land, open space, drainage, conversation and/or greenbelt areas; annexation; intensity of

development, land uses; provisions for City services such as fire protection, emergency medical services, and trash collection.

Agreement, ETJ Development. A written agreement as authorized by and in accordance with the TEXAS LOCAL GOVERNMENT CODE, including Section 212.172 as amended, between the City and the owner of property and/or Developer(s) located within the extraterritorial jurisdiction (ETJ) of the City.

Agreement, Escrow Fee. A written agreement between the City and a Developer(s) of property providing a financial assurance from the Developer(s) to the City as a guarantee that certain Public Improvements will be constructed by the Developer(s) in accordance with City regulations or in lieu of construction of thoroughfares, water, wastewater, stormwater or drainage facilities by the Developer(s) prior to the City's issuance of a permit.

Agreement, Facilities. A written agreement between the City and a Developer(s) that is required as a condition of Plat approval and complies with the requirements of Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements* of this Chapter, the purpose of which includes but is not limited to, ensuring that new development is adequately served by Infrastructure and that Infrastructure improvements are constructed according to City regulations, providing financial guarantees for project completion, payment of contractors and maintenance of Infrastructure improvements after acceptance by the City, providing for fees, dedication of land and other matters related to development of the subject property.

Agreement, Maintenance Bond, or Maintenance Guarantee. A bond, letter of credit, cash escrow, or other financial assurance in the form required by the City and complies with the requirements of Section 02.03.045 *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*, to ensure that Infrastructure dedicated to the City for public use or as part of a public system, will be maintained and in good repair and working order for a period of two (2) years from the date of final acceptance by City pursuant to action by the City Council, and such guarantee shall be for 100% of the value of such Infrastructure as set forth in an approved Facilities Agreement.

Agreement, Professional Services. A written agreement between the City and a Developer(s) that is required as a condition of submission of Construction Plans and complies with the requirements of Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances, and Construction Contracts for Public Improvements*. Whereby the City will retain consultants to provide a wide variety of professional services including, but not limited to engineering services and legal services as needed to (i) assess the City's current ordinances, and potentially draft new ordinances, (ii) assess infrastructure needs and demands, traffic needs and demands, City services needs and demands, and water and wastewater infrastructure needs and demands, and (iii) assess legal issues that will be associated with or necessitated by the possible development of the Property.

Alley. A minor Right-of-Way, generally dedicated to public use, generally owned and maintained by a HOA or POA, which affords a secondary means of vehicular Access to the back or side of properties otherwise Abutting a street, and which may be used for utility service purposes.

Amending Plat. See *Plat, Amending*.

Amenity. Aesthetic or other physical improvements added to a development that increase its quality, desirability, and/or marketability to the public, and that are described within Section 02.03.079(c)(1), *Elements requiring a HOA*, of this Ordinance.

Appeal. A request for review of and relief from any decision or provision of this Chapter when expressly authorized in this Chapter.

Appendix 1, Standards of Design and Construction. A document adopted by the City that is intended to establish standards for the design and construction of public facilities within the City of Kaufman.

Applicant. The person or entity responsible for the submission of an Application who is either the legal

owner of the property for which an Application is submitted or is a duly authorized representative of the property owner. Also, see *Developer*.

Application. The package of materials, including but not limited to an Application Form, exhibits, completed checklist, Tax Certificates or other proof of ownership, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

Application, Complete. See *Complete Application*.

Application Form. The written form (as provided by and as may be amended by the City) that is completed and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.

Approval. A determination by the official, board, commission, or City Council, as required by this Chapter and/or applicable City Ordinance, responsible for making the determination that the submitted Application complies with the minimum requirements of this Chapter and/or other applicable City Ordinances. Approval does not mean that the City has approved engineering or surveying information contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

Arterial. A general term for a Street or Thoroughfare, which has a more specific meaning when used in conjunction with a class distinction, such as Major, Minor, Type A, Type B, etc. Each class provides a certain degree of continuity, capacity, and accessibility to adjacent land uses.

Arterial, Major. A Thoroughfare designed to accommodate cross-city traffic movement, distributing traffic to and from minor thoroughfares and collector streets. Major Thoroughfares are divided roadways that typically have an ultimate width of six (6) lanes. Such streets shall also be as described within Appendix 1, *Standards of Design and Construction*, and as described and defined in the Thoroughfare Plan. Also is referred to as "Type A-"

Arterial, Minor. A Thoroughfare designed to accommodate neighborhood-to-neighborhood (intra-city) traffic movement, distributing traffic to and from collector streets. Minor Thoroughfares are divided roadways that typically have an ultimate width of four (4) lanes with a median to accommodate turn lanes and landscaping. Such streets shall also be as described within the *Appendix 1, Standards of Design and Construction*, and as described and defined in the Thoroughfare Plan. Also is referred to as "Type B."

Block. A grouping of Lots that are partially or fully surrounded by one or more streets. Lots separated only by an Alley are within the same block.

Buildable Area. The portion of a lot exclusive of required minimum yard and other area requirements, including without limitation, Easements and setbacks, within which a structure or building improvements may be erected.

Building. Any structure intended for shelter, occupancy, housing, or other type of enclosure of persons, animals, or property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Line. A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line to the point where a building may be erected.

Building Pad. The actual foundation area of a building and a ten foot (10') clear area around the foundation necessary for construction and grade transitions.

Building Permit. An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional exception from City regulations and authorizes construction of Buildings or other described construction on the premises for which it is issued.

Build-to Line. A parallel or approximately parallel line to any front property line at a specific distance determined by zoning district, marking the maximum distance from the front property line to the point where a building may be erected.

Building Official. The person so designated by the City Manager to serve as the Building Official of the City of Kaufman with the authority provided under state law, this Chapter, and other applicable ordinances of the City. This term shall also include any designee of the Building Official.

Caliper Inch. Method of measuring the trunk diameter of a tree. The point of measurement is approximately six (6) inches above the top of the root ball.

Centerline, Streets or Alleys. An imaginary line erected midway between the outer boundary lines of the Right-of-Way area of a street or Alley. Where the bounding Right-of-Way lines are irregular, the centerline is to be determined by the Director of Public Works and/or the City Engineer. Engineering.

Certificate of Occupancy. An official certificate issued by the City through the Building Official that indicates conformance with or approved conditional exception from City regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Certified Land Division. A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which: is not required by state statute to be filed in the map and Plat records of the county; does not involve or require the dedication of public streets or Alleys; and has been certified by the City Council as having met the conditions of this Chapter. A certified land division shall be treated as a subdivision Plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the county clerk. In addition, a Plat of the property indicating legal boundaries and any public dedications and Easements shall be prepared, reviewed by staff, approved by the City Council, and filed with the Kaufman County Clerk.

Chapter (also referred to as “this Chapter”). Refers to this Subdivision Regulations Ordinance of the City as may be amended in the future.

City. The municipal corporation of the City of Kaufman, Texas.

City Attorney. The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council. The duly elected governing body of the City of Kaufman, Texas.

City Engineer. The person so designated by the City Manager to provide oversight for and have responsibility of the Engineering Division/Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the City Engineer.

City Manager. The person so designated by the City Council, or the City Manager’s designee.

City Official or Administrator. Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by City ordinance or state law to act on behalf of the municipality.

City Required Percentage. The percentage of land dedication as well as the percentage of fees the City of Kaufman requires to be dedicated and/or paid in order to satisfy the requirements only of Article 02.03.080, *Parks and Open Space*.

Clear-Cutting. The random cutting, plowing, or grubbing of trees without regard to type or size for the purpose of clearing the land.

Code. Shall mean the entire City of Kaufman’s Code of Ordinances.

Commencement. The date of the official start of the development of the project – usually considered at the initial disturbance of soils.

Commission. The Planning & Zoning Commission of the City of Kaufman. See *Planning & Zoning*

Commission.

Community Facilities. Improvements which are not dedicated to the public, but which provide for common use by multiple property owners, such as neighborhood Amenities (Amenity center buildings swimming pools, playgrounds, sports courts, seating areas, shade structures, picnic and grilling area, dog parks, ponds fountains, plaza, etc.), private parks, open space lots, private sidewalks, and trails, private drainage facilities, private water and wastewater collection systems, franchise utilities, landscaping and hardscaping improvements, signage, entryway features, common driveways and Alleys, parking lots, shared trash facilities, etc. The facilities are often owned and maintained by a homeowners' association or other property owners' association, a utility company, or the specific property owners' who benefit from the improvement.

Comprehensive Plan. The City's officially adopted *Comprehensive Plan* which includes policies, in written and graphic form, on (but not limited to) thoroughfares, land use, parks, open space, hike and bicycle trails, and other facets of the City's physical form; such policies govern the future development of the City and consist of various components governing specific geographic areas, functions, and services of the City.

Commercial Building Plans. (include MF permits

Construction Plans. The drawings and technical specifications that conform to this Chapter and all other applicable ordinances of the City. This definition includes but is not limited to Construction Plans for public and/or private infrastructure improvements required as part of the Platting process, wastewater, water, streets, drainage, bid documents, contract conditions, Facilities Agreements, Maintenance Agreements and Escrow Agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development. Also known as civil construction plans.

Construction Release. Official authorization by the City, through the Director of Engineering, that indicates conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved Construction Plans, on the premises for which it is given.

Crosswalk. A public Right-of-Way, four (4) feet or more in width between property lines, which provides pedestrian circulation.

Day, Business. Shall be defined as Monday through Friday, excluding City-recognized holidays. Day, Calendar. Each day of a particular calendar year.

Dead End Street. A street, other than a cul-de-sac, with only one (1) outlet.

Deed Restriction. A limitation on the use of land set forth or referred to in the title deed of such land. Such limitations run with the land and are binding upon present and subsequent owners of the land. Deed restrictions are not enforced by the City.

Developer. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, combining, or improvement of land and/or other activities covered by this Chapter so as to constitute a *subdivision*, including the preparation of a Plat showing the layout of the land and the Public Improvements involved therein. The word *Developer* is intended to include the terms *subdivider*, *property owner*, and, when submitting Platting documents, *Applicant*.

Developer. As used only in Article 02.03.080, *Parks and Open Space*, a landowner(s) of the subject property containing a proposed development or project.

Development. Any activities related to the Platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., parking lots); the installation of utilities, roadways, drainage facilities or other

infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

Development. As used only in Section 02.03.072 Tree Preservation, Any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures, paving, drainage, or utilities, and agricultural activities.

Development Agreement. See Agreement, Development.

Development Application. An Application for any type of Plat or construction plan/drawing authorized or addressed by this Chapter. Also may be referred to as a *permit* within the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245.

Development Review Committee (DRC). Members are representatives from City departments that have direct communication with all aspects of the development process: Planning, Engineering, Building, Fire, Public Works, Health, and Parks and Recreation.

Diameter at Breast Height (DBH). The diameter of the tree trunk diameter measured in inches at a height of four feet (4') above the soil line. For multiple-trunk trees, the diameter of the tree trunk shall be the sum of the diameter of the individual trunks for the purpose of measuring DBH.

Director of Development Services. The person so designated by the City Manager to provide oversight for and have responsibility of the Development Services Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the Director of Development Services.

Director of Engineering. The person so designated by the City Manager to provide oversight for and have responsibility of the Engineering Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the Director of Engineering.

Director of Parks & Recreation. The person so designated by the City Manager to provide oversight for and have responsibility for the Parks & Recreation Division/Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the Director of Parks & Recreation.

Director of Public Works. The person so designated by the City Manager to provide oversight for and have responsibility of the Public Works Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the Director of Public Works.

Drip Line. A vertical line run through the outermost portion of the crown of a tree and extending to the ground.

Driveway. A paved entranceway serving primarily vehicles that allows for Access to a lot or facility and is intended for vehicular movements between the roadway and any portion outside the street Right-of-Way.

Dwelling Unit. Any building, structure or mobile home, or part thereof, which is designed, used, or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.

Dwelling Unit. As used only in Article 02.03.080, *Parks and Open Space*, any building or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family. Dwelling units include temporary or quasi-dwelling units such as: suites within hotel or motel-type uses, suites within senior care or assisted care-type facilities, accessory dwelling units, and mobile or semi-mobile living facilities since they all house people who will impact the Parks and Recreation System.

Easement. A specific right in a particular area of real property that exists because of an express or implied agreement between the landowner and another party that grants the right to use or Access the land area,

but not ownership.

Electrical, Transmission Line. Electrical lines operated at voltages of 60,000 volts or higher that bring power from a generating plant to an electrical sub-station.

Electrical, Feeder Line. An electrical line that emanates from an electrical sub-station or hub to distribute power throughout an area.

Electrical, Lateral Line. An electrical line that emanates from a feeder line, typically through a sectionalizing device like a fuse or a disconnect, to distribute power to smaller areas of electric consumers, such line can be either single or three (3) phase.

Electrical, Secondary Service Line. An electrical line which, through a transformer, connects a lateral line to a customer's electrical service entrance.

Engineer. A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as *Professional Engineer, Registered Engineer, Registered Professional Engineer, or Licensed Engineer.*)

Entry Turnaround. An esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied Access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Hazard Setback. A defined area adjacent to a stream on which development is prohibited due to significant hazards associated with flooding unless major channel stabilization has occurred.

ETJ. See *Extraterritorial Jurisdiction.*

Exception. An exception to a particular standard or requirement of this Chapter that may be granted because compliance with the Chapter requirements would substantially limit the Applicant's ability to utilize the land in a manner requested and requires City Council approval Also see the definition of Modification/Exception Major. See Section 02.03.086, *Modifications, Appeals and Exceptions*).

Exemption. A specified reason why a particular development is **not** subject to the requirements to Plat or to a specific provision of this Chapter.

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Chapter.

Facilities. Infrastructure and other structures that support a development including, but not limited to, water distribution lines, wastewater collection lines, stormwater lines and other storm water management devices, thoroughfares, sidewalks, private utilities, etc.

Facilities Agreement. See *Agreement, Facilities.*

File/Filed/Filing. See *Official Filing Date and Submission.*

Fire Chief. The person so designated by the City Manager to provide oversight for and have responsibility of the Fire Department. As used for responsibility and review purposes within this Chapter, this term shall also include any designee of the Fire Chief.

Fire Lane. See definition in the City's adopted Fire Code.

Flood Plain. The area designated as being within the one-hundred (100) year flood plain on the Federal Emergency Management Agency flood insurance map.

Green Belt. An open space area consisting primarily of natural features that may be located in a floodplain

or along a creek channel, be used as a buffer between land uses, or be used as an open space linkage between various land uses.

Grubbing. Excavating or removing a significant part of the root system.

Habitat Study. A completed research project that gathers and compiles information pertinent to the natural habitat for threatened or endangered species and habitats used for nesting birds listed in the Migratory Bird Treaty Act.

Hike & Bike Trail. A paved and maintained pathway for pedestrians and bikers that serves as a linkage for Access to recreational and educational areas and facilities.

Homeowners Association (HOA). A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities, or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

Improvement. Any man-made fixed item that becomes part of or placed upon real property.

Improvement, Public. Any improvement, facility, or service together with its associated public site, Right-of-Way, or Easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial and all other land use activities. The term infrastructure includes but is not limited to water, wastewater collection lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, civic buildings, parks, and schools.

Landscape Buffer. An area of permanent vegetation that is adjacent to a residential subdivision, non-residential property, vacant land, but not thoroughfare.

Land Planner. Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of stormwater and the provision of public services and utilities, all consistent with long range goals and the objectives of the *Comprehensive Plan*. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term may include architects, engineers, landscape architects, and surveyors.

Land Preparation. Means any grading, site work, paving (including all-weather material), filling, alterations to the elevation, tree removal, utility extensions or work, or other activity that lends itself to making land more development ready or augments its natural state. Legitimate private agricultural activities and their associated facilities are excluded from this definition.

Lot. An undivided tract or parcel of land that is or may be offered for sale, conveyance, or improvement and is occupied or intended to be occupied by a building or group of buildings. A lot has its principal frontage on a public street or on an officially approved private street, as shown on a Plat of record, or described by metes and bounds.

Lot Depth. The horizontal distance measured perpendicularly between two (2) points on the front lot line and two (2) points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements. Lot depth shall not include Easements that are located behind the front building line that impair the use of the lot surface as a yard.

Lot Frontage. That dimension of a lot or portion of a lot Abutting on a street, excluding the side dimension of a corner lot.

Lot Lines. The lines bounding a lot as defined herein. May also be referred to as a *Property Line*.

Lot Line, Front. The narrower side of the lot Abutting a street. Where two (2) lot lines Abutting streets are of equal length, the owner shall have a choice in designating which shall be designated as the *Front Lot Line*, and therefore the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (see *Zoning Ordinance*, Appendix A, Illustrations).

Lot Line, Rear. The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (see *Zoning Ordinance*, Appendix A, Illustrations).

Lot Line, Side. Any lot line not the front or rear lot line.

Lot of Record. A lot which is part of a subdivision, the Plat of which has been recorded in the office of the County Clerk of Kaufman County or a lot subdivided by metes and bounds description prior to February 1984.

Lot Width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lot, Corner. A lot which has at least two (2) adjacent sides Abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag. A lot having Access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width. May also be referred to as a Panhandle Lot.

Lot, Interior. A lot other than a corner lot.

Lot, Key. A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an Alley.

Major Arterial. See *Arterial, Major*.

Master Plan. Any plan adopted by the City regulating or related to transportation, land use, park land, recreation, open space, water, sanitary sewer, storm sewer, sidewalks, etc. as identified in Section 02.03.001(f) *Compliance with City Plans & Ordinances Required*.

Maximum. For the purposes of this Chapter “the maximum” is the amount that is the upper limit allowed by this ordinance less than the maximum may be allowed, unless otherwise specified.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Minimum. For the purposes of this Chapter, “the minimum” is the amount that is the least amount required of a Developer, but more than the minimum may be provided, unless otherwise specified.

Mobile Home Park. A tract of land designed, used, or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings.

Modification/Exception, Major. Major Modification/Exception. A formal request to City Council for a significant deviation and/or relief from a standard or requirement of this Chapter, and/or *Appendix 1, Standards of Design and Construction*, that may be granted, because strict compliance with the Chapter

requirements would create undue hardship, substantially limiting and/or depriving the Applicant the ability to utilize the land in a reasonable requested manner. but not the intent. Major Modification/Exception request procedures and criteria are outlined in Section 02.03.086, *Modifications, Appeals and Exceptions* which requires approval of City Council with a recommendation from the Planning Commission. See *Exception*.

Modification, Minor. An administrative determination made on a requested minimal change and/or partial relief from a particular standard or requirement of this Chapter and *Appendix 1, Standards of Design and Construction*, due to an unforeseen condition, but not from the intent of this Chapter. A Minor modification may include, but not limited to, minor adjustments in street or Alley alignments, street lengths and paving details, utility alignments, adjustments to the boundaries of phases and minor adjustments to lot lines that do not result in creation of additional lots, or any non-conforming lots (that do not comply with Zoning standards), provided that such amendments are consistent with the intent of the previously approved Application. A Minor Modification may be determined by the Director of Development Services, Director of Public Works and/or the City Engineer and/or the City Manager as outlined in Section 02.03.086, *Modifications, Appeals and Exceptions*. Any Modification to this Chapter and/or to *Appendix 1, Standards of Design and Construction* are not deemed a Minor Modification shall be deemed a Major Modification and shall follow those requirements outlined in Section 02.03.086, *Modifications, Appeals, and Exceptions*. Or an administrative Appeal of a final decision-maker's interpretation relieving the Applicant of the imposition of a particular standard and/or requirement of this Chapter and *Appendix 1, Standards of Design and Construction*.

MS4. The acronym for the City's Municipal Separate Storm Sewer System.

Non-Conforming. Defined as not complying with adopted Zoning standards.

Official Filing Date. Defined as the date on which the Plat has met all the requirements of the Chapter following staff or administrative review, fees have been paid, and that Plat is scheduled for final approval by the Planning & Zoning Commission by placement on the Commission agenda.

Off-Site (also known as "off-premises"). Any premises not located within the area of the property to be subdivided, whether or not in common ownership with the Applicant submitting an Application.

Open Space. Any land parcel or natural area that is set aside, dedicated, designated, or reserved for public use and enjoyment, or for private use and enjoyment of owners and occupants of the land adjoining or neighboring such open space area. Open space as used in Article 02.03.080, *Parks and Open Space* includes, but is not limited to greenbelts, trails, landscaped pedestrian paths, bicycle paths, natural or landscaped streams, natural or artificial lakes and other water features. Open Space does not include streets, Alleys, utility Easements, public parks or required building setbacks.

Parks. As used in Article 02.03.080, *Parks and Open Space* includes a variety of parks, trails, open spaces, natural preserves, gathering spaces and recreation opportunities and facilities that are open and accessible to the general public and located within a convenient distance of the residences to be served thereby.

Park, Community. A park of approximately forty (40) to one-hundred-fifty (150) acres, serving several neighborhoods or specific sections of the community being conveniently accessible by automobile and include provisions for off-street parking.. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, softball, baseball and soccer, and a recreation center or swimming pool. Community Parks may typically contain passive activities such as picnicking facilities, trails, natural areas, ornamental or natural landscape area, play apparatus. Facilities for cultural activities such as plays or concerts, possible provide an amphitheater. Support facilities in a sports complex include restrooms, concessions, multi-purpose building(s). These parks may be located adjacent to existing or proposed greenbelt areas, tree covered areas, flood prone areas and water features. Community Parks should be located in a non-residential area served by major thoroughfares.

Park, Neighborhood. A park of approximately five (5) to ten (10) acres, serving an area of one-half (1/2)

mile to one-quarter (1/4) mile, located near the center of a neighborhood area/park planning area. Neighborhood Parks should generally not be located adjacent to heavily traveled major or minor thoroughfare. Such parks typically contain playground equipment for small children, a multiple purpose hard surfaced play area, space for court games, walking/jogging trails, playfield space for non-organized competitive games such as baseball, football, and soccer, passive space, and off-street parking spaces. The allocation of space should be approximately fifty percent (50%) passive and fifty percent (50%) active area.

Parks, Recreation, and Open Space Master Plan. The City's officially adopted Plan that includes policies in graphic and text form; such policies govern the future development of the City's park system, open space, and recreation programs, including the hike-and-bike trail system.

Park, Regional.

Park, Special Use. A Special Use Park are parks that have one special use or purpose like a downtown park, tennis center, golf course, garden, or arboretum. These parks fall into three (3) categories: historical/cultural/social sites, recreational facilities, or outdoor recreational facilities.

Pavement Width. The portion of a street available for vehicular traffic. Where curbs are paved, it is the portion between the face of the curbs.

Pedestrian Access. A specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate, and usable circulation through the interior of a property or development.

Permit. A license, certificate, approval, registration, consent, permit, contract or other Facilities and/or Development Agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the Application for the permit or information required to be submitted for consideration provides notice of the project to the City.

Person. Any individual, association, firm, corporation, governmental agency, or political subdivision.

Planning & Zoning Commission (also referred to as the "Commission"). A recommending body appointed by the City Council which is responsible for subdivision and Plat approval, as permitted by State law, and which has any other authority conferred upon it by the City Charter, this Ordinance, or other regulations of the City.

Plat. A map, drawing or exhibit which shows the exact layout and proposed construction of a proposed development into one (1) or more lots, blocks, streets, parks, school sites, Easements, Alleys and/or any other elements as required by this Ordinance, including any engineering or construction standards for related improvements, and which conforms to all requirements of this Chapter and any other applicable City ordinance, and which is subject to a recommendation by the Planning & Zoning Commission and final approval by the City Council, unless otherwise specified.

Plat, Amending. A map, drawing or exhibit that modifies a recorded Final Plat, record Plat, or Minor Plat which conforms to Section 02.03.038, *Amending Plats* of this Chapter and is submitted to the City for consideration. The Director of Development Services may approve such Plat.

Plat, Conveyance. A map, drawing or exhibit which conforms to Section 02.03.032, *Conveyance Plats*, of this Chapter for the purpose of sale or conveyance. A Conveyance Plat may be the first step in the development of a project, especially if the project will be developed in phases and off-site Easements need to be Platted prior to the Final Platting of the entire tract.

Plat, Development. A map, drawing or exhibit for a parcel of land that is five (5) acres or larger for which the owner or subdivider claims exemption from CHAPTER 212, SUBCHAPTER "A" of the TEXAS LOCAL GOVERNMENT CODE, which conforms to Section 02.03.039, *Development Plats*, of this Chapter and

is submitted to the City for consideration for final approval by the City Council. The Plat illustrates that the subdivision of land is consistent with all standards of this Chapter pertaining to the adequacy of public facilities and the installation of or provision for Public Improvements. Once approved, such Plat is submitted to the County Clerk of Kaufman County for recording.

Plat, Final. A map, drawing or exhibit which conforms to Section 02.03.035 *Final Plats*, of this Chapter and is submitted to the City for consideration for final approval by the City Council. The Plat illustrates that the subdivision of land is consistent with all standards of this Chapter pertaining to the adequacy of public facilities and the installation of or provision for Public Improvements. Once approved, such Plat is submitted to the County Clerk of Kaufman County for recording.

Plat, Minor. A map, drawing or exhibit dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 02.03.036, *Minor Plats*, of this Chapter. The Director of Development Services may approve such Plat. Such Plat is also considered a Final Plat.

Plat, Preliminary. A map, drawing or exhibit which conforms to Section 02.03.034, *Preliminary Plats*, of this Chapter and is submitted to the City for consideration for initial approval by the City Council. Such Plat is not to be recorded, but illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this Ordinance. Such Plat is reviewed and decided prior to approval of a Final Plat.

Plat, Right-of-Way Vacation, Abandonment and Relinquishment. A map, drawing, or exhibit which conforms to Section 02.03.0392, *Right-of-Way Vacation, Abandonment and Relinquishment Plat*, of this Chapter and is submitted to the City for consideration in the case where vehicular circulation needs and traffic patterns change, Right-of-Way previously dedicated to, or acquired by the City may no longer be necessary can be vacated if allowed by State law.

Plat, Replat. The re-subdivision of all or part or all of any block or blocks of a previously Platted subdivision, addition, lot, or tract, that is beyond the definition of an Amending Plat, and which does not require the vacation of the entire preceding Plat. Such Plat also conforms to Section 02.03.037, *Replats*, of this Chapter. A Replat may function as a Final Plat for a property.

Plat, Vacation. A map, drawing, or exhibit which conforms to Section 02.03.0391, *Plat Vacation* of this Chapter and is submitted to the City for consideration of nullifying the previously recorded Plat in its entirety by the either the property owner, all lot owners, or by City initiation if deemed necessary to protect the health, safety, and welfare, or as otherwise allowed by State law.

Private Street Development. A Development that if a residential development contains a minimum of six (6) housing units or more, or a commercial or industrial development where all the Rights-of-Way including streets, Alleys, sidewalks and other appurtenances within designated Access Easements are privately owned and maintained by either a Homeowners Association or a Property Owners Association. A Private Street Development shall have a minimum of one-hundred feet (100') of street frontage on which to locate the main entrance gate

Progress (towards completion). Shall have the same meaning set forth in Section 245.005(c) of the TEXAS LOCAL GOVERNMENT CODE, as it exists or may be amended, unless another meaning is specified.

Project. An endeavor over which the City exerts its jurisdiction and for which more than one (1) permit is required to initiate, continue, or complete the endeavor.

Property Owner. The legally recognized proprietor of the land for which an Application is being submitted. (Also, see *Developer*)

Property Owners Association. An organization similar to a Homeowners' Association that is established for the ownership, care, and maintenance of private streets and other private commercial facilities.

Protective Fencing Chain link, orange vinyl construction fence or other fencing at least four feet (4') in height.

Public Improvement. See *Improvement, Public*.

Public Way. An officially approved, privately maintained street or roadway, constructed to City street standards, open to unrestricted and irrevocable public Access, serving two (2) or more lots that provides the primary means of Access and providing fire lane and utility Easements.

Record Drawings. A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The record drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

Replacement Tree. Trees planted to mitigate the loss of protected trees during Development.

Residential Development. The actual or proposed use of land for one or more buildings or structures that are designed or intended to be used, in whole or in part, as dwelling units.

Residential Uses. As used only in Article 02.03.080, *Parks and Open Space* includes single-family residential and multi-family residential uses.

Residential, Multi-Family. As used only in Article 02.03.080, *Parks and Open Space* includes structure(s) or projects with more than one dwelling unit on one lot or mix-use structures containing at least one dwelling unit. Includes two-family or duplex residential. Includes group or community home-type uses. Structures that have restricted usage of one person per room (documentation must be provided with building permit Application), dwelling unit count shall be assessed based on the number of rooms available for residential living, divided by the person per household number stipulated in Table 02.03.083.2 *Park Land Dedication and Development Methodology*, to ascertain number of dwelling units to be utilized in determining dedication and/or fees required. Multi-family residential projects shall be assessed park land fees and pay park land fees in the adopted fee schedule prior to the issuance of a building permit.

Residential, Single-Family. As used only in Article 02.03.080, *Parks and Open Space* includes structure(s) with one dwelling unit on one lot, not to include mixed use or live-work structures. Any one proposed lot containing only one proposed dwelling unit shall be assessed park land fees and pay park land fees prior to filing an associated Plat for record.

Responsible Official. The City staff person who has been designated by the City Manager to perform one or more of the specific tasks (this term also includes designees), including without limitation those persons identified in Section 02.03.012 of this Article.

Right-of-Way. A use of land dedicated by Plat or metes and bounds to and for use by the public, which is separate and distinct from the lots and parcel Abutting it, and which is not included within the dimensions or areas of such lots or parcels. The term *Right-of-Way* generally describes an area used for the provision of streets and utilities. Unless otherwise specified, the term *Right-of-Way* shall refer to a public Right-of-Way.

Riparian Study. An ecologically-based study that addresses the three (3) major components of a stream (channel, Floodplain, and transitional upland fringe).

Road, or Roadway. See *Street*.

Roadway Landscape Easement. An area of permanent vegetation that is adjacent to a thoroughfare that may include utility Easements, sidewalks, and be crossed by drives providing ingress and egress.

Screening. A barrier intended to separate and limit visibility between that which is on either side of the barrier, for example, a thoroughfare and adjacent land uses.

Security Station (i.e., guard house). A building and gate system to control vehicular Access to private street developments, which may be a mechanical device or a manned structure.

Sidewalk. A concrete walking surface of various widths intended primarily for pedestrian use.

Stacking Area. A vehicle setback measured from a point on a building designed for drive-up service and the area assigned for queuing.

Standards of Design and Construction, Appendix 1. A document adopted by the City that is intended to establish standards for the design and construction of Public Improvements within the City of Kaufman and its' extraterritorial jurisdiction (ETJ).

Street or Thoroughfare. A roadway for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. An Alley is not considered a street.

Street, Centerline. An imaginary line designated midway between the bounding Right-of-Way lines of a street or Alley.

Street, Collector (also feeder streets, secondary thoroughfares, etc.). A paved roadway that provides vehicular circulation within neighborhoods and from minor streets to major thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to the same design as collector streets.

Street, Cul-de-Sac. A roadway having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Street, Dead-End. A roadway, other than a cul-de-sac, with only one outlet.

Street, Improved. A roadway that has been constructed or reconstructed to meet the City's minimum standards regarding Right-of-Way width, pavement width, and/or pavement type, as defined in Appendix 1, *Standards of Design and Construction*.

Street, Local Residential (also Minor Thoroughfares or streets, etc.). A paved roadway that is primarily used for providing direct vehicular Access to Abutting residential property.

Street, Local. A roadway that is intended to provide a high level of Access to adjacent developments and, generally, a low level of mobility. Such streets shall also be as described within the *Comprehensive Plan* and *Standards of Design and Construction*.

Street, Major Thoroughfare (also arterial streets, primary thoroughfares, etc.). A paved roadway that provides vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

Street, Mews. A mews street is a grassy, landscaped area on which houses, or housing units may face in lieu of facing a paved street (See Section 02.03.073(f), *Mews Streets*, for regulations).

Street, Minor Thoroughfare. A paved roadway that is primarily used for providing through Access from neighborhood to neighborhood or commercial areas.

Street, Private. A privately owned roadway within a subdivision for which the private owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public. This term is inclusive of related Alleys.

Street, Stub. A roadway that has been designed to allow for the future extension of the street through subsequent subdivisions.

Street, Substandard. An existing street that does not meet the current minimum street standards of the City.

Street, Unimproved. A roadway that does not meet the City's minimum standards regarding Right-of-Way

width, pavement width, and/or pavement type, as defined in the *Standards of Design and Construction*. Most unimproved streets are former country roads that were built before an area was annexed into the City limits and/or before the City implemented thoroughfare design standards.

Subdivider or Developer. An individual, firm, association, syndicate, partnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land.

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision, or Replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five (5) acres in size; does not involve or require any new street, Alley or Easement of Access; and no Public Improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five (5) acres in area or smaller, the entire parent tract must be Platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. The definition includes the combining of two (2) or more continuous tracts, lots, sites, or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein. (See Section 02.03.001(c), *Applicability*).

Subdivision Ordinance or Subdivision Regulations means the Kaufman Subdivision Ordinance duly adopted by the Kaufman City Council, Ordinance No. O-24-99 and O-05-24, as amended, prior to the effective date of this Ordinance.

Subdivision Plan. A subdivision development plan, subdivision plan, subdivision construction plan, land development Application, site development plan or site plan require for approval of a Plat, which is authorized under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212, SUBCHAPTERS A and/or B. A subdivision Plan excludes a Zoning Plan. A Subdivision Plan does not include a site plan required for a Zoning Plan or for building permit approval.

Substandard. A condition of a road or other Public Improvement that does not meet the City's current right-of-way, design, capacity, or construction standards.

Substantial Activity. Shall have the same meaning set forth in Section 245.005(c) of the TEXAS LOCAL GOVERNMENT CODE, as it exists or may be amended, unless another meaning is specified.

Surety. A bond, letter of credit, or letter of financial guarantee from a financial institution authorized to operate in the State of Texas.

Surveyor. A person who practices the profession of surveying and is licensed by the State of Texas as a State Land Surveyor or a Registered Public Surveyor.

TCEQ. The acronym for the Texas Commission on Environmental Quality.

TLGC. The acronym for the TEXAS LOCAL GOVERNMENT CODE.

Thoroughfare. See definition of Street.

Thoroughfare Plan Map. A component of the *Thoroughfare Plan* that generally represents the proposed grid-system of major and minor thoroughfares that will support the *Future Land Use Plan*. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.

Tree. Any self-supporting woody plant which will attain a trunk Caliper of three inches (3") or more Diameter at Breast Height (DBH) and which normally attains a height of at least fifteen feet (15') at maturity, with one (1) or more main stems or trunks and many branches.

Tree Mitigation Fee. The Tree Mitigation Fee shall be the amount deemed necessary to purchase, plant, and irrigate a new tree, as provided in Section 02.03.072(k) Tree Mitigation Fee.

Tree Preservation Plan. A plan or drawing that illustrates which trees are to be preserved, which trees are to be removed, and the manner in which trees will be protected during the construction process.

Tree Survey. A plan or drawing that identifies the size, location, and species of trees eighteen (18) Caliper Inches Diameter at Breast Height (DBH) on a property, as well as smaller trees that will be used to qualify for incentives under Section 02.03.072(j) Incentives for Preservation of Protected Trees.

Tributary. A stream branch that feeds (i.e., flows into) a floodplain.

TxDOT: The acronym for the Texas Department of Transportation.

Underground Utilities. Any public service infrastructures installed beneath the ground surface which includes various types of cables, pipelines and drainage systems that provide essential services such as electricity, gas, water sewer communication and data.

Vested Rights Petition. A petition to determine whether an Application should be processed under the terms of a previous ordinance, providing a process for determination of possible vested status, and to determine when certain permits are subject to expiration. This definition shall be subject to any future amendments to TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245, ISSUANCE OF LOCAL PERMITS.

Utility Easement. An Easement dedicated to the public for Access, construction, reconstruction, and maintenance to water lines, wastewater collection lines, storm water collection lines, and those franchises granted permission by the City, utility district, or county to occupy the Easement.

Utility, Private. Services, and any related facilities (e.g., distribution lines), not customarily provided by the City or public entities; such services generally include electricity, natural gas, and telecommunications.

Utility, Public. Services, and any related facilities (e.g., distribution lines), typically provided by the City, County, or publicly owned entity; such services include potable water distribution, wastewater collection, and storm water management.

Vegetative Study. A study in which the main purpose is identification and consideration of unique vegetative communities that are important for conserving biotic diversity and are rare due to conversion to other land uses.

Violation. Any failure to comply fully with this Chapter.

Wetland Delineation Study. A study in which the main purposes are to determine jurisdictional wetlands and to ensure compliance with SEC. 404 OF THE CLEAN WATER ACT and other applicable regulations of the U.S. Army Corps of Engineers.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Zoning Ordinance. The City of Kaufman *Zoning Ordinance*, as amended.

Zoning Plan. A concept plan, site plan or similar document required to determine compliance with land use regulations which are authorized under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 211 as amended.

SEC. 02.03.103 ...COMMONLY USED ABBREVIATIONS.

BOA. Board of Adjustment

CA Factor. Coefficient of Run-Off and Drainage

Area CC. City Council

CCN. Certificates of Convenience and Necessity

CCRs. Conditions, Covenants, and Restrictions (limitations placed on homeowners by the subdivision itself)

DRC. Development Review Committee (made up of representatives of various City departments who review development Applications.

ETJ. Extraterritorial Jurisdiction (the geographical area outside the City limits that the City is allowed to annex into the City limits – the distance from the City limit boundary is set by the state and relates to population)

FEMA Federal Emergency Management Agency

GIS. Geographical Information Systems

(mapping) HOA. Homeowners' Association

MFF. Minimum Finished Floor Elevation

NCTCOG. North Central Texas Council of Governments

P&Z. Planning & Zoning Commission

POA. Property Owner's Association

ROW. Right-of-Way (the paved roadway, grassy area adjacent to the roadway, and the center median) TCEQ. Texas Commission on Environmental Quality

TIA. Traffic Impact Analysis (a study of the future impact of a particular set of circumstances, such as a new subdivision, on the entire traffic network)

TE. Trail Easement

UE. Utility Easement

WME. Wall maintenance Easement

Table 02.03.111: APPLICATIONS - RESPONSIBLE OFFICIALS, INITIAL DECISION-MAKERS, AND APPEALS

Type of Application or Petition	Approval Authority	Appeal
<u>Amending Plat</u> <i>Section 02.03.038</i>	City staff	City Council
<u>Construction Plans</u> <i>Section 02.03.041</i>	City staff	n/a
<u>Construction Plans, Extension</u> <i>Section 02.03.041(i)</i>	City staff	n/a
<u>Construction Plan Release</u> <i>Section 02.03.041(j)</i>	City staff	n/a
<u>Conveyance Plat</u> <i>Section 02.03.032</i>	City staff	City Council
<u>Facilities & Professional Services Agreements, Financial Assurances</u> <i>Section 02.03.045</i>	City Council	n/a
<u>Development Plat</u> <i>Section 02.03.039</i>	City Council	City Council
<u>Final Plat</u> <i>Section 02.03.035</i>	City Council	City Council
<u>Land Study</u> <i>Section 02.03.033</i>	City Council	City Council
<u>Minor Plat</u> <i>Section 02.03.036</i>	City staff	City Council
<u>Plat Vacation</u> <i>Section 02.03.0391</i>	City Council	City Council
<u>Alley or ROW Vacation</u> <i>Section 02.03.0392</i>	City Council	n/a
<u>Preliminary Plat</u> <i>Section 02.03.034</i>	City Council	City Council
<u>Preliminary Plat Extension</u> <i>Section 02.03.034(i)</i>	City staff	n/a
<u>Replats</u> <i>Section 02.03.037</i>	City Council	City Council
<u>Major Modification/Exceptions to Subdivision Ordinance</u> <i>Section 02.03.086</i>	City Council	City Council
<u>Minor Modifications to Subdivision Ordinance</u> <i>Section 02.03.086</i>	City staff	City Council
<u>Vested Rights Petition</u> <i>Section 02.03.087</i>	City staff	City Council

TABLE 02.03.112 - REQUIRED LAND STUDY FEATURES		Land Study
(a)	North Arrow;	■
(b)	Scale (both graphic and written) appropriate for the level of detail (typically: 1" = 200')	■
(c)	Legend identifying and describing all symbols used on the Plat;	■
(d)	Location/Vicinity Map showing the location of the subject property by references to existing streets or highways	■
(e)	Title Block (located in the lower right corner) including the following information: (1) Title of Plat exhibit shall include proposed name of the addition with section or phases which matches the appropriate Plat Application (ex: "Land Study Exhibit of the Preliminary Plat of _____ Addition; (2) Title of Replat exhibit shall include the name of the addition, the name of the addition being Replatted including the Block(s), and Lot(s) numbers with the notation "an addition to the City of Kaufman, Texas, as recorded in Volume/Cabinet_____, Page/Slide _____ of the Plat Records of Kaufman County, Texas" (3) The name, address, phone number and email address of the Developer; (4) The name, address, phone number and email address of the land planner, engineer, or surveyor responsible for the design or survey illustrated on the exhibit; (5) Reference to original survey name and abstract number or previous Plat with recording information; (6) Gross acreage; (7) Total number of lots and HOA/Open Space Lots; (8) Right-of-way acreage, if dedicated and/or reserved; and (9) Date of preparation and subsequent revisions	■
(f)	Subdivision boundary marked with heavy weighted lines with the bearings and length of each boundary line matching the appropriate Plat exhibit;	■
(g)	Location, dimensions, purpose, and filing information for all existing and proposed Easements, Rights-of-Way dedications, and Right-of-Way reservations, including, but not limited to streets, highways, Alleys, and railroads, within and Abutting the property;	■
(h)	Subdivision name of all adjacent Platted properties (P.R.K.C.T.) within 200 feet shown in dashed lines, labeling the lot and block numbers, subdivision name, street names and Plat record reference or record ownership information of all adjacent unplatted properties (D.R.K.C.T.) within 200 feet, to include owners across any adjacent Right-of-Way with recording information;	■
(i)	Proposed street names matching the associative Plat, subject to the review and approval by Kaufman County;	■
(j)	Location and dimensions (full width and edge to centerlines) of all existing and proposed streets, thoroughfares, and Alleys including corner clips acceleration/deceleration lanes and turning lanes matching the associative Plat;	■
(k)	Location and dimensions of non-residential driveways (full width and edge to centerlines) within the Land Study area and the adjoining land within 200 feet;	■

TABLE 02.03.112 - REQUIRED LAND STUDY FEATURES		Land Study
(l)	The uses of adjacent property within 200 feet, a general arrangement of future land uses including the approximate number of lots and any non-residential uses anticipated and a generalized circulation plan.	■
(m)	All existing, recorded and proposed residential lots, parks, public areas, and/or land dedication within or contiguous to the subject property;	■
(n)	Location of numbers and dimensions of existing lots, blocks, building lines, water courses, ravines, bridges, culverts, or other existing structures on the subject property;	■
(o)	The existing zoning and proposed uses of the Land Study area and on adjoining land, existing permanent buildings, and railroad Rights-of-Way;	■
(p)	Proposed densities, lot sizes and number of residential lots and blocks and the number of multi-family units;	■
(q)	The topography with existing drainage channels, or creeks, and other important natural features, all substantial natural vegetation, adjacent political subdivisions, or corporation limits, ETJ boundaries and school district boundaries;	■
(r)	Indicate existing floodplain and floodway boundaries with elevations listed from the FEMA Flood Insurance Rate Maps for Kaufman County,	■
(s)	Proposed general arrangement of land uses, included but not limited to park and school sites, public facilities, private open space, flood plains, and drainage ways, phasing plan and proposed non-residential and residential densities;	■
(t)	Note the phasing of development or the order of Platting; and	■
(u)	Match lines & key map (if more than one sheet). Each sheet of a multi-page Plat should be labeled as Sheet 1 of 3, Sheet 2 of 3, etc. in the lower right corner;	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
GENERAL FEATURES							
(a) Legal Description by metes and bounds, of the land to include the current owner's deed record reference, survey name and abstract number, city, county, state, and Gross Acreage;	■	■	■	■	■	■	■
(b) North Arrow;	■	■	■	■	■	■	■
(c) Scale (both graphic and written) appropriate for the level of detail (typically 1" = 100')	■	■	■	■	■	■	■
(d) Legend identifying and describing all symbols used on the Plat;	■	■	■	■	■	■	■
(e) Location/Vicinity Map showing the location of the subject property by references to existing streets or highways	■	■	■	■	■	■	■
(f) Title Block (located in the lower right corner) including the following information: (1) Titled with Plat Type (ex: "Final Plat", "Preliminary Plat", etc.) (2) Subdivision name with section or phase, if applicable (Preliminary, Final and Minor Plats shall not have the same spelling as or be pronounced similarly to the name of any other existing subdivision located within the City or ETJ); (3) Total number of lots and HOA/Open Space Lots (4) Reference to original survey name and abstract number or previous Plat with recording information; (5) City, County, State; (6) Gross acreage; (7) Right-of-way acreage, if dedicated and/or reserved; (8) Date of preparation and subsequent revisions	■	■	■	■	■	■	■
(g) Blocks with the following information: (1) Name(s), address, phone number and email of preparer, record owner, Developer, engineer, and/or surveyor (2) 3"X3" block for County recording seal;	■	■	■	■	■	■	■
(h) Lot and block numbers in consecutive order (lot numbers are numbers; block numbers are letters). Common areas must be assigned a lot number followed by an "X" and a block number;	■	■	■	■	■	■	■
(i) Location and dimensions of all boundary lines, lot lines, the City limit line (if any), and/or the outer border of the City's extraterritorial jurisdiction when such lines or borders traverse or are contiguous to or within 200 feet of the subdivision.	■	■	■	■	■	■	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
(j) Location, dimensions, purpose, and filing information for all existing and proposed Easements, Rights-of-Way dedications, and Right-of-Way reservations, including, but not limited to streets, highways, Alleys, and railroads, within and Abutting the property;	■	■	■	■	■	■	■
(k) Provide written certification that all necessary Easements are secured for the various utility providers, and include the locations, dimensions, purpose and filing information of such Easements within and Abutting the property	■	■	■	■	■	■	■
(l) An Amending Plat may be required to modify an existing off-site Easement that has be dedicated by Plat that needs to be modified (See Section 02.03.043(d), Off-Site Easements)	■						
(m) Subdivision name of all adjacent Platted properties (P.R.K.C.T.) within 200 feet shown in dashed lines, labeling the lot and block numbers, subdivision name, street names and Plat record reference or record ownership information of all adjacent unplatted properties (D.R.K.C.T.) within 200 feet, to include owners across any adjacent Right-of-Way with recording information;	■	■	■	■	■	■	■
(n) Proposed street names, subject to the review and approval by Kaufman County 911;			■	■		■	■
(o) Acreage or square footage of Right-of-Way dedicated should be shown, including right-of-way corner clips and deceleration/turn lanes on the Plat;			■	■		■	■
(p) Dimensions of each street (full width and edge to centerlines) sidewalk, drive, Alley, square park, or other part of the property intended to be dedicated to public use, or for the use of purchasers, or owners of lots fronting on, or adjacent to the street, sidewalk, Alley square, park, or other part;	■	■	■	■	■	■	■
(q) Show length and radii of all new and existing street segments, drives Alleys and mews;	■	■	■	■	■	■	■
(r) Curve table for existing and proposed streets, drives, Alleys, mews;	■	■	■	■	■	■	■
(s) All existing, recorded and proposed residential lots, parks, public areas, and/or land dedication within or contiguous to the subject property;	■	■	■	■	■	■	■
(t) Location of numbers and dimensions of existing lots, blocks, building lines, water courses, ravines, bridges, culverts, or other existing structures on the subject property;	■	■	■	■	■	■	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
(u) Subdivision boundary marked with heavy weighted lines with deed record dimensions or field surveyed dimensions if available, matching the legal description;	■	■	■	■	■	■	■
(v) Bearings and length of each boundary line;	■	■	■	■	■	■	■
(w) Acreage and square footage of individual proposed lots to 3 digits for each lot, tract, or site (e.g., 3.657 acres), such information shall be shown in a table on the Plat;	■	■	■	■	■	■	■
(x) Proposed densities, lots size, and number of residential lots and blocks;	■	■	■	■	■	■	■
(y) Indicate existing floodplain and floodway boundaries with elevations listed from the FEMA Flood Insurance Rate Maps, 100-year, the City Master Drainage Plan, or other analyses approved by the Director of Public Works and/or the City Engineer. All minimum finish floor (MFF) shall conform with the requirements set forth in the Flood damage Prevention Ordinance (see Code of Ordinances, Article 4.05, as amended;	■	■	■	■	■	■	■
(z) Indicate the minimum finished floor (MFF) elevation for all lots adjacent to the floodplain or other significant drainage ways	■		■	■	■	■	■
(aa) Match lines & key map (if more than one sheet). Each sheet of a multi-page Plat should be labeled as Sheet 1 of 3, Sheet 2 of 3, etc. in the lower right corner;	■	■	■	■	■	■	■
(bb) Old lot lines and numbers should be “ghosted” if being abandoned;	■		■	■	■		■
(cc) State Plane Coordinates (grid) – primary control points of descriptions, and monumentation ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;	■	■	■	■	■	■	■
(dd) Locations, materials, and size of all monuments found and set;	■	■	■	■	■	■	■
(ee) Layout of lots and blocks as well as setbacks or Easements for existing and proposed water, wastewater, stormwater , drainage, Access, fire lane, right-of-way corner clips, visibility, and any other Easements with dimensions;	■	■	■	■	■	■	■
(ff) All proposed Rights-of-Way dedication or reservation shall be in conformance with the City of Kaufman and Kaufman County Thoroughfare Plans;	■	■	■	■		■	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
(gg) All building setbacks along all Rights-of-Way in accordance with the City of Kaufman <i>Zoning Ordinance</i> and Kaufman County Subdivision Ordinance for lots in the ETJ;	■		■	■	■	■	■
(hh) Lot number shall be noted as follows: (1) The first Replat shall include the letter "R" following the lot number, as "Lot 1R, Block A" (2) Any subsequent Replats shall include a number following the "R", as in "Lot 1R-1, Block A";	■						■
(ii) Show each existing and proposed building, structure, or improvement, or proposed modification of the external configuration of the building structure, or improvement involving a change of the building, structure, or improvement;			■				
Standard Plat Notations							
(jj) "All lots comply with the minimum size requirements of the zoning district." (ETJ Plats shall omit);	■	■	■	■	■	■	■
(kk) "All lots comply with the minimum size requirements for aerobic septic systems." (Applicable to ETJ Plats and those lots which the city served by an aerobic septic systems)	■	■	■	■	■	■	■
(ll) "This property is obligated to reserve and/or dedicate future Right-of-Way as required by either the City of Kaufman's and/or Kaufman County's Thoroughfare Plan, and/or this Chapter, and the Standards of Design and Construction."		■					
(mm) "This property may be subject to charges related to impact fees and the Applicant should contact the City regarding any applicable fees due."	■	■	■	■	■	■	■
(nn) "All common areas, drainage Easements, and detention facilities will be owned and maintained by the HOA/POA. Any common areas within the City's Right-of-Way are required to be an HOA "X" lot."	■		■	■	■	■	■
(oo) "All common area/HOA lots or floodplain may contain a public trail and shall provide an Access Easement for the public to use the trail" (only applicable to those Plats where there is an existing or proposed trail);	■		■	■		■	■
(pp) "All drainage and detention Easements shall be maintained, repaired, and replaced by the property owner."	■		■	■	■	■	■
(qq) "Notice – selling a portion of this addition by metes and bounds is a violation of the City of Kaufman's Subdivision Ordinance and State law and is subject to fines and withholding of utilities	■	■	■	■	■	■	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
and building permits”;							
(rr) “This Plat does not alter or remove existing deed restriction, if any, on this property”;	■	■	■	■	■	■	■
(ss) “Minimum finished floor elevations are at least 2 feet above the 100-year flood plain.”	■		■	■	■	■	■
(tt) The City reserves the right to require minimum finish floor (MFF) elevations on any lot contained within this addition. The minimum (MFF) elevations shown are based on the most current information available at the time the Plat is filed and are subject to change.”	■		■	■	■	■	■
(uu) “The subject property does not lie within a 100-year flood plain according to Community Panel No. _____, dated _____, of the National Flood Insurance Rate Maps for Kaufman County, Texas.” (Indicate which lots are applicable to this notation);	■	■	■	■	■	■	■
(vv) “The purpose of this Plat is _____ (state the purpose) _____.”	■						■
(ww) “The purpose of the Conveyance Plat is to provide for its legal conveyance without developing the subject property and for land recordation functions only. Approval and the subsequent filing of the Conveyance Plat does not constitute approval of any type of development on the subject property, as no building or development permits shall be issued, not permanent utility services provided, for land that has only received approval as a Conveyance Plat.”		■					
(xx) “Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (NAD’83).”	■	■	■	■	■	■	■
(yy) “No overhead utilities are permitted on the subject property”;	■	■	■	■	■	■	■
(zz) If property is located in ETJ and there is private park land include the following notation as required in Section 02.03.080 : The Developer has entered into a written agreement that such private park land shall be dedicated to the City at the time of full purpose annexation into the City .				■			

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
OTHER PLANS							
(Need note reference to refer back to Plat types if these plans will be required)							
(aaa) Preliminary Drainage Plans and if applicable a Preliminary Stormwater Management Plan (SWMP) (may be shown on the same sheet);	■		■	■	■	■	■
(bbb) Preliminary Utility Plans;	■		■	■	■	■	■
(ccc) Hydrologic and Hydraulic Analysis						■	
(ddd) Floodplain Study, if applicable;	■		■	■	■	■	■
(eee) Environmental Assessment Study, if applicable;			■	■	■	■	■
(fff) Wetland Delineation Study, if applicable;			■	■	■	■	■
(ggg) Habitat Study, if applicable;			■	■	■	■	■
(hhh) Vegetative Study, if applicable;			■	■	■	■	■
(iii) Erosion Hazard Setback Study, if applicable;			■	■	■	■	■
(jjj) Storm Drainage Study, if applicable;			■	■	■	■	■
(kkk) Riparian (i.e., Tributary) Study, if applicable;			■	■	■	■	■
(lll) Flood Study, if applicable;			■	■	■	■	■
(mmm) Downstream Assessment Study, if applicable;			■	■	■	■	■
(nnn) Traffic Impact Study, if applicable;			■	■	■	■	■
(ooo) Tree Survey, or statement of no protected trees on site."			■	■	■	■	
(ppp) Land Study; (*required for road or thoroughfare realignment)			■	*		■	
(qqq) Phasing Plan;			■			■	
(rrr) A survey or site plan (applicable for those lots or tracts with existing structures);	■	■	■	■	■	■	■
SIGNATURE BLOCKS (SEE BELOW)							
(sss) Certificate of Registered Professional Land Surveyor	■	■	■	■	■	■	■
(ttt) Owner's Acknowledgement and Dedication	■	■	■	■	■	■	■
(uuu) Certificate of Plat Approval	■	■	■	■	■	■	■
ITEMS REQUIRED FOR FILING A PLAT							
(vvv) Size and number of mylar and black line paper copies of the Plat with all original seals and signatures as required by the City of Kaufman and Kaufman County for filing purposes.;	■	■	■	■	■	■	■

TABLE 02.03.113 REQUIRED PLAT FEATURES

For Vacation Plat Features see Section 02.03.0391

For ROW Abandonment Features see Section 02.03.0392

	Amending	Conveyance	Development	Final	Minor	Preliminary	Replat
(www) Provide the required number and sizes of Plat exhibits as described in the Plat Applications with all original seals and signatures.;	■	■	■	■	■	■	■
(xxx) Lot addresses assigned by Kaufman County 911 shall be noted on each lot of each original Plat exhibit.	■		■	■	■	■	■
(yyy) Tax Certificates from each taxing entity, signed and sealed from County Tax Office.	■	■	■	■	■	■	■
(zzz) Filing recordation fee as determined by Kaufman County Clerk's Office	■	■	■	■	■	■	■

(bbb) (Certificate of Registered Professional Land Surveyor example)

CERTIFICATE OF REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS §
COUNTY OF _____§

I, the undersigned, a (Licensed Professional Engineer/Registered Professional Surveyor) in the State of Teas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Engineer or Surveyor's Seal)

Licensed Professional Engineer
Or Registered Professional Surveyor

Date

STATE OF TEXAS §
COUNTY OF _____§

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this ____ day of _____, 20__.

NOTARY PUBLIC

_____ County, Texas

(ccc) (Owner's Acknowledgement and Dedication example)

OWNER ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF _____ §

I (we), the undersigned, owner (s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description Boundary)

NOW, THEREFORE, KNOW ALL PERSON BY THESE PRESENTS:

THAT _____, acting herein by and through its duly authorized officer, does hereby adopt this plat designating the hereinabove described property as _____ (lot/block/subdivision), an addition to the City of Kaufman, Texas, and does hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, fire lanes, drive aisles, parking spaces, parks and trails, and to the public use forever Easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains, and other utilities and facilities, and any other property necessary to serve the plat and to implement the requirements of the subdivision regulations and other City codes and do hereby bind ourselves, our heirs, successors and assigns to warrant and to forever defend the title on the land so dedicated. Further, the undersigned covenants and agrees that he/she shall maintain all Easements and facilities in a state of good repair and functional condition at all times in accordance with City codes and regulations. No buildings, fences trees shrubs or other improvements or growths shall be constructed or placed upon, over, across the Easements as shown, except that landscape improvements may be installed, if approved by the City of Kaufman. At no point shall any overhead utilities be installed on the subject property. The City of Kaufman and public utility entities shall have the right to access and maintain all respective Easements without the necessity at any time of procuring permission from anyone.

By: _____ (Company Name if applicable)____
Owner: _____
Title: _____
Date: _____

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority in and for _____, County, Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she is _____, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

(ddd) (Certificate of Plat Approval example for **Amending, Conveyance and Minor Plats**)

CERTIFICATE OF PLAT APPROVAL	
Approved	
_____ City Official City of Kaufman, Texas	_____ Date
Witness by hand this _____ day of _____, 20____.	
_____ City Secretary City of Kaufman, Texas	

(ddd) (Certificate of Plat Approval example for **Preliminary, Final, Replats, Development and Vacation Plats**)

CERTIFICATE OF PLAT APPROVAL	
Approved	
_____ Planning and Zoning Commission Chairperson City of Kaufman, Texas	_____ Date
_____ Mayor City of Kaufman, Texas	_____ Date
Witness by hand this _____ day of _____, 20____.	
_____ City Secretary City of Kaufman, Texas	

Diagram 02.03.115 Flag Lots

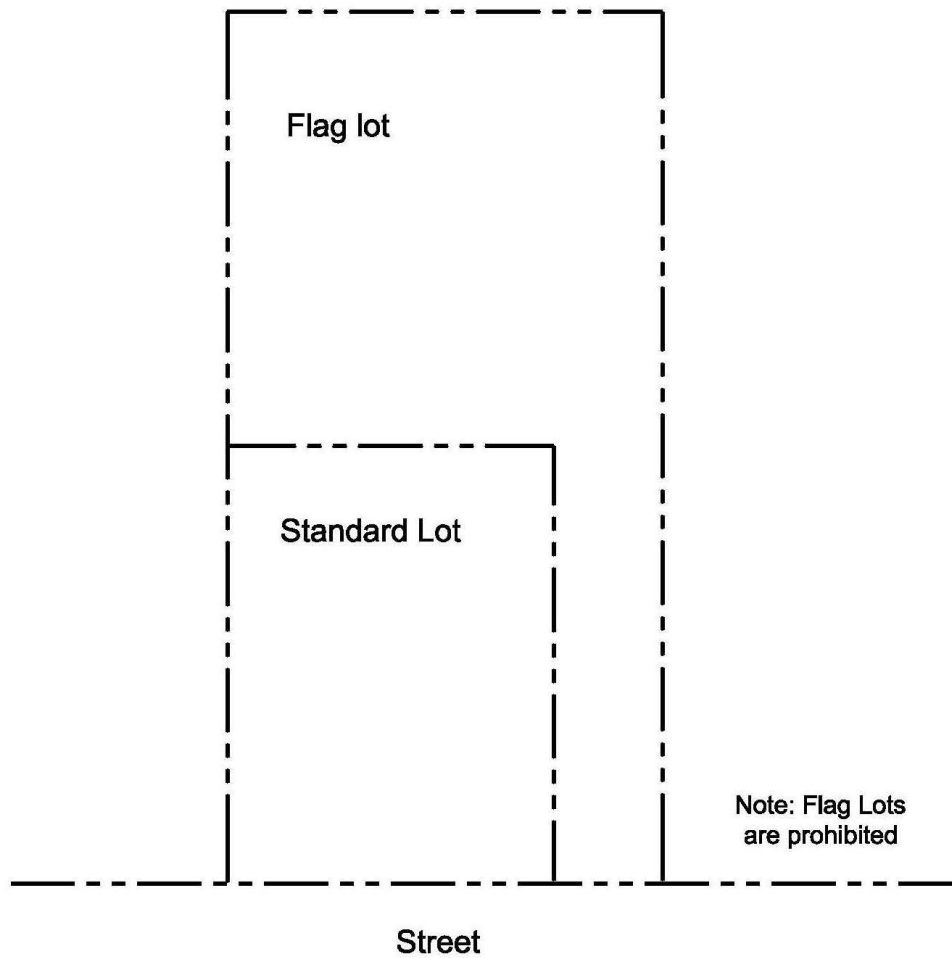


Diagram 02.03.116 Determination of Lot Depth on an Irregular Shaped Lot

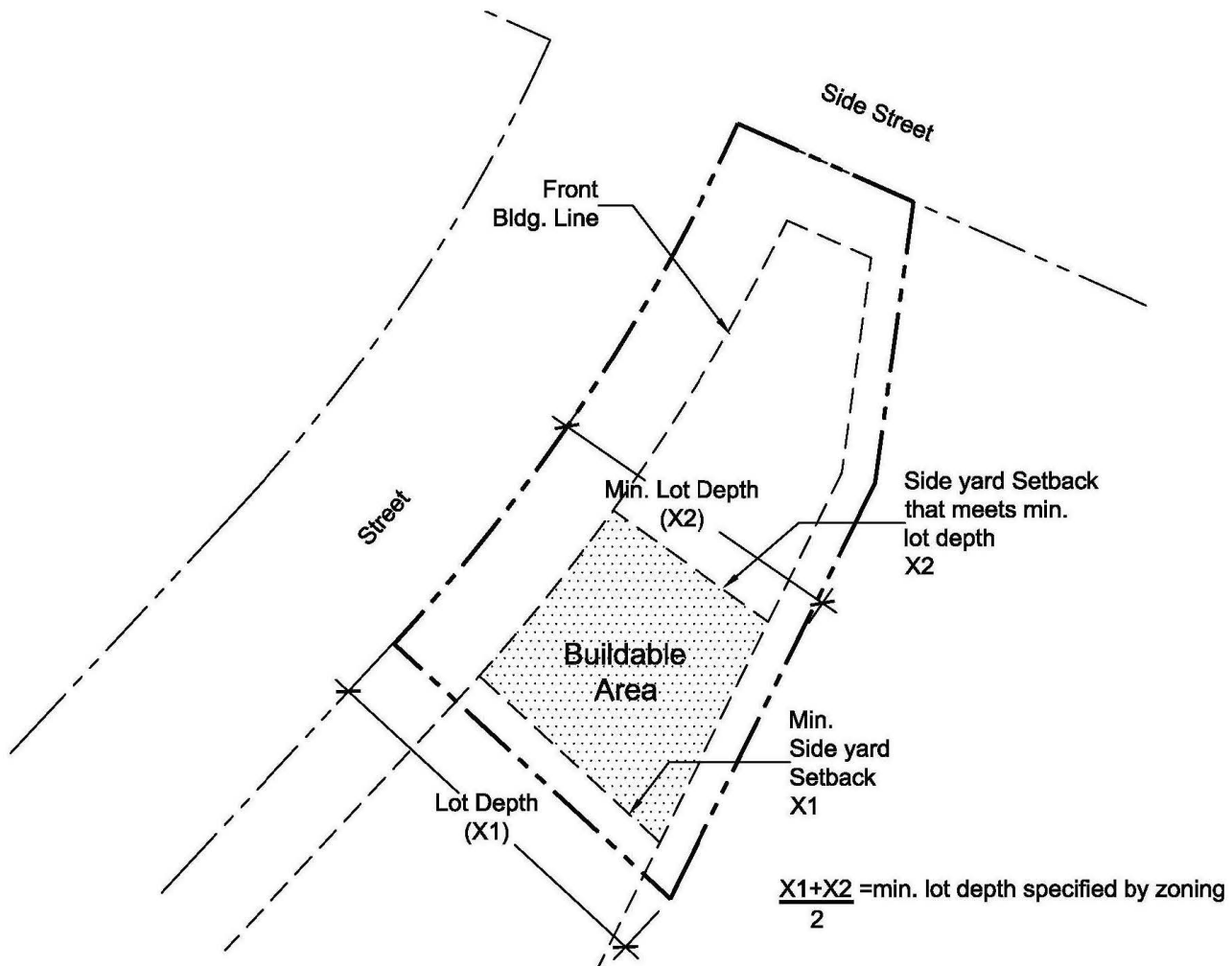


Diagram 02.03.117 Lot Frontage – Curved Streets

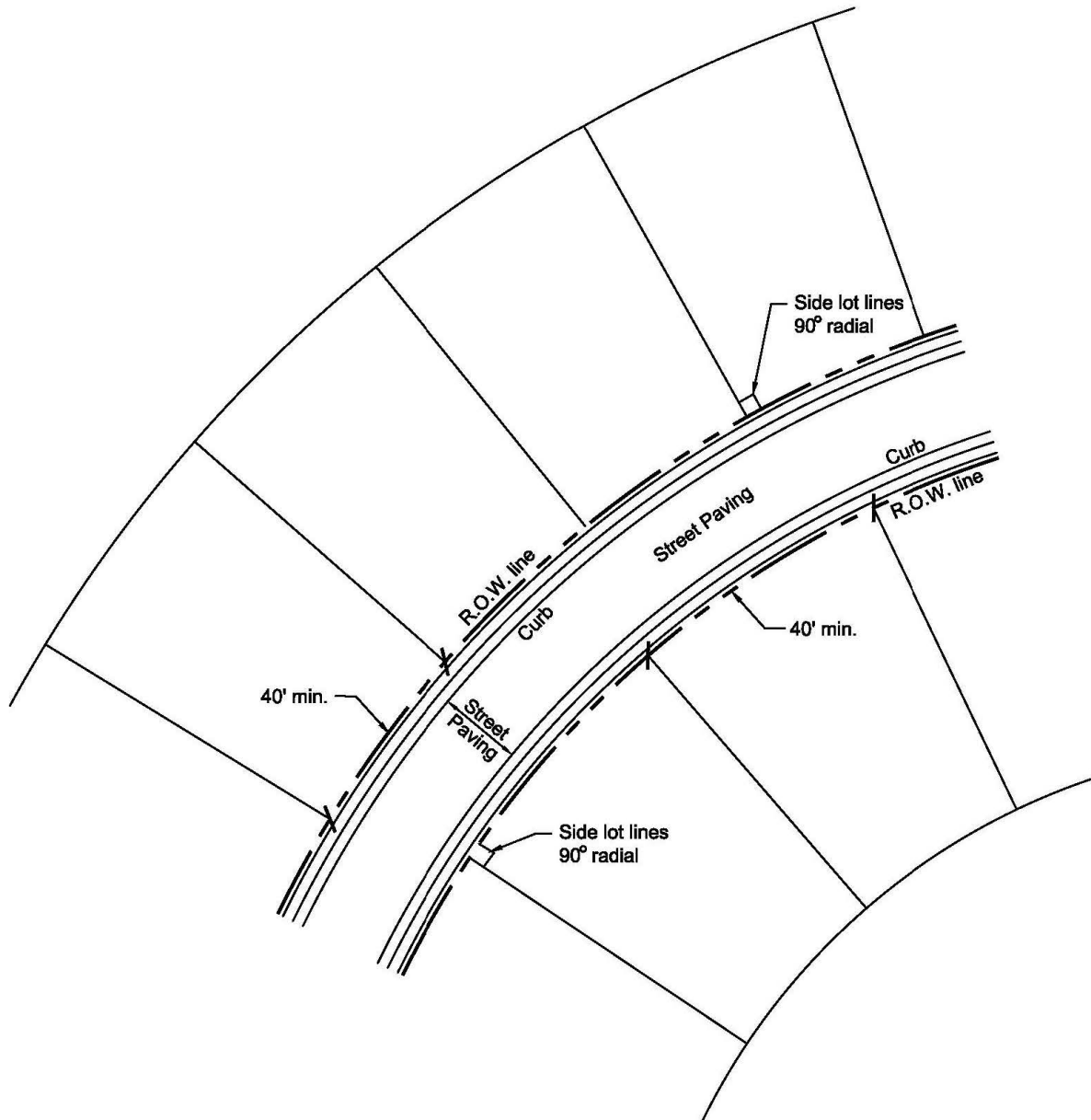


Diagram 02.03.118 Lot Frontage – Cul-de-Sacs Minimum Dimensions

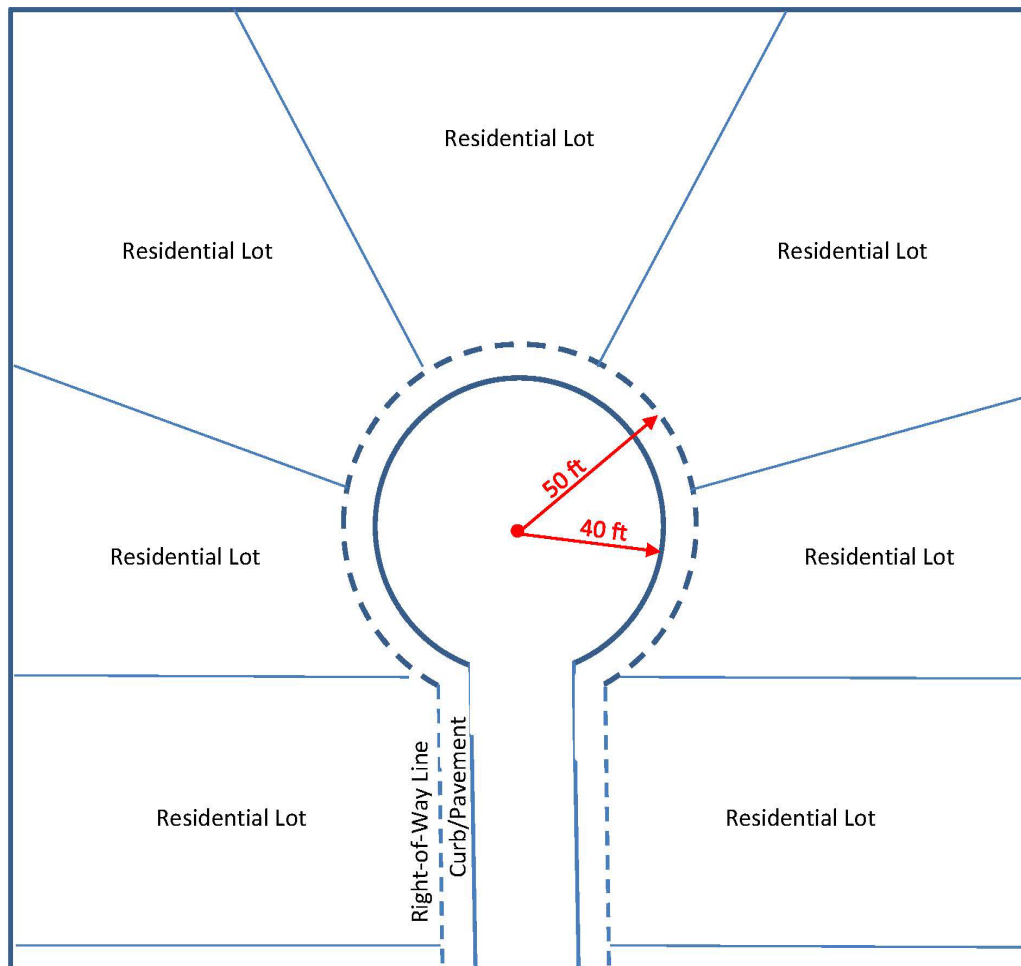


Diagram 02.03.119 Centrally Located Amenity Center Siting

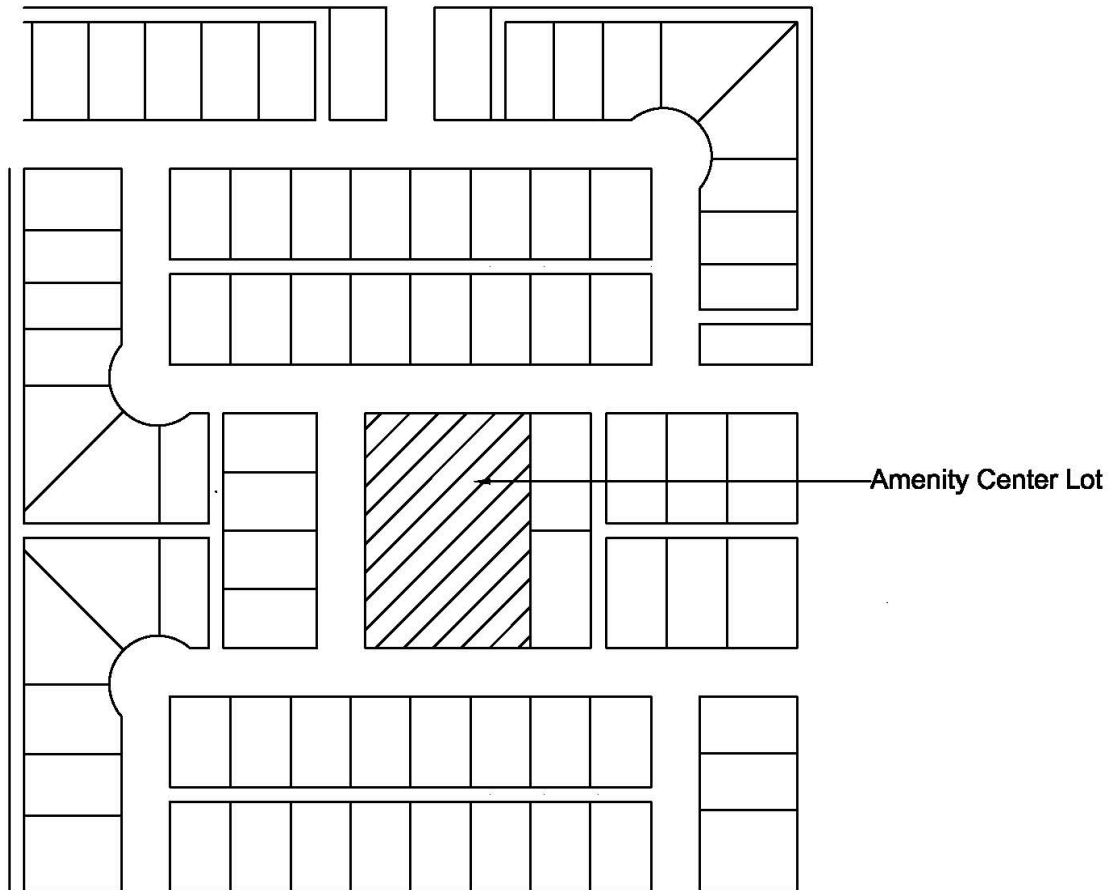
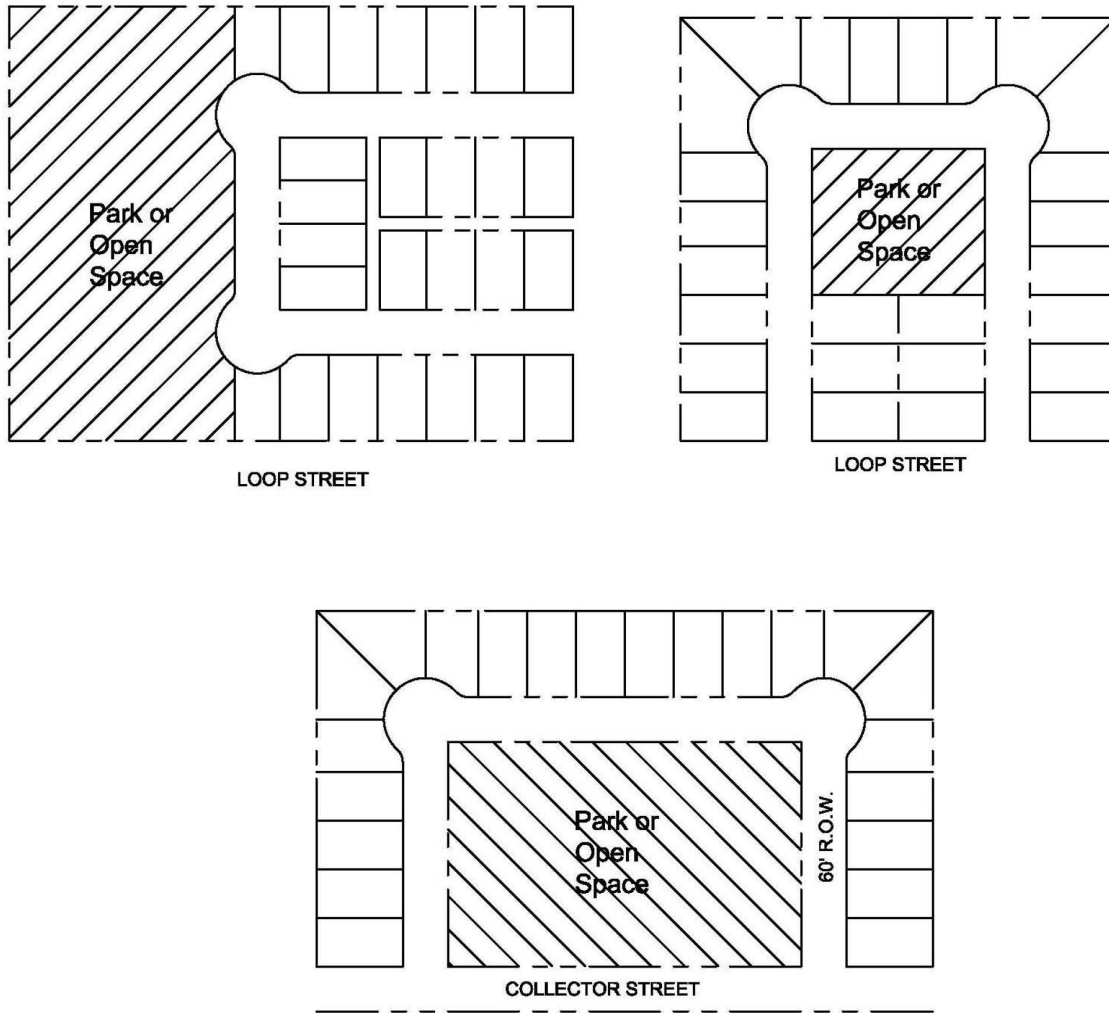


Diagram 02.03.1191 Access & Lot Orientation to Parks and/or Open Space



CITY OF KAUFMAN

Standards of Design and Construction

Appendix 1



City of Kaufman, Texas

Adopted April 22, 2024

Ordinance O-05-24

Ratcliff Planning Consultants

&



Kaufman City Council Members

Jeff Jordan, Mayor

Matthew Phillips, Mayor Pro Tem

Charles Gillenwater

Lisa Parker

Jason Nelson

Ashlea Longenecker

Quattro Borders

Kaufman Planning and Zoning Commission

Richard Dunn, Chairperson

Burton Brown, Vice Chairperson

Kathy Thorpe

Porfilo Lopez

Kathleen Sisson

Mike Slye

Lindsey Haynes

Mike Holder, ICMA-CM, City Manager

Rachel Balthrop Mendoza, Assistant City Manager

Andrew Bogda, AICP, Development Services Director

Tim Hopwood, Director of Public Works

Prepared by

Ratcliff Planning Consultants

&





CHAPTER 02.031
STANDARDS OF DESIGN AND CONSTRUCTION
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ARTICLE 02.031.000..... GENERAL REQUIREMENTS

SEC. 02.031.001..... INTRODUCTION.

- (a) **Applicability.** The Appendix 1 “*Standards of Design and Construction*” are generated to implement the provisions of the Subdivision Ordinance and to provide for the orderly safe, healthy, and uniform development of the area within the corporate city limits and within the surrounding City extraterritorial jurisdiction (ETJ)
- (b) **Supplemental Applicability.** The *5th Edition of the North Central Texas Council of Government (NCTCOG) Standard Specifications for Public Works Construction* dated November 2017 as amended by the City of Kaufman Special Provisions are supplemental and are made a part of the Standards of Design and Construction. These documents are to be considered as the minimum requirements of engineering design. The adherence to the requirements of these documents and/or the approval by the City of Kaufman and its agents in no way relieves the developer or their engineer of the responsibility or adequacy of design, which may require more stringent stands than these, the completeness of plans and specifications or the suitability of the completed facilities. In unusual circumstances, the City of Kaufman may determine that designs other than those of the Standards are necessary and will inform the developer of such requirements before final engineering review.
- (c) **Deviations.** The developer and/or their representative shall obtain authorization from the City of Kaufman, in writing, for any deviations from the requirements set forth in the Standards of Design and Construction, Standard Specification for Public Works Construction.

SEC. 02.031.002..... STANDARDS OF DESIGN AND CONSTRUCTION.

- (a) **Authority.** The “Standards of Design and Construction”, as adopted by the City of Kaufman, are set forth herein. These standards shall be considered as the minimum requirements, and it shall be the responsibility of the developer to determine if more stringent requirements are necessary for a particular development. It is not intended that the “Standards of Design and Construction” cover all aspects of a development.
 - (1) For those elements omitted, the developer will be expected to provide designs and facilities in accordance with good engineering practice and to cause the facilities to be constructed utilizing first class workmanship and materials.
 - (2) The Director of Public Works and/or the City Engineer reserves the right to request additional information not covered within the “Standards of Design and Construction” to be included in the design plans by the developer/design engineer in order to validate the intent, safety, constructability, readability, and competence of the design plans.
 - (3) The developer/engineer must ensure that all design and construction is in accordance with all Federal, State, and local regulations, and must provide certification on the final plans. A copy of all determinations, permits, and approvals received from Federal, State, and local agencies must be provided to the Development Services Department in conjunction with the submission of the initial construction plans.

- (4) All engineering design and Construction Plans submitted to the Development Services Department by the developer/design engineer shall be in conformance with the adopted "Standard of Design and Construction" that are in effect when the first submittal is received by the Development Services Department.
 - i. If subsequent submittals have not been received within one (1) year of the previous submittal, any subsequent submittals must conform to the current adopted "Standards of Design and Construction". Approved construction plans will expire within one (1) year of approval date and must be reviewed and revised to meet the current adopted "Standards of Design and Construction".

SEC. 02.031.003..... STANDARD OF SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.

- (a) The City of Kaufman Special Provision to the NCTCOG Standard Specifications for Public Works Construction, 5th Edition, November 2017, as adopted by the City of Kaufman is referenced in this document. The Standard Specifications for construction set forth the minimum requirements for materials and workmanship for streets, parking lots, sidewalks, drainage, water, and wastewater systems.
- (b) In an effort to have uniformity and to facilitate maintenance, the City has adopted the North Central Texas Council of Governments (NCTCOG) Standard Drawings as modified by the City of Kaufman Special Provisions for certain facilities such as manholes, street sections, sidewalks, water, wastewater, storm water, curb inlets, barrier free ramps, etc. The City of Kaufman Special Provisions can be obtained from the Public Works Department. The NCTCOG Standard Specifications can be obtained from the North Central Texas Council of Governments web page (www.NCTCOG.org).

SEC. 02.031.004..... INSPECTION OF CONSTRUCTION BY CITY PERSONNEL.

- (a) Inspection of construction and verification of compliance to the plans and specifications shall be conducted by the City of Kaufman staff under the direction of the Director of Public Works and/or the City Engineer. The facilities included in this inspection requirement are streets, sidewalks, parking lots, alleys, storm drainage facilities, water distribution systems, wastewater collection system, etc. The developer shall advise all of his construction contractors of this requirement.
- (b) No development will be accepted by the City until all construction has been approved by the City of Kaufman's staff. The developer shall be responsible for any additional expense to the City at a rate established by the City at that time when inspection is done after normal business hours of the City. The date of acceptance will be when all items have been accepted by the City Council. Twenty (20) months from the date of acceptance the City will determine any failures or defects and repairs will be made by the contractor.
- (c) The accepted method of inspection for underground utilities shall be videoed and the City will require a copy of such inspection. The Developer or contractor shall be responsible for the cost of the videoed inspection.

SEC. 02.031.005..... FRANCHISE AND PUBLIC UTILITIES TO BE UNDERGROUND.

- (a) All franchise and public utilities within a residential and commercial development shall be placed underground. Utilities are defined for this purpose as water pipelines, wastewater pipelines, storm water pipelines, natural gas pipelines, telephone wires, cable TV wires and electric wires.
- (b) In case of special or unique circumstances, the City may grant exceptions to this requirement (See Subdivision Regulations, Article 02.03.086 Exceptions and Minor Modifications). Any request for an exception should be submitted in writing to the City of Kaufman setting forth the justification for an exception. The granting of an exception by the City Council will be in writing. No work will be accepted without written approval from the Director of Public Works and/or the City Engineer.

SEC. 02.031.006..... SUBMITTAL TO UTILITY COMPANIES.

- (a) The developer shall be responsible for submittal of information needed to design private utilities for the development. This information shall be submitted to the franchise (gas, electric, phone, and cable) companies. Written confirmation from the franchise companies shall be submitted to the Public Works and Development Services Department, verifying that the affected utility companies have installed their respective utilities prior to engineering acceptance of project.

SEC. 02.031.007..... REQUIREMENTS OF THE FINAL CONSTRUCTION PLAN DRAWINGS.

- (a) The final construction plan drawings shall conform to the established "Construction Plan Drawings Requirements" and these Standards of Design. A general checklist for Construction Plan Drawings Requirements is outlined in Appendix A.
- (b) The final construction plan drawings will consist of drawings showing all information necessary to completely review the engineering design of improvements proposed for or affected by the site and sealed a Registered Professional Engineer within the State of Texas.

SEC. 02.031.008..... CONSTRUCTION PLAN APPROVAL/CONSTRUCTION PERMIT RELEASE.

- (a) All review fees (plan, flood study, TIA, Lift station, etc.) shall be paid in accordance with the any approved associated Development Agreement, Facilities Agreement, Professional Service Agreements and/or prior to and approval of a building permit and commencement of vertical construction.

SEC. 02.031.009..... EASEMENTS AND RIGHT-OF-WAY.

- (a) All easements and right-of-way required for construction of a proposed project must be approved and accepted for filing prior to the approval or release of the final design/construction drawings.
- (b) Requirements for On-Site Easements and Right-of-Way Dedication to the City:
 - (1) All easements and right-of-way shall be dedicated on a plat. No separate instruments will be allowed.

- (2) No structures (buildings, walls, fences, decks, swimming pools, signage/monuments, etc.) are allowed in or over any easements, or rights-of-ways. No trees shall be planted within ten (10) feet of any public water or wastewater line ten (10) inches in diameter or larger. No trees shall be planted within five (5) feet of any public water and wastewater line less than ten (10) inches in diameter. No trees shall be planted within five (5) feet of any public storm system.
 - (3) All drainage and detention easements shall be maintained, repaired, and replaced by the property owner. This statement is to be noted on the plat.
 - (4) No public utilities allowed in detention easements.
 - (5) All rights-of-ways shall have a minimum five (5) foot utility easement dedicated adjacent to them.
 - (6) Easement dimensions and other special requirements can be found in the utility's respective section of these Standards.
- (c) Requirements for Off-Site Easements Dedicated to the City:
- (1) All easement and right-of-way documents shall be on forms provided by the City.
 - (2) Owner/Developer shall furnish the City a current title report and, metes and bounds description, and exhibit that is signed and sealed by a Texas Registered Professional Land Surveyor that shows the easements' and/or right-of-way, location, and current ownership information.
 - (3) All easements shall be reviewed and approved by the Director of Public Works and/or the City Engineer prior to releasing the documents for signatures by the property owners.
 - (4) The individual or entity requesting the easement shall pay all fees, plus filing fees required by the City of Kaufman and Kaufman County.
 - (5) The individual or entity shall return, to the Development Services Department, all originally signed documents, pay all outstanding fees plus a check for filing fees made out to Kaufman County for filing.
 - (6) All filing information for all easements must be shown on all plats.
 - (7) After recordation, a copy of the filed document will be forwarded to the property owner.

SEC. 02.031.010..... FINAL ACCEPTANCE OF CONSTRUCTION PLANS.

- (a) Final Acceptance shall occur when all the items on the General Checklist for Final Acceptance as outlined in Appendix B or C, as applicable and any other more specific comments as provided by the City Engineer and/or the Director of Public Works. Items on the checklist for final acceptance will vary per project and additional items not shown on the check list may be required.

- (b) After improvements have been constructed, the developer shall be responsible for providing to the City “As Built” or “Record Drawings”. The design engineer shall furnish all digital files of the project formatted in Auto Cad 2020, or any other format required by the City or newer, and Adobe Acrobat (.pdf) format with a flash drive. The drive shall include a full set of plans along with any landscaping for residential subdivisions, wall plans, and details sheets.
- (c) Submit one (1)-set of printed drawings of the “Record Drawings” containing copies of all sheets. The printed sheets will be reviewed by the construction inspector **PRIOR** to producing the “Record Drawing” digital files on disk or flash drive. This will allow any revisions to be addressed prior to producing the digital files.
- (d) Record Drawing Disk drawings shall have the design engineer’s seal, signature and must be stamped and dated as “Record Drawings” or “As Built Drawings” on all sheets.
- (e) The City of Kaufman will not accept any “Record Drawing”, or “As Built Drawings” on paper, or digital drawings which include a disclaimer with the like or similar verbiage. A disclaimer shall not directly or indirectly state or indicate that the design engineer or the design engineer’s surveyor/surveyors did not verify grades after construction, or that the Record Drawings were based solely on information provided by the construction contractor/contractors. Any Record Drawings which include like, or similar disclaimer verbiage will not be accepted by the City of Kaufman. Below is acceptable disclaimer language.

Example of Acceptable Disclaimer: To the best of our knowledge ABC Engineering, Inc., hereby states that this plan is As-Built. This information provided is based on surveying at the site and information provided by the contractor.

SEC. 02.031.011..... CHANGES IN STANDARDS OF DESIGN AND CONSTRUCTION.

- (a) These Standards of Design and Construction can be modified by City Council through an ordinance. This document can also be updated from time to time to reflect changes in City requirements. It is the responsibility of the user to obtain the latest revisions of the City’s *Subdivision Ordinance* and this Chapter.

SEC. 02.031.012 to SEC. 02.031.019 RESERVED.

ARTICLE 02.031.0200 STREETS

SEC. 02.031.0211..... GENERAL.

- (a) The street system, including the street layout, shall be in accordance with generally accepted engineering practices and in compliance with the City of Kaufman's Comprehensive Plan, *Thoroughfare Plan*, *Zoning Ordinance*, *Subdivision Regulations* and the Kaufman County *Thoroughfare Plan*, and other applicable regulations, as amended.
- (b) The drainage system, as incorporated into the street system, shall comply with Section 300 of this Chapter. The plans and specifications, design computations, if required, and other applicable data shall be submitted to the City for review.
- (c) Construction shall not commence prior to approval of the plans and specifications by the City. All changes during construction shall be submitted to the Director of Public Works and/or the City Engineer for approval prior to any construction modifications.

SEC. 02.031.0212 STREET ARRANGEMENT.

- (a) Unless otherwise approved by the City, provisions shall be made for the extension of existing major arterials, collector streets and local streets in accordance with the City and Kaufman County Master Thoroughfare Plan and any specific street alignments as adopted by the City Council.
- (b) Off-center intersections will be considered for approval only for minor collectors and local streets and only when there is a minimum property line separation of one-hundred-twenty-five feet (125') unless otherwise approved by the Director of Public Works and/or the City Engineer.
- (c) Within residential areas, the following design elements are encouraged:
 - (1) Developing only a limited number of access points to arterial streets bordering the subdivision;
 - i. More than one point of access;
 - ii. Incorporate curvilinear streets into the plan; and
 - iii. Incorporating a discontinuous residential street network, which utilizes three-way intersections in lieu of four-way intersections. When these factors are incorporated into a residential street plan, the result is enhanced character and traffic safety.

SEC. 02.031.0213 THOROUGHFARE AND STREET GEOMETRY.

- (a) Geometric Design Standards. Geometric design standards are presented in two (2) formats within this section, **Table 2.1 Thoroughfare Geometric Design Standards** identifies specific design criteria for each standard roadway type. **Figure 2.1A and 2.1B** shows the typical cross-section for each standard roadway type. It is noted that dimensions shown are to the face of curb, unless specifically identified otherwise. **Figure 2.1C** shows the typical radii of a cul-de-sac, and an eyebrow.
- (b) Each roadway type is keyed to the City Master Thoroughfare Plan, with the exception of local streets. The reader is referred to this document for information as to the locations where these roadways are to be used.

Table 2.1 Thoroughfare Geometric Design Standards

Thoroughfare Designation	Type "A"	Type "B"	Type "C"	Type "D"	
Thoroughfare Type	Major Arterial Divided 6-Lane	Minor Arterial Divided 4-Lane	Major Collector Undivided 4-Lane	Minor Collector/ Local Commercial Undivided	Local (Residential) ***
Number Traffic Lanes	6	4	4	2	2
Minimum Lane Width (feet)	12	12	12	12 +2 Parking	14
*Minimum R.O.W. Width (feet)	120	100	80	60	*50
Design speed (m.p.h.)	45	40	35	30	30
Posted Speed (m.p.h.)	40	35	30	30	30
Stopping sight distance (feet)	400	325	275	200	200
**Median Width (feet)	**12	**14	—	—	—
Minimum Lateral Clearance (feet)	6	6	6	6	—
Parking Permitted	NO	NO	NO	COM.-SOME RES.-YES	RES.YES
Minimum Horizontal Centerline Curvature (feet)	1200	850	Com.-700 Res.-600	Com.-500 Res.-350	Res.-250 Elbow -50'
Crest Vertical Curve Minimum K Value	120	80	50	30	30
Sag Vertical Curve Minimum K Value	90	70	50	40	40
Maximum Grade (%)	7.5 (For max length of 200')	7.5 (For max length of 200')	7.5	7.5	10.0
Minimum Grade (%)	0.7	0.7	0.7	0.7	0.7

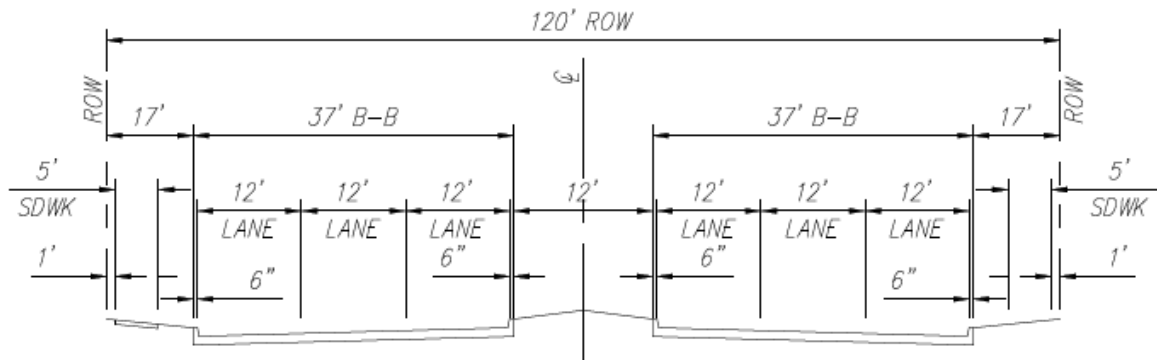
*RIGHT-OF-WAY REQUIREMENTS FOR STATE HIGHWAYS AND/OR THE PROVISION OF RIGHT TURN LANES OR OTHER INTERSECTION IMPROVEMENTS MAY EXCEED THIS MINIMUM R.O.W. STANDARD.

**LARGER MEDIANS MAY BE REQUIRED TO PROVIDE FOR MULTIPLE TURN LANES.

***LOCAL RESIDENTIAL CUL-DE-SACS SHALL HAVE A MINIMUM R.O.W. RADIUS OF FIFTY-SEVEN AND HALF FEET (57.5').

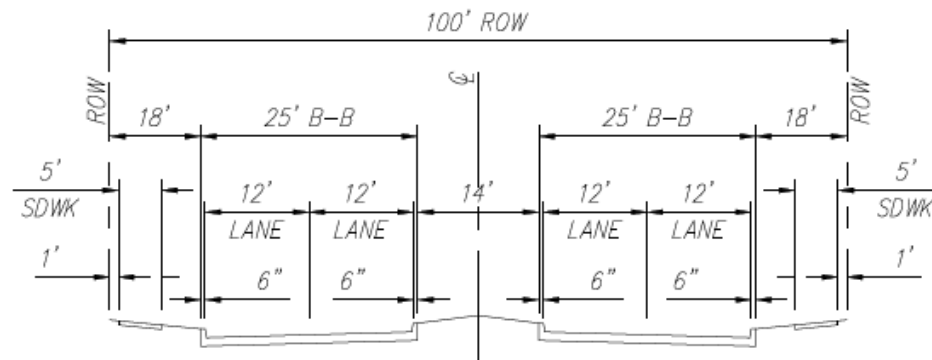
CROSS-SLOPE EXCEPTIONS NEED APPROVAL FROM CITY ENGINEER AND/OR P.W. DIR.

Figure 2.1A. Typical Thoroughfare Cross Sections



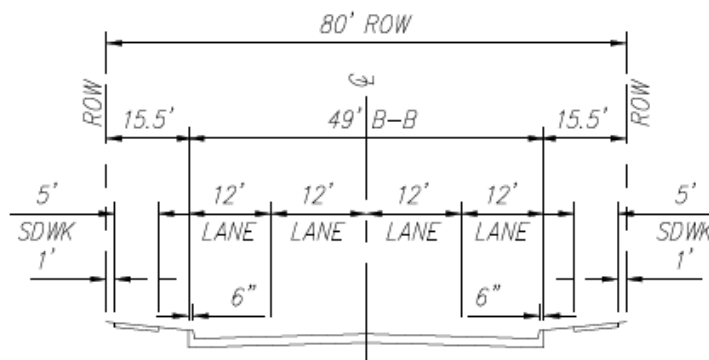
TYPE "A" - MAJOR ARTERIAL

N.T.S.



TYPE "B" - MINOR ARTERIAL

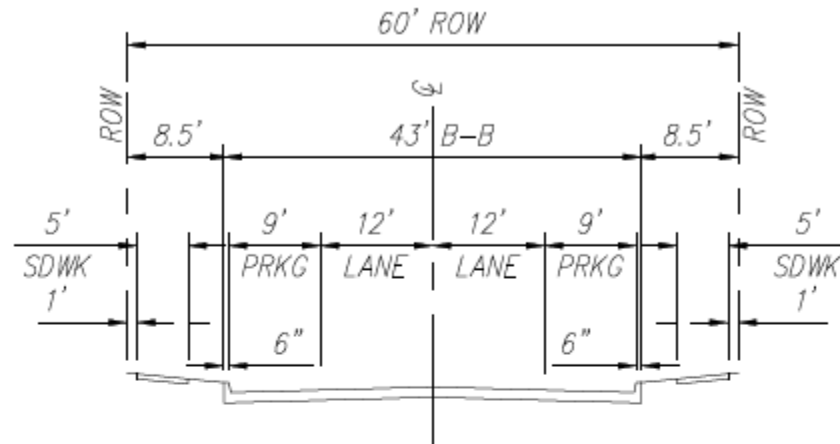
N.T.S.



TYPE "C" - MAJOR COLLECTOR (WITHOUT MEDIAN)

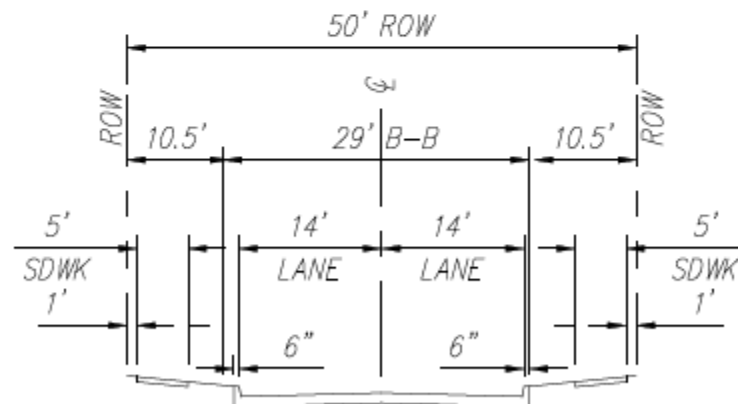
N.T.S.

Figure 2.1B: Typical Thoroughfare Section



TYPE 'D' - MINOR COLLECTOR

N.T.S.



LOCAL (RESIDENTIAL STREET)

N.T.S.

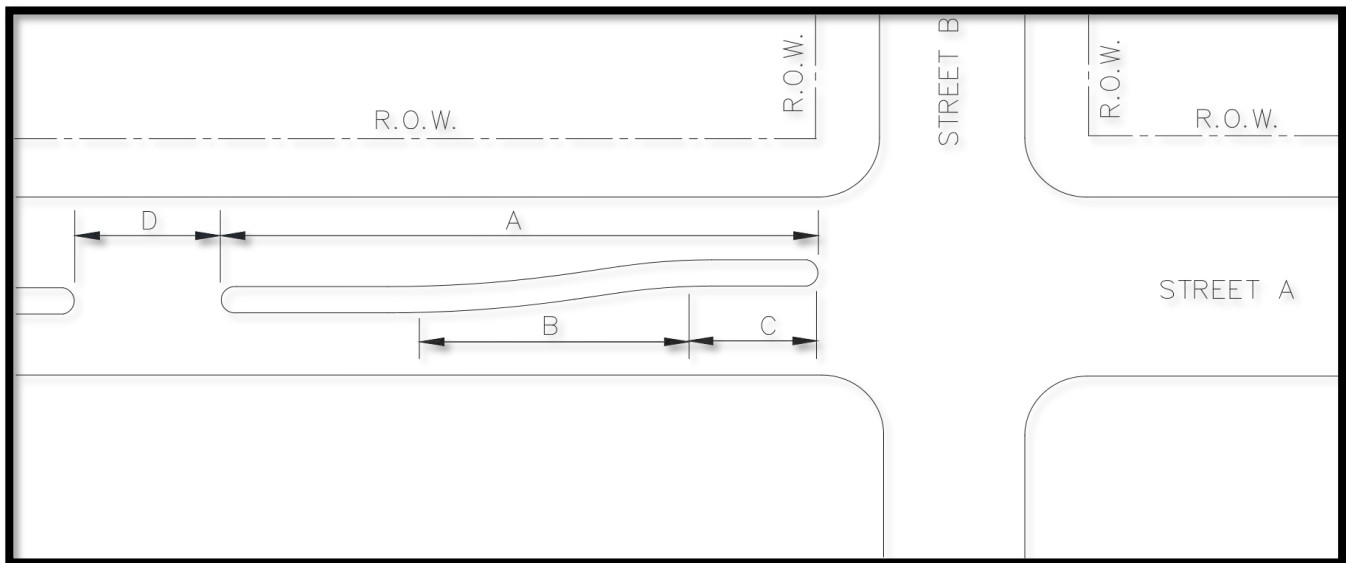
SEC. 02.031.0214 Turn Lanes.

- (a) All left turn storage areas shall be eleven (11) feet wide with minimum storage requirements for left-turn lanes as in **Figure 2.2 Median Design Standards** .
- (b) The transition curves used in left-turn lanes shall be two (2), two hundred-fifty (250)-foot radius reverse curves with a total transition length of one-hundred -feet (100').
- (c) Medians less than seven (7) feet wide (face to face) are required to be constructed of reinforced integral stained and stamped color concrete a minimum of six (6) inch thick median pavement.
- (d) All median noses are to be constructed of City approved integral stained and stamped color concrete. The color and pattern to be approved by the City.
- (e) The paver system shall be installed a distance of ten (10) feet from the end of the nose.

SEC. 02.031.0215 MEDIAN OPENINGS, WIDTH, LOCATION AND SPACING.

- (a) Arterial thoroughfares in Kaufman have raised medians. Arterials having continuous two-way left turn lanes are discouraged and may be utilized only in special circumstances with the approval of the City Council.
- (b) Median openings at intersections shall be from right-of-way to right-of-way of the intersecting street, unless otherwise approved by the Director of Public Works and/or the City Engineer.
- (c) The width of mid-block median openings shall not be less than sixty (60) feet, but no greater than seventy (70) feet.
- (d) Using the above requirements, examples of the minimum distance between median openings on a divided street where left-turn storage is provided in both directions are:
 - (1) Three hundred ten (310) feet from nose to nose of the median from the intersection of two major thoroughfares to a street or drive (see **Figure 2.2 Median Design Standards**);
 - (2) Two-hundred sixty (260) feet from nose to nose of the median from the intersection of two secondary thoroughfares or a secondary thoroughfare and a major thoroughfare to a residential street or a drive (see **Figure 2.2 Median Design Standards**), and;
 - (3) Two-hundred twenty (220) feet from nose to nose of the median for intersection combinations of drives and/or residential streets (see **Figure 2.2 Median Design Standards**).
- (d) Medians less than seven (7) feet wide are required to be constructed of a City approved paver or stamped concrete system. All median noses are to be constructed of City approved paver or stamped concrete system, a distance of ten (10) feet from the end of the nose.
- (e) Any median that has landscaping requires a mow ramp to be installed for access.
- (f) Noses shall be a solid poured steel reinforced concrete bullet nose.

Figure 2.2: Median Design Standards



INTERSECTING STREET TYPE		MINIMUM LENGTH (FEET)			
STREET A	STREET B	A	B	C*	D**
Major Arterial (6 Lanes)	Major Arterial (6 Lanes)	310	100	150	60
Major Arterial (6 Lanes)	Minor Arterial (4 Lanes)	260	100	100	60
Major Arterial (6 Lanes)	Major Collector (4 Lanes) Minor Collector (2 Lanes)	260	100	100	60
Major Arterial (6 Lanes)	Local/Private (2 Lanes)	260	100	60	60
Minor Arterial (4 Lanes)	Major Arterial (6 Lanes)	310	100	150	60
Minor Arterial (4 Lanes)	Minor Arterial (4 Lanes)	260	100	100	60
Minor Arterial (4 Lanes)	Major Collector (4 Lanes) Minor Collector (2 Lanes)	260	100	100	60
Minor Arterial (4 Lanes)	Local/Private	220	100	60	60

LEFT-TURN STORAGE AREA WIDTH 11' MINIMUM

MEDIAN WIDTH (See Table 2.1 Geometric Design Standard For Principal And Minor Arterial).

***MINIMUM LENGTH – ACTUAL LENGTH DEPENDENT UPON ANTICIPATED TURN VOLUME**

****OR STREET WIDTH + 8 FEET – WHICHEVER IS GREATER. AN EXCEPTION MAYBE GRANTED BY CITY COUNCIL ON A CASE-BY-CASE BASIS.**

SEC.02.031.0216 DRIVEWAY SEPARATIONS.

- (a) Minimum standards for driveway separation accessing the same site are shown in **Figure 2.3 Minimum Driveway Spacing and Corner Clearance**. This standard applies to all non-residential uses.
- (b) There is a minimum distance upstream and downstream from adjacent intersections within which driveways should not be located. This separation distance varies with the classification of street and is shown in **Figure 2.3 Minimum Driveway Spacing and Corner Clearance**. This standard applies to all non-residential users.
- (c) At mid-block access points, there is a minimum distance from a median nose, within which driveways should not be located. This is shown in **Figure 2.3 Minimum Driveway Spacing and Corner Clearance** and is equally applicable along both major and minor arterials for non-residential uses. All proposed paving connections to existing paving require a longitudinal butt joint connection.
- (d) Minor Exceptions to these minimum standards may be approved by the Director of Public Works and/or the City Engineer based on visibility issues such as, but not limited to; the existing topography, physical constraints, and traffic safety related to the site.

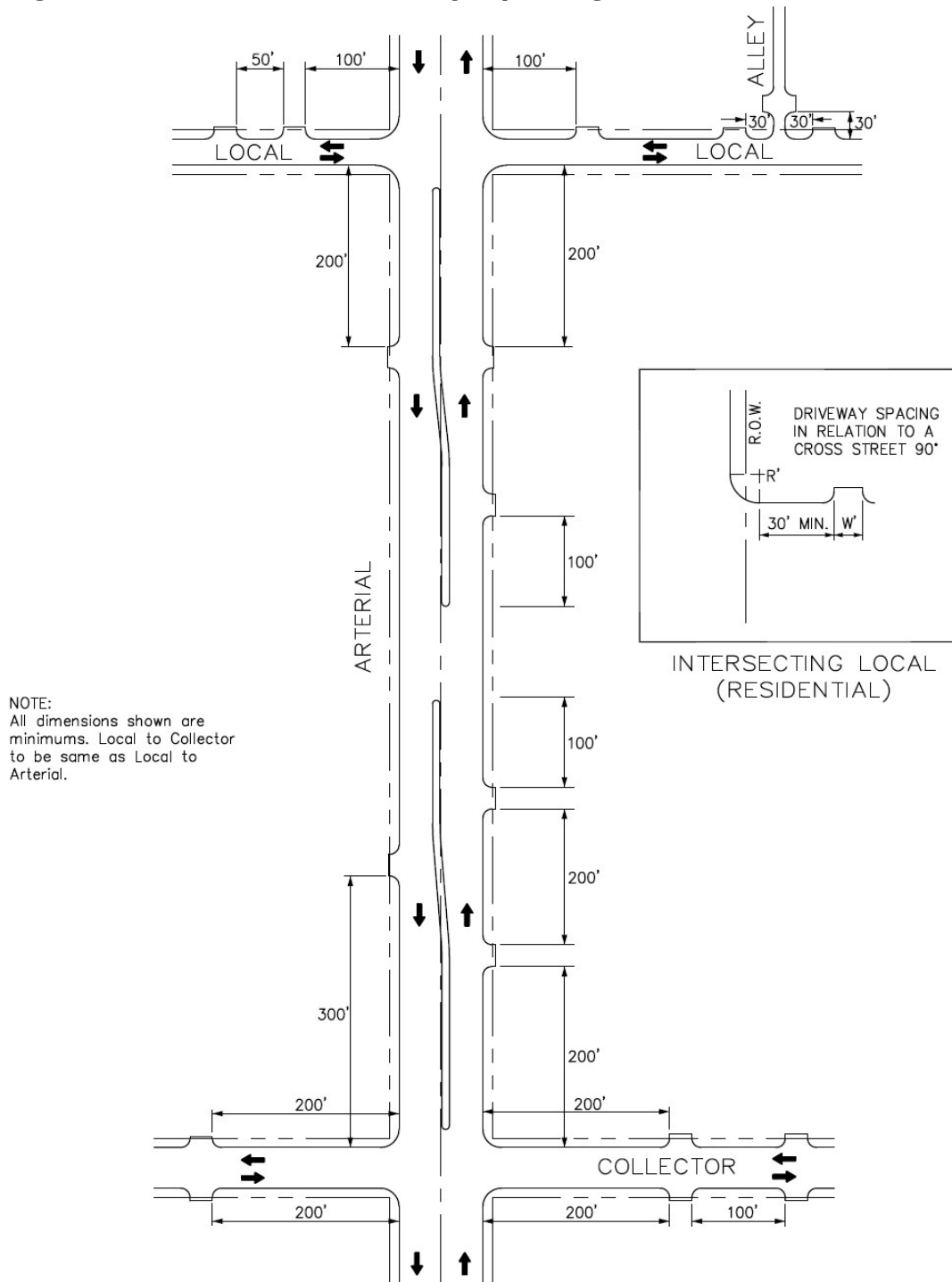
SEC. 02.031.0217 DRIVEWAYS ON TXDOT FACILITIES.

- (a) Driveways on TxDOT facilities shall be placed in accordance to City Standards set forth in this section and the requirements of the current TxDOT's Access Management Manual and require TxDOT Driveway Permit approval.
- (b) TxDOT Driveway Permits shall be processed through the Development Services Department.
 - (1) TxDOT Permit Plan sets shall be 11"x17" in size and signed and sealed by a licensed professional engineer with the State of Texas. The number of printed permit plan sets required shall be set by the Development Services Department. A digital permit plan set signed and sealed set shall also be required.
 - (2) Permit plan sets shall include: typical sections, paving plan, and profile, all applicable TxDOT standard details, traffic control plans sheets, striping plans, demo plans, drainage plans (drainage area map, storm sewer plans and profiles, culvert plans and profiles), and any other items required by TxDOT, or the Director of Public Works and/or the City Engineer to construct the driveway.

SEC. 02.031.0218 BLOCK LENGTHS.

- (a) In general, streets shall be provided at such intervals as to serve cross traffic adequately and to intersect with existing streets. Where no existing plats control, the blocks shall be not more than twelve hundred (1,200) feet in length. Block arrangements must provide access to all lots, and in no case shall a block interfere with traffic circulation.

Figure 2.3 Minimum Driveway Spacing and Corner Clearance



SEC.02.031.0219 STREET INTERSECTIONS.

- (a) More than two streets intersecting at one point shall be avoided. All streets and thoroughfares should intersect other streets and thoroughfares at an angle of ninety (90) degrees unless otherwise approved by the Director of Public Works and/or the City Engineer.
- (b) Arterial and collector street intersections shall have property line right-of-way corner clips with a minimum tangent distance of thirty (30) feet. Residential streets shall have a right-of-way corner clip at their intersection with other streets or thoroughfares consisting of a ten (10) foot by ten (10) foot right-of-way.
- (c) Right-of-way corner clips will be required for all ninety-degree (90°) angle intersections. For all intersections that are **not** ninety-degree (90°) angles, a right-of-way corner clip is required as shown below:
 - (1) Arterial/Collector street intersection – thirty (30) foot by thirty (30) foot;
 - (2) Residential street intersections – twenty (20) foot by twenty (20) foot;
 - (3) Alley to street intersections – ten (10) foot by ten (10) foot
- (d) Curb radii at intersections shall have a minimum radius of thirty (30) feet along arterials, twenty-five (25) feet along collectors and residential streets.
- (e) In any case where streets intersect at an angle of other than ninety (90) degrees, the City may require non-standard right-of-way corner clips and curb return radii. (
- (f) All proposed paving connections to existing paving require a longitudinal butt joint connection.

SEC.02.031.0220 RELATION TO ADJOINING STREETS.

- (a) The system of streets designed for the development, except in unusual cases, must connect with streets already dedicated in adjacent developments. Where no adjacent connections are platted, the streets must be the reasonable projection of streets in the nearest subdivided tracts and must be continued to the boundaries of the tract development, so that other developments may eventually connect with the proposed development.
- (b) Strips of land controlling access to or egress from other property or any street or alley or having the effect of restricting or damaging the adjoining property for development or subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any development unless such reserve strips are conveyed to the City on fee simple.
 - (1) This determination is made by the Director of Development Services, or the Director of Public Works and/or the City Engineer. When such access is needed to maintain permanent City owned utilities, the street will be an improved right-of-way. If the utilities are temporary, an improved easement may be approved.

SEC. 02.031.0221 DEAD-END STREETS, CUL-DE-SACS, AND COURTS.

- (a) Cul-de-sacs are permitted within residential subdivisions. Use of this design shall provide proper access to all lots and shall not exceed six hundred (600) feet in length, measured from the center of the cul-de-sac to the center of the intersecting street (not a dead-end street).
- (b) Cul-de-sac shall have a minimum paving radius of forty-seven and half (47 ½) feet and a minimum right-of-way radius of fifty-seven and half (57 ½) feet. Specific aspects of the standard cul-de-sac design are given in **Figure 2.1C Typical Thoroughfare Cross Sections**. In lieu of the typical design shown, the City may approve alternative concepts for a specific application.

SEC. 02.031.0222 ALLEYS AND ALLEY WIDTHS.

- (a) Alleys may be provided in all residential areas and shall be paved with steel reinforced concrete. No alley may be over twelve hundred (1,200) feet long.
- (b) The minimum width of an alley shall be twenty (20) feet. All alleys shall be privately maintained as a common area lot. Dead-end alleys shall not be permitted. The City may waive this requirement where such dead-end alleys are unavoidable and where adequate turnaround facilities have been provided.
- (c) Adequate provisions shall be made at all intersections in order that equipment, such as garbage collection vehicles and maintenance vehicles, can maneuver the corners.
- (d) The interior edge of the pavement, at the corners, shall have a minimum radius of thirty (30) feet.
- (e) The exterior edge of the pavement, at the corners, shall have a minimum radius of twenty (20) feet.
- (f) The alley paving is to be flared at the street intersection.
- (g) The alley width limits specified in these regulations shall be expanded, if necessary, beyond the minimum requirement in order to include all of the paved sections and utilities within the alley.
- (h) Alley turnouts shall be paved to the property line and shall be fifteen (15) feet wide at that point.
- (i) All alleys shall have a minimum of fourteen (14) feet of steel reinforced paved concrete roadway.
- (j) Alley shall have a minimum thickness of seven (7) inches on the exterior edges and five (5) inches in the center sections.

SEC.02.031.0223 STREET GRADES.

- (a) Arterial streets may have a maximum grade of seven and one-half (7 ½) percent, for a maximum continuous distance of two-hundred(200) feet.
- (b) Collector streets may have a maximum grade of seven and one-half (7 ½) percent.
- (c) Residential streets may have a maximum grade of ten (10) percent, unless otherwise approved by the Director of Public Works and/or the City Engineer, where the natural topography is such as to require steeper grades.
- (d) All streets must have a minimum grade of at least seven-tenths (0.7) of one (1) percent.
- (e) Centerline grade changes with an algebraic difference of more than one (1) percent shall be connected with vertical curves in compliance with the minimum length requirements set forth in **Table 2.2A Crest Vertical Curves and Table 2.2B Sag Vertical Curves**

Table 2.2A: Crest Vertical Curves

Design Speed (MPH)	Coeff. of Friction (a)	Stopping Sight Dist. (Ft.)	Stopping Sight Dist. Rounded for Design (Ft.)	K	K Rounded for Design
15	0.42	72.98	75	4.01	5
20	0.40	106.83	125	8.59	10
25	0.38	146.70	150	16.19	20
30	0.36	193.58	200	28.20	30
35	0.34	248.72	250	46.55	50
40	0.32	313.67	325	74.03	80
45	0.31	383.12	400	110.44	120

(a) AASHTO, p. 316

ROUNDED
MINIMUM LENGTH OF VERTICAL CURVE IN FEET ($L = KA$)
For Speeds and K Values Shown Below

Algebraic Grade Diff. (%) (A)	MPH	15	20	25	30	35	40	45
	K	5	10	20	30	50	80	120
1		5	10	20	30	50	80	120
2		10	20	40	60	100	160	240
3		15	30	60	90	150	240	360
4		20	40	80	120	200	320	480
5		25	50	100	150	250	400	600
6		30	60	120	180	300	480	720
7		35	70	140	210	350	560	840
8		40	80	160	240	400	640	960
9		45	90	180	270	450	720	1080
10		50	100	200	300	500	800	1200
11		55	110	220	330	550	880	1320
12		60	120	240	360	600	960	1440
13		65	130	260	390	650	1040	1560
14		70	140	280	420	700	1120	1680
15		75	150	300	450	750	1200	1800

Table 2.2B: Sag Vertical Curves

Design Speed (MPH)	Coeff. of Friction (a)	Stopping Sight Dist. (Ft.)	Stopping Sight Dist. Rounded for Design (Ft.)	K	K Rounded for Design
15	0.42	72.98	75	8.13	10
20	0.40	106.83	125	14.75	20
25	0.38	146.70	150	23.56	30
30	0.36	193.58	200	34.78	40
35	0.34	248.72	250	48.69	50
40	0.32	313.67	325	65.69	70
45	0.31	383.12	400	84.31	90

(a) AASHTO, p. 316

**ROUNDED
MINIMUM LENGTH OF VERTICAL CURVE IN FEET
For Speeds and K Values Shown Below ($L = KA$)**

Algebraic Grade Diff. (%) (A)	MPH	15	20	25	30	35	40	45
	K	10	20	30	40	50	70	90
1		10	20	30	40	50	70	90
2		20	40	60	80	100	140	180
3		30	60	90	120	150	210	270
4		40	80	120	160	200	280	360
5		50	100	150	200	250	350	450
6		60	120	180	240	300	420	540
7		70	140	210	280	350	490	630
8		80	160	240	320	400	560	720
9		90	180	270	360	450	630	810
10		100	200	300	400	500	700	900
11		110	220	330	440	550	770	990
12		120	240	360	480	600	840	1080
13		130	260	390	520	650	910	1170
14		140	280	420	560	700	980	1260
15		150	300	450	600	750	1050	1350

SEC. 02.031.0224 PAVEMENT DESIGN.

- (a) Traffic projections for next thirty (30) years, engineered paving designs, and subgrade conditions are required for the pavement design section determinations of all collector and arterial streets.

SEC. 02.031.0225 SUBGRADE.

- (a) Subgrades shall be compacted and finished to a smooth uniform surface. Subgrades of native material which have a Plasticity Index (P.I.) of fifteen (15) or more shall be lime stabilized to a minimum depth of six (6) inches. The lime stabilization shall be used for the full width of the street, back of curb to back of curb, plus twelve (12) inches on outside of the curb. The minimum lime content shall be six (6) percent of the dry weight of the material (at least 27 lbs. per square yard).
- (b) Lime stabilization or concrete stabilization may be required for soils showing a P.I. of 15 or less. Type of stabilization and paving design will be determined prior to pavement construction by a certified geotechnical testing lab. The subgrade materials will be tested in accordance with the Standard Specifications for Construction, unless otherwise approved by the City.
- (c) In general, the soils testing will include the testing of Atterburg limits and testing of sulfates to determine if lime stabilization is infeasible. Laboratory tests must be submitted to the Director of Public Works and/or the City Engineer for approval to determine amount of lime required.
- (d) Subgrades should be compacted to ninety-five (95) percent standard densities.
- (e) No sand is allowed under any paving.

SEC.02.031.0226 STEEL REINFORCED CONCRETE PAVEMENT.

- (a) All concrete pavement shall be steel reinforced. The size and spacing shall conform to the design standards in **Table 2.3 Steel Reinforced Concrete Pavement Design** below. All non-structural cracks in paving shall be routed and sealed as determined by the City. All reinforcing steel placed within the public right-of-way shall be grade sixty (60) steel and comply with Texas Department of Transportation.
- (b) Fly ash may be used in concrete pavement locations provided that the maximum cement reduction does not exceed twenty percent (20%) by weight per cubic yard of concrete. The fly ash replacement shall be one and a quarter (1.25) pounds per one (1.0) pound of cement reduction.
- (c) At a minimum, all concrete pavement shall conform to the design standards in **Table 2.3 Steel Reinforced Concrete Pavement Design** below.
- (d) Concrete batch designs for all paving, sidewalks, and sewer/storm structures are to be reviewed and approved by the Director of Public Works and/or the City Engineer.
 - (1) All batch designs shall be submitted with history of recent cylinder breaks for each separate strength requirement (machine placement and hand placed).
 - (2) All batch designs shall have the current date, project name, and use labeled on each design.
 - (3) Submit batch designs to the Director of Public Works and/or the City Engineer a minimum of ten (10) days prior to the projected placement date for review and approval.
 - (4) Submit concrete batch plant permit to the Development Services Department for location approval.

- (e) During construction, the contractor shall furnish the following at his own expense:
- (1) Batch plant control from a qualified commercial laboratory. Laboratory personnel shall be competent to determine free moisture in aggregates and make needed adjustments in control of the mix and slump.
 - (2) Prepare a minimum four (4) compression cylinders for each one-hundred fifty (150) cubic yards of concrete or fraction thereof, with one (1) cylinder break at seven (7) days, one at fourteen (14) days, and a minimum of two (2) cylinders broken at twenty-eight (28) days.
Note* No averaging on cylinder breaks.
 - (3) Testing labs are to submit copies of any and all concrete cylinder breaks that do not meet the twenty-eight (28) day break specifications. Cores are to be taken within ten (10) days of any twenty-eight (28) day cylinder break failures.
 - (4) Test data and copies of all laboratory reports for site work are to be directed to the attention of the designated engineering construction inspector that is assigned to the project.

Table 2.3: Steel Reinforced Concrete Pavement Design

Street/Pavement Type	Minimum Thickness (inches)	Strength 28-Day (psi)	Minimum Cement (sacks / CY)		Steel Reinforcement	
			Machine placed	Hand Placed	Bar #	Spacing (O.C.E.W.)
Arterial *	10"	4,000	6.0	6.5	#3 bars"	18"
Collector *	8"	4,000	6.0	6.5	#3 bars	18"
Residential	6"	4,000	6.0	6.5	#3 bars	18"
Fire Lane	6"	4,000	6.0	6.5	#3 bars	18"
Driveways	6"	4,000	6.0	6.5	#3 bars	18"
Barrier Free Ramps	6"	3,600	N/A	6.5	#3 bars	18"
Sidewalks	4"	3,000	N/A	5.5	#3 bars	18"
Parking Lot/Drive Aisles	5"	3,600	5.0	5.5	#3 bars	18"
Dumpster Pads	7"	4,000	6.0	6.5	#3 bars	18"

* Paving section designs for arterials and collectors shall be based off thirty (30) year projected traffic volumes and geotechnical analysis/report. (Paving section design shall include but not limited to the following: pavement thickness, reinforcing size and spacing, pavement strength, subgrade thickness, subgrade treatment type (lime or cement))

- (f) The City of Kaufman may suspend concreting operations if the quality of the concrete being placed is not acceptable or due to adverse climate conditions. Concrete placement shall cease if the concrete temperature meets or exceeds ninety-five (95) degrees Fahrenheit. If in the opinion of the owner or the City of Kaufman concrete placement operations shall cease if a combination of temperature, wind, and humidity create conditions which are adversely affecting the condition of the concrete.

- (g) Concrete placement shall also cease if concrete temperature is below forty (40) degrees Fahrenheit and falling. Except by specific written authorization of the owner, or the City of Kaufman, no concrete shall be placed when the air temperature is less than forty (40) degrees Fahrenheit and falling but may be placed when the air temperature is above thirty-five (35) degrees Fahrenheit and rising, "Pending No Freezing Weather is Imminent" with the temperature being taken in the shade away from artificial heat.
- (1) When and if such permission is granted, the contractor shall furnish sufficient protective material and devices to enclose and protect the fresh concrete in such a way as to maintain the temperature of fifty (50) degrees Fahrenheit for a period of at least five (5) days.
 - (2) No concrete shall be placed on frozen subgrades. If in the opinion of the owner or the City of Kaufman concrete operations shall cease if a combination of temperature, wind, and humidity create conditions which are adversely affecting the condition of the concrete, then concrete placement shall cease. It is to be distinctly understood that the contractor is responsible for the quality and strength of the concrete placed under any weather conditions.
- (h) Maximum time intervals between the addition of mixing water and/or cement to the batch, and the placing of concrete in the forms shall not exceed standards in **Table 2.4 Maximum Time Interval for Concrete Mixing and Placement** below. The use of an approved set-retarding admixture will permit the extension of the below time maximums, by thirty (30) minutes for agitated concrete only.

**Table 2.4: Maximum Time Intervals for
Concrete Mixing and Placement**

Air or Concrete Temperature of Water to Placement	Maximum Time from Addition Whichever is Higher
Non-Agitated Concrete	
Up to 80 degrees Fahrenheit	30 Minutes
Above 80 degrees Fahrenheit	15 Minutes
Agitated Concrete	
Up to 75 degrees Fahrenheit	90 Minutes
75 degrees to 89 degrees Fahrenheit	60 Minutes
Over 89 degrees Fahrenheit	45 Minutes

SEC. 02.031.0227 PARKWAYS, GRADES AND SIDEWALKS.

- (a) All parkways shall be constructed to conform to top of curb grades with a standard transverse slope of one-quarter (1/4) inch per foot rise from top of curb to right-of-way. All City rights-of-way shall be sodded if disturbed.
- (b) Where the natural topography is such as to require steeper grades, transverse slopes (except for sidewalk) up to three-quarter (3/4) inch per foot may be used with approval of the City of Kaufman.
- (c) Sidewalks shall be required adjacent to all public streets and on all streets designated on the adopted City and County Thoroughfare Plans, and shall stub out to the adjacent property. Barrier free ramps and sidewalks along screening walls, landscaped areas, trails, parks, open space, greenbelts, and/or drainage ways, shall be installed by the Developer with street construction and the sidewalks in front of residential lots shall be installed by the home builder. The City may require sidewalks in other locations.

- (1) Sidewalks shall be five (5) feet in width and shall have one (1) foot of green space between the Right of Way line and the outside edge of sidewalk. Sidewalks shall be located wholly within the street Right of Way, sidewalk corner clip easement, or road easement.
 - i. If a fire hydrant is too close to the sidewalk, swerve sidewalk toward the right-of-way line to maintain five (5) feet clear path.
 - (2) Sidewalks placed adjacent to the back of the curb must be six (6) feet wide and lugged into the curb. Sidewalks to be placed against the back of curb shall be approved by the Director of Public Works and/or the City Engineer.
- (d) If sidewalk has to be built outside the right-of-way, a sidewalk easement shall be required.
- (e) Sidewalks/Trails wider than 5' will be required to have engineered details.

SEC. 02.031.0228 .. ROAD RECONSTRUCTION.

- (a) During a roadway City initiated reconstruction project if a block of a street to be reconstructed does not currently have sidewalks in place, a five (5) foot sidewalk against/adjacent to the curb shall be required on both sides of the roadway within that street block if the following criteria are met:
- (1) The roadway is above a residential/local classification or on the currently adopted Thoroughfare Plan. (i.e., Minor Collector, Major Collector, Minor Arterial and Major Arterial) and has an Average Daily Traffic (ADT) of 750 vehicles or more per day; or
 - (2) Any portion of the street block is located within one-thousand (1,000) feet of a school, city park, or church. In cases where the street block is located within this one-thousand (1,000) foot buffer the street block shall have a direct connection to another street block or sidewalk system that is also located within the one-thousand (1,000) foot buffer. Any street block or sidewalk system that is inhibited from connecting to an existing street block or sidewalk system by a physical barrier (e.g. bridges) may be exempted from this requirement at the discretion of the City Engineer and/or Public Works Director.
 - (3) For the purpose of this section a street block shall be defined as the section of the road that extends from one (1) street intersection to another, or from a street intersection to the end of a cul-de-sac or dead-end.

SEC. 02.031.0229 Driveways/Drive Aisles.

(a) Residential.

- (1) Steel reinforced concrete residential driveways to serve single car garages shall not be less than twelve (12) feet in width. Two car garages, carports and/or storage areas shall not be less than eighteen (18) feet and no more than twenty-four (24) feet in width at the property line. The width of the driveway for a three-car garage shall be twenty-eight (28) feet or larger on a case-by-case basis.
- (2) Residential driveways shall be separated from one another by a distance of at least ten (10) feet. The radii of all residential driveway returns shall be a minimum of five (5) feet and shall not extend past the adjoining property line. The driveway approaches devoted to one use shall not occupy more than sixty percent (60%) of the frontage abutting the roadway or alley.

(b) Non-Residential.

- (1) Steel reinforced concrete driveways providing access to multi-family or nonresidential uses shall have a minimum width of twenty-four (24) feet and a maximum width of forty-five (45) feet when measured at their narrowest point near, or at, the property line.

- (2) The minimum radius for these uses shall be twenty-five (25) feet. Larger radii are encouraged. Driveway radii returns shall not extend across abutting property lines.
- (3) The drive aisles shall have a minimum width of twenty-four (24) feet
- (4) Limitations on permissible locations for these driveways are addressed in **Section 02.03.0216 Driveway Separations**.

SEC. 02.031.0230 GRADES.

- (a) The change in grade between the roadway cross slope and the slope of the driveway apron is important to ensure a smooth, low speed turning maneuver. The maximum algebraic change in grade is shown in **Table 2.4 Driveway Grades and Grade Change**. An abrupt change in grade will cause the front bumper to drag on the surface of the street and driveway.

Table 2.5: Driveway Grades and Grade Change

Type	Max Grade	Max Algebraic Change in Grade
Residential	14%	12%
Non-Residential	8%	8%

- (b) When an algebraic change in grade occurs within a driveway of more than 4% vertical curve will be required. The minimum recommended lengths of vertical curve for the corresponding change in grade for driveway profiles are shown in **Table 2.5 Vertical Curve Lengths for Driveways**. It is recommended to put a two (2) foot vertical curve wherever the algebraic change in grade is less than four percent (4%).

Table 2.6: Vertical Curve Lengths for Driveways

Algebraic Change in Grade	Minimum Length (ft)	
	Crest Curve	Sag Curve
< 4%	2	2
4% - 5%	5	6
6% - 8%	5	7
9% – 12%	6	8

- (c) All driveway profiles should be designed to accommodate a sidewalk crossing at a maximum allowable cross-slope of two percent in order to meet ADA requirements. A sidewalk crossing grade of two percent (2%) shall be incorporated into the driveway even if a sidewalk is not to be constructed at the same time.
- (d) Reference driveway profiles **Figure 2.4 Driveway Profiles on an Upgrade** and **Figure 2.5, Driveway Profiles on a Downgrade**. No downgrade driveways will be allowed for new development or construction. If an existing driveway with a downgrade already exists it shall be reconstructed to conform to **Figure 2.5 Driveway Profiles on a Downgrade**. All down grade driveways shall have a raise that must be equal to or above the top of curb elevation.

SEC. 02.031.0231 TRAFFIC INFORMATION AND CONTROL DEVICES.

- (a) Any work disturbing traffic on City streets shall require a signed and sealed traffic control plan by a Registered Professional Engineer in the State of Texas. All signage in City right-of-way shall conform to the Texas Manual of Uniform Traffic Control Devices.
- (b) The developer shall be responsible for and arrange for the installation of all pavement striping, regulatory, warning, guide, and school zone signs including posts, as shown on the plans, or as directed by the City. Street name signs shall be installed at each intersection. Examples of regulatory, warning, information and guide signs are as follows:
 - (1) Regulatory signs shall include, but are not limited to, STOP, 4-WAY, YIELD, KEEP RIGHT and speed limit signs.
 - (2) Warning signs shall include, but are not limited to, DEAD END, NO OUTLET, DIVIDED ROAD, DIP, and PAVEMENT ENDS.
 - (3) Guide signals shall include, but are not limited to, street name signs, DETOUR, direction arrow and advance arrow. Traffic striping and buttons shall be provided by the developer as shown on plans or as directed by the City.
 - (4) All signage within medians shall be break away pole bases

Figure 2.4: Driveway Profiles on an Upgrade

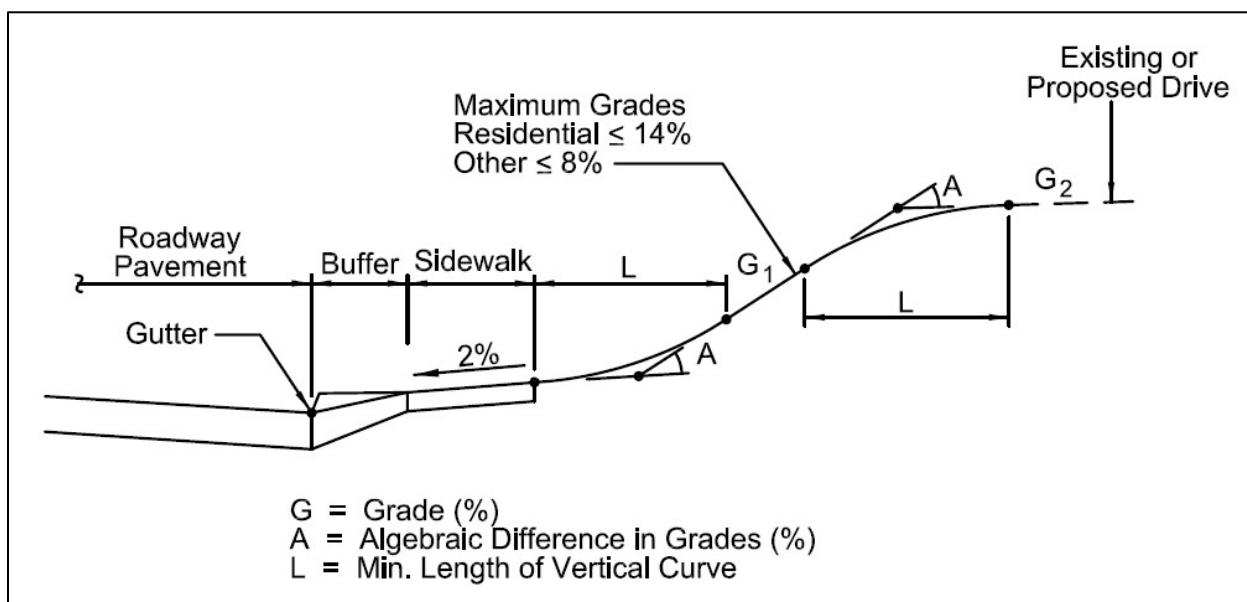
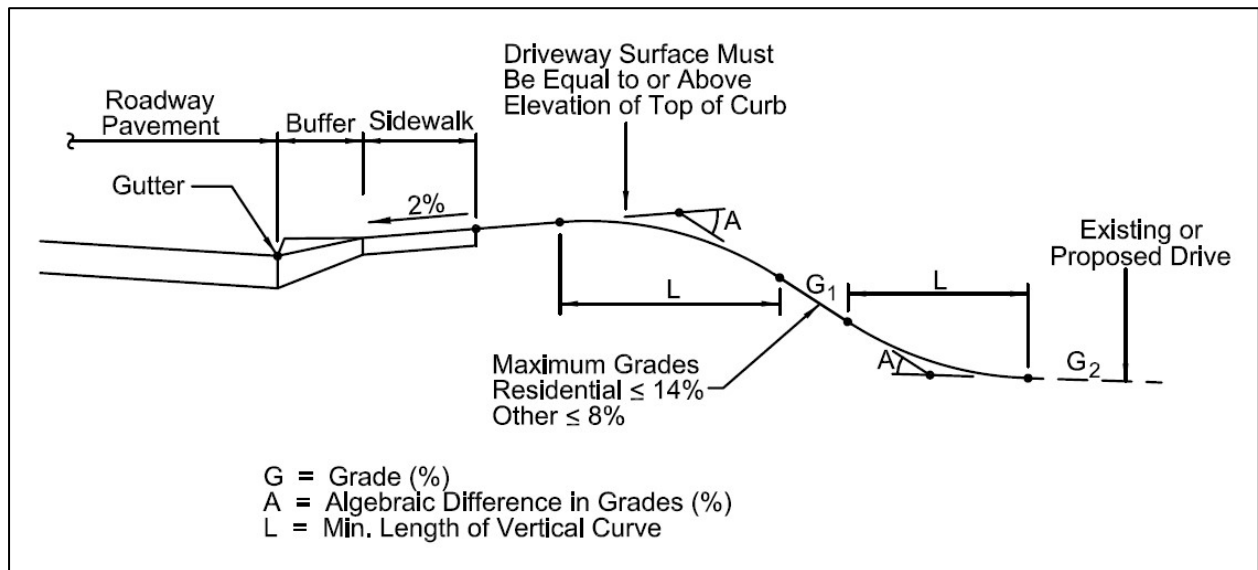


Figure 2.5: Driveway Profiles on a Downgrade



SEC.02.031.0232..REGULATORY SIGNAGE.

- (a) Regulatory signs should be used only where justified by engineering judgment. All signage plans shall be reviewed and approved by the City of Kaufman Public Works Department and be designed in accordance with the principles described in the current Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- (b) All street and regulatory signage shall be installed, inspected, and approved, prior to final acceptance of the project. This inspection typically takes place as part of the Public Works Department's final walkthrough. Any sign related issue/issues will be noted on the projects final punch list.
 - (1) A detailed street and regulatory signage plan is to be submitted to the City of Kaufman Public Works Department. All signs shall be shown in the construction plans for review and approval. The signage plan shall be shown on a separate signage & pavement marking layout sheet, or as a part of the plan, and profile sheet. The plan shall identify the specific sign designation, size, height, and location for each sign. Sign standards shall also be included in the construction plans.
 - (2) All signage installed shall comply with the current "Texas Manual on Uniform Traffic Control Devices" and the "Standard Highway Sign Designs for Texas." The sign layout drawings shall show the color and dimensions of all sign face legend components, including background color, legend color, borders, symbols, letter size and style.
 - (3) The developer shall be responsible for furnishing and installing all regulatory signage, warning signage and street name signage along with all necessary sign mounts in accordance with the approved construction plans..

- i. A sample production sign shall be submitted to the Public Works Department for review, and approval. The sample shall be directed to the City of Kaufman Public Works Department located at 1003 W. Grove Street, Kaufman Texas 75142. The sample sign must be submitted at least 10 days prior to the scheduled installation date.
- (4) For a street with a cul-de-sac end, a standard W 14-2a shall be mounted over the street name blade, if the cul-de-sac is not clearly visible from the adjoining roadway, or is located in excess of four-hundred (400) linear feet from the adjoining roadway.
- (c) Street Name Blades.
 - (1) Street name sign blades shall be double-sided with rounded corners.
 - (2) Street Name Blades shall be nine-inch (9") tall flat aluminum. The blades shall be eight hundredths of an inch (0.080") thick and be a minimum of thirty-six inches (36") long.
 - (3) The lettering for the street signs shall be 3M 3930 high Intensity prismatic material sheeting for street, regulatory and warning signs and shall be high intensity diamond grade type III prismatic. The street sign background shall be green, and the legend shall be white.
 - (4) The street sign blade must incorporate the current City of Kaufman logo. The logo shall consist of white Scotchlite Series 3930 high intensity prismatic material. (Product Code 3930)
 - (5) Block Numbers are required on all street name blades and shall be located on the top right corner of the street blade.
 - (6) The lettering for the street blades shall be composed of a combination of lower-case letters with initial upper-case letters. The Clearview FHWA font shall be used. The lettering shall be composed of initial upper-case letters of at least six (6) inches in height. For supplementary lettering to indicate the type of street (such as Street, Avenue or Road) shall be composed of initial upper-case letters at least three (3) inches in height. Abbreviations may be used (for example St., Ave., or Rd) except the street name itself. The supplementary lettering shall be located at the lower right corner of the street blade, under the block number. (See Standard Drawing 2300)
 - (7) The street blade sign shall consist of white Scotchlite 3930 high intensity prismatic material background and white Scotchlite 3930 high intensity prismatic material for the lettering (product code – 3930). The background sheeting shall be white 3M 3930 high intensity prismatic material. The colors shall be traffic blue and traffic red (See Standard Drawing 2300). The background material shall be applied to the full width and height of the sign blank leaving no metal exposed. The background material shall be one continuous piece of material. Patching of background material is not allowed and any sign with patching material of any type will be rejected by the City.
 - i. Alternative Option.- As an alternative, the foreground color may be white transparent Scotchlite ElectroCut1177 film (E.C. film). Lettering shall be cut out and removed producing a single continuous piece of white transparent film material.

SEC.02.031.0233 STANDARD SIGN POLE AND FIXTURES.

- (a) **Standard Street Sign Post** – shall be twelve feet (12") long - minimum two and three-eighths of an inch (2-3/8") galvanized steel - round post with a minimum of sixty (60) mil wall thickness.
- (b) **Standard Post Installation Depth** – sign post shall be installed into solid ground to a minimum depth of twenty-four (24) inches and anchored with a minimum of sixty (60) pounds of concrete.
- (c) **Standard Post Bracket** – shall be eighteen inches (18") cast aluminum - round post bracket street sign mount for bottom street blade.
- (d) **Standard Top Crossing Bracket** – shall be twelve inches (12") cast aluminum top crossing street sign bracket mount for top street blade.
- (e) **Standard Mounting Bracket Assemblies** – shall be two and two eighths' inches (2-2/8") diameter aluminum - round post interlocking bracket times two (x 2) per pole.

SEC.02.031.0234 DECORATIVE SIGNS AND POSTS.

- (a) The City of Kaufman will allow the installation of decorative signs and posts or other non-standard items by Developers/Homeowners Associations on a case-by-case basis provided that their installation does not result in an adverse impact to the public safety and that there is no cost to the City for installation or maintenance. The Developer requesting such installations will be required to give the recorded documentation of an incorporated Homeowner's Association (HOA) or Property Owner's Association (POA) to the City. The City of Kaufman maintains only standard street and regulatory signs/post installed on public streets within its designated rights-of-way. The City of Kaufman does not maintain decorative sign poles and fixtures installed by a Developer, a HOA or a POA.
- (b) If the Developer elects to install non-standard decorative signs, sign poles and fixtures, the designated HOA or POA must enter into a maintenance agreement with the City covering the hold harmless provisions. These provisions shall be noted on the approved final plat for the subdivision. The platted maintenance provisions will serve as the agreement and applies to all non-standard decorative signs, poles/post, hardware, or any other attachments. The City of Kaufman has no maintenance or other responsibility to these items. The ownership and maintenance of all such signs, poles and fixtures become the maintenance responsibility of the designated HOA.
- (c) Decorative Sign Pole/Fixture Submittals: A detail of the decorative sign poles, pole fixtures and base mounting shall be included with the submittal of the construction plans. The submittal shall also include a street/site plan indicating the location and identification of all proposed signage and post to scale.
 - (1) The HOA or POA is responsible for maintaining all non-standard decorative signs, poles/post, hardware, attachments, or other approved nonstandard items under this agreement. The City of Kaufman has no maintenance or other responsibility to these items. The City of Kaufman, the HOA or the POA agree the Association will bear any and all maintenance cost related to the said improvements. The City has the statutory authority to install and maintain traffic control devices for vehicular traffic on public streets/roads within the city limits of the City of Kaufman, Texas. This agreement in no way constitutes a change in that authority and does not constitute any delegation of this authority to the Association.
 - (2) The City of Kaufman reserves the right to install temporary replacement signs using standard sign post mounting or alternate temporary mounting when decorative sign posts and signs are damaged. Routine maintenance/replacement of damaged signs, posts and

any sign mounting backboard/trim/hardware or other fixtures is the sole responsibility of the HOA or POA and must be repaired within 4 weeks of reporting to the applicable HOA or POA.

- (3) The City of Kaufman will not handle, store or be responsible for any decorative non-standard sign, post or associated fixtures installed under this agreement.
- (4) All signs (regulatory and warning) shall be in conformance with the "Texas Manual on Uniform Traffic Control Devices" (Texas MUTCD) and the "Standard Highway Sign Designs for Texas."
- (5) Sign posts must be of sufficient height to mount the sign in conformance with the current (Texas MUTCD) requirements. Most typical installations require a vertical clearance of seven (7) feet from the bottom edge of the sign to the ground surface. Overhead signs must conform to all required standards.
- (6) Sign/posts must be installed in locations as provided in the approved construction plans or as otherwise approved by the City of Kaufman. On occasion, it may be necessary to re-locate signage/poles-based engineering judgment, study or when otherwise deemed necessary by the City.
- (7) The City of Kaufman reserves the right to approve or disapprove any sign/pole design and/or location. The City of Kaufman must approve the color of signposts and any requested sign mounting/trim.

SEC.02.031.0235 MISCELLANEOUS.

- (a) All private signage for multifamily, commercial, retail, and industrial developments are required to have a separate sign permit from the Development Services Department. Signs, including any overhangs, are not allowed in any rights-of-ways and/or easements. The location and permitting of any private signage is not approved on construction plans.

SEC.02.031.0236 ..TEMPORARY TRAFFIC CONTROL.

- (a) When the normal function of the roadway is suspended through closure of any portion of the right-of-way, temporary construction work zone traffic control devices shall be installed to effectively guide the motoring public through the area. Consideration for road user safety, worker safety, and the efficiency of road user flow is an integral element of every traffic control zone.
- (b) All traffic control plans shall be prepared and submitted to the Public Works Department in accordance with the standards identified in Part VI of the most recent edition of the TMUTCD. When the normal function of the roadway is suspended through closure of any portion of the right-of-way, a temporary construction work zone with traffic control devices shall be installed to effectively guide the motoring public through the area. Consideration for road user safety, worker safety, and the efficiency of road user flow is an integral element of every traffic control zone. Lane closures will not occur on roadways without an approved traffic control plan. Traffic control plans shall be required on all roadways as determined by the Director of Public Works and/or the City Engineer.
- (c) All traffic control plans must be prepared, signed, and sealed by an individual that is licensed as a professional engineer in the State of Texas. All traffic control plans and copies of work zone certification must be submitted to the Director of Public Works and/or the City Engineer for review and approval a minimum of three (3) weeks prior to the anticipated temporary traffic control.
- (d) The contractor executing the traffic control plan shall notify all affected property owners two (2) weeks prior to any the closures.

- (e) Any deviation from an approved traffic control plan must be reviewed by the Director of Public Works and/or the City Engineer. If an approved traffic control plan is not adhered to, the contractor will first receive a verbal warning and be required to correct the problem immediately. If the deviation is not corrected, all construction work will be suspended, the lane closure will be removed, and the roadway opened to traffic.
- (f) All temporary traffic control devices shall be removed as soon as practical when they are no longer needed. When work is suspended for short periods of time at the end of the workday, temporary traffic control devices that are no longer appropriate shall be removed or covered. The first violation of this provision will result in a verbal warning to the construction foreman. Subsequent violations will result in suspension of all work at the job site for a minimum of forty-eight (48) hours.
- (g) Lane Closures.
 - (1) Lane closures on any major or minor arterial will not be permitted between the hours of 6:00 am to 9:00 am and 4:00 pm to 7:00 pm.
 - (2) Where lane closures are needed in a school area, they will not be permitted during peak hours of 7:00 am – 9:00 am and 3:00 pm to 5:00 pm. Closures may be adjusted according to the actual start-finish times of the actual school with approval by the Director of Public Works and/or the City Engineer.
 - (3) The first violation of this provision will result in a verbal warning to the construction foreman. Subsequent violations will result in suspension of all work at the job site for a minimum of forty-eight (48) hours.

SEC.02.031.0237 ..STREET LIGHTING.

- (a) Street Lighting. All developments shall provide streetlights. In general, lights should be located at street intersections and at intervals no greater than four hundred (400) feet apart. Street lights shall be centered one and half (1 ½) feet off the back of curb.
 - (1) Street lighting shall be installed to provide an average of 0.4 foot-candle per square foot on the roadway between curbs. The lowest intensity at any point shall not be less than 0.1 foot-candle per square foot. Street lighting materials shall be approved by the City Manager, or his designee. Any costs associated with upgrading street lighting fixtures shall be borne by the developer/property owner.

SEC.02.031.0238 BARRIER FREE RAMPS.

- (a) Barrier free ramps shall be required within all areas with sidewalks and trails. Ramps shall be located to provide access in accordance with the standards set by the Texas Department of Licensing and Regulation (TDLR) to all pedestrian sidewalks and trails.
- (b) Laydown curbs and ramps shall be constructed at all street intersections, and driveways whether or not sidewalks are being installed. Laydown curbs and ramps shall be constructed by the developer. Barrier free ramps shall have truncated dome plates in the color approved by the City. No truncated dome pavers or ridges allowed.

SEC.02.031.0239 OFF-STREET PARKING.

- (a) All parking areas and spaces shall be designed and constructed of steel reinforced concrete in accordance with the following requirements:
 - (1) All parking areas and spaces shall be designed and constructed of steel reinforced concrete so as to have free ingress and egress at all times.

- (2) No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of development in the Central Business District and one- and two-family dwelling units, except as otherwise allowed in a Planned Development District, or as approved as a City park project.
- (3) Minimum Dimensions for Off-Street Parking:
 - i. Ninety-degree angle-parking (Figures 2.6a and 2.6b) – All parking spaces shall be a minimum of nine (9) feet in width. Each parking space adjacent to a building shall not be less than twenty (20) feet in length. Dual head in parking spaces should be a minimum of eighteen (18) feet in length. Parking spaces not adjacent to a building or dual head may be eighteen (18) feet in length with two (2) feet of clear (no obstruction including landscaping, lighting, wheel stops, and/or signage) over hang between curb and sidewalk or property line. Maneuvering space shall not be less than twenty-four (24) feet.
 - ii. Sixty-degree-angle parking (Figures 2.7a and 2.7b) – Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than twenty and one tenth (20.1) feet in length when measured at right angles to the building or parking line. Maneuvering space shall not be less than fourteen and on-half (14 ½) feet for one-way traffic or twenty-two (22) feet for two-way traffic perpendicular to the building or parking line.
 - iii. Forty-five-degree angle parking (Figures 2.8a and 2.8b) – Each parking space shall not be less than nine (9) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet for one-way traffic or twenty-one (21) feet for two-way traffic perpendicular to the building or parking line.
 - iv. Parallel Parking – Each parking space shall not be less than nine (9) feet in width and twenty-two (22) feet in length. Maneuvering space will not be less than twenty (20) feet.
 - v. Handicap Space Parking – Where handicapped parking is required or installed, the design shall be as in **Figure 2.9**.
 - vi. Excess Parking – When off-street parking facilities are provided in excess of minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.
 - vii. Stripping - Each parking space/stall shall be striped to the minimum dimension detailed out above in this section.
 - viii. Dead-End Parking – No dead-end parking shall be allowed for more than six (6) parking spaces without a minimum turnaround of a 15 feet wide by 64 feet long or a cul-de-sac shall be provided and striped off as “No Parking”. If there are less than six (6) parking spaces a 24 feet by 15 feet would be allowed and would need to be signed as “No Parking”.
- (4) Paving Standards.
 - i. Unless otherwise approved by the City Council or as specified in these standards, all parking lots shall be paved with steel reinforced concrete and designed

according to City standards and specifications. The parking lanes must be clearly marked by approved paint, buttons, or other material.

- ii. All driveway approaches shall be constructed of steel reinforced concrete in the same strength, thickness, and reinforcing as the adjacent street and shall be curbed per City standards.
 - iii. All parking lot pavement and drive aisles shall be steel reinforced concrete except for existing asphalt parking lots being rehabilitated. A steel reinforced concrete or asphalt pavement (rehabilitated parking lots) design shall be provided to the City Engineer for review and approval.
 - iv. Industrial and commercial parking lot pavement shall be steel reinforced concrete and designed by a Professional Engineer. Pavement design shall be submitted to the City for approval
 - v. The pavement within a designated loading area shall be designed and constructed to carry the additional loading of merchandise, goods, sanitation pick-up, etc., in order to prevent any unnecessary failure in the pavement itself. The pavement design shall be included in the construction plans and specifications and submitted to the Development Services Department for the Director of Public Works and/or the City Engineer for review and approval. The pavement design shall be designed by a Geotechnical Engineer.
 - vi. The fire lane shall have a maximum running slope of ten (10) percent and a cross slope of five (5) percent. A vertical curve is required for grade breaks greater than one (1) percent.
- (5) Dead-end parking shall be designed and constructed with a minimum length of fifteen (15) feet and width of sixty-four (64) feet turnaround space provided at the end of the dead-end parking area.
- (6) If a portion of an existing street is removed for construction, the entire concrete panel must be removed and replaced with the same strength steel reinforced concrete and one (1") inch thicker than the existing thickness.

Figure 2.6a: 90° Parking Single Row

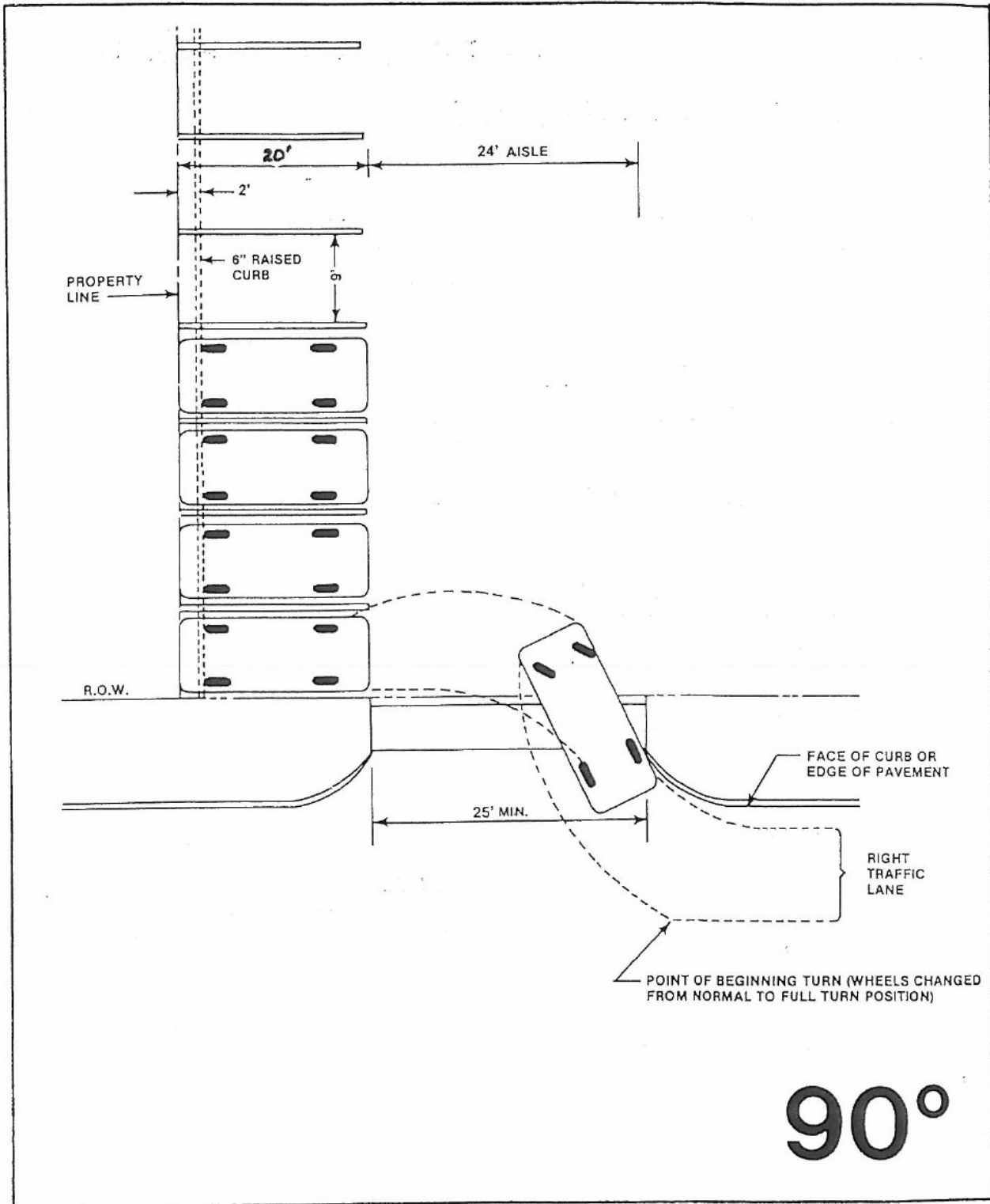


Figure 2.6b: 90° Parking – Double Row

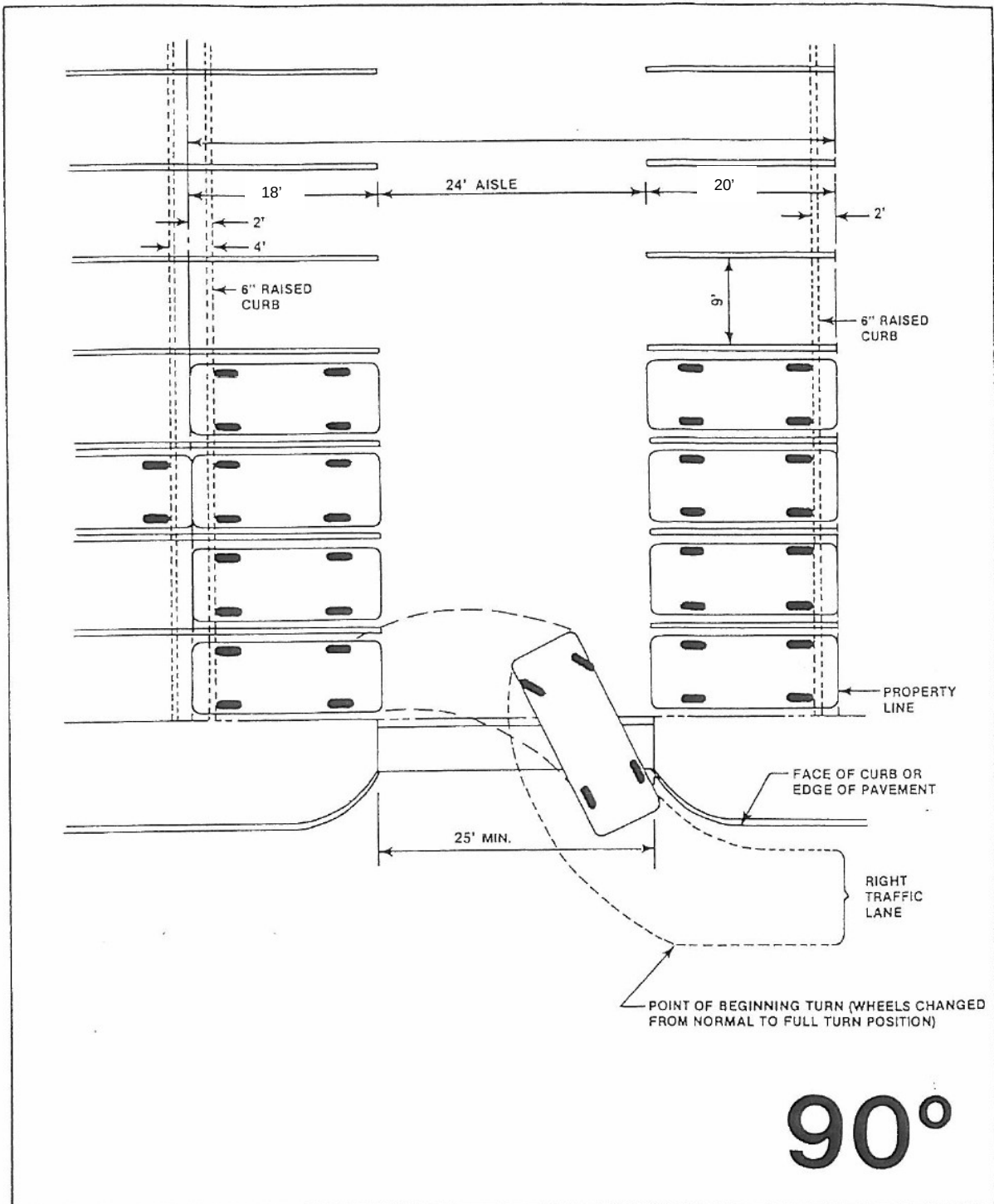


Figure 2.7a: 60° Parking – Single Row

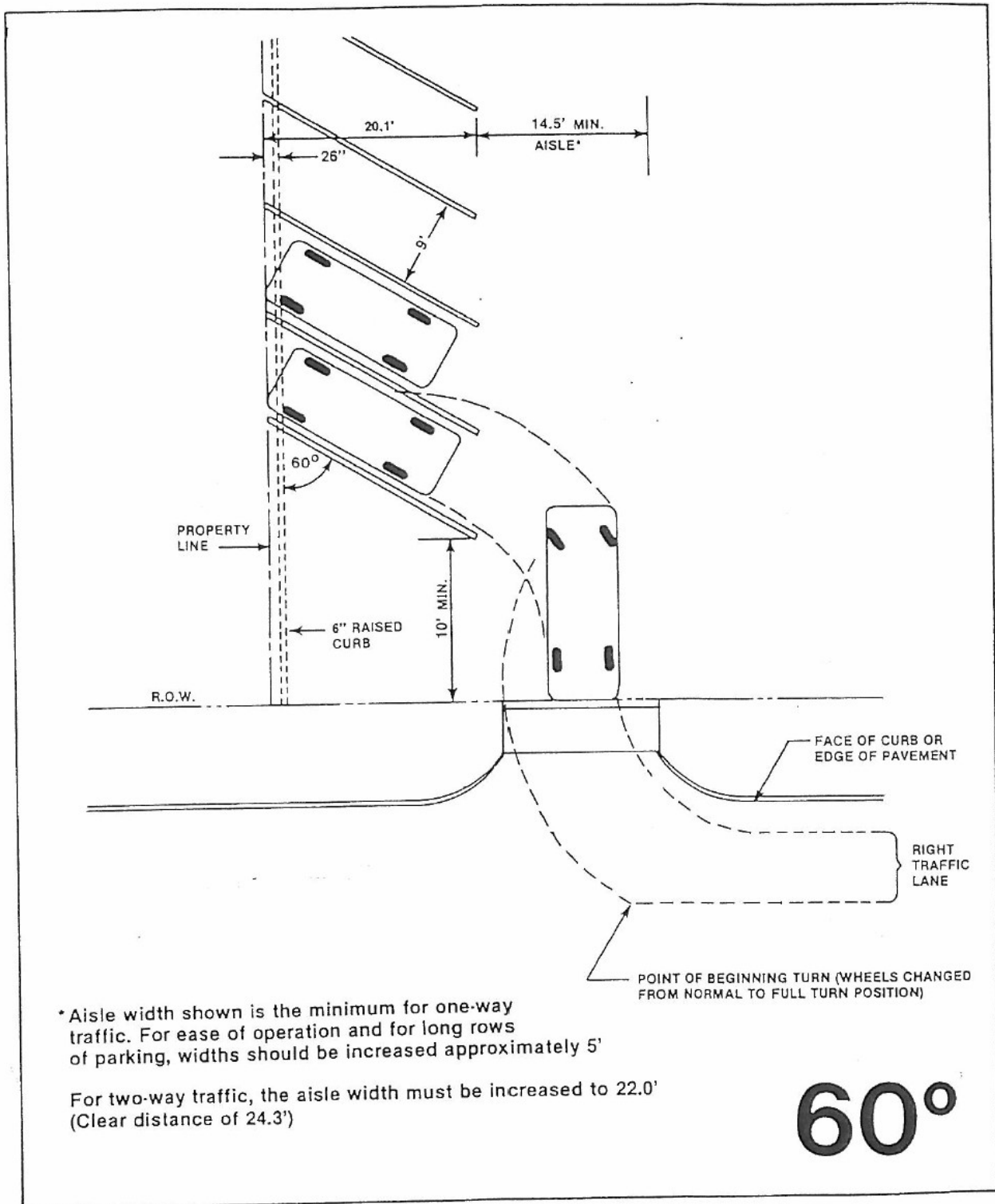


Figure 2.7b: 60° Parking – Double Row

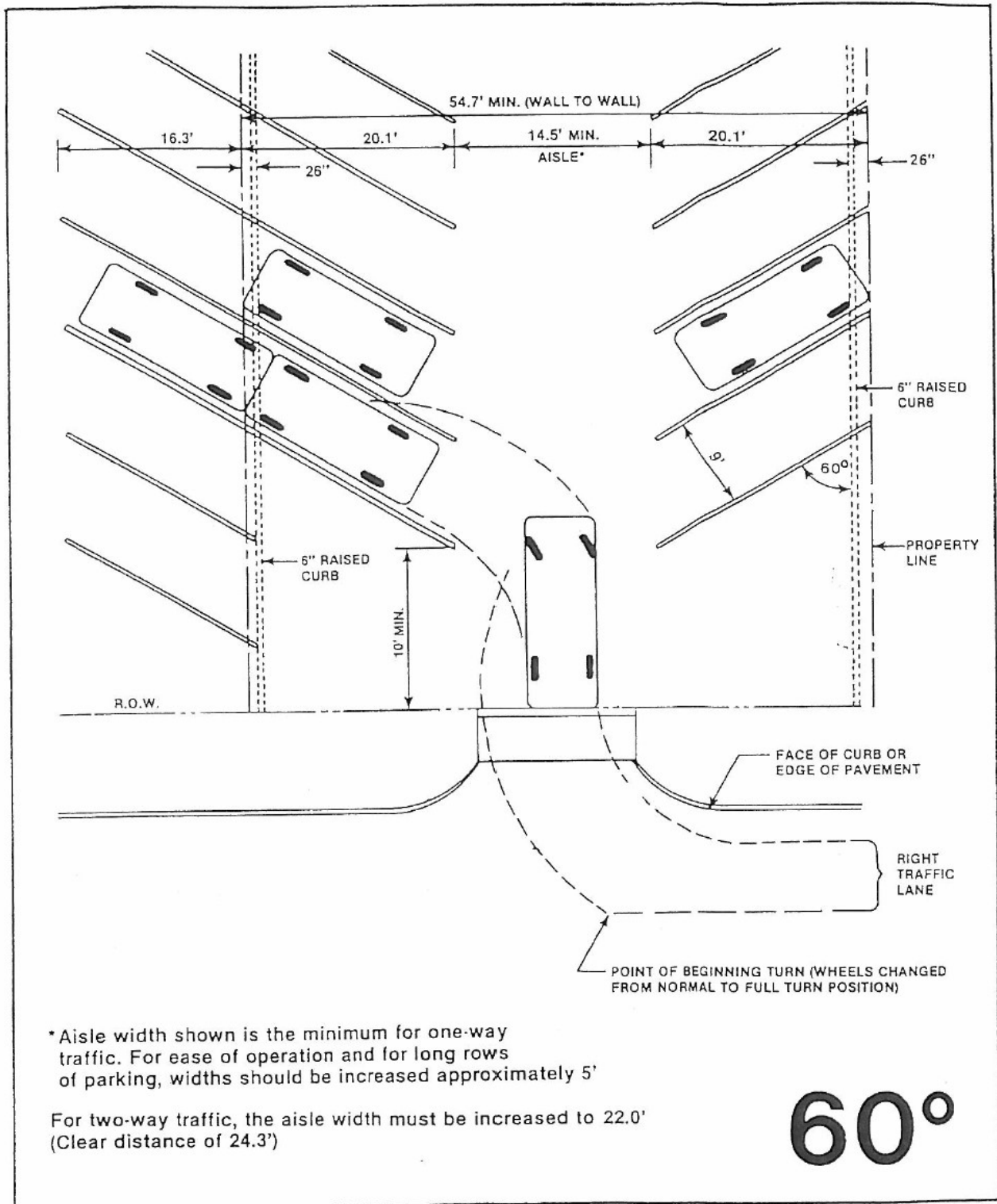


Figure 2.8a: 45° Parking – Single Row

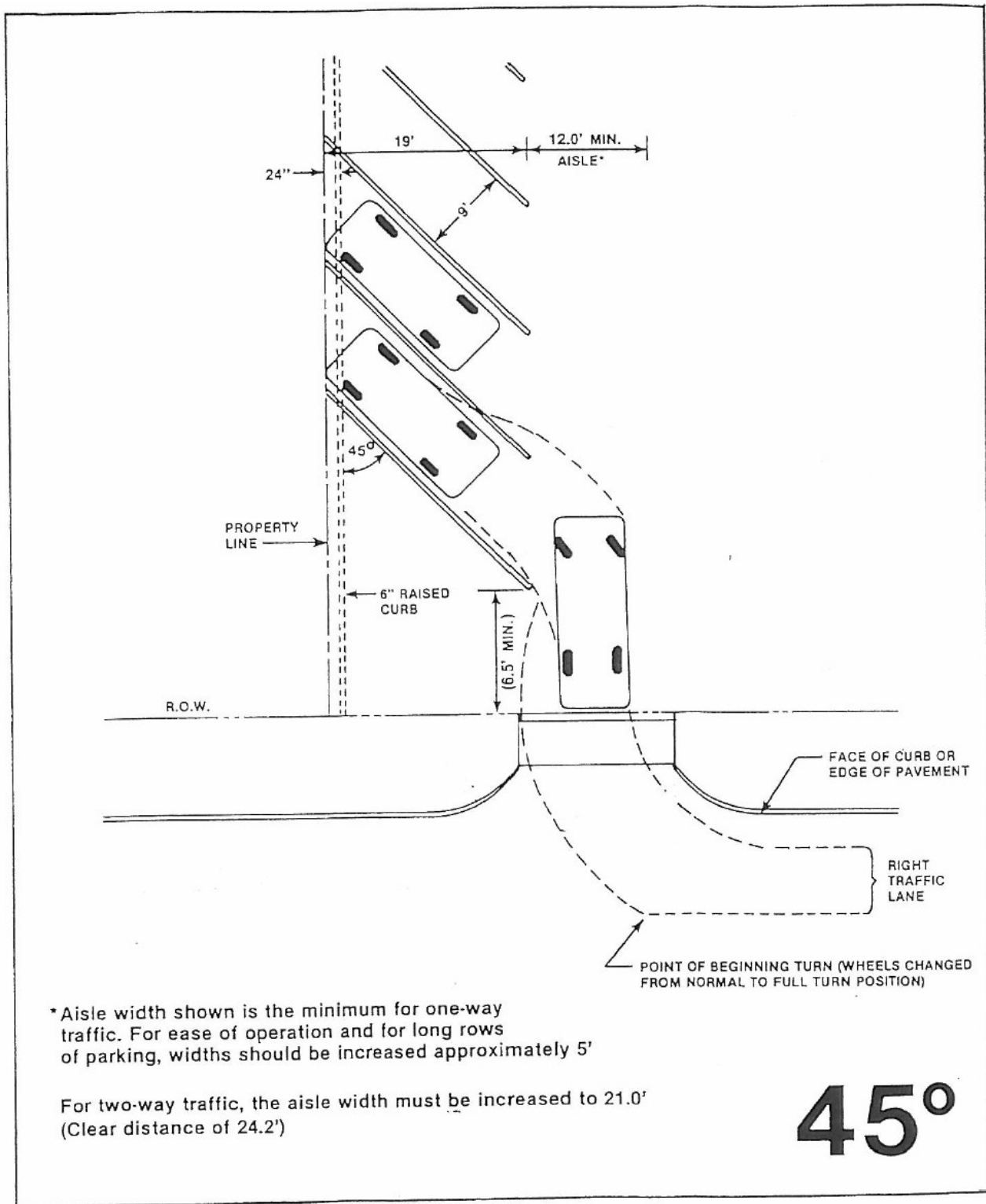


Figure 2.8b: 45° Parking – Double Row

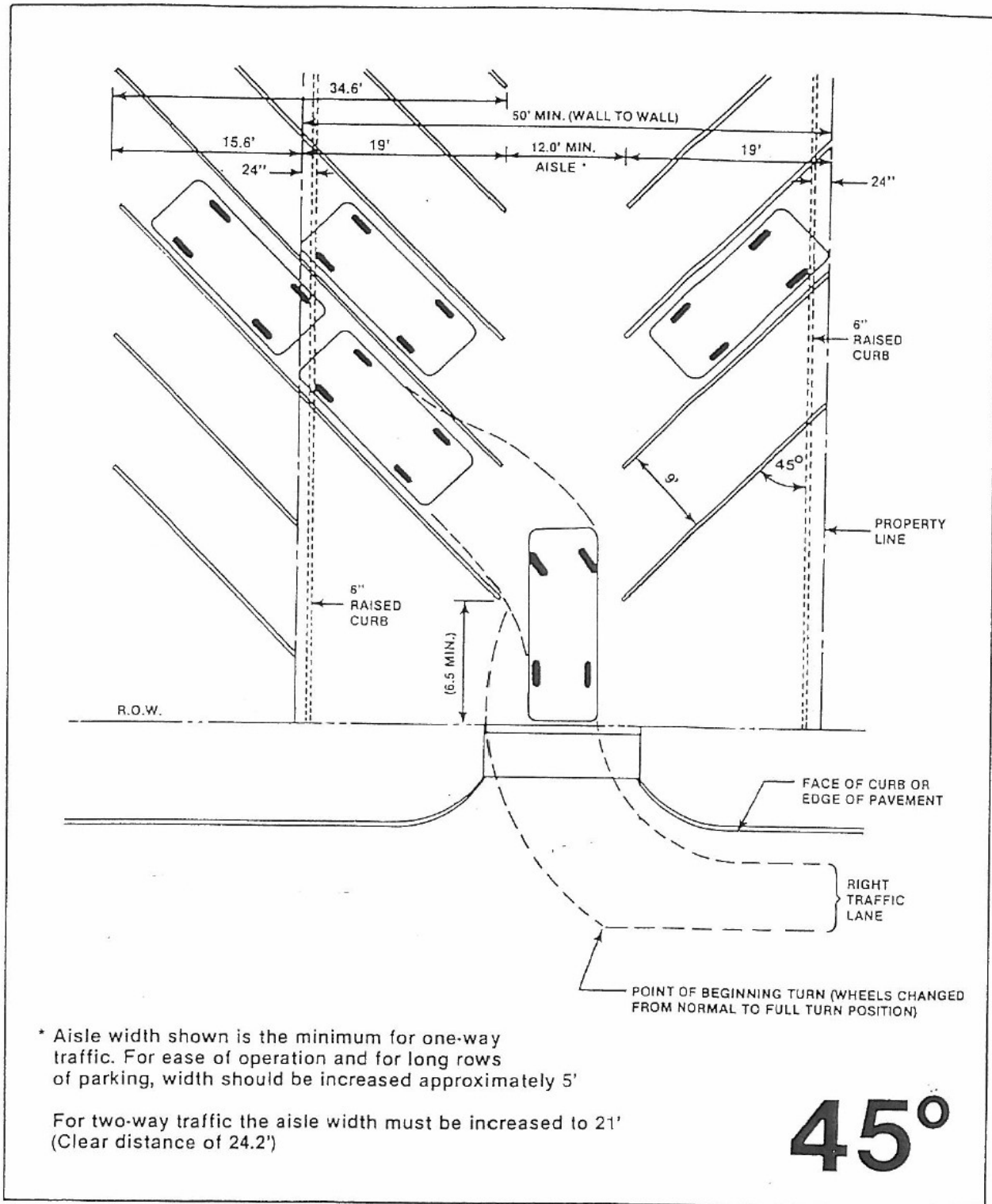
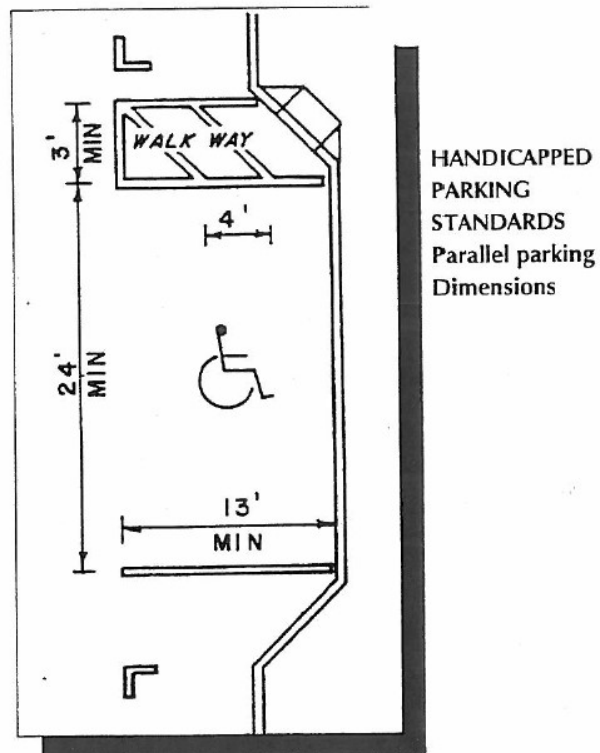
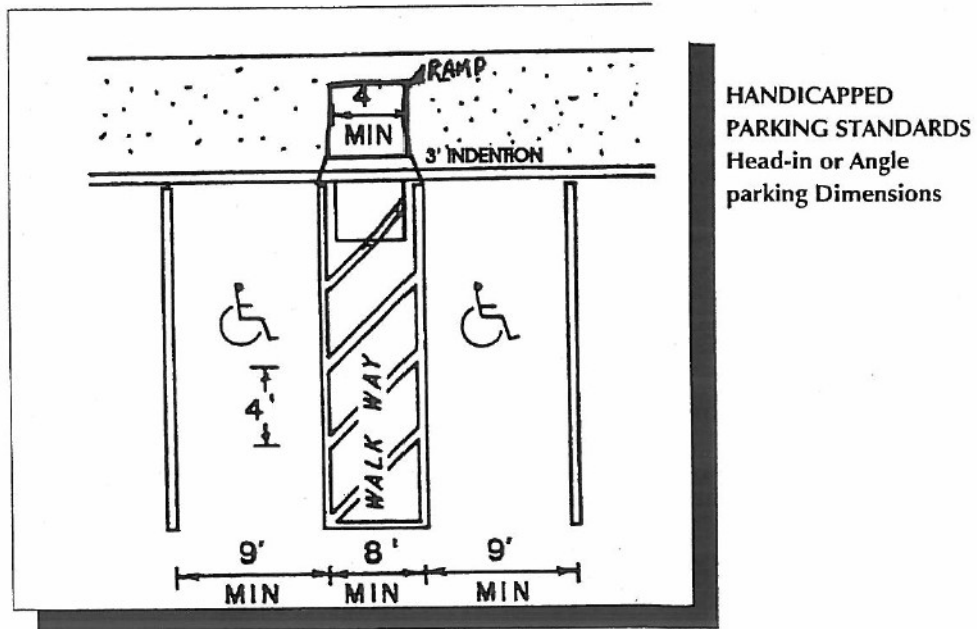


Figure 2.9: Handicap Space Parking



- (7) All entrances or exits in a parking lot shall be a minimum of thirty (30) feet from the beginning point of any corner radius
- (8) All entrances or exits in a parking lot shall be a minimum of twenty-four (24) feet and a maximum of forty-five (45) feet in width, unless one-way, in which case they shall both be a minimum of twelve (12) feet, or as approved by the City Council.
- (9) No parking areas or parking spaces shall be allowed to pave over or utilize public right-of-way, with the exception of approved entrances and exits, unless the City Council grants an exception and/or a facilities agreement.
- (10) All multi-family and commercial parking areas and parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area.
- (11) No City street curb, alley or street pavement may be cut without a permit from the City.
- (12) If required, the contractor shall submit a traffic control design to the City of Kaufman Public Works Department prepared by a registered professional engineer prior to beginning of construction.
 - i. The contractor shall provide signs and barricades in construction areas and comply with the Texas Department of Transportation standard of work zone traffic control.
 - ii. Employees exposed to public vehicular traffic, shall be provided with and wear warning vest or other suitable garments marked with or made of reflective or high visibility material.
 - iii. The contractor shall provide flagman when working inside an active street rights-of-way where necessary.

SEC.02.031.0240 TRAFFIC IMPACT ANALYSIS AND MITIGATION.

- (a) **Purpose.** The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific development activity on the existing and planned thoroughfare system. Development activity may include but is not limited to rezoning, preliminary site plans, site plans, Preliminary Plats, driveway permits, certificates of occupancy and Thoroughfare Plan amendments.
- (b) **Pre-submission Meeting.** Prior to the commencement of a TIA, an initial or pre-submission meeting with the Development Review Committee (DRC) is required to establish a base of communication between the City and the Developer. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the Developer are addressed.
- (c) **Applicability of TIA Requirements.**
 - (1) **Zoning.** These TIA requirements shall apply to all zoning requests for land uses which will generate two-thousand five hundred (2,500) or more vehicle trips per day or contain a density of 0.75 Floor Area Ratio (FAR) or greater. Applicable requests include zoning requests and Thoroughfare Plan amendments if no previous traffic assessment was performed.

- i. Special circumstances, including but not limited to development with no case history, which does not meet the daily trip generation threshold, may also require a TIA. Such circumstances, as determined by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer may include, but not be limited to:
 - a. Impacts to residential neighborhoods from non-residential development;
 - b. Inadequate site accessibility;
 - c. Implementation of the surrounding Thoroughfare Plans is not anticipated during the estimated time period of the proposed development;
 - d. Proposed land use differs significantly from that contemplated in the Comprehensive Plan; and/or
 - e. The internal street or access is not anticipated to accommodate the expected traffic generation.
 - (2) **Development.** These TIA requirements shall apply to all development requests for land uses which will generate over one-hundred (100) total trips during the weekday AM or PM peak hour or the weekend peak hour. Applicable development requests include concept plans, preliminary site plans, site plans and Preliminary Plats.
 - i. Special cases, in which site generated peak hour trip activity is different from that of the adjacent street (weekdays 7:00-9:00 am and 4:00-6:00 pm), may require an additional separate analysis as determined by the by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer. Such circumstances may include, but are not limited to, commercial/retail, entertainment, or institutional activity.
 - ii. The Director of Development Services, and/or Director of Public Works, and/or the City Engineer may waive the TIA for a development request if a TIA was performed previously with the Zoning request and conditions listed in the report are still current.
 - (3) **Single-Family Residential Exception.** A TIA for single-family residential development will not be required if the development contains fewer than six (6) dwelling units unless special circumstances exist, as determined by the Director of Development Services, and/or the Director of Public Works and/or the City Engineer.
 - i. These special circumstances may include, but are not limited to:
 - a. Impacts to other residential development from cut-through traffic;
 - b. Inadequate site accessibility;
 - c. Implementation of the surrounding Thoroughfare Plans is not anticipated during the estimated time period of the proposed development;
 - d. The internal street or access system is not anticipated to accommodate the expected traffic generation; and/or
 - e. The development is outside the urban core of the community.
 - (4) **Daycares and Schools.** All development requests and/or specific use permit requests for a daycare, Montessori school, private school, charter school, or public school shall include, at a minimum, a traffic circulation study.
 - i. This study shall include the estimated maximum peak hour trip generation of the facility,

the planned circulation of inbound and outbound traffic during drop-off and pick-up operations, and the estimated length of the queue of cars waiting to pick up students at the peak periods. The design of the site and the circulation plan shall ensure that school traffic does not back up onto any public street at any time.

- ii. The traffic circulation study shall include a statement that the owner and/or operator of the daycare or school agree to operate the facility in accordance with the approved circulation plan. The circulation plan must be approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer before the development request, or the specific use permit can be approved. The traffic circulation study must remain current and filed onsite and with the City.
- (5) **Carwashes and Other Commercial Uses that may fall below a TIA threshold.** At the discretion of the Director of Development Services and/or the Director of Public Works and/or the City Engineer, a traffic circulation study may be required.
- i. This study shall include the estimated maximum peak hour trip generation of the facility, the planned circulation of inbound and outbound traffic during drop-off and pick-up operation, and the estimated length of the queue of cars waiting for services. The design of the site and the circulation plan shall ensure that traffic does not back up onto any public street at any time.
 - ii. The traffic circulation study shall include a statement that the owner and/or operator of the site agree to operate the facility in accordance with the approved circulation plan. The circulation plan must be approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer or designee before the development request, or the specific use permit can be approved.
- (6) **Determination of Applicability.** The need for a TIA shall be determined by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer based upon the results and recommendation from a pre-submission meeting. It shall be the responsibility of the Developer to demonstrate that a TIA should not be required. If a TIA is required, the level of effort for a TIA submission shall be determined based on the criteria set forth in **Table 2.7 Criteria for Determining TIA Study Requirements**. Depending upon the specific site characteristics of the proposed development, one or more of the following elements may also be required as part of the TIA: an accident analysis, sight distance survey, traffic simulation, traffic signal warrant analysis, queuing analysis, turn lane analysis, and/or traffic circulation plan.

Table 2.7 Criteria for Determining TIA Study Requirements

Analysis Category	Site Trips Generated at Full Build-Out	TIA Analysis Periods ⁽¹⁾	Minimum Study Area ⁽³⁾
I	>50 peak hour driveway trips; or 100-500 total peak hour trips	- Existing year - Opening year⁽²⁾ - Five (5) years after opening	- All site access drives - All signalized intersections and/or major un-signalized intersections within 0.5 mile to 1 mile of site boundary
II	>500 total peak hour trips	- Existing year - Opening year of each phase - Five (5) years after initial opening - Ten (10) years after final opening with full build-out	- All site access drives - All signalized intersections and/or major un-signalized intersection within 1.5 miles of site boundary

⁽¹⁾Analysis periods shall include build and no-build scenarios. Assume full occupancy when each phase opens.

⁽²⁾Assume full build-out.

⁽³⁾For certain projects, the City may require an enlarged study area. Land Uses within the study area should include recently approved or pending development adjacent to the site

- (d) **Requirements for TIA Updates.** A TIA shall be updated when time or circumstances of the original study fall within the parameters presented in **Table 2.8 Criteria for Determining TIA Update Requirements**. The Developer is responsible for preparation and submittal of appropriate documentation for City staff to process the zoning or development application. A TIA for site development request must be updated if two years have passed since the original submittal, or if existing or assumed conditions have changed within the defined study area. The Director of Development Services, and/or the Director of Public Works and/or the City Engineer shall make the final determination as to the extent of a TIA update.

Table 2.8: Criteria for Determining TIA Update Requirements

Original TIA Report was based on:	Changes to the Originally Proposed Development:	
	Access Changed ⁽¹⁾ or Trip Generation Increased by more than 10%	Access Not Changed and Trip Generation Increased by less than 10%
Zoning; or Preliminary Site Plan or Site Plan that is less than 2 years old	Prepare New Study. Must meet all current TIA requirements	Letter Documenting No Change (No analysis is required)
Preliminary Site Plan or Site Plan that is more than 2 years old	Prepare New Study. Must meet all TIA requirements	Prepare New Study. Must meet all current TIA requirements.

(e) **Responsibility of TIA Preparation and Review.**

- (1) A TIA shall be prepared in accordance with all the guidelines in this section and submitted in accordance with the Development Review Schedule set by the City. The responsibility for TIA preparation shall rest with the Developer and must be performed by a Professional Engineer (P.E.) licensed in the State of Texas with experience in traffic and transportation engineering. The final TIA report must be signed, and sealed by the professional engineer responsible for the analysis to be considered for review by the City. Application review fees are due at the time of each submittal. City staff shall serve primarily in a review and advisory capacity and will only provide data to the Developer when available.
- (2) It shall be the responsibility of the Developer to submit an electronic copy of the TIA report and executive summary with the zoning and/or development request submission. The report, the timing for submission, and the review of this report shall be based on standard City development review procedures. Incomplete TIA's or failure to submit a TIA with the submission shall delay consideration of zoning and development requests. Should it be determined during the review of any zoning and/or development plans that a TIA is required, consideration shall be deferred until the Developer submits a completed TIA and the City has reviewed the assessment.
- (3) The City shall review the TIA and provide comments to the Developer. It shall be the responsibility of the Developer to submit a finalized TIA report and executive summary once all review comments have been addressed.

(f) **TIA Standards.**

- (1) **Design Level of Service** – The minimum acceptable level of service (LOS) within the City shall be defined as LOS “D” in the peak hour for all critical movements and links. All development impacts on both thoroughfare and intersection operations must be measured against this standard or not worsen in the case of an existing road that is already performing less than LOS D
- (2) **Trip Generation Resources** – The City's standard for trip generation rates for various land use categories shall be those found in the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) or other published or recognized sources applicable to the region. Alternate trip generation rates may be accepted on a case-by-case basis if the Developer can provide current supporting data substantiating that their development trip generation rates are significantly different from the ITE rates. The Director of Development Services, and/or the Director of Public Works, and/or the City Engineer must approve alternative trip generation rates in writing in advance of the TIA submission.
- (3) **Trip Reductions** – Trip reductions for passer-by trips and internal capture for mixed-use developments will be permitted, subject to analytical support provided by the Developer and approval by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer on a case-by-case basis. The number of pass-by-trips calculated for any movement of a study intersection should not exceed twenty-five percent (25%) of the existing traffic volume for the movement. Any trip generation above twenty-five percent (25%) of existing traffic must be counted as a new trip. Assumptions relative to automobile occupancy, transit mode share, or percentage of daily traffic to occur in the peak hour must be documented and will be considered subject analytical support provided by the Developer.

- (4) **Study Horizon Years** – The TIA must evaluate the impact of the proposed development on both existing traffic conditions and future traffic conditions for the horizon year(s) as specified in **Table 2.8 Criteria for Determining TIA Update Requirements**. Horizon year(s) are defined as any analysis year beyond the existing year. These applications should take into account the City and County's Thoroughfare Plan..

(g) **TIA Methodology.**

- (1) **Site Location/Study Area** – A brief description of the size, general features, and location of the site, including a map of the site in relation to the study area and surrounding vicinity;
- (2) **Existing Zoning** – A description of the existing zoning for the site and adjacent property, including land area by zoning classification and density by FAR, square footage, number of hotel rooms, and dwelling units (as appropriate). **Existing Development** – A description of any existing development on the site and adjacent to the site and how it would be affected by the development proposal;
- (3) **Existing Development** – A description of any existing development on the site and adjacent to the site and how it would be affected by the development proposal;
- (4) **Proposed Zoning / Site Development** – A description of the proposed zoning/development for the site, including land area by zoning classification and density by FAR, square footage, number of hotel rooms, and dwelling units (as appropriate); identify other adjacent land uses that have similar peaking characteristics as the proposed land use; identify recently approved or pending land uses within the area;
- (5) **Thoroughfare System** – A description and map of existing planned or proposed thoroughfares and traffic signals for horizon year (s) within the study area;
- (6) **Existing Traffic Volumes** – Recent traffic counts for existing thoroughfares and major intersections within the study area. Counts shall be performed while schools are in session unless approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer;
- (7) **Projected Traffic Volumes** – Background traffic projections for the planned thoroughfare system within the study area for the horizon year (s). Growth rates for projections shall be based on the most recent five (5) years historical growth in the area unless approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer. The minimum growth rate for projections shall be two percent (2%);
- (8) **Density of Development** – A table displaying the amount of development assumed for existing zoning and/or the proposed development (using gross floor area, dwelling units, occupied beds, etc., as required by the trip generation methodology);
- (9) **Existing Site Trip Generation** (for redevelopment or changes to a prior TIA) – A table displaying trip generation rates and total trips generated by land use category for the AM and PM peak hours, or weekend peak hour if applicable, and on a daily basis, assuming full development and occupancy based on existing zoning (if applicable) and including all appropriate trip reductions (as approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer.

- (10) **Proposed Site Trip Generation** – A Table displaying trip generation rates and total trips generated by land use category for the AM and PM peak hours, or weekend peak hour if applicable, and on a daily basis, for each phase of multi-phase developments and for full build-out, assuming full development and occupancy for the proposed development, and including all appropriate trip reductions (as approved by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer);
- (11) **Net Change in Trip Generation (for rezoning cases)** – Proposed trip generation minus existing trip generation (if applicable); the net increase in trips to be added to base volumes for the design year;
- (12) **Trip Distribution and Traffic Assignment** – Tables and figures of trips generated by the proposed development (or net change in trips, if applicable) added to the existing and projected volumes, as appropriate, with distribution and assignment assumptions, unless computer modeling has been performed. Each step of the procedure should be clearly shown in enough detail so that all calculations can be verified;
- (13) **Level of Service Evaluations** – Capacity analyses for weekday AM and PM peak hours, or weekend peak hour if applicable, of the roadway and peak hour of the site, if different from the roadway, for existing conditions, at the completion of each phase of multi-phase developments, and for the horizon year(s). For each phase and horizon year, separate analyses shall be performed for background traffic and background plus site traffic. Capacity analyses shall be provided for intersections, thoroughfare links, median openings and turn lanes associated with the site, as applicable;
- (14) **Access Connection Spacing** – Access connection spacing shall be evaluated per City criteria (TxDOT criteria for connections to TxDOT roadways);
- (15) **Auxiliary Lane Evaluations** – The need for right and left-turn acceleration and deceleration lanes at proposed development access locations shall be evaluated;
- (16) **Sight Distance Evaluations** – Sight distance at each proposed development access location shall be evaluated. Photographs of views in each direction from each proposed access location shall be included in an appendix;
- (17) **Traffic Signal Evaluations** – The need for new intersection controls (i.e. traffic signals, all-way stop control) shall be based on warrants and include their impact on the performance of the transportation system;
- (18) **Evaluation of Proposed/Necessary Mitigation** – Capacity analyses for weekday AM and PM peak hours of the roadway and peak hours of the roadway, for intersections, thoroughfare links, median openings and turn lanes associated with the site under proposed/necessary traffic mitigation measures;
- (19) **Conclusions**- Identification of all thoroughfares, driveways, intersections, and individual movements that exceed LOS D or degrade by one or more LOS, the percentage of roadway volume change produced by the proposed development, and any operational problems likely to occur;
- (20) **Recommendations** – Proposed impact mitigation measures consistent with Subsection I below; and
- (21) **Other information required for proper review** – As requested by the Director of Development Services, and/or the Director of Public Works, and/or the City Engineer.

(h) **TIA Report Format.**

- (1) The TIA report must be prepared as 8.5" x 11" sheets. However, it may contain figures on larger sheets, provided hard copies can be folded to this size. All text and map products shall be computer-based and provided in both published format and computer file format (PDF). In addition, all electronic files used as part of the traffic analysis (i.e. Synchro, HCS, Passer II/III, CORSIM, VISSIM, etc.) shall be provided.
- (2) The sections of the TIA report should be categorized according to the outline shown below:

Executive Summary;

- I. Introduction;
 - a) Purpose;
 - b) Methodology;
 - II. Existing and Proposed Land Use;
 - a) Site Location/Study Area;
 - b) Existing Zoning;
 - c) Existing Development;
 - d) Proposed Zoning (if applicable);
 - III. Existing and Proposed Transportation System;
 - a. Thoroughfare System;
 - b. Existing Traffic Volumes;
 - c. Projected Traffic Volumes;
 - IV. Site Traffic Characteristics;
 - a) Existing Site Trip Generation (if applicable);
 - b) Proposed Site Trip Generation;
 - c) Net Change in Trip Generation (if applicable);
 - d) Trip Distribution and Traffic Assignment;
 - V. Traffic Analysis;
 - a) Level of Service Evaluations;
 - b) Traffic Signal Evaluations (if applicable);
 - VI. Access Connection Spacing;
 - VII. Auxiliary Lane Evaluations;
 - VIII. Sight Distance Evaluations;
 - IX. Mitigation;
 - X. Conclusions;
 - XI. Recommendations;
- Appendices.

- (3) One (1) hard copy and one (1) digital copy of the accepted report shall be provided to the City for filing

(i) **Traffic Impact Mitigation.**

- (1) Mitigation of traffic impacts shall be required if the analyses indicate the proposed development would cause a facility or traffic movement to exceed LOS D, or where it already exceeds LOS D, and the development would contribute five percent (5%) or more of that movement's total traffic during any projected horizon year. If mitigation is required, the applicant must only mitigate the impact of the proposed development and would not be responsible for alleviating any deficiencies in the thoroughfare system that may occur without the proposed development.

- (2) Acceptable mitigation measures shall include:
- i. Staging of development in order to relate site development to the construction of the required thoroughfare system;
 - ii. Staging of development so that the site contributes less than five percent (5%) of the total traffic to the affected facility or traffic movement during the projected horizon year;
 - iii. Off-site improvements, including the provision of ROW and/or the participation in funding for needed thoroughfare and intersection improvement projects (including, but not limited to, through lanes turn lanes and traffic signals); and
 - iv. On-site improvements, including access controls and site circulation adjustments.
- (j) **Administration of the TIA** – Based on the results of the TIA and actions recommended by the City Engineer and/or the Public Works Director, the Planning and Zoning Commission shall recommend, and City Council shall take, one or more of the following actions:
- (1) Approve the zoning or development request, if the project has been determined to have no significant impact or where the impacts can be adequately mitigated;
 - (2) Approve the development request, subject to a phasing plan;
 - (3) Recommend study of the City and/or County Thoroughfare Plan to determine amendments required to increase capacity;
 - (4) Recommend amendment of the Capital Improvement Program (CIP) to expedite construction of needed improvements; or
 - (5) Deny the zoning or development request, where the impacts cannot be adequately mitigated.
- (k) The Developer, engineer, or property owner requesting the proposed change in land use shall enter into a Professional Services Agreement with the City to retain consultants to provide a wide variety of professional services including, but not limited to engineering, financial and legal services as needed in accordance with the Subdivision Regulations Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements* agreeing to an estimated specified retainer to assist City staff in the analyzation and review of the Traffic Impact Analysis studies.

Article 02.031.0300 DRAINAGE

Sec. 02.031.0311 GENERAL STANDARDS

- (a) Drainage systems shall be designed and constructed at such locations and of such size and dimensions to adequately serve the development and the contributing drainage area upstream of the development. The developer shall provide all the necessary easements and rights-of-ways required for drainage systems including, but not limited to, storm drains and open channels, (lined or unlined), flood detention facilities, and stormwater diversion or containment facilities (such as levees, dams, berms, and stream diversions).
- (b) The design flows for the drainage system shall be calculated by the Rational Method in accordance with the requirements set forth in this document unless otherwise noted within these Standards (such as where the unit hydrograph methods are required). Curbs, inlets, manholes, etc. shall be designed and constructed in accordance with the *Standard Details*. Materials and construction procedures shall conform to the requirements of the *North Central Texas Council of Government (NCTCOG) Standard Specifications for Construction*.
- (c) The developer shall provide plans, specifications, and design calculations for all drainage structures. All open channels that are not concrete lined shall be designed to prevent erosion (**Table 3.11 Roughness Coefficients for Open Channels and Maximum Velocity**). If an existing open channel is experiencing erosion or velocities that are calculated to be erosive, the channel shall be modified to prevent erosion. The Director of Public Works and/or the City Engineer shall specifically approve the type of methods used for prevention of erosion.
- (d) The design, size, type, and location of all storm drainage facilities shall be subject to the approval of the Director of Public Works and/or the City Engineer. The requirements set forth herein are considered minimum requirements. **The developer and their engineers shall bear the total responsibility for the adequacy of design. The acceptance of the facilities by the City in no way relieves the Developer and their engineer of this responsibility.**
- (e) The design factors, formulas, graphs, and procedures described shall serve as means to prove that adequate conveyance of storm water and adequate flood prevention within the City is being provided. Responsibility for the actual design remains with the developers and design engineer of record. Deviation from the requirements of these standards shall require the approval of the Director of Public Works and/or the City Engineer.
- (f) The City, as a participant in the National Flood Insurance Program (NFIP), must enforce all parts of its adopted Flood Damage Prevention Ordinance, as approved by the Federal Emergency Management Agency (FEMA). Therefore, the requirements of that ordinance are adopted and included as a part of the City's *Standards of Design and Construction*.
- (g) The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the overall watershed, whether upstream or downstream of the development, are not adversely affected by storm drainage from facilities on the development. These are outlined in **Section 02.031.0322 Storm Drainage Management Plan**.
- (h) The storm drainage management plan provided as part of the final Construction Plans shall address how storm water on the proposed development and affected adjoining properties will be controlled during phased and completed development. Off-site improvements may be required to carry the additional flows caused by the proposed development. If the downstream system is insufficient to carry the proposed flow from the fully developed drainage area without causing

potentially increased flood damages, detention will be required to release only the proportionate flow amount capable of being carried in the existing system for the drainage area. One site may not utilize all remaining capacity if undeveloped property is part of the drainage area.

- (i) Storm drainage released from the site will be discharged to a natural water course or storm sewer system of an adequate size to convey the one hundred--year (100-year) storm runoff expected after development.
- (j) All storm drainage structures shall be constructed with a minimum of four thousand two-hundred pounds per square inch (4,200 psi) concrete in twenty-eight (28) days with a cement content of not less than seven (7) sacks per cubic yard. Fly ash shall not be allowed. All batch designs shall be reviewed and approved by the Director of Public Works and/or the City Engineer.
- (k) All batch designs shall have the current date, project name, and use labeled on each design. Submit batch designs to the Director of Public Works and/or the City Engineer a minimum of ten (10) days prior to the projected placement date for review and approval. If pre-cast structures are being utilized, shop drawings must be submitted to the Director of Public Works and/or the City Engineer for approval along with the batch design which is provided by the manufacturer. All drainage structures shall be double formed. No earth forms will be allowed.

Sec. 0.03.0312.....MINIMUM EASEMENT STANDARDS

- (a) The minimum easement widths for drainage facilities shall be per **Table 3.1. Drainage Easements – Minimum Width**. Wider easements may be required by the Director of Public Works and/or the City Engineer. For detention pond easements, water lines and wastewater lines shall not be allowed in the easement.
- (b) For new single-family residential subdivisions storm sewer infrastructure, detention ponds, floodplain, open channel setback, and drainage easements shall not be located on a residential lot and must be fully within a Homeowners' Association (HOA) maintained lot.

Table 3.1: Drainage Easements – Minimum Width

		Minimum Easement Width (ft)
Conduit Size	18" – 48" RCP	20'
	48" – 72" RCP	25'
	Box 3' – 4' span, RCB	20'
	Box 5' – 8' span, RCB	25'
	Box 9' – 12' span, RCB	30'
Depth of Conduit	< 14'	20'
	14' - 16'	25'
	17' – 20'	30'
	21' – 23'	35'
	> 23'	40'
Open Channel		15' wider than top width of channel
Emergency Overflow Flume		20'
Creeks/Stream/Floodplains		See Section 3.27 Open Channel Setbacks
Detention Ponds		10' beyond the top of the pond berm or at the toe of the berm whichever is greater

SEC. 02.031.0313 DRAINAGE CRITERIA

- (a) **Rational Method.** For all drainage areas less than one-hundred(100) acres, the Rational Method of computing runoff may be used for design of small drainage facilities (such as storm sewer systems, inlets, street gutter, and small detention facilities). The Rational Method is shown by **Equation 3.1** below:

$$Q = C \times I \times A$$

Equation 3.1 where:

Q = The storm flow rate at a given point (cfs)

C = runoff coefficient (the ratio of rainfall to peak runoff) as indicated in **Table 3.2**

Runoff Coefficient for Types of Land Use

I = The average intensity of rainfall, for a period equal to the time of flow from the most hydraulically remote point of the drainage area to the point of design (i.e., point with longest flow time to the design point) and is obtained from **Table 3.5 AMS-Based Precipitation Frequency Estimates for Kaufman County** (inches/hr.)

A = The area that is contributing to the point of design (acres)

- (1) Runoff Coefficient (C) - For design of proposed drainage facilities using the Rational Method, runoff coefficients shall be based on the future land use. The runoff coefficients for different land uses should be taken from **Table 3.2. Runoff Coefficient for Types of Land Use**. A weighted runoff coefficient shall be used if different land uses are contributing to a discharge design point.

Table 3.2: Runoff Coefficient for Types of Land Use

TYPE OF AREA OR LAND USE	ADOPTED RUNOFF COEFFICIENT
Parks or Open Areas	0.35
Single Family Zoning Categories	
SF-20	0.50
SF-8 or SF-10	0.58
SF-6	0.62
TH (PH, SFA, 2F)	0.80
School	0.70
Multi-Family or Apartments	0.75
Churches	0.80
Industrial	0.90
Commercial Business	0.90
Central Business District	0.90
Retail	0.90
Parking Lot	0.90
Major and Minor Arterials – R.O.W.	0.90

- (2) Time of Concentration - The time of concentration is defined as the longest time, without unreasonable delay, that will be required for water to flow from the upper limit of a drainage area to the point of concentration. The time of concentration to any point in a storm drainage system is a combination of the "inlet time" and the time of flow in the storm drain. The inlet time is the period of time required for water to flow over the surface of the ground to the storm drain inlet.
- i. Using the Rational Method for small drainage areas under average conditions, the minimum time of concentration from the upstream end of a drainage system will coincide below with **Table 3.3 Minimum Inlet Time of Concentration**.

Table 3.3: Minimum Inlet Time of Concentration

TYPE OF AREA OR LAND USE	MINIMUM INLET TIME (minutes)
Parks or Open Areas	15
Single Family Residential or Duplex	10
School	10
Apartments	10
Townhouse	10
Churches	10
Industrial	10
Commercial Business	10
Central Business District	10
Retail	10
Parking Lot	10
Major and Minor Arterials – R.O.W.	10

- ii. Under circumstances which will produce times of concentration in excess of those shown in **Table 3.3. Minimum Inlet Time of Concentration** the following National Resources Conservation Service (NRCS) TR55 methodology shall be used to determine the time of concentration (Tc). This method separates the flow through the drainage area into sheet flow, shallow concentrated flow, and open channel flow. The Tc is the sum of travel times for sheet flow, concentrated shallow flow and open channel flow. The time of concentration flow path and sheet flow path and following calculations shall be shown in the plans.

- a. Sheet Flow: The maximum allowable length for sheet flow shall be no more than one-hundred-feet (100'), if not prior to one hundred-feet (100'). Guidelines for determining the maximum allowable sheet flow length are provided in the Unit Hydrograph Method Section 02.031.0313(b). The T_t in minutes for sheet flow is determined **Equation 3.2** below:

$$T_t = \frac{0.007(nL)^{0.8}}{(P_2)^{0.5}S^{0.4}}$$

Equation 3.2 where

T_t = travel time, (hr.)

n = Manning's roughness coefficient, (**Table 3.4 Sheet Flow 'n' Values**)

L = flow length

P_2 = 2-year, 24-hour rainfall, (**Table 3.5 Precipitation Frequency Estimates for Kaufman, TX**)

S = land slope of hydraulic grade line (ft/ft)

Table 3.4: Sheet Flow 'n' Values

Surface Description	n ⁽¹⁾
Smooth surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue)	0.050
Cultivated soils:	
Residue cover less than 20%	0.060
Residue cover greater than 20%	0.170
Grass:	
Short Prairie Grass	0.150
Dense grasses	0.240
Bermuda grass	0.410
Range (natural)	0.130
Woods:	
Light underbrush	0.40
Dense underbrush	0.80

¹These "n" values are only applicable for flow depths of approximately one hundredth foot (0.1') or less where sheet flow occurs. For greater flow depths, typically concentrated shallow overland flow or channel flow occurs, with lower "n" values typical of those generally used in open-channel flow.

- b. Shallow concentrated flow travel time is computed as shown in **Equation 3.3**

$$t_{sc} = \frac{L_{sc}}{3600KS_{sc}^{0.5}}$$

Equation 3.3 where:

t_{sc} = shallow concentrated flow time, (hr.)

L_{sc} = shallow concentrated flow length, (ft)

K = 16.13 for unpaved surface, 20.32 for paved surface

S_{sc} = shallow concentrated flow slope, (ft/ft)

- c. Channel Flow travel time shall be computed by dividing the channel length by the flow rate obtained from Manning's Equation as shown by **Equation 3.4**:

$$t_{sc} = \frac{nL^{ch}}{3600(1.49)R^{2/3}S_{ch}^{1/2}}$$

Equation 3.4 where:

t_{ch} = channel flow time, (hr.)

L_{ch} = channel flow length, (ft)

S_{ch} = channel flow slope, (ft/ft)

n = Manning's roughness coefficient (**Table 3.11 Roughness Coefficients for Open Channels and Maximum Velocity**)

R = channel hydraulic radius (ft), $R = a/p_w$

where: a = cross sectional area (ft²)

p_w = wetted perimeter (ft)

- d. Since urbanization is anticipated on all drainage areas, all drainage improvements shall be designed for the case of fully developed watersheds. It is generally not practical to design improvements to gravity drainage systems in stages to match development, except in the case of unlined ditches, and then, it is essential that ultimate rights-of-way be obtained at the outset. When the watershed in question is basically undeveloped, the developer shall attempt to anticipate future fully developed conditions and storm water drainage patterns and flow characteristics when determining the time of concentration.
- (3) Rainfall Intensity (I) - The Rainfall intensity shall be taken from **Table 3.5 AMS-Based Precipitation Frequency Estimates for Kaufman County** below for the minimum inlet time in **Equation 3.1** above.

**Table 3.5: AMS Based Precipitation Frequency Estimates
for Kaufman County**

Hours	Duration	Average Recurrence Interval (Years)							
		1	2	5	10	25	50	100	500
		Intensity (inches per hour)							
0.083	5-min	5.24	5.65	7.24	8.41	9.95	11.08	12.20	14.89
	6	5.03	5.42	6.95	8.08	9.55	10.64	11.72	14.28
	7	4.82	5.19	6.66	7.74	9.16	10.20	11.24	13.66
	8	4.61	4.96	6.36	7.40	8.76	9.77	10.75	13.04
	9	4.40	4.74	6.07	7.07	8.36	9.33	10.27	12.42
0.167	10-min	4.19	4.51	5.78	6.73	7.97	8.89	9.79	11.81
	11	4.05	4.36	5.59	6.50	7.69	8.58	9.44	11.41
	12	3.91	4.21	5.40	6.28	7.42	8.27	9.10	11.01
	13	3.78	4.06	5.20	6.05	7.15	7.96	8.76	10.62
	14	3.64	3.92	5.01	5.82	6.87	7.65	8.42	10.22
0.250	15-min	3.50	3.77	4.81	5.59	6.60	7.34	8.08	9.82
	16	3.43	3.69	4.72	5.48	6.47	7.19	7.91	9.62
	17	3.36	3.62	4.62	5.37	6.33	7.04	7.74	9.42
	18	3.29	3.54	4.52	5.25	6.20	6.89	7.58	9.22
	19	3.22	3.47	4.43	5.14	6.06	6.74	7.41	9.02
	20	3.15	3.39	4.33	5.03	5.93	6.59	7.25	8.82
	21	3.08	3.32	4.23	4.91	5.80	6.44	7.08	8.62
	22	3.01	3.24	4.14	4.80	5.66	6.29	6.91	8.42
	23	2.94	3.17	4.04	4.69	5.53	6.14	6.75	8.23
	24	2.87	3.09	3.94	4.58	5.39	5.99	6.58	8.03
	25	2.81	3.02	3.85	4.46	5.26	5.84	6.42	7.83
	26	2.74	2.94	3.75	4.35	5.13	5.69	6.25	7.63

**Table 3.5: AMS Based Precipitation Frequency Estimates
for Kaufman County**

Hours	Duration	Average Recurrence Interval (Years)							
		1	2	5	10	25	50	100	500
		Intensity (inches per hour)							
	27	2.67	2.87	3.65	4.24	4.99	5.54	6.09	7.43
	28	2.60	2.79	3.56	4.12	4.86	5.39	5.92	7.23
	29	2.53	2.72	3.46	4.01	4.72	5.24	5.75	7.03
0.500	30-min	2.46	2.64	3.36	3.90	4.59	5.09	5.59	6.83
	31	2.43	2.61	3.32	3.85	4.54	5.03	5.53	6.76
	32	2.40	2.58	3.29	3.81	4.49	4.97	5.46	6.68
	33	2.37	2.55	3.25	3.77	4.43	4.92	5.40	6.61
	34	2.34	2.52	3.21	3.72	4.38	4.86	5.34	6.53
	35	2.32	2.49	3.17	3.68	4.33	4.80	5.28	6.46
	36	2.29	2.46	3.13	3.63	4.28	4.75	5.22	6.39
	37	2.26	2.43	3.09	3.59	4.23	4.69	5.15	6.31
	38	2.23	2.40	3.05	3.54	4.18	4.63	5.09	6.24
	39	2.20	2.37	3.02	3.50	4.12	4.58	5.03	6.17
	40	2.17	2.34	2.98	3.46	4.07	4.52	4.97	6.09
	41	2.14	2.30	2.94	3.41	4.02	4.46	4.91	6.02
	42	2.12	2.27	2.90	3.37	3.97	4.40	4.84	5.94
	43	2.09	2.24	2.86	3.32	3.92	4.35	4.78	5.87
	44	2.06	2.21	2.82	3.28	3.87	4.29	4.72	5.80
0.750	45-min	2.03	2.18	2.79	3.23	3.81	4.23	4.66	5.72
	46	2.00	2.15	2.75	3.19	3.76	4.18	4.60	5.65
	47	1.97	2.12	2.71	3.15	3.71	4.12	4.53	5.58
	48	1.94	2.09	2.67	3.10	3.66	4.06	4.47	5.50
	49	1.92	2.06	2.63	3.06	3.61	4.01	4.41	5.43

**Table 3.5: AMS Based Precipitation Frequency Estimates
for Kaufman County**

Hours	Duration	Average Recurrence Interval (Years)							
		1	2	5	10	25	50	100	500
		Intensity (inches per hour)							
	50	1.89	2.03	2.59	3.01	3.56	3.95	4.35	5.35
	51	1.86	2.00	2.55	2.97	3.50	3.89	4.29	5.28
	52	1.83	1.97	2.52	2.92	3.45	3.84	4.22	5.21
	53	1.80	1.94	2.48	2.88	3.40	3.78	4.16	5.13
	54	1.77	1.91	2.44	2.84	3.35	3.72	4.10	5.06
	55	1.74	1.88	2.40	2.79	3.30	3.66	4.04	4.99
	56	1.72	1.85	2.36	2.75	3.25	3.61	3.98	4.91
	57	1.69	1.82	2.32	2.70	3.19	3.55	3.91	4.84
	58	1.66	1.79	2.29	2.66	3.14	3.49	3.85	4.76
	59	1.63	1.76	2.25	2.61	3.09	3.44	3.79	4.69
1	60-min	1.60	1.73	2.21	2.57	3.04	3.38	3.73	4.62
2	2-hr	0.98	1.06	1.39	1.63	1.96	2.22	2.48	3.17
3	3-hr	0.72	0.79	1.04	1.23	1.50	1.71	1.93	2.52
6	6-hr	0.42	0.46	0.62	0.75	0.92	1.06	1.21	1.61
12	12-hr	0.24	0.27	0.37	0.44	0.55	0.64	0.73	0.99
24	24-hr	0.14	0.16	0.21	0.26	0.32	0.37	0.43	0.58
48	48-hr	0.08	0.09	0.12	0.15	0.18	0.21	0.24	0.32
72	3-days	0.061	0.067	0.090	0.108	0.133	0.152	0.172	0.229

- (b) **Unit Hydrograph Method.** For contributing drainage areas greater than one hundred (100) acres, the unit hydrograph method shall be used to determine the peak storm discharge quantities. This method shall also be used for verification of adequacy of stormwater detention facilities with contributing drainages areas that are equal to or greater than twenty (20) acres.

- (1) The use of a unit hydrograph method shall be based upon standard and accepted engineering principles used in the profession. Acceptable methods include the Natural Resources Conservation Service (NRCS) and the Snyder unit hydrograph methods. When the flood study involves a watershed that does not already have any available hydrology model, or in the case where conversion of an existing model to a later version hydrology model is desired, the City's preference is the latest version of HEC-HMS model available.
- (2) When the unit hydrograph method is used, a flood study report shall be prepared and provided to the Director of Public Works and/or the City Engineer, documenting the methodology, assumptions, derivation of all data used, and results of the study. In order to maintain consistency of all hydrologic studies within the City, the following requirements/conditions shall be used when performing the unit hydrograph method. These requirements/conditions shall be included in the plan set and the flood study report:
 - i. Use the NRCS 24-hour Type III Rainfall Distribution.
 - ii. Use wet antecedent soil moisture conditions (AMC-III).
 - a. Storm runoff/loss parameter calculations, such as NRCS runoff curve numbers (CN). CN values should first be computed based on average antecedent soil moisture conditions (AMC-II) to the nearest 0.1 value (CN_2), based on hydrologic soil group, land cover and treatment practices. Then compute the CN_3 value for AMC-III conditions, to the nearest 0.1 value, using the NRCS conversion as shown in **Equation 3.4a** as follows:

$$CN_3 = \frac{23CN_2}{10 + 0.13CN_2}$$

- iii. Compute both pre-construction conditions (based on existing off-site watershed conditions) and post-construction conditions and show comparison in summary table of results.
- iv. In addition to No. 3 compute projected future fully developed conditions to determine design elevations and erosion protection.
- v. 24-hour rainfall storm totals, (See **Table 3.5 AMS-Based Precipitation Frequency Estimates for Kaufman County**)
- vi. Time of Concentration (T_c) and Lag Time Calculations, computed to the nearest one (1) minute: The lag time is generally considered to be six tenths (0.6) x T_c . The T_c calculations should include sheet flow travel time, shallow concentrated flow travel time, channel flow travel time, and travel time associated with any storm sewer system pipes, street gutter flow, and other travel times. Storm sewer pipe travel time may be derived based on design velocities and pipe flow lengths from available or proposed sewer pipe plans. General guidelines pertaining to NRCS TR-55 methodology for determining flow times for sheet flow, concentrated shallow flow, channel flow, and other flow types are included above in **Section 02.03.0313 (a) Storm Drainage Design Criteria**. The length of sheet flow used with the unit hydrograph method should be determined based on the following procedures to determine where sheet flow ends:

- a. Field investigations, where possible, to detect overland drainage patterns and where sheet flow transitions to other types of overland or pipe flow (such as observation of beginning of overland flow rill erosion patterns or entrance to a storm water inlet).
- b. Information from topographic maps, such as deflections in elevation contours indicating where sheet flow ends, and shallow concentrated flow or channel flow may begin.
- c. For areas where previous construction has occurred, review of as-built drainage plans.
- d. High-resolution photography, which may indicate locations where overland flow begins to form shallow concentrated flow as evidenced by erosion patterns.
- e. If the length of sheet flow cannot be determined by the above procedures, or if it is determined by the above procedures to be greater than one hundred feet (100'), the maximum length to be used shall be the lesser of one hundred feet (100') or the length computed by in **Equation 3.4b** below [as taken from the NRCS National Engineering Handbook, Part 630 – Hydrology, Chapter 15]:

$$L = \frac{100S^{0.5}}{n}$$

Equation 3.4b where:

L = limiting sheet flow length, (ft)

S = land slope over length L , (ft/ft)

n = Manning's roughness coefficient over length L

- vii. When using a unit hydrograph procedure, mixing the hydrology modeling data with data based on differing procedures is not acceptable:
 - a. The time of concentration should be calculated using actual travel time computations. [Do not assume a 10-minute inlet time as assumed in Rational Method].
 - b. Use total storm precipitations (inches) listed in **Table 3.5 AMS-Based Precipitation Frequency Estimates for Kaufman County**. [Do not use rainfall intensities (inches/hour) or derive total storm precipitation based on the Rational Method rainfall intensities].
 - c. For detention ponds with drainage areas greater than twenty (20) acres, if a proposed pond and dam is first designed based on Modified Rational Method but is found to be inadequate when checked with the unit hydrograph method, then it should be re-designed to safely pass the maximum required design storm using the unit hydrograph method, without flow passing over the top of the dam (and with required freeboard) and without increased discharges being passed downstream from the project site.
- viii. Drainage areas shall be rounded to the nearest 0.01 acre (0.000001 sq. mi.) in hydrology models, as well as for areas of land use and soil categories when computing composite runoff curve numbers.

- ix. Impervious areas of a drainage basin should be included within the computed composite runoff curve number calculations used in the hydrology models (instead of using a percentage of impervious area in combination with a weighted curve number in hydrology models that contain that option).

Table 3.6: NRCS Runoff Curve Numbers (AMC-II) for Various Land Use Classifications				
Land Use Classification	Hydrologic Soil Group			
	A	B	C	D
Wooded (Wf)	36	60	73	79
Wooded (Wg)	30	55	70	77
Open Space/Range/Pasture (OSf)	49	69	79	84
Open Space/Range/Pasture (OSg)	39	61	74	80
Cultivated, Straight Row (Csr)	72	81	88	91
Cultivated, Contoured w/o Terracing (Cc)	70	79	84	88
Cultivated, Contoured and Terraced (Cct)	66	74	80	82
Residential (SF-20)	66	78	85	88
Residential (SF-8 & SF-10)	69	80	86	89
Residential (SF-6)	74	83	88	91
Residential (TH, PH, SFA, 2F)	80	87	91	93
Bare Soil	77	86	91	94
Commercial/Business/Multifamily (CBM)	89	92	94	95
Industrial	81	88	91	93
Dirt or Gravel Roads, R.O.W. (Rd)	76	85	89	91
Paved Roads, R.O.W. (Rp)	83	89	92	93
Inundated (W)	100	100	100	100
Urban High Runoff Equivalent *	83	89	92	94

*Urban high runoff equivalent is used only for projected fully-developed watershed conditions.

- x. Stream reach hydrograph routing computations within hydrology models must be performed using a procedure that accounts for the effects of channel and floodplain storage (such as Modified Puls method), so that impacts on flood discharges due to loss of flood valley storage within the reach, whether caused by currently proposed construction or due to future development, can be determined.
- xi. NRCS runoff curve numbers listed in NRCS's TR-55 for urban and residential districts are generally inappropriate for typical developments in the City of Kaufman, due to the indicated low percentage of impervious areas indicated with the values. Therefore, curve numbers typical of conditions in the City of Kaufman are included in **Table 3.6 NRCS. Runoff Curve Numbers (AMC-II) for Various Land Use Classifications**. These values should be used in most cases; however, other curve numbers for conditions not listed in **Table 3.6 NRCS. Runoff Curve Numbers (AMC-II) for Various Land Use Classifications** may be derived and used if reasonably justified and documented.
- xii. Options available in hydrology models to automatically compute pond spillway discharges, based on spillway or outlet type or configuration, are sometimes limited and often do not adequately represent the designed spillway. In such cases, pond water surface elevations versus discharges may need to be computed by other methods and entered into the hydrology model as user defined paired data.

(c) **Design Storm Frequencies.**

- (1) The design storm frequencies shall be the five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year and one hundred (100)year storms.
- (2) For the Rational Method the relationship between rainfall intensity, duration and frequency is set forth in **Table 3.5 AMS Based Precipitation Frequency Estimates for Kaufman County**.
- (3) For the Unit Hydrograph Method the total rainfall for the 24-hour duration storm is used. See **Table 3.5 AMS Based Precipitation Frequency Estimates for Kaufman County**..

(d) **Drainage Calculations Summary Tables.** The calculations of the storm water discharge shall be provided to the City. As a minimum, the engineering plans shall include:

- (1) Existing and Proposed Drainage Area Calculations Table using **Form 3.1 Drainage Calculations Table**;
- (2) Inlet Calculations Table using **Form 3.2 Inlet Design Calculations Table**
- (3) Storm Sewer Calculations Table using **Form 3.3 Storm Sewer Calculations Table**;
- (4) Open Drainage Channel Calculations Table using **Form 3.4 Open Channel Drainage Calculations Table**; and
- (5) Culvert Design Calculations Table using **Form 3.5 Culvert Design Calculations Table**.

Form 3.1 Drainage Calculations Table

Areas Drained					Weighted Runoff Coeff. C	C*A
Area ID	Total Drainage Area	Parks or Open Area (C=0.35)	Residential (C=var.)	Comm. (C=0.9)		
	(acres)	(acres)	(acres)	(acres)	(acres)	(acres)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Time of Concentration TC	Design Storm Frequency	Intensity I	Storm Runoff Q	Drains To/ Remarks
(min)	(yrs.)	(in/hr.)	(cfs)	
(8)	(9)	(10)	(11)	(12)

<u>Instructions for Form 3.1: Drainage Area Calculation Table</u>	
Column (1)	Drainage area identification number or designation
Column (2)	Total Drainage area in acres
Column (3 to 5)	Area drained for each land use type in acres (add additional columns for different land use areas as needed) Runoff Coefficient taken from Table 3.2
Column (6)	Weighted Runoff Coefficient calculated from Columns 2 to 5
Column (7)	Product of Column (2) and Column (6)
Column (8)	Minimum inlet time of concentration taken from Table 3.3
Column (9)	Design Storm Frequency, shall be 100-yr for all areas
Column (10)	Using the time of concentration and design storm frequency, the rainfall intensity is taken from or Table 3.5 AMS Based Precipitation Frequency Estimates for Kaufman County
Column (11)	Solution of the Rational Method Equation 3.1 (see Section 02.03.0313(a))
Column (12)	A detailed description of where the drainage area drains to including but not limited to Inlet ID, Street Location, Creek Name, Detention Pond Designation, etc.

- (e) **Flow in Streets.** Capacity of Arterials, Collectors and Residential streets shall be calculated using a straight crown: Storm water flow in streets having a straight crown shall be calculated as shown below in **Equation 3.5**:

$$Q = \frac{0.56}{n} S_x^{5/3} S^{1/2} T^{8/3}$$

Equation 3.5 where:

Q = gutter flow rate, (cfs)

n = Manning's roughness coefficient; value = 0.0175

S = the longitudinal slope of the street gutter, (ft/ft)

S_x = pavement cross slope, (ft/ft)

T = ponded width, (ft)

- (f) **Flow in Alleys.** Capacity of alleys should be taken from Manning's Equation as shown below in **Equation 3.6**:

$$Q = \frac{1.49}{n} A R^{2/3} S^{1/2}$$

Equation 3.6 where:

Q = alley flow rate, (cfs)

n = Manning's roughness coefficient; value = 0.0175

A = cross sectional area of flow, (ft²)

R = hydraulic radius, (ft)

S = the longitudinal slope of the alley, (ft/ft)

- (g) **Permissible Spread of Water (Ponding Width)**

- (1) General. Spread of water refers to the amount of water that may be allowed to collect in streets during a storm of specific design frequency. The following **Equation 3.7**, a rearranging of **Equation 3.5**, shall be used to determine the ponding width "T" for straight crowned streets. (Arterials, Collectors and Residential).

$$T = 1.24 \left(\frac{Q}{S_x^{5/3} S^{1/2}} \right)^{3/8}$$

Equation 3.7 where:

Q = gutter flow rate, (cfs)

n = Manning's roughness coefficient; value = 0.0175

S = the longitudinal slope of the street gutter, (ft/ft)

S_x = pavement cross slope, (ft/ft)

T = ponded width, (ft)

- (2) In order that excess storm water will not collect in streets during a storm of the design frequency, the following spread of water values shall be used for the various types of streets.
- i. Major and Minor Arterials (P6D & M4D) – Divided. Based on pavement cross-slope of two percent (2.0%), the one-hundred-year (100-yr) Design Frequency flow shall not exceed the elevation of the lowest top of curb. The design engineer shall verify that one lane of traffic in each direction shall remain free of ponding in the one-hundred-year (100-yr) storm event.
 - ii. Major Collector Streets – (M4U & M3U). Based on a straight cross-slope with a roof top crown of six-inches (6"), the one-hundred-year (100-yr) storm event flows shall not exceed the top of curb, six-inches (6").
 - iii. Minor Collector Streets - Based on a straight cross-slope with a roof top crown of six-inches (6"), the one-hundred-year (100-yr) storm event flows shall not exceed the right-of-way width.
 - iv. Residential Streets. Based on a straight cross-slope with a roof top crown of six (6) inches, the 100-year storm event flows shall not exceed the right-of-way.
 - v. Alleys. The one-hundred-year (100-yr) Design Frequency shall not exceed the capacity of the alley pavement, a depth of five-inches (5"). No ponding will be allowed beyond the pavement edge. Alley paving to be warped to drain the paving toward the inlet.
 - vi. Parking Lots. The one-hundred-year (100-yr) design frequency shall not exceed a depth of six-inches (6") except where on pavement detention is occurring where one-foot (1') in depth is permissible.

(h) **Inlet Design.** Determination of the required size of the storm drain inlets will be based on the calculations called out in this section and the instructions for **FORM 3.2: Inlet Design Calculations Table.**

- (1) Types of Inlets. City requires the use of depressed curb inlets. A depressed curb inlet is more efficient than a non-depressed inlet because a depressed inlet induces a greater cross-flow toward the inlet allowing less water to flow past it. Also, the transition out of the depression causes a backwater effect, which further increases the capacity of the storm drain. A gutter depression for all curb inlets shall be six-inches (6"), as shown in the Standard Details. Inlets shall be sized in multiplier of ten feet (10'), fifteen-feet (15') and twenty-feet (20'). Construction of inlets shall be in accordance with the Standard Details. Use **Table 3.6 Storm Drain Inlets** for the selection of inlets to be used within the City. No grate inlets are allowed without approval from the Director of Public Works and/or the City Engineer.

TABLE 3.6: STORM DRAIN INLETS

<u>INLET DESCRIPTION</u>	<u>AVAILABLE INLET SIZES</u>	<u>WHERE USED</u>	<u>DESIGN EQUATIONS</u>
Standard Curb Opening Inlet on Grade	10' 15' 20'	Collectors) Local (Residential) Alley	Equation 3.8 through 3.16

TABLE 3.6: STORM DRAIN INLETS

<u>INLET DESCRIPTION</u>	<u>AVAILABLE INLET SIZES</u>	<u>WHERE USED</u>	<u>DESIGN EQUATIONS</u>
Standard Curb Opening Inlet at Low Point	10' 15' 20'	Collectors Local (Residential) Alley	Equation 3.17 & 3.18
Recessed Curb Opening Inlet on Grade	10' 15' 20'	Arterials Collectors	Equation 3.19 through 3.20
Combination Inlet at Low Grade	4' 6' 8'	Alleys Director of Public Works and/or the City Engineer Approval Required	
Grate Inlet	2 Grate 3 Grate 4 Grate 6 Grate	No grate inlets are allowed without approval from the Director of Public Works and/or the City Engineer	
Drop Inlet	2'x2' 3'x3' 4'x4' 5'x5'	Open Channels/Area Drain	Equation 3.19 & 3.20

- (2) Inlet Location. All inlets (edge of opening) shall be a minimum of ten feet (10') feet from street or driveway curb return. Recessed inlets will be required to be installed at all inlet locations where the street grade is to be six percent (6%) or greater except on residential streets. At locations where depressed inlets are expected to interfere with pedestrian activity, usually at crosswalks or interior spans of the block used for parking, a depression of less than six inches (6") may be required. These locations may require additional inlet width to compensate for the reduced depression. The City will consider all variances from a standard six-inch (6") gutter on an individual basis.
- i. Major and Minor Arterials (Divided): Inlets shall be located at street intersections, at low points of grade or where the gutter flow exceeds the permissible spread of water criteria. Inlets shall be located, when possible, on lesser traveled streets or alleys when grades permit. Inlets located on arterials shall be recessed in order to minimize interference of the gutter depression with travel lanes. In super-elevated sections, inlets placed against the center medians shall have no gutter depression and shall intercept gutter flow at the point of vertical curvatures to prevent flow from crossing the arterial. Unless expressly approved by the Director of Public Works and/or the City Engineer, storm waters will not be allowed to cross arterials on the surface in valley gutters or otherwise. All sag inlets will require a reinforced concrete emergency overflow flume. The capacity of the emergency overflow flume shall equal or exceed the one-hundred-year (100-yr) design storm flow coming to the sag point.
 - ii. Collector Streets: Inlets shall be located at street intersections, low points of grade or where the gutter flow exceeds the permissible spread of water criteria. Inlets

shall be located, when at all possible, on lesser traveled streets or alleys where grade permits. All sag inlets will require a reinforced concrete emergency overflow flume. The capacity of the emergency overflow flume shall equal or exceed the one-hundred-year (100-yr) design storm flow coming to the sag point.

- iii. Residential Streets: Inlets shall be located at street intersections, low points of grade or where the gutter flow exceeds the permissible spread of water criteria. All sag inlets will require a reinforced concrete emergency overflow flume unless the design engineer calculates that the street will carry the overflow above the crest of the roadway without the water surface elevation exceeding the top of curb. The capacity of the emergency overflow flume shall equal or exceed the one-hundred-year (100-yr) design storm flow coming to the sag point.
- iv. Alleys: Inlets shall be located before intersections with streets, alley to alley intersections, change in alley directions, low points of grade or where the gutter flow exceeds the permissible spread of water criteria. All sag inlets will require a reinforced concrete emergency overflow flume. The capacity of the emergency overflow flume shall equal or exceed the one-hundred-year (100-yr) design storm flow coming to the sag point.
- v. Parking Lots: Inlets shall be located at all sag points and before ponding exceeds six inches (6") in depth except when on pavement detention is occurring.

- (3) Curb Inlets On-Grade. Curb inlets on-grade shall be sized based on the following **Equations 3.8 through 3.16** and **Figure 3.1 Gutter Cross Section Diagram.** .

$$L_r = 0.6Q^{0.42}S^{0.3}\left(\frac{1}{nS_e}\right)^{0.6}$$

Equation 3.8 where:

L_r = length of curb inlet required (ft)

Q = flow rate in gutter (cfs)

S = longitudinal slope (ft./ft)

n = Manning's roughness coefficient, value = 0.0175

S_e = equivalent cross slope (ft./ft.)

$$S_e = S_x + \frac{a}{W}E_0$$

Equation 3.9 where:

S_e = equivalent cross slope (ft/ft)

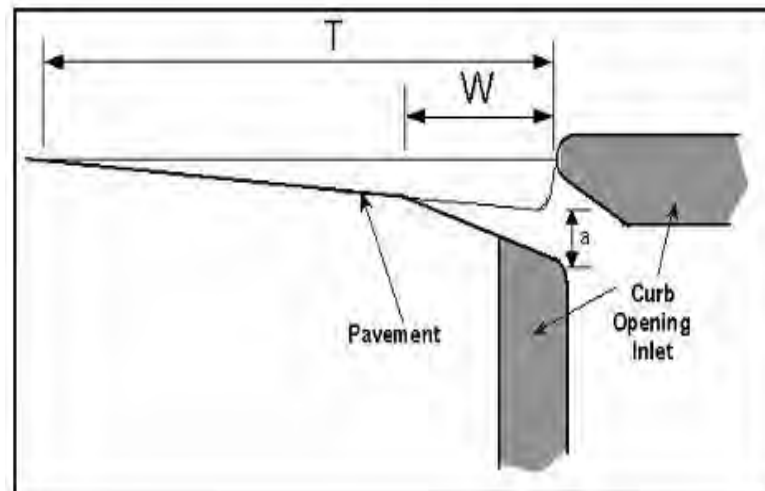
S_x = cross slope of the road (ft/ft)

a = gutter depression depth (ft), all inlet depressions shall be 0.50 feet (6 inches)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

E_0 = ratio of depression flow to total flow

Figure 3.1: Gutter Cross Section Diagram



$$E_0 = \frac{K_W}{K_W + K_0}$$

Equation 3.10 where:

E_0 = ratio of depression flow to total flow

K_W = conveyance of the depressed gutter section (cfs)

K_0 = conveyance of the gutter section beyond the depression (cfs)

$$K = \frac{1.486A^{5/3}}{nP^{2/3}}$$

Equation 3.11 where:

K = conveyance of cross section (cfs)

A = area of cross section (ft²)

n = Manning's roughness coefficient, value = 0.0175

P = wetted perimeter (ft)

$$A_W = WS_x \left(T - \frac{W}{2} \right) + \frac{1}{2} aW$$

Equation 3.12 where:

A_W = area of depressed gutter section (ft²)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

S_x = cross slope (ft/ft)

T = calculated ponded width (ft)

a = gutter depression depth (ft), all inlet depressions shall be 0.50 feet (6 inches)

$$P_W = \sqrt{(WS_x + a)^2 + W^2}$$

Equation 3.13 where:

P_W = wetted perimeter of depressed gutter section (ft)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

S_x = cross slope (ft./ft)

a = gutter depression depth (ft), all inlet depressions shall be 0.50 feet (6 inches)

$$A_0 = \frac{S_x}{2} (T - W)^2$$

Equation 3.14 where:

A_0 = area of gutter/road section beyond the depression width (ft²)

S_x = cross slope (ft/ft)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

T = calculated ponded width

$$P_0 = T - W$$

Equation 3.15 where

P_0 = wetted perimeter of the depressed gutter section (ft)

T = calculated ponded width (ft)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

For determining the bypass of a curb inlet on grade use the following **Equation 3.16** which factors in the ratio of the actual length of curb inlet (L_a) to the length of inlet required (L_r)

$$Q_{bypass} = Q \left(1 - \frac{L_a}{L_r} \right)^{1.8}$$

Equation 3.16 where:

Q_{bypass} = carryover discharge (cfs)

Q = total discharge (cfs)

L_a = design length of the curb opening inlet (ft)

L_r = length of curb opening inlet required to intercept the total flow (ft)

- (4) Curb Inlet at Sag/Low Point. Determining the capacity of curb inlets at sag/low point shall be taken from **Equation 3.17** while the inlet operates as a weir until the water depth approaches 1.4 times the curb opening height.

$$Q = 2.3(L + 1.8W)y^{1.5}$$

Equation 3.14 can be rearranged to find the required curb inlet length at a sag point as shown in **Equation 3.18**.

$$L = \frac{Q}{2.3y^{1.5}} - 1.8W$$

Equation 3.17 and **3.18** where:

Q = total flow reaching inlet (cfs) y = depth of flow (ft)

L = length of curb inlet opening (ft)

W = gutter depression width (ft) - standard inlets $W = 2.0$ ft, recessed inlets $W = 3.0$ ft

Figures 3.2 through **3.3** are provided as reference for **Standard and Recessed Sag Curb Inlet Capacities**.

Figure 3.2: Standard Curb Inlet Capacity Sag/Low Point

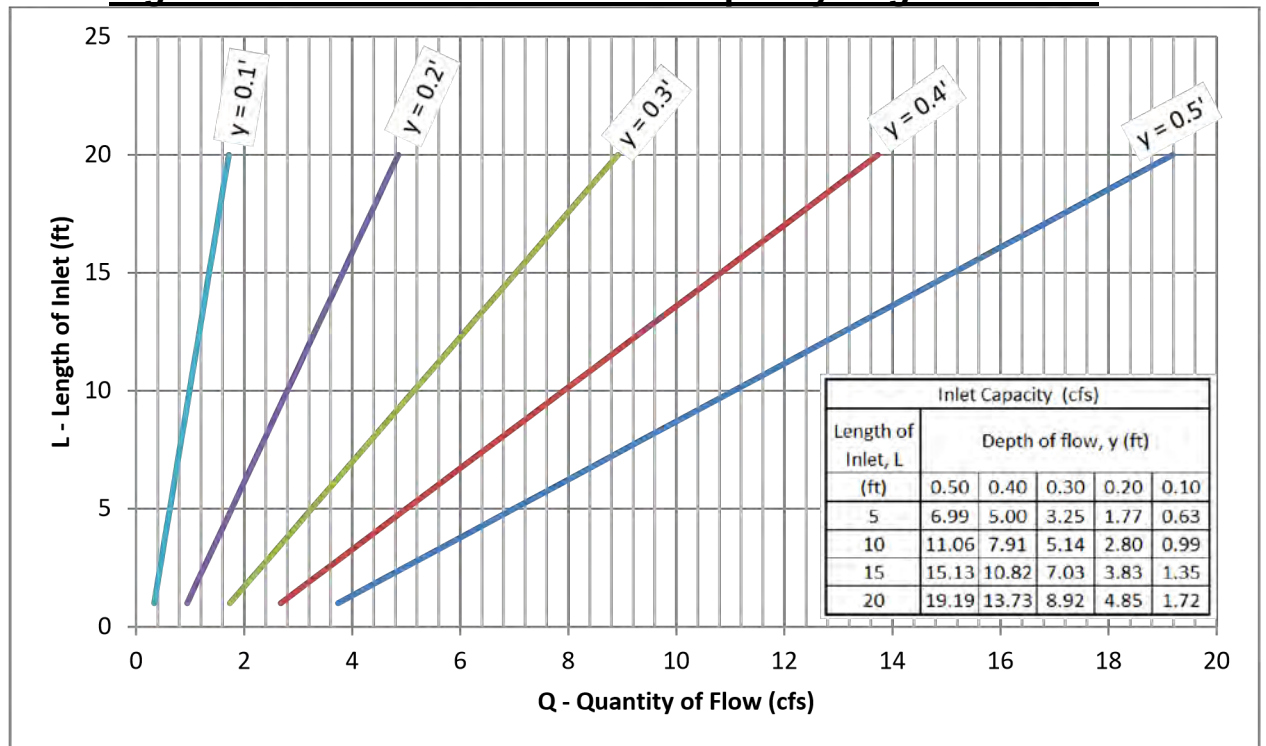
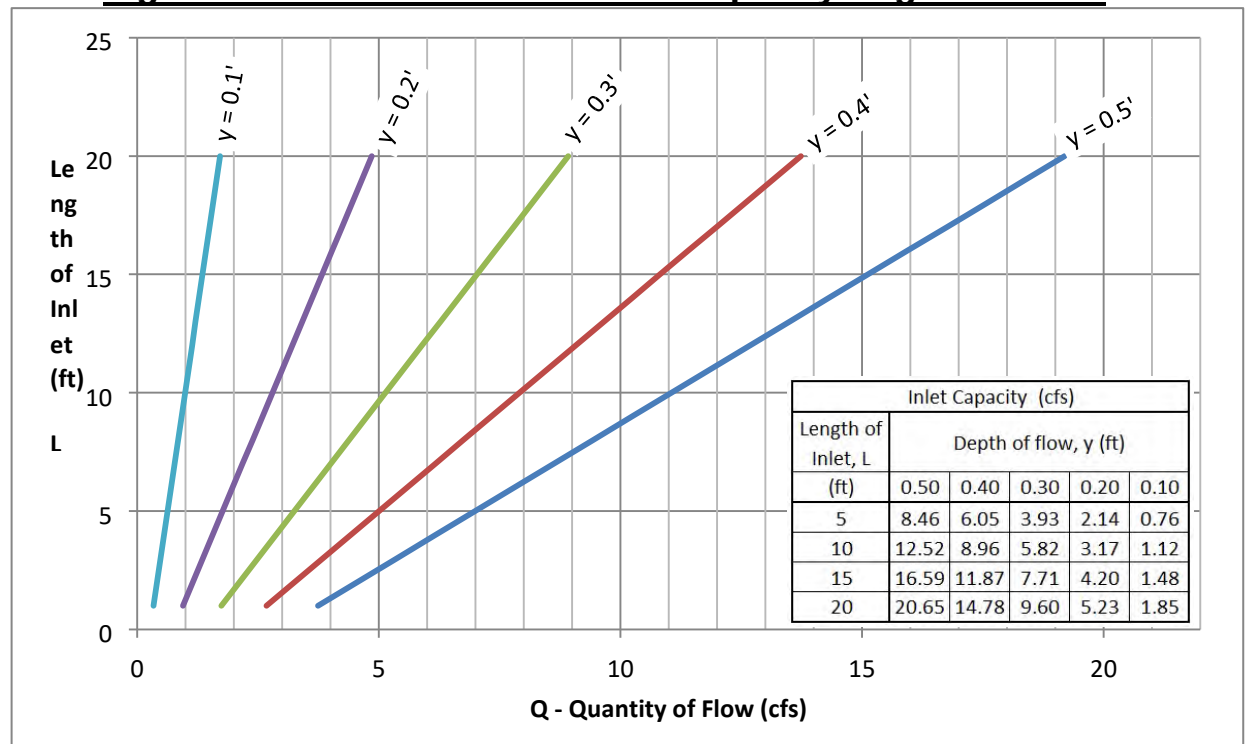


Figure 3.3: Recessed Curb Inlet Capacity Sag/Low Point



- (5) Drop Inlets / 'Y' Inlet Design. The capacity of drop inlets shall be taken from the **Equation 3.19**. All drop inlets shall be sized to have a maximum allowable head (depth of water) on the inlet to be six (6) inches.

$$Q = 3.087Ly^{3/2}$$

The equation can be rearranged to find the length of Drop Inlet opening as shown in **Equation 3.20**.

Equation 3.20 where:

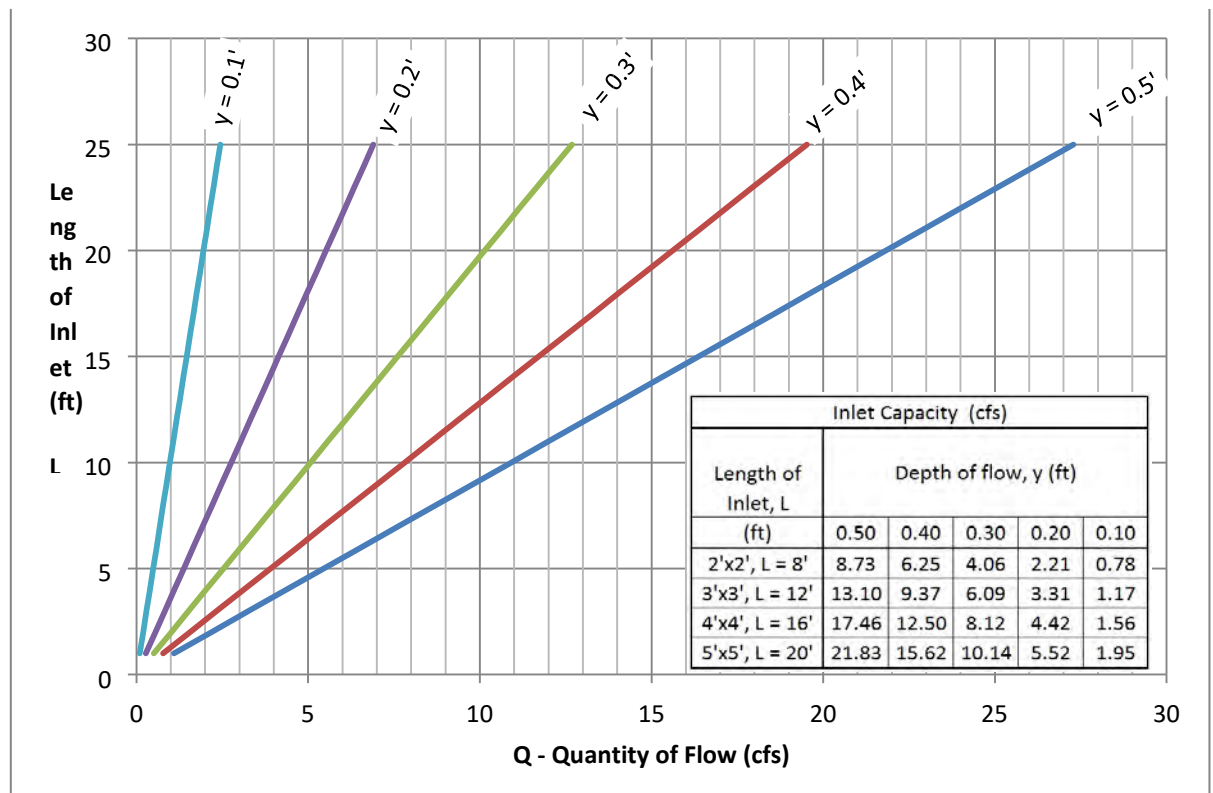
Q = flow to inlet (cfs)

L = length of inlet opening (ft)

y = depth of water (head) at inlet (ft)

Figure 3.4 is provided as reference for Drop/"Y" Inlet Capacities.

Figure 3.4: Drop/'Y' Inlet Capacity



- (6) Combination and Grate Inlet Design. When allowed by the Director of Public Works and/or the City Engineer combination and grate Inlets shall be sized using standard engineering practices or manufacturer's recommendation.

Form 3.2: Inlet Design Calculations Table

Inlet ID	Location			Design Freq.	Area Runoff					
	Align-ment	Station	Offset		C	Area ID	Time of Concentration T _c	Intensity I	Area A	Runoff Q
				(yr.+++)			(min)	(in/hr.)	(acres)	(cfs)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Upstream Bypass C*A	Total Gutter Flow Q _a	Gutter Flow								
		Thoroughfare Type	OnGrade/ Sag	Manning's n	Long Slope S	Crown Type	Cross Slope SX	Depression		
								Depth a	Width W	
(cfs)	(cfs)				(ft/ft)		(ft/ft)	(ft)	(ft)	
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	

Gutter Flow						Inlets Capacity				
Ponding Width/ Spread		Depth of Gutter Flow		Max. Allowable Flow based on Max. Allowable Ponding Width Qallow gutter	Depressed Gutter Section		Section Beyond Depression			
(allow) Tallow	(actual) Tactual	(allow) yallow	(actual) yactual		Area	Wetted Perimeter	Area	Wetted Perimeter		
					AW	PW	A ₀	P ₀		
	(ft)	(ft)	(ft)	(ft)	(cfs)	(ft²)	(ft)	(ft²)	(ft)	
	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	

Inlets Capacity							Inlet By-pass			Remarks
Conveyance		Ratio of Depress. flow to Total Flow E ₀	Equiv. Cross slope, S _e	Inlet Length		Inlet Capacity QC	Flow Qbypass	C* A	To Inlet ID	
Depressi on Section Kw	Section Beyond Depress. K ₀			Require d LReq'd	Actual Lactual					
(cfs)	(cfs)		(ft/ft)	(ft)	(ft)	(cfs)	(cfs)			
(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)	(41)

Instructions for Form 3.2: Inlet Design Calculation Table	
Column (1)	Inlet number or designation, starting with the most upstream inlet.
Column (2)	Street Alignment/ Name in which the inlet is located.
Column (3)	Station along the alignment in which the inlet is located.
Column (4)	Offset distance and side (RT/LT) inlet is located.
Column (5)	Design Storm Frequency shall be 100-yr for all inlets.
Column (6)	Runoff coefficient taken from Table 3.2, Runoff Coefficient for Types of Land Use .
Column (7)	Contributing drainage area ID.
Column (8)	Minimum inlet time of concentration taken from Table 3.3, Minimum Inlet Time of Concentration .
Column (9)	Using the time of concentration and design storm frequency, the rainfall intensity is taken from Table 3.5, AMS Based Precipitation Frequency Estimates for Kaufman County
Column (10)	Runoff area to inlet in acres.
Column (11)	Solution of Equation 3.1 .
Column (12)	Taken from Column (39) of the upstream inlet.
Column (13)	$= \text{Column (9)} \{ \text{Column (12)} + \{ \text{Column (6)} * \text{Column (10)} \} \}$
Column (14)	Thoroughfare Type Taken from Article 02.031.0200 Streets , (Type A, Type B, Type C, Type D, Local, Alley, Parking).
Column (15)	Determined by location of inlet (On-Grade or Sag).
Column (16)	Manning's n value.
Column (17)	Street longitudinal gutter slope of the street taken in (feet/feet).
Column (18)	Street crown type on which the inlet is located.
Column (19)	Street cross-slope in feet/feet .

Instructions for Form 3.2: Inlet Design Calculation Table	
Column (20)	Gutter depression depth, reference Figure 3.1 .
Column (21)	Gutter depression width, reference Figure 3.1 .
Column (22)	Determined by the type of thoroughfare in the permissible spread width section.
Column (23)	Solution of Equation 3.7 .
Column (24)	The product of Column (22) and Column (19).
Column (25)	The product of Column (23) and Column (19).
Column (26)	Solution of Equation 3.5 . using the maximum allowable pond width from Column (22).
Column (27)	Solution of Equation 3.12 .
Column (28)	Solution of Equation 3.13 .
Column (29)	Solution of Equation 3.14 .
Column (30)	Solution of Equation 3.15 .
Column (31)	Solution of Equation 3.11 using Columns (27) and (28).
Column (32)	Solution of Equation 3.11 using Columns (29) and (30).
Column (33)	Solution of Equation 3.10 .
Column (34)	Solution of Equation 3.9 .
Column (35)	Solution of Equation 3.8 for on-grade curb inlets, Equation 3.18 for sag curb inlet, or Equation 3.20 for drop inlets.
Column (36)	Selected Inlet Size.
Column (37)	The capacity of the selected inlet size of Column (35), solution found by iteratively solving for capacity based on Equation 3.8 for curb inlets, Equation 3.17 for sag curb inlets, Equation 3.19 for drop inlets.
Column (38)	For on-grade inlets the solution of Equation 3.16 .
Column (39)	Equal Column (38) divided by Column (9).
Column (40)	Next downstream inlet to which by the by-pass is going.
Column (41)	Special design comments are entered here.

(i) **Flow in Storm Drain Conduits and Their Appurtenances**

(1) Hydraulic Gradient of Conduits.

- i. A storm drainage conduit must have sufficient capacity to discharge a design storm with a minimum of interruption and inconvenience to the public using streets and thoroughfares. The size of the conduit is determined by accumulating runoff from contributing inlets and calculating the slope of a hydraulic gradient from Manning's Equation:

$$S_f = \frac{Qn^2}{1.49AR^{2/3}}$$

Equation 3.21 where:

Q = flow in conduit, (cfs)

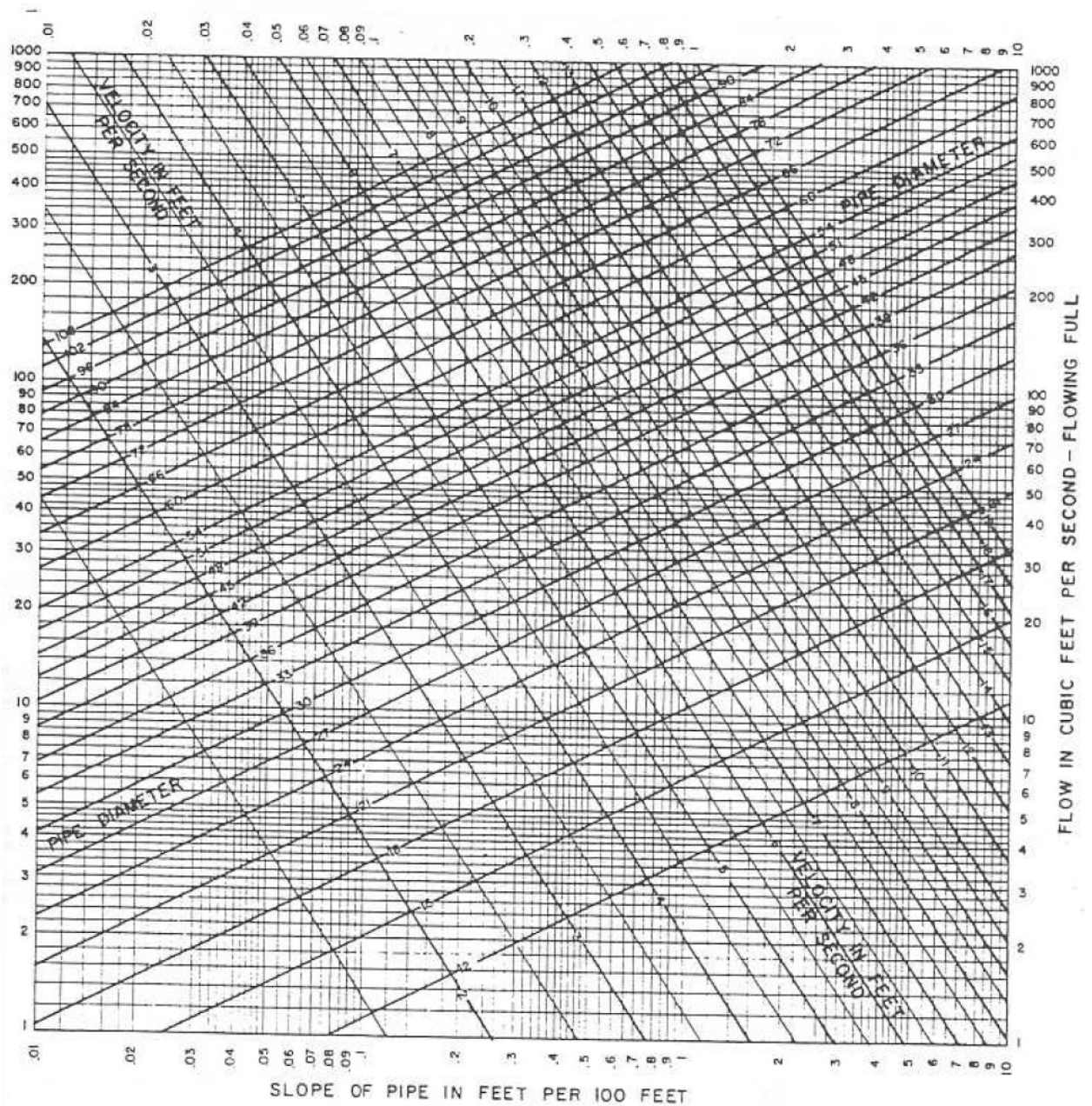
n = Manning's roughness coefficient; value = 0.013 A = cross sectional area of flow, (ft²)

R = hydraulic radius, (ft)

S_f = hydraulic friction slope, (ft/ft)

- ii. Hydraulic gradient for the selected conduit size shall be 1.50' below gutter (2.0' below top of curb) for each contributing inlet to ensure that the selected conduit will carry the design flow at an elevation below the gutter profile. As the conduit size is selected and the hydraulic gradient is plotted between each inlet pickup point, a head loss due to a change in velocity and pipe size must be incorporated in the gradient profile.
- iii. At an outfall/headwall the starting hydraulic grade line (HGL) for a conduit system shall be set to the greater of the following: the conduit soffit or the one-hundred-year (100-yr) water surface elevation for the receiving channel or detention pond. In situations where the drainage area for the receiving stream is significantly larger than the drainage area for the site, an evaluation may be performed to determine the water surface elevation and resulting HGL that is appropriate for the site.
- iv. Concrete pipe conduit shall be used to carry the storm water, and flow chart, **FIGURE 3.5, Capacity of Circular Pipes Flowing Full** based on Manning's Equation may be used to determine the various hydraulic elements including the pipe size, the hydraulic gradient, and the velocity. Special hydraulic calculators are also available for solution of Manning's Equation. All public storm lines shall be sized to carry the 100-year flow or greater.
- v. The roughness coefficient 'n' for storm sewer conduit shall be 0.013.
- vi. With the hydraulic gradient established, considerable latitude is available for establishment of the conduit flow line. The hydraulic gradient at every inlet should be plotted directly on the construction plan profile worksheet and adjusted as necessary.
- vii. All public storm sewer systems shall be reinforced concrete pipe. In order to facilitate pipe inspection, where pipe sizes change, the flowlines shall match. Storm sewer pipe with two-feet (2') feet or less of cover are required to be Class IV reinforced concrete pipe. All storm pipes and laterals are required to have a plan and profile on engineering plans. All flow data (Q_{100} , Q_{cap} , velocity, hydraulic slope) is required at every change in pipe size, slope and/or change in flow rate.

Figure 3.5 Capacity of Circular Pipes Flowing Full



CAPACITY OF CIRCULAR
PIPES FLOWING FULL

A GRAPHICAL SOLUTION
OF
MANNING'S EQUATION

$$V = \frac{1.486}{n} R^{2/3} S^{1/2}$$

$$n = 0.013$$

Table 3.7: Entrance Loss Coefficients

Type of Structure and Design of Entrance	Coeff. K_E
Pipe (Concrete)	
Projecting from fill, socket end (groove-end)	0.2
Projecting from fill, square cut end	0.5
Headwall or headwall and wingwalls	
Socket end of pipe (groove-end)	0.2
Square-edge	0.5
Rounded (radius = $1/12D$)	0.2
Mitered to conform to fill slope	0.7
End-section conforming to fill slope	0.5
Beveled edges, 33.7- or 45-degree bevels	0.2
Side- or slope-tapered inlet	0.2
Pipe, or Pipe-Arch, (Corrugated Metal)	
Projecting from fill (no headwall)	0.9
Headwall or headwall and wingwalls square-edge	0.5
Mitered to conform to fill slope, paved or unpaved slope	0.7
End-section conforming to fill slope	0.5
Beveled edges, 33.7- or 45-degree bevels	0.2
Side- or slope-tapered inlet	0.2
Box (Reinforced Concrete)	
Headwall parallel to embankment (no wingwalls)	
Square-edged on 3 edges	0.5
Rounded on 3 edges to radius of $1/12$ barrel dimension or beveled edges on 3 sides	0.2
Wingwalls at 30- to 75-degrees to barrel	
Square-edged at crown	0.4
Crown edge rounded to radius of $1/12$ barrel dimension, or beveled top edge	0.2
Wingwall at 10- to 25-degrees to barrel	
Square-edged at crown	0.5
Wingwall parallel (extension of sides)	
Square-edged at crown	0.7
Side- or slope-tapered inlet	0.2

- (2) **Minor Head Losses.** When establishing the hydraulic gradeline of a storm sewer, minor head losses at points of turbulence shall be calculated and included in the computation of the hydraulic gradeline.

- i. **Entrance Losses.** Entrance losses to a closed storm sewer system from an open channel or lake shall be calculated using **Equation 3.22**.

$$H_L = K_E \frac{V_1^2}{2g}$$

Equation 3.22 where:

H_L = head loss (ft)

K_E = head loss coefficient (see **Table 3.7 Entrance Loss Coefficients**) .

V_1 = velocity in the downstream conduit
(ft/s)

g = the acceleration of gravity (32.3 ft/s²)

- ii. **Inlet Losses.** Inlet losses shall be calculated using **Equation 3.23**.

$$H_L = 1.25 \frac{V_{LAT}^2}{2g}$$

Equation 3.23 where:

H_L = head loss (ft)

V_{LAT} = velocity in the lateral (ft/s)

g = the acceleration of gravity (32.2 ft/s²)

- iii. **Expansion Losses.** For pipe size expansions, head loss shall be calculated using **Equation 3.24**.

$$H_L = \left(1 - \left(\frac{D_1}{D_2} \right)^2 \right) \frac{V_1^2}{2g}$$

Equation 3.24 where:

H_L = head loss (ft)

V_1 = upstream velocity (ft/s)

D_1 = upstream conduit diameter (ft)

D_2 = downstream conduit diameter (ft)

g = the acceleration of gravity (32.2 ft/s²)

- iv. Manhole and Bend Losses. Head losses associated with manholes for pipe direction changes and bends in pipes of equal diameter shall be calculated using **Equation 3.25.**

$$H_L = K_j \frac{V_2^2}{2g}$$

Equation 3.25 where:

H_L = Head loss (ft)

V_1 = Velocity in the upstream conduit (ft/s)

V_2 = Velocity in the downstream conduit (ft/s)

K_j = Head loss coefficient from **Table 3.8. Head Loss Coefficients for Closed Conduits**

g = the acceleration of gravity (32.2 ft/s²)

- v. Junction Losses. Head losses associated with wye connections or manholes branch laterals entering the main line shall be calculated by sing **Equation 3.26.**

$$H_L = \frac{V_2^2}{2g} - K_j \frac{V_1^2}{2g}$$

Equation 3.26 where:

H_L = Head loss (ft)

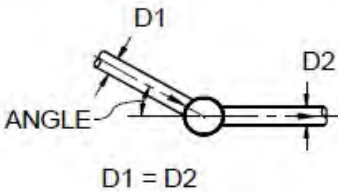
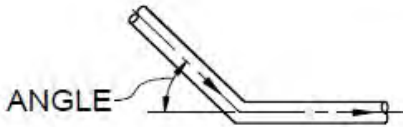
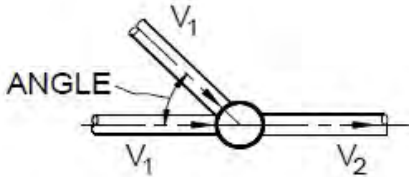
V_1 = Velocity in the upstream conduit (ft/s)

V_2 = Velocity in the downstream conduit (ft/s) K_j = Head loss coefficient from

Table 3.8 Head Loss Coefficients for Closed Conduits

g = the acceleration of gravity (32.2 ft/s²)

Table 3.8 Head Loss Coefficients for Closed Conduits

MANHOLE AT CHANGE IN PIPE DIRECTION		
DESCRIPTION	ANGLE	HEAD LOSS COEFFICIENT K_j
 D1 = D2	90°	0.55
	60°	0.48
	45°	0.42
	30°	0.3
	0°	0.05
BENDS IN PIPES		
DESCRIPTION	ANGLE	HEAD LOSS COEFFICIENT K_j
	90°	0.5
	60°	0.43
	45°	0.37
	30°	0.25
JUNCTION		
DESCRIPTION	ANGLE	HEAD LOSS COEFFICIENT K_j
	0°	1
	22 1/2°	0.75
	45°	0.5
	60°	0.35
	90°	0.25

(3) Minimum Grades.

- i. Storm drains should operate with flow velocities sufficient to prevent excessive deposits of solid materials; otherwise objectionable clogging may result. The controlling velocity with regard to sediment deposition is near the bottom of the conduit and considerably less than the mean velocity of the storm.
- ii. Storm drains shall be designed to have a minimum mean velocity flowing full of 2.5 feet per second (f.p.s.). **Table 3.9 Minimum Grades for Storm Drain Pipelines** indicates the minimum grades for concrete pipe with "Manning's "n" = 0.013 and flowing at 2.5 f.p.s.

Table 3.9: Minimum Grades for Storm Drain Pipelines

Pipe Diameter.	Slope
(Inches)	(foot/foot)
18	0.0018
21	0.0015
24	0.0013
27	0.0011
30 -96	0.0010

- (4) Maximum Velocities. The slope of a storm sewer should also be such that excessive velocities will not damage the pipeline or drainage structures. **Table 3.10 Maximum Velocities in Closed Conduits** delineates the maximum desirable velocities for storm sewer.

Table 3.10: Maximum Velocities in Closed Conduits

Type of Conduit	Maximum Velocity
Culverts	15 f.p.s.
Inlet Laterals	15 f.p.s.
Storm Sewer Pipe	12.5 f.p.s.

(5) Discharge of Storm Drain Pipe.

- i. For discharging into retention ponds or other water features with a normal pool, the outfall must be at minimum the same level of the normal water surface elevation. Pipes may not be designed or discharged to retain water within the pipe longer than forty-eight (48) hours.

- ii. Headwalls or sloped end treatments shall be constructed at the pipe ends of all storm drain systems. Sloped end treatments are required along streets when the drainage feature is adjacent and parallel to traffic flow. The sloped end treatment shall be a minimum of six horizontal to one vertical (6:1) end section. Storm drain systems that outfall to a stream, natural channel, or pond shall conform to the existing side slope of the channel, outfall to the stream flowline, and be connected to a headwall. Hard armor protection and energy dissipation shall be installed at the outfall structure to address potential erosion issues associated with the new storm drainage system. Refer to the iSWM Technical Manual Hydraulics Section for design of channel transitions and energy dissipation. Follow requirements for open channel transition materials when out-falling to a channel

(6) Manholes.

- i. Storm drain manholes shall be located at intervals not to exceed five hundred feet (500') for all underground storm conduit systems.
- ii. Manholes shall also be placed at locations where CCTV and Vac-con equipment can inspect/clean entire system without getting stuck or unable to make bends/wye connection turns. Therefore manholes shall also be placed where there is no more than one (1) bend or wye connection between manholes or inlets.
- iii. Inlet and manhole lids shall be twenty-four inches (24") with locking lids.

(7) Underdrains/French Drains.

- i. The use of French Drains shall be approved by the Director of Public Works and/or the City Engineer. The minimum size of underdrains/French drain shall be six-inches (6") in diameter. Piping shall be installed per standard detail R-6080 and connect to the nearest downstream inlet.
- ii. Cleanout shall be placed at the most upstream point and at a maximum spacing of four-hundred-feet (400').
- iii. Horizontal location shall be adjusted as needed in order to prevent conflict with other proposed or existing utilities within corridor.
- iv. Ninety-degree (90°) bends in small lines are prohibited. Forty-five-degree (45°) bends or clean outs are recommended.
- v. Any private underdrains/French drains that are discharging into City right-of-way or easements shall connect to the closest City underdrain, storm drain pipe or inlet. A clean out shall be placed at the right-of-way line to the private underdrain lateral.
- vi. If a private underdrain is not in close proximity to a larger storm drain pipe or inlet system, a pop-up drain shall be installed in private property.
- vii. No cutting or "punching" into City curb with pipes will be allowed.

- (j) **One Hundred-Year (100-yr) Flood Zones.** Where the Federal Emergency Management Administration (FEMA) has defined a flood hazard area with regard to a drainage course as shown on the effective Flood Insurance Rate Maps (FIRMs), the flood hazard zone and the floodplain, floodway, cross-section lines and water surface elevations at each cross-section, if available, shall be shown on the plat and engineering plans.

- (k) **Local One-Hundred-Year (100-yr) Flood Zones.** Where flood information has not been determined for streams, creeks, channels, or impoundments located within or adjacent to a proposed development, the one-hundred-year (100-yr) fully developed flood elevations and flood

boundaries shall be determined by the developers' engineers. The local floodplain, cross-section lines and water surface elevations at each cross-section shall be shown on the plat and engineering plans.

- (l) **Inlet Markers.** The City will provide "No Dumping, Drains to Waterway" inlet markers to be installed on each inlet by the Developer.
- (m) **Fueling Stations.** If there is a fueling station on the site, the storm line serving the fueling station drainage area shall have an oil/water separator installed before leaving the site. This private system shall discharge into a storm system and cannot discharge into a wastewater system.
- (n) **Testing.** If there is a fueling station on the site, the storm line serving the fueling station drainage area shall have an oil/water separator installed before leaving the site. This private system shall discharge into a storm system and cannot discharge into a wastewater system.

SEC.02.03.0314..... STORM SEWER DESIGN – CLOSED CONDUIT

- (a) **General.** To facilitate the design of closed conduit storm sewers, design will be based on the calculations called out in this section and the instructions for Form 3.3: Storm Sewer Calculations. **Form 3.3 Storm Sewer Calculations Table** in its entirety shall be included in the plans and calculations shall be provided for each system including laterals.

Form 3.3: Storm Sewer Calculations Table

SYSTEM ID	Conduit Properties								
	Collection Point Station		Length	# of Barrels	Pipe Size	Box		Type	Area
	U/S	D/S				Span	Rise		
			(ft)		(inches)	(ft)	(ft)		(ft ²)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Conduit Properties						Incremental Drainage Area			
Wetted Perimeter PW	Hydraulic Radius	Manning's n	Flowline Elevation		Slope	Inlet ID	Area	Runoff Coeff. C	Incremental C*A
			Up-stream	Down-stream					
(ft)	(ft)				(ft/ft)		(acres)		
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Accumulated C*A	Upstream TC	Design Storm Freq.	Intensity I	Runoff Q	Conduit Capacity QC	Partial Flow	Velocity V	Time in Conduit	
	(min)	(yr)	(in/hr.)	(cfs)	(cfs)	(Yes/No)	(ft/s)	(min)	
(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	

Friction Slope S _f	Friction Head-loss	HGL		Headloss Calculations					Design HGL	Top of Curb Elev.	HGL Depth Below T/C	Remarks
		U/S	D/S	$\frac{V_1^2}{2g}$	$\frac{V_2^2}{2g}$	Jct. Type	Coef. f. K _j	Head-loss H _L				
(ft/ft)	(ft)			(ft)	(ft)			(ft)			(ft)	
(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)	(41)	(42)

Instructions for Form 3.3: Storm Sewer Calculation Table

Column (1)	System ID, if private label (ex. Line-A, Line-B,; Lat-A1, Lat-A2,)
Column (2)	Storm sewer line station at the upstream end of conduit section
Column (3)	Storm sewer line station at the downstream end of conduit section
Column (4)	Length of Conduit segment, equal to Column (2) minus Column (3)
Column (5)	Number of barrels of conduit
Column (6)	Size of Pipe in inches
Column (7)	Span of Box Conduit
Column (8)	Rise of Box Conduit
Column (9)	Conduit Type (ex. RCP, RCB, PVC, HDPE,)
Column (10)	Conduit area
Column (11)	Wetted Perimeter
Column (12)	Equal to Column (10) divided by Column (11)
Column (13)	Manning's Roughness Coefficient
Column (14)	Conduit flowline elevation at the upstream end of conduit section
Column (15)	Conduit flowline elevation at the downstream end of conduit section
Column (16)	Conduit slope in feet/feet
Column (17)	The incremental drainage area ID contributing to the conduit section
Column (18)	The incremental drainage area in acres contributing to the conduit section
Column (19)	The incremental drainage area runoff coefficient contributing to the conduit section

Instructions for Form 3.3: Storm Sewer Calculation Table

Column (20)	Equal to Column (18) multiplied by Column (19)
Column (21)	Equal to Column (20) plus Column (21) of the upstream conduit section
Column (22)	Equal to inlet Tc if most upstream conduit section, or the sum of previous conduit section Column (22) and Column (29)
Column (23)	Design Storm Frequency shall be 100-yr
Column (24)	Shall be taken from Table 3.5 AMS Based Precipitation Frequency Estimates for Kaufman County using Columns (22) and (23)
Column (25)	Solution of Equation 3.1 using Columns (21) and (24)
Column (26)	Solution of Manning's Equation 3.6 where the conduit is flowing full (depth of flow is equal to height of conduit)
Column (27)	Yes, if Column (25) < Column (26). No, if Column (25) ≥ Column (26)
Column (28)	The actual velocity within the conduit
Column (29)	Equal to Column (4) divided by Column (28) divided by 60 sec/min
Column (30)	Solution of Equation 3.21
Column (31)	Equal to Column (4) multiplied by Column (30)
Column (32)	Upstream Hydraulic Grade Line. Equal to Column (33) plus Column (31)
Column (33)	This is the beginning hydraulic gradient of the line. It is equal to the Design HGL Column (38) for the next downstream segment, or the beginning HGL of the system.
Column (34)	Velocity Head of the incoming pipe at the wye, junction, inlet, or manhole.
Column (35)	Velocity Head of the outgoing pipe (the pipe segment being analyzed) at the wye, junction, inlet, or manhole.
Column (36)	Upstream junction type (ex. Inlet, 60° Wye, 30° Bend, Jct. Box,)
Column (37)	Taken from Table 3.8., Velocity Head Loss Coefficients for Closed Conduits
Column (38)	Taken from Equations 3.23 through 3.26 depending on Junction Type
Column (39)	Upstream Hydraulic Grade Line design point of the conduit segment. Column (24) plus Column (32)
Column (40)	The top of curb elevation at which the inlet is located
Column (41)	Equal to the Column (40) minus Column (39)
Column (42)	Special design comments are entered here.

SEC. 02.03.0315 STORM SEWER DESIGN – OPEN CHANNELS

(a) **General.**

- (1) All channels shall be designed to have a minimum bottom width of six feet (6'), a minimum flow line slope of one 0.5%, and shall be sized for the anticipated design.
- (2) Side slopes of channels shall not be steeper than one foot (1') rise to four feet (4') horizontal distance. Where slopes are steeper than four to one (4 to 1), the slopes shall be lined for slope protection with concrete, gabions, or another approved method.
- (3) In unlined open channels, the side slopes and channel slopes shall be such that erosion is controlled and the channel is stable. Channels discharging into water courses shall have the same invert level as the water course.

- (4) Open channel modeling and design should be done using HEC-RAS when the flow is greater than fifty cubic feet per second (50 cfs) or there are existing or proposed crossings of the channel.
- (5) When flow is less than fifty cubic feet per second (50 cfs) and there are no existing or proposed crossings, calculation may be performed manually using **Form 3.4 Open Drainage Channel Calculations Table**. The instructions for **Form 3.4: Open Drainage Channel Calculations Table**, have been included in this section to facilitate the hydraulic design of an open channel.

Instructions for Form 3.4 Open Drainage Channel Calculations

Column (1)	Downstream limit of the section of channel under consideration.
Column (2)	Upstream limit of the section of channel under consideration.
Column (3)	Type of channel as shown shall be either Type I natural unimproved channel, Type II unlined with maintenance section, (concrete pilot channel) or Type III, concrete lined channel.
Column (4)	Flow in the section of channel under consideration.
Column (5)	Roughness coefficient of the channel cross-section taken from TABLE 3.11 Roughness Coefficients for Open Channels and Maximum Velocity .
Column (6)	Slope of the channel which is most often parallel to slope of the hydraulic gradient.
Column (7)	Square root of Column (6).
Column (8)	Calculation is made using the values in Columns (4), (5) and (7).
Column (9)	Assumed width of the bottom width of the channel.
Column (10)	Assumed depth of flow.
Column (11)	Assumed slope of the sides of the channel.
Column (12)	Area of flow which is calculated based on Columns (9), (10) and (11).
Column (13)	Wetter perimeter calculated from Columns (9), (10) and (11).
Column (14)	Value is calculated from Columns (12) and (13).
Column (15)	Column (14) raised to 2/3 power.
Column (16)	Product of Column (13) times Column (15).
When the value of Column (16) equals the value of Column (8) the channel has been adequately sized. When the value of Column (16) exceeds the value of Column (8) by more than five percent, the channel width or depth should be decreased, and another trial section analyzed.	
Column (17)	Calculation is based on the values of Columns (4) and (12)
Column (18)	Calculation is based on Column (17)
Column (19)	Remarks concerning the channel section analyzed may be entered.

Table 3.11: Roughness Coefficients for Open Channels and Maximum Velocity

Channel Description	Manning's n	Max. Permissible Channel Velocity (ft/s)
Fairly Regular Section		
1. Some grass and weeds, little or no brush	0.030	6
2. Dense growth of weeds, depth of flow materially greater than week height	0.035	6
3. Some weeds, light brush on banks	0.035	6
4. Some weeds, heavy brush on banks	0.050	6
5. Some weeds, dense willows on banks	0.060	6
For trees within channels with branches submerged at high stage, increase above values by	0.010	6
Irregular section with pools, slight channel meander, increase above values by	0.010	6
Floodplain - Pasture		6
1. Short grass	0.030	6
2. Tall grass	0.035	6
Floodplain - Cultivated Areas		6
1. No crop	0.030	6
2. Mature row crops	0.035	6
3. Mature field crops	0.040	6
Floodplain - Uncleared		6
1. Heavy weeds/scattered brush	0.050	6
2. Wooded	0.12	6
MAJOR NATURAL STREAMS		
Roughness coefficient is usually less than for minor streams of similar description on account of less effective resistance offered by irregular banks or vegetation on banks. Values of "n" for larger streams of mostly regular sections, with no boulders or brush.	Range from 0.280 to 0.060	6
UNLINED VEGETATED CHANNELS		
Clays (Bermuda Grass)	0.035	6
Sandy and Silty Soils (Bermuda Grass)	0.035	5
UNLINED NON-VEGETATED CHANNELS		
Sandy Soils	0.030	2.50
Silts	0.030	1.50
Sandy Silts	0.030	3
Clays (Bermuda Grass)	0.030	5
Coarse Gravels	0.030	6
Shale	0.030	10

Table 3.11: Roughness Coefficients for Open Channels and Maximum Velocity

Channel Description	Manning's n	Max. Permissible Channel Velocity (ft/s)
Rock	0.025	15
LINED CHANNELS		
Grass Lined	0.035	6
Concrete Lined	0.015	15
Rock Riprap	0.040	12
Grouted Riprap	0.028	15

SEC.02.03.0316 CULVERT DESIGN

(a) General.

- (1) The design of culverts shall be sized to convey the discharge of the design flood frequency of one-hundred-year (100-yr) fully-developed watershed. The hydraulic calculations shall be entered into Form 3.5 Culvert Design Calculations, which is further described herein. If computer modeling software is used in culvert design such as HY-8, HEC-RAS, etc. all input and output parameters shall be included in the plans, or in a certified report referenced in the plans.
- (2) Where a parallel culvert is to be placed in a roadside ditch under a driveway or roadway, the culvert headwalls shall start at the end of the curb return and extend beyond the return.
- (3) The instructions for **FORM 3.5: Culvert Design Calculations Table** have been included in this section to facilitate the hydraulic design of a culvert.

FORM 3.5: INSTRUCTION FOR INFORMATION IN THE UPPER RIGHT-HAND CORNER OF FORM

Culvert Location	This is a word description of the physical location.
Length	The actual length of the culvert
Total Discharge, Q	This is the flow computed on Form 3.1: Drainage Calculations Table (Design Storm Frequency – 100-year storm)
Roughness Coefficient	n-value = 0.013
Maximum Discharge Velocity	Obtained from Table 3.12: Culvert Discharge Velocities
Tailwater	This is the design depth of water in the downstream channel and is obtained in connection with the channel design performed on Form 3.4: Open Drainage Channel Calculations Table
D.S. Channel Width	This is the bottom width of the downstream channel. The culvert should be sized to approximate this width whenever possible.
Entrance Description	This is a listing of the actual condition as shown in the "Culvert Entrance Data" shown on the calculation sheet.
Roadway Elevation	The elevation of the top of curb at the upstream end of culvert.
U.S. Culvert F.L.	The flow line of the culvert at the upstream end.
Difference	The difference in elevations of the roadway and the upstream flow line.
Required Freeboard	The vertical distance required for safety between the upstream design water surface and the roadway elevation or such other requirements, which may occur because of particular physical conditions.
Allowable Headwater	This is obtained by subtracting the freeboard from the difference shown immediately above.
D.S. Culvert F.L.	The flow line elevation of the downstream end of the culvert
Culver Slope, S	This is the physical slope of the structure calculated as indicated.

**Table 3.12: Culvert Discharge
Velocities**

<u>Culvert Discharges On</u>	<u>Maximum Allowable Velocity (f.p.s.)</u>
Earth (Sandy)	6
Earth (Clay)	6
Sodded Earth	6
Concrete	15
Shale	10
Rock	15

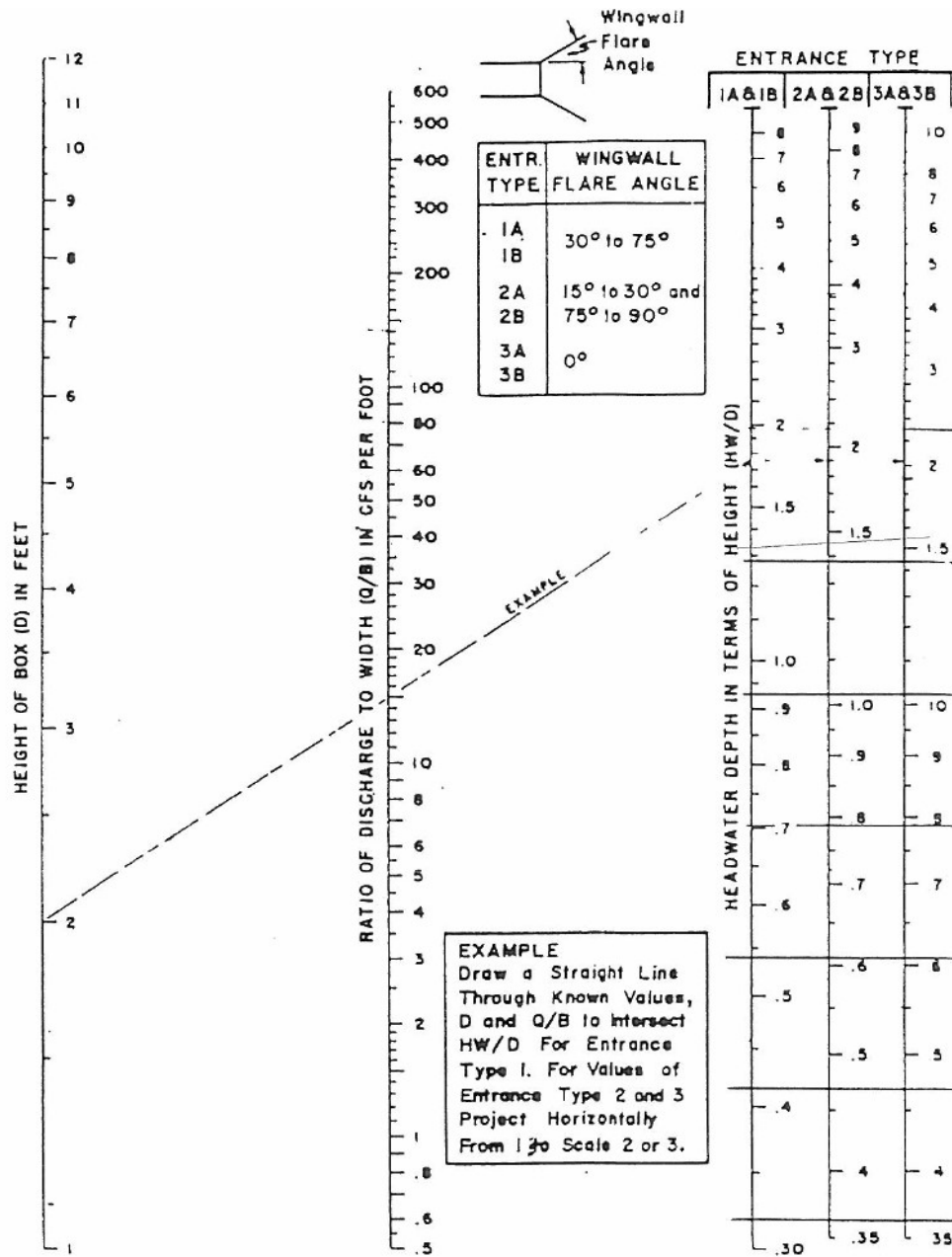
INSTRUCTIONS FOR FORM 3.5: CULVERT DESIGN CALCULATIONS

Columns 1 through 10 deal with selection of trial culvert size and are explained as follows:	
Column 1	Total design discharge, Q , passing through the culvert divided by the allowable maximum velocity gives trial total area of culvert opening.
Column 2	Culvert width should be reasonably close to the channel bottom width, W , downstream of the culvert.
Column 3	Lower range for choosing culvert depth is trial area of culvert opening, Column 1 divided by channel width, Column 2.
Column 4	Allowable headwater obtained from upper right of sheet.
Column 5	Trial depth, D , of culvert corresponding to available standard sized and between the numerical values of Columns 3 and 4.
Columns 6, 7 and 8 are solved simultaneously based on providing a total area equivalent to the trial area of opening in Column 1.	
Column 6	Number of culvert openings.
Column 7	Inside width of one opening.
Column 8	Inside depth of one opening if culvert is box structure or diameter if culvert is pipe.
Column 9	Column 6 multiplied by Column 7 and Column 8.
Column 10	Total discharge divided by number of openings shown in Column 6.
Columns 11 through 15 (Inlet Control) and 16 through 27 (Outlet Control) deal with headwater calculations which verify hydraulics of trial culvert selected and are explained as follows.	
Column 11	Obtained from upper right of sheet.
Column 12	When the allowable headwater is equal to or less than the value in Column 8, enter Case I. When the allowable headwater is more than the value in Column 8, enter Case II.
Column 13	Column 10 divided by Column 7.
Column 14	Obtained from FIGURE 3.6 for box culverts or FIGURE 3.7 for pipe culverts.
Column 15	Column 14 multiplied by Column 8.
Column 16	Obtained from upper part of sheet.
Column 17	Obtained from FIGURE 3.8 for box culverts and FIGURE 3.9 for pipe culverts.
Column 18	Tailwater depth from upper right of sheet.
Column 19	Culvert slope, S , multiplied by culvert length, both obtained from upper right of sheet.
Column 20	Sum of Columns 17 and 18, minus Column 19.
Column 21	Obtained from FIGURE 3.8 for box culverts and FIGURE 3.9 for pipe culverts.
Column 22	Critical depth obtained from FIGURE 3.10 for box culverts and FIGURE 3.11 for pipe culverts.
Column 23	Sum of Columns 22 and 8 divided by 2.
Column 24	Tailwater depth from upper right of sheet.
Column 25	Enter the larger of the two values shown in Column 23 or Column 24.
Column 26	Previously calculated in Column 19 and may be transposed.

INSTRUCTIONS FOR FORM 3.5: CULVERT DESIGN CALCULATIONS

Column 27	The sum of Columns 21 and 25 minus Column 26.
Column 28	Enter the larger of the values from either Column 15, Column 20, or Column 27. This determines the controlling hydraulic conditions of the particular size culvert investigated.
Column 29	When the Engineer is satisfied with the hydraulic investigations of various culverts and has determined which would be the most economical selection; the description should be entered.

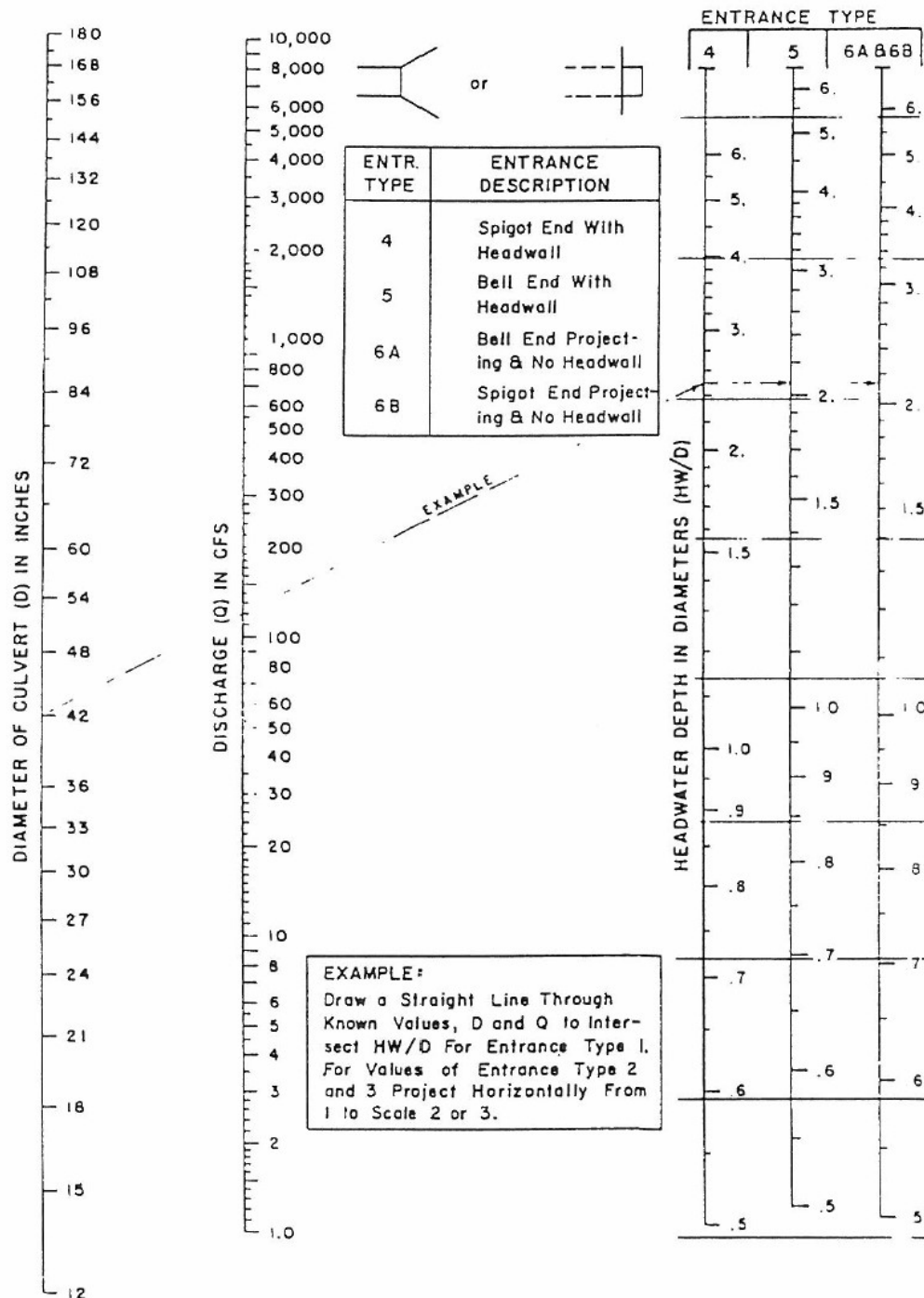
Figure 3.6 Headwater Depth for Concrete Box Culvert with Inlet Control



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**HEADWATER DEPTH
FOR CONCRETE BOX
CULVERT WITH
INLET CONTROL**

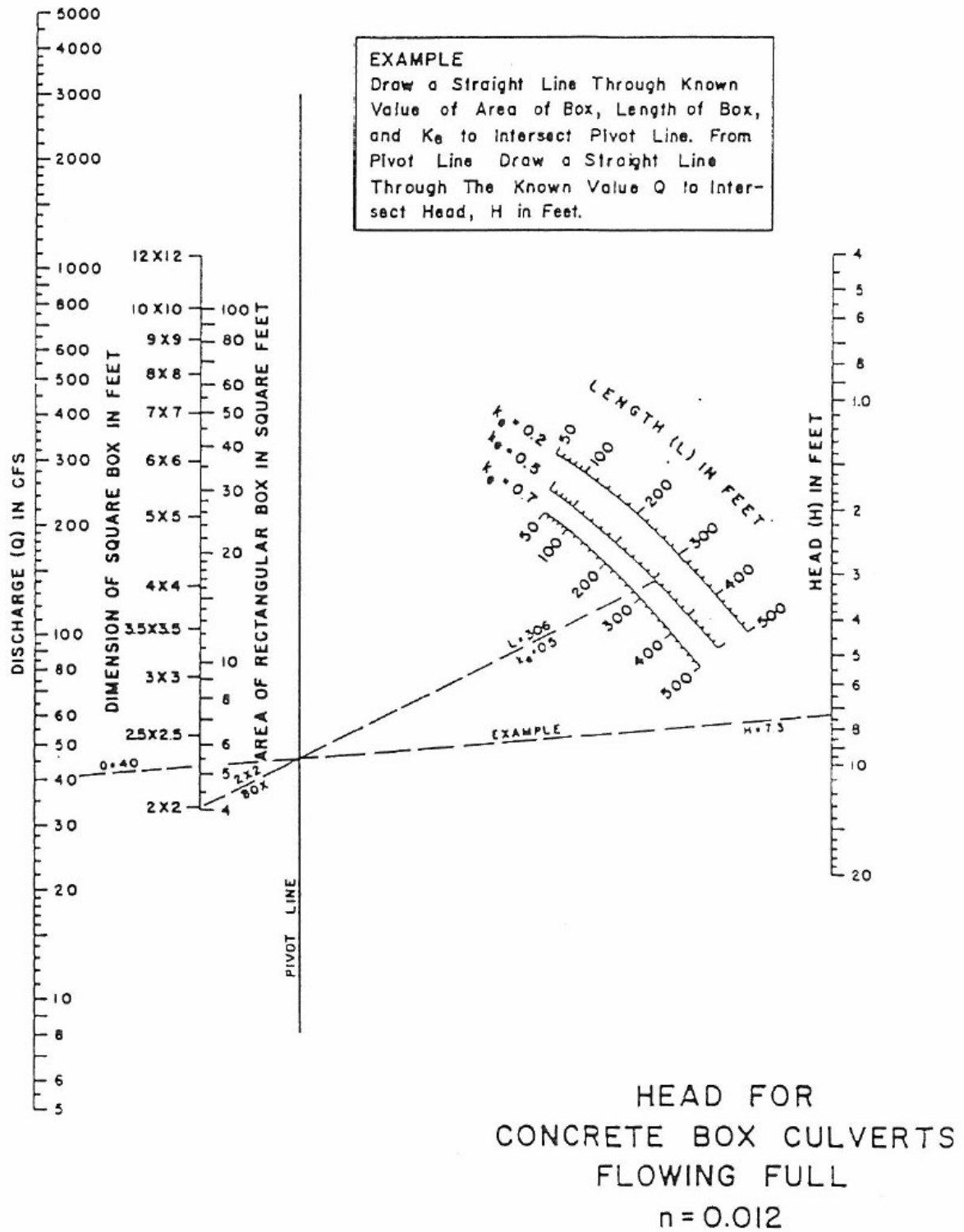
Figure 3.7: Headwater Depth for Concrete Pipe Culvert with Inlet Control



BUREAU OF PUBLIC ROADS JAN 1963

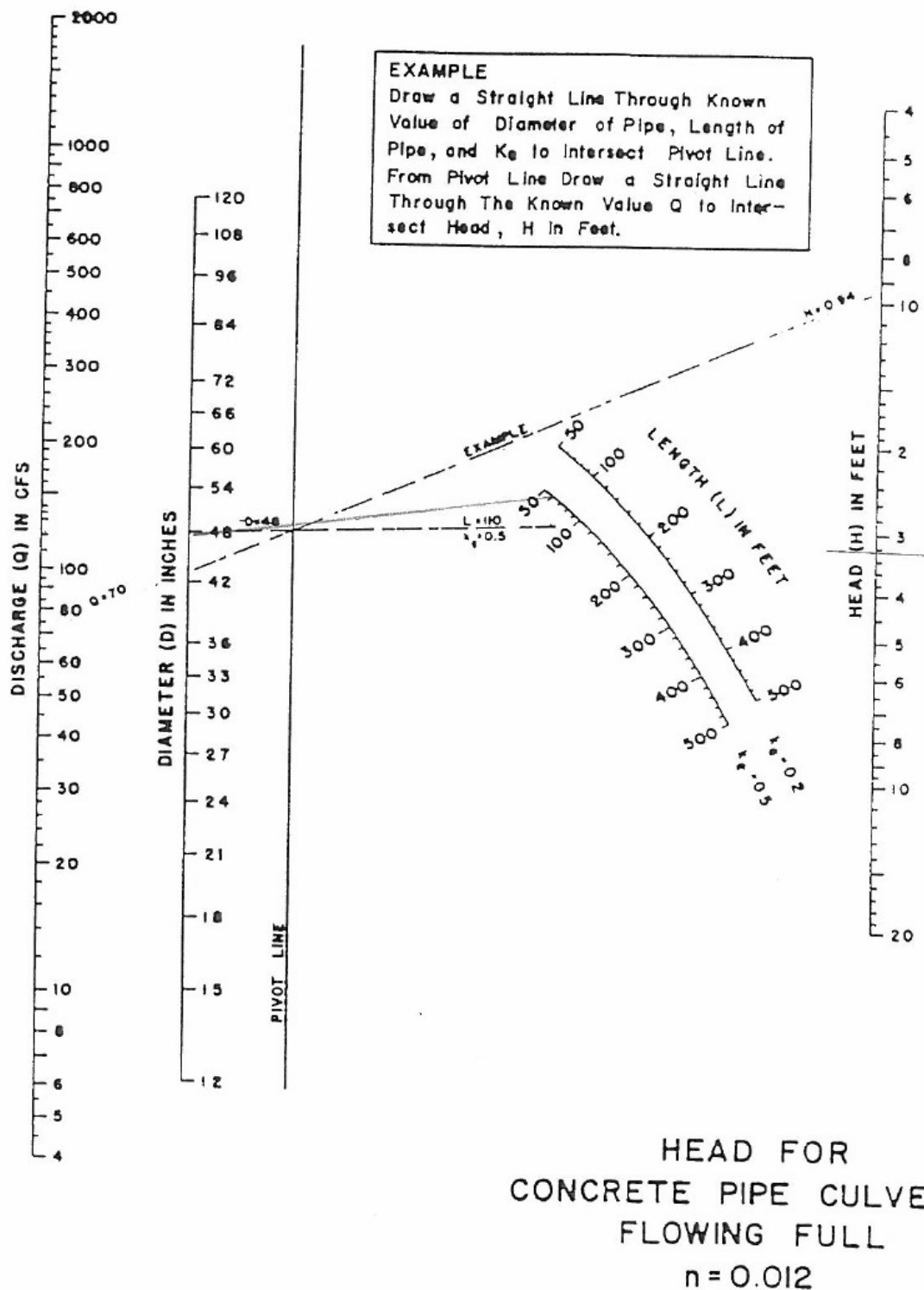
HEADWATER DEPTH FOR
CONCRETE PIPE CULVERTS
WITH INLET CONTROL

Figure 3.8: Head for Concrete Box Culvert Flowing Full



BUREAU OF PUBLIC ROADS JAN. 1963

Figure 3.9: Head for Concrete Pipe culverts Flowing Full



BUREAU OF PUBLIC ROADS JAN 1963

Figure 3.10: Critical Depth of Flow for Rectangular Conduits

EXAMPLE

Known:

Discharge = 200 c.f.s.

Width of Conduit = 5'

$Q/B = 40$

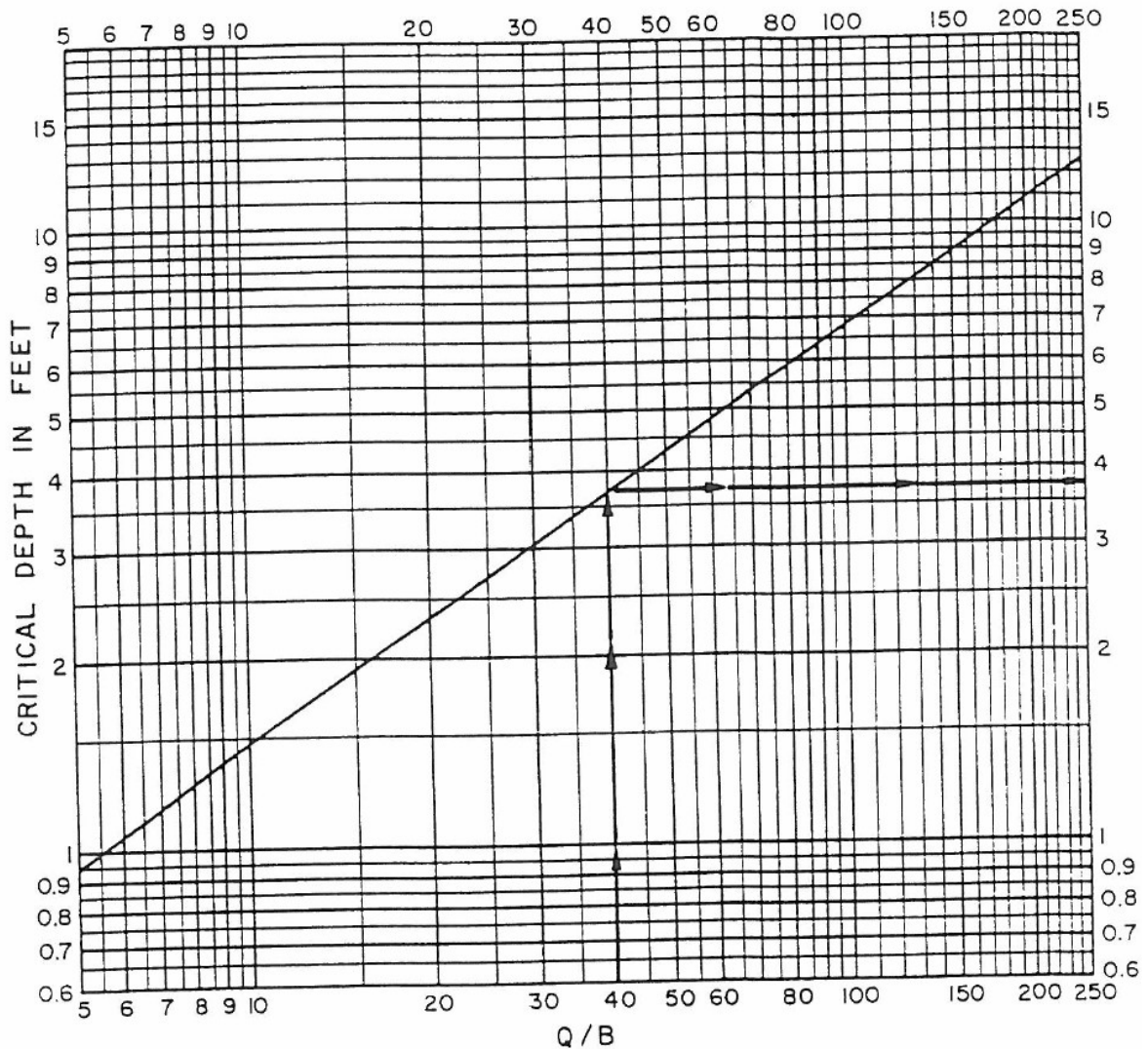
Solution:

Enter Graph at $Q/B = 40$

Intersect Critical Depth
at 3.7

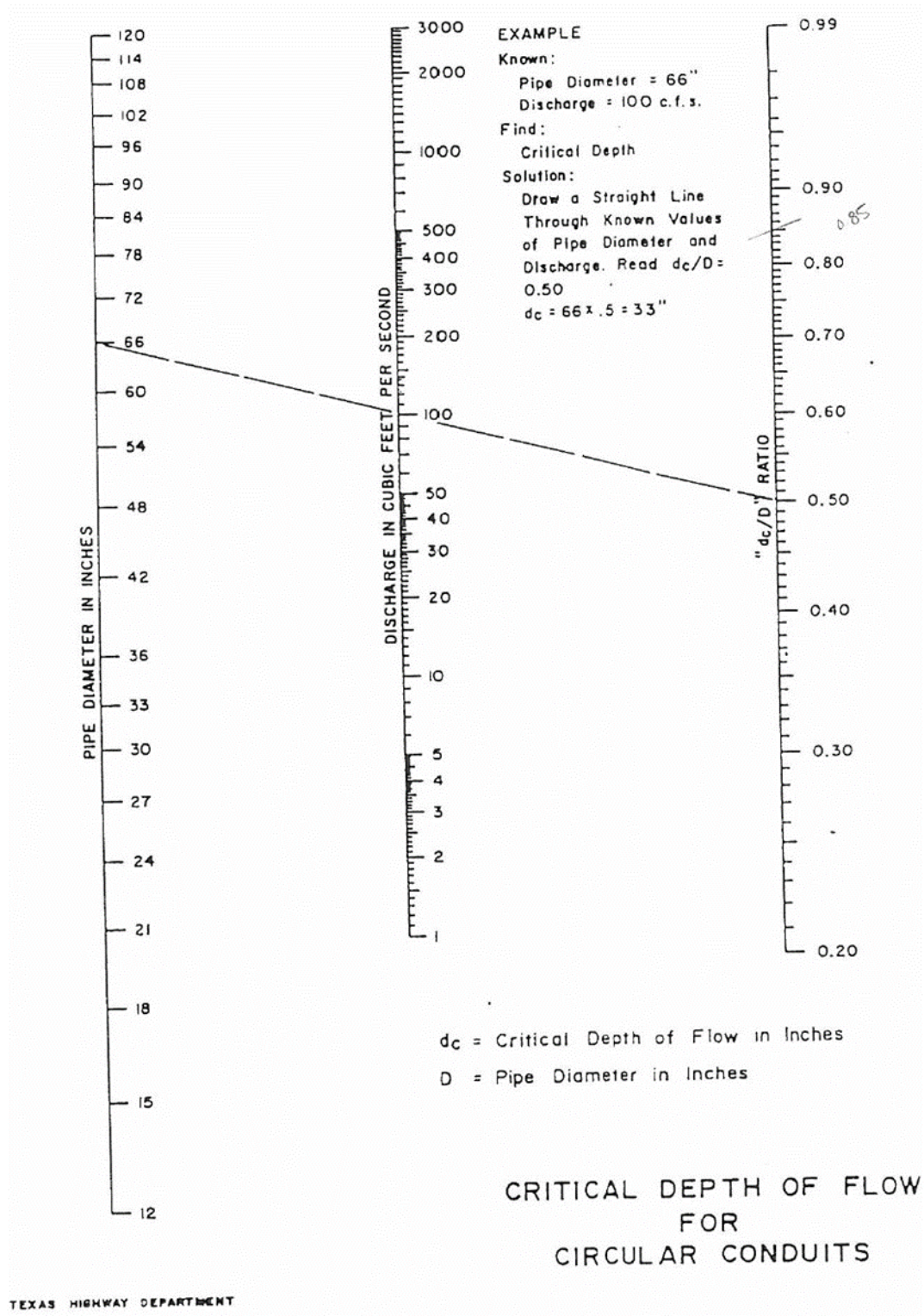
Find:

Critical Depth



CRITICAL DEPTH
OF FLOW FOR
RECTANGULAR CONDUITS

Figure 3.11: Critical Depth of Flow for Circular Conduits



SEC. 02.03.0317 BRIDGE DESIGN

- (a) A scour analysis shall be performed and submitted in or with the design plans.
- (b) A flood study report shall be prepared by the Developer and provided to the Director of Public Works and/or the City Engineer, documenting the methodology, assumptions, derivation of all data used, and results of the study.
- (c) The one-hundred-year (100-yr) projected fully developed water surface elevation shall not be increased upstream or downstream of the bridge.

SEC. 02.03.0318 EROSION HAZARD SETBACKS

(a) Definition and Purpose.

- (1) Erosion hazard setbacks shall be determined for every stream and creek (flowing or not) in which natural channels are to be preserved. The purpose of this setback is to reduce the potential for any damage to a private lot, building, utilities, or street right-of-way caused by the natural erosion of the creek bank and to minimize the expenditure of public funds for stream bank stabilization projects.
 - i. The Erosion Hazard Setback shall be included within the associated drainage Easement.
 - ii. The Erosion Hazard Setback shall be maintained by the property owner.
 - iii. The Erosion Hazard Setback and drainage Easement may not be located on a single-family residential lot in a new subdivision.

(b) Setback Determination.

- (1) The Erosion Hazard Setback shall be determined by the following steps:
 - i. Located the toe of the natural stream bank. The toe may be located outside of the low flow channel;
 - ii. Project at a 4(H): 1(V) line sloping away from the center of the creek/stream until it intersects natural ground or the new proposed elevation, whichever results in the greater setback;
 - iii. From this intersection point continue an additional fifteen-feet (15') horizontally away from bank. This shall set the limit of the Erosion Hazard Setback;
 - iv. In certain scenarios, the calculated Erosion Hazard Setback is within the one-hundred-year (100-yr) fully developed floodplain. In these scenarios the one-hundred-year (100-yr) fully developed floodplain access area shall govern for setting the drainage/floodplain Easement;
 - v. The typical Erosion Hazard Setback established by the steps above is shown below in **Figure 3.12**.
- (2) Proof of determination of the above shall be included in the Construction Plan Set. It shall include the following:
 - i. Locating and labeling of the toe of the natural stream bank. If trapezoidal in nature both toes shall be identified;
 - ii. Existing one-foot (1') topographic contours of the entire site;

- iii. Projected hypothetical one-foot (1') contours representing the 4(H): 1 (V) line sloping away from the center of the creek/stream until it intersects natural ground or the new proposed elevation;
- iv. Show and label hypothetical projected intersecting point/top of four to one ratio (4:1) slope line;
- v. Show and label Erosion Hazard Setback (fifteen-foot (15') offset away from bank of intersecting point/top of four to one ratio (4:1) slope line;
- vi. Show and label the one-hundred-year (100-yr) developed floodplain;
- vii. Show and label fifteen-foot (15') offset from one-hundred-year (100-yr) fully developed floodplain to establish the floodplain access area;
- viii. Show and label the require Drainage/Floodplain Easement. The easement will be the greater of the fifteen-foot (15') floodplain access area. Easement is a minimum fifteen-feet (15') on both sides of the floodplain or Erosion Hazard setback. A wider Easement may be required by the Director of Public Works and/or the City Engineer.

(c) Non- Permitted Structures.

- (1) The following structures are not allowed within the Erosion Hazard Setbacks: building, wall, parking lot, driveway, fences, decks, swimming pools, signage, monumentation, detention structures/ponds or other structures.
- (2) Water and wastewater lines shall be placed in an area with at least a four to one (4:1) slope line. The pipes shall be concrete encased when there is less than four foot (4') of cover.

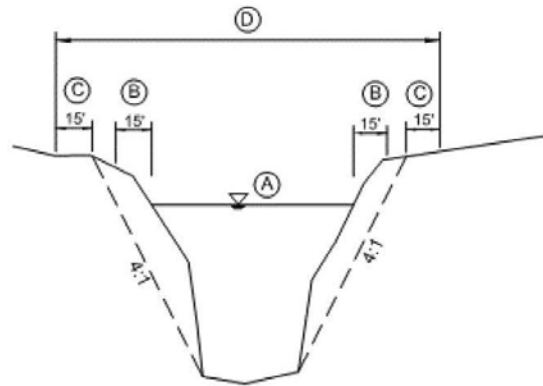
(d) Modifications.

- (1) Any Minor Modifications to the Erosion Hazard Setback will require the following items and approval by the Director of Public Works and/or the City Engineer:
 - i. A stream geomorphological stability analysis prepared by a qualified geomorphologist. The City reserves the right to verify the geomorphologist qualifications.
 - ii. Structural plans, calculations, and report of any permanent stream bank stabilization measures signed and sealed by a licensed professional structural engineer within the State of Texas.
 - iii. Grading permit.
 - iv. Adequate access to maintain the stream bank stabilization measures indefinitely.
- (2) Any Major Modification to the Erosion Hazard Setback will require an exception approved by the City Council in accordance with the procedures outlined in the Subdivision Regulations Section 02.03.086, Modifications, Appeals and Exceptions.

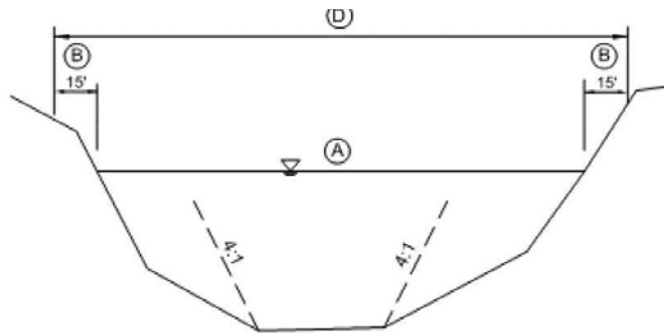
Figure 3.12: Erosion Hazard Setback and Drainage Easements

NATURAL CREEKS/CHANNELS: SETBACKS AND EASEMENTS

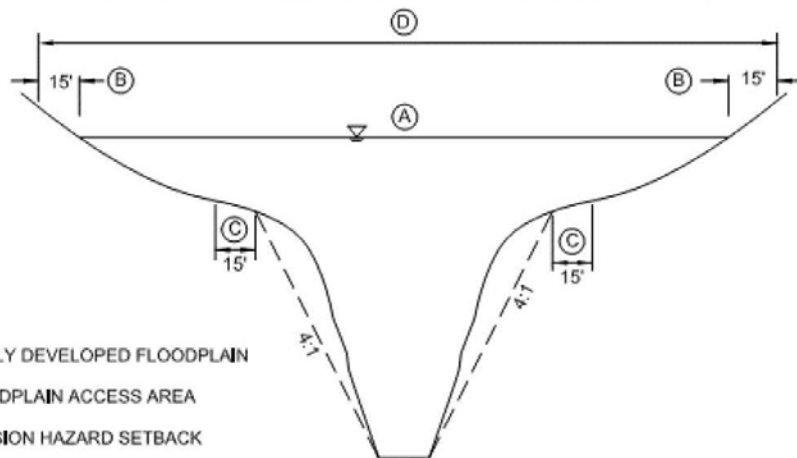
SCENARIO 1: (Floodplain within Erosion Hazard Setback)



SCENARIO 2: (Erosion Hazard Setback within Floodplain)



SCENARIO 3: (Erosion Hazard Setback within Floodplain)



NOTES:

- (A) 100 YEAR FULLY DEVELOPED FLOODPLAIN
- (B) 15 FOOT FLOODPLAIN ACCESS AREA
- (C) 15 FOOT EROSION HAZARD SETBACK
- (D) EXTENTS OF DRAINAGE/FLOODPLAIN EASEMENT

SEC. 02.03.0319 MINIMUM FREEBOARD REQUIREMENTS

- (a) To help prevent flood damages and protect public safety, all design elevation requirements related to water surface elevations and flood elevations shall be based, at a minimum, on the 100-year flood, fully-developed watershed conditions. The difference between a minimum design elevation above the one-hundred-year (100-yr) flood is commonly referred to as minimum freeboard.
- (1) **Table 3.13 Minimum Free Board Requirements** provides a summary of absolute minimum freeboard requirements for design and construction in the City of Kaufman. However, prudent engineering in setting design elevations should be incorporated into any design. In some situations, a greater freeboard than those listed in **Table 3.13 Minimum Free Board Requirements** may be required by the City, at the discretion of the Director of Public Works and/or the City Engineer, or as required by State and Federal regulations and guidelines, depending on flood hazard potential in relation to property damages and public safety. The City's minimum freeboard requirements are not intended to take precedence over State and Federal regulations (except when the City's requirements exceed those set by State and Federal regulations).
 - (2) The minimum elevations of all flood protection levees and all dams must meet requirements of all State and Federal regulations and guidelines. If the minimum floor elevation based on floodplain is less than that based on roadway gutter elevation, the higher elevation of the frontage portion of the roadway shall be the minimum elevation.

Table 3.13: Minimum Freeboard Requirements

Description	Minimum Freeboard above 100-year Flood Elevation (ft)*
Minimum Floor Elevations (including basements and sunken floor areas):	
Residential	2.0
Non-Residential (unless flood proofed; see flood damage prevention ordinance)	2.0
Building Pad Elevations for Structures (at lowest adjacent structure grade)	1.0
Dams (freeboard above effective crest elevation of dam, after allowing for settlement and consolidation of embankment):	
Less than or equal to 5-ft maximum height	1.0
More than 5-ft maximum height (must meet State and Federal Requirements)	2.0
Dams with entire embankment having overflow protection (such as concrete)	1.0
Detention and Retention Ponds (freeboard along all shoreline areas around the pond):	
When detention berms are classified as dams.:	
With Dams less than or equal to 5-ft maximum height	1.0
With Dams more than 5-ft maximum height	2.0
Incised Ponds (no dam)	1.0
When detention berms are not classified as dams:	

Table 3.13: Minimum Freeboard Requirements

Description	Minimum Freeboard above 100-year Flood Elevation (ft)*
Up to and including 5 acres	1.0
Greater than 5 acres	2.0
Flood Protection Levees, Dikes, or Walls (Director of Public Works and/or City Engineer Approval Required):	
Significant or High Hazard Flood Damage or Public Safety Potential	3.0
Low Hazard Flood Damage Potential or Public Safety Potential	2.0
Others	
Public Roadways, Alleys, and Parking Lots (as measured from edge of pavement/top of curb)	1.0
Channels	1.0
Bridges (as measured from lowest point of low chord)	1.0
Culverts (as measured from edge of pavement/top of curb)	1.0
Sanitary Sewer and Water Manhole Covers	2.0

SEC. 02.031.0320 DETENTION

- (a) **Intent.** It is the City's intent to utilize detention (or detention/retention) of storm water runoff as a solution towards control of potential flood hazards created by storm water runoff including; reduction in the impact on downstream storm water drainage facilities; prevention of erosive conditions in water drainage ways; protection against downstream and adjacent property damage; and preservation of existing floodplains along major creeks. Detention basins may also improve water quality by allowing some sediment to settle out.
- (b) **Where Detention is Required.**
 - (1) Generally, non-residential development shall construct detention facilities. In some cases, detention may increase water surface elevations depending on its placement in the watershed and timing of discharges. When detention facilities are proposed adjacent to creeks and channels, a timing study will be required to determine impacts of the site on the adjacent creek or channel. If it can be shown that there will be no adverse impacts to surrounding properties or downstream, then detention may not be required.
 - (2) Residential developments shall construct detention facilities if it is determined that the downstream system does not have adequate hydraulic capacity for the developed flow. In addition a downstream assessment must be performed to show no adverse impacts.

- (c) **Type of Detention Facilities.** The following detention facilities are to be utilized for detention.
- (1) Site of Greater than One (1) Acre, On-Site.
- i.Underground
 - ii.Detention Basin
 - a. Side slopes four to one ratio (4 to 1), or less (no fencing allowed).
 - b. Area to be landscaped.
 - c. Retaining walls not allowed within detention pond.
 - d. Maintained by Developer.
 - e. Additional amenities preferred
 - f. Ownership stays with property owner.
 - g. Dams over five-foot (5') to be approved by State. Dam must meet State dam safety guidelines.
- (2) Greater Than One-Half (1/2) Acres, Off-Site Shared.
- i. Detention Basis Shared with Other Developments
 - a. May expand existing pond.
 - b. No increase in one-hundred-year (100-yr) flood plain elevation.
 - c. Capacity expanded above existing water surface.
 - d. Required engineering study.
 - ii. Flow to Regional Detention Basin
 - a. Regional Facility Manager (owner of facility) must approve improvements.
 - b. Developer(s) funds improvements to regional basin.
 - c. Developer(s) improves stormwater conveyance system to basin (based on fully-developed one-hundred-year (100-yr) flow).
 - d. Dams over five-feet (5') to be approved by State. Dam must meet State dam safety guidelines.
 - e. Dam cannot be over fifteen-feet (15') tall.
 - f. Basins with water retention to have stored water depth of at least four-feet (4').
 - g. Need landscaping and amenity features as described in the Subdivision Regulations (Approved by Development Services Department).
 - h. Facility Manager to assure good, retained water quality (a post construction maintenance agreement may be used).
 - i. Trash collectors required at outfall structures.
 - j. Side Slopes to be four to one ratio (4 to 1) or less.
 - k. Developer/Owner owns and maintains basin.
 - l. Facility Manager to develop and perform maintenance program.

- m. Inflow Facilities
 - 1. Underground (preferred),
 - 2. Natural open channel (existing creek with one-hundred-year (100-yr) developed capacity),
 - 3. Developer(s) to obtain addition drainage easement for one-hundred-year (100-yr) developed flow area, no concrete or gabion sidewalls.
- n. Possible Pro-rata from other developments that utilize basin.
- iii. Existing Ponds. Developer(s) improve existing undesirable detention facilities.
 - a. Remove fencing where possible.
 - b. Provide concrete pilot channel in bottom.
 - c. Provide landscaping.
 - d. Improve maintenance access.
 - e. Reconstruct with underground system.
- (d) Remove pond by conveying stormwater flow to shared detention facility without adverse impacts to other properties.
- (e) **Geometry, Restrictions and Appurtenances.**
 - (1) Detention ponds shall have a side slope four to one ratio (4:1) or flatter. No retaining walls are allowed in detention ponds.
 - (2) The detention pond bottom grade shall be at a minimum of one-percent (1%) slope. A four-inch (4") thick concrete low flow pilot channel shall be installed from the pond's inlet structure/structures to the outfall structure.
 - (3) All detention ponds and reserved shoreline shall have the appropriate amount of freeboard as called out in **Table 3.13 – Minimum Freeboard Requirements** from the one-hundred-year (100-yr) water surface, based on flood inflows determined assuming fully-developed watershed conditions (without consideration of any future upstream detention), including incised ponds (without embankment/dams), or a higher design criteria if required by the State.
 - (4) The State of Texas has jurisdiction of all dams, regardless of dam height or impoundment storage size, if they are classified by State regulations and guidelines with hazard classifications as "high – or significant-hazard". [Reference: TEXAS ADMINISTRATIVE CODE, Title 30, Part 1, Chapter 299, Subchapter A, (a)(3)].
 - i. Dams with maximum height of over five feet (5') must be approved by the State, unless the dam maximum height is less than fifteen feet (15') and a registered professional engineer licensed in Texas adequately shows, with an engineering study using the State of Texas Dam Safety guidelines and regulations, that a sudden breach of the dam during a major flood event, as specified and determined by the State's procedures, would not cause any significant increase in flooding or significant increase in flood damages as compared to a non-breach of the dam during a non-breach flood event.

- ii. For dams permanently impounding water, the study should also determine the extent of additional flooding that would be caused by a sudden breach of the dam during non-flooding events. If the breach of the dam can be proven to not cause any significant flood damages (other than to the dam embankment), then it can be proven to be classified as a “low-hazard” dam by State definition, and the dam may be exempt, at the Director of Public Works and/or the City Engineer’s discretion, from requiring State review and approval.
 1. However, regardless of whether the dam design is reviewed by the State, all dams, regardless of size, must have an emergency spillway and be designed, constructed, maintained, and operated per State Dam Safety Guidelines, including emergency action management. The maximum height of the dam, hazard classifications, and “significant” increased flooding (as related to embankment breach analyses) are determined based on the State’s definitions and regulations.
- (5) No detention is allowed in the Federal Emergency Management Agency (FEMA) one-hundred-year (100-yr) and local one-hundred-year (100-yr) fully developed floodplain.
- (6) No franchise utilities (Gas, Electric, Cable, Telephone, Communications, etc.), water lines and wastewater lines (except storm systems) are allowed in detention ponds, and detention easements.
- (7) Underground detention systems must be a fully enclosed pipe system or other system approved by the Director of Public Works and/or the City Engineer.
- (8) The detention pond shall have an emergency overflow in case the main outfall structure gets clogged. The emergency overflow shall be sized to pass the fully-developed one-hundred-year (100-yr) flood at a minimum, or greater based on State Dam Safety requirements. City-approved erosion protection shall be placed along the length of the emergency overflow to the flowline of the receiving structure, creek, or channel, and extended as necessary to prevent erosion of the dam structure.
- (9) The detention systems are to be installed and verified for design compliance along with the associated storm sewer and outfall structures and drainage channels, prior to any paving operations. All constructed detention ponds, drainage ways, and open channels shall have the sides and bottom stabilized with sod or anchored seeded matting prior to any paving construction (including building slab). The matting or sod shall be anchored at high velocity locations if deemed necessary. Erosion protection is to be placed at the pond’s outflow structure along with any associated erosion best management practices noted on the erosion control plan.
- (10) Sometimes a detention facility will be utilized by several developments, and then a pro-rata agreement/detention masterplan may be entered into with the development constructing the facility and the other developments utilizing the facility. Without a pro-rata agreement/detention master plan of all parties in advance of construction of all combined developments, no new proposed development will be allowed to take credit for any “over detention” of a previous development or the reduction of discharges from a previous development within the watershed in the determination of detention requirements.
- (11) Detention pond outfall structures shall be fitted with a trash rack to confine floatable and other trash within the detention pond.

- (12) Detention ponds shall be designed to be fully emptied within twenty-four (24) hours.
 - (13) Detention ponds shall be designed, graded, and maintained so that standing water does not remain after the designed discharge timeframe.
 - (14) Detention ponds shall be irrigated.
 - (15) Detention ponds for new single-family residential subdivisions shall be located within a Homeowner's Association (HOA) maintained lot. Detention ponds and associated easements may not be located on a non-HOA lot. Non-single family residential development's detention system shall be maintained/repared by property owner and/or a Property Owner's Association (POA).
- (f) **Detention Calculations.** The detention design calculations and outfall rating curves shall be included in the plans and flood study. Increased peak discharges from the detention basin are not allowed for the two (2) year, five (5) year, ten (10) year, twenty-five (25) year and one hundred (100) year frequency floods based on existing off-site conditions.
- (1) **Methodology.** Detention facilities that have a drainage area of less than twenty (20) acres may be sized using the Modified Rational Method. If the drainage area is equal to or greater than twenty (20) acres a Unit Hydrograph Method shall be used. The Modified Rational method may be used for preliminary sizing for drainage areas more than twenty (20) acres, but the Unit Hydrograph Method must be used for the design of all detention facilities serving more than twenty (20) acres. The following conditions shall be used when implementing the Modified Rational Method:
 - i. . The proposed development will construct detention facilities to detain the increase in runoff between the existing one-hundred-year (100-yr) flows. The "C" value is based on zoning, not pervious/impervious areas. Large area of dedicated open space dedicated to City can be considered by City in this value.
 - ii. . The storm rainfall intensity (in/hr.) for different storm years is found in **Table 3.5 AMS-Based Precipitation Frequency Estimates for Kaufman County**.
 - iii. . The following is an example calculation on how the Modified Rational Method is performed to determine the required detention volume.

EXAMPLE OF MODIFIED RATIONAL METHOD DETENTION BASIN DESIGN

Given: A ten (10) acre site, currently agricultural use, is to be developed for townhouses. The entire area is the drainage area of the proposed detention basin.

Determine: Maximum release rate and required detention storage.

Solution:

1. Determine one hundred-year (100-yr) peak runoff rate prior to site development. This is the maximum release rate from site after development.

NOTE: Where a basin is being designed to provide detention for both its drainage area and a by-pass area; the maximum release rate is equal to the peak runoff rate prior to site development for the total of the areas minus the peak runoff rate after development for the by-pass area. This rate for the by-pass area will vary with the duration being considered.

2. Determine inflow hydrograph for storms of various durations in order to determine maximum volume required with release rate determined in Step 1.

NOTE: Incrementally increase durations by ten (10) minutes to determine maximum required volume. The duration with a peak inflow less than maximum release rate or where required storage is less than storage for the prior duration is the last increment.

PROCEDURE

STEP 1. Present Conditions (Agricultural)

$$Q = C \cdot I \cdot A$$

$$C = 0.35$$

$$T_c = 20 \text{ minutes}$$

$$I_{100} = 8.3 \text{ in/hr.}$$

$$Q_{100} = (0.35)(8.3)(10 \text{ acres}) = 29.05 \text{ cfs (Maximum release rate)}$$

STEP 2. Future Conditions (Townhouses)

$$C = 0.80$$

$$T_c = 10 \text{ minutes}$$

$$I_{100} = 9.8 \text{ in/hr.}$$

$$Q_{100} = (0.80)(9.8)(10 \text{ acres}) = 78.40$$

Check various duration storms:

15 minutes	$I = 9.0$	$Q = (0.80)(9.0)(10 \text{ acres})$	$= 72.0 \text{ cfs}$
20 minute	$I = 8.3$	$Q = (0.80)(8.3)(10 \text{ acres})$	$= 66.4 \text{ cfs}$
30 minutes	$I = 6.9$	$Q = (0.80)(6.9)(10 \text{ acres})$	$= 55.2 \text{ cfs}$
40 minutes	$I = 5.8$	$Q = (0.80)(5.8)(10 \text{ acres})$	$= 46.4 \text{ cfs}$
50 minutes	$I = 5.0$	$Q = (0.80)(5.0)(10 \text{ acres})$	$= 40.0 \text{ cfs}$
60 minutes	$I = 4.5$	$Q = (0.80)(4.5)(10 \text{ acres})$	$= 36.0 \text{ cfs}$
70 minutes	$I = 4.0$	$Q = (0.80)(4.0)(10 \text{ acres})$	$= 32.0 \text{ cfs}$
80 minutes	$I = 3.7$	$Q = (0.80)(3.7)(10 \text{ acres})$	$= 29.6 \text{ cfs}$
90 minutes	$I = 3.5$	$Q = (0.80)(3.5)(10 \text{ acres})$	$= 28.0 \text{ cfs}$
100 minutes	$I = 3.4$	$Q = (0.80)(3.4)(10 \text{ acres})$	$= 27.20 \text{ cfs}$
110 minutes	$I = 3.2$	$Q = (0.80)(3.2)(10 \text{ acres})$	$= 25.6 \text{ cfs}$

Storage Volume required is determined by deducting the volume of runoff released during the time of inflow from the total inflow for each storm duration.

10 min. storm	Inflow = (10) (78.4 cfs)(60 sec/min) =	47,040 cf
	Outflow = (0.5)(20 min)(29.05 cfs)(60 sec/min) =	<u>-17,430 cf</u>
		29,610 cf
15 min. storm	Inflow = (15) (72.0 cfs)(60 sec/min) =	64,800 cf
	Outflow = (0.5)(25 min)(29.05 cfs)(60 sec/min) =	<u>-21,788 cf</u>
		43,012 cf
20 min. storm	Inflow = (20) (66.4 cfs)(60 sec/min) =	79,680 cf
	Outflow = (0.5)(30 min)(29.05 cfs)(60 sec/min) =	<u>-26,145 cf</u>
		53,535 cf
30 min. storm	Inflow = (30) (55.2 cfs)(60 sec/min) =	99,360 cf
	Outflow = (0.5)(40 min)(29.05 cfs)(60 sec/min) =	<u>-34,860 cf</u>
		64,500 cf
40 min. storm	Inflow = (40) (46.4 cfs)(60 sec/min) =	111,360 cf
	Outflow = (0.5)(50 min)(29.05 cfs)(60 sec/min) =	<u>-43,575 cf</u>
		67,785 cf
50 min. storm	Inflow = (50) (40.0 cfs)(60 sec/min) =	120,000 cf
	Outflow = (0.5)(60 min)(29.05 cfs)(60 sec/min) =	<u>-52,290 cf</u>
		67,710 cf
60 min. storm	Inflow = (60) (36.0 cfs)(60 sec/min) =	129,600 cf
	Outflow = (0.5)(70 min)(29.05 cfs)(60 sec/min) =	<u>-61,005 cf</u>
		68,595 cf
70 min. storm	Inflow = (70) (32.0 cfs)(60 sec/min) =	134,400 cf
	Outflow = (0.5)(80 min)(29.05 cfs)(60 sec/min) =	<u>-69,720 cf</u>
		64,680 cf
80 min. storm	Inflow = (80) (29.6 cfs)(60 sec/min) =	142,080 cf
	Outflow = (0.5)(90 min)(29.05 cfs)(60 sec/min) =	<u>-78,435 cf</u>
		63,645 cf
90 min. storm	Inflow = (90) (28.0 cfs)(60 sec/min) =	151,200 cf
	Outflow = (0.5)(100 min)(29.05 cfs)(60 sec/min) =	<u>-87,150 cf</u>
		64,050 cf
100 min. storm	Inflow = (100) (27.2 cfs)(60 sec/min) =	163,200 cf

	Outflow = (0.5)(110 min)(29.05 cfs)(60 sec/min) =	<u>-95,865 cf</u>
		67,335 cf
110 min. storm	Inflow = (110) (25.6 cfs)(60 sec/min) =	168,960 cf
	Outflow = (0.5)(120 min)(29.05 cfs)(60 sec/min) =	<u>-104,680 cf</u>
		64,380 cf

Maximum volume required is 68,595 cf at the 60 min. storm duration.

(2) Outfall Structures.

- i. Detention out fall structures shall be multi-staged and designed to detain the two-year (2-yr), five-year (5-yr), ten-year (10-yr), twenty-five-year (25-yr), and one hundred-year (100-yr) storm events without increasing the peak discharge. A chart shall be furnished by the design engineer showing the allowable flows verses the actual flows through the detention pond outflow structure for two-year (2-yr), five-year (5-yr), ten-year (10-yr), twenty-five-year (25-yr), and one hundred-year (100-yr) storm events.
- ii. When the design is based on the Modified Rational Method, outfall structures shall be designed in accordance to the equations established in Hydraulic Engineering Circular No. 22, Urban Drainage Design Manual (HEC-22) and Hydraulic Engineering Circular No. 14, Hydraulic Design of Energy Dissipators for Culverts, and Channels (HEC-14). The Engineer shall include all calculations/ equations for the outfall structure in the plans, including each stage of the structure (two-year (2-yr), five-year (5-yr), ten-year (10-yr), twenty-five-year (25-yr), and one hundred-year (100-yr) storm events).
- iii. When the detention pond and outfall structure is designed using a Unit Hydrograph Method (hydrology model) and a hydraulic model is being prepared (such as for a detention pond with dam located across a stream for which flood elevations will be determined), the outfall structure discharges may be determined with the hydraulic model. All flow characteristics and conditions of the outfall structure should be adequately represented in the hydraulic model or other calculations to account for orifice flow conditions, weir flow conditions, and full-pipe and partially-full pipe flow conditions for all discharge openings, pipes, and overflow areas of both the discharge structure and the dam. The resulting discharge versus pond flood elevation data should be adequately represented in the hydrology model to ensure that the flood elevations computed with the hydrology model reasonably agree with those computed by the hydraulic model for all ranges of discharges.
- iv. City approved erosion protection shall be placed around the outfall structure and shall extend downstream the entire flow path length to the flowline of the receiving structure, creek, or channel. The erosion protection shall extend to two feet (2') feet above the one hundred-year (100-yr) water surface elevation.

SEC. 02.03.0321 FLOODPLAIN STUDIES, RECLAMATION AND MODIFICATION

- (a) All floodplain studies, reclamation, modification, flood boundary delineations and design of structures within or adjacent to creeks or streams shall meet the following guidelines set forth in this section and the most current Flood Damage Prevention Ordinance.

- (b) The qualified professional engineer licensed in the State of Texas shall prepare a flood study report documenting all data, methodology, and assumptions used in the study.
 - (1) The study report shall be properly signed and sealed, and include a concluding statement certifying that the hydrologic and hydraulic study is based on standard engineering practice, that the project is constructed, or proposed to be constructed, as shown in certified engineering plans used in the study such that there will be no adverse increases in flooding or flood damages on other properties and that the project meets the requirements of all parts of the City's current Flood Damage Prevention Ordinance.
- (c) Flood studies shall follow the general procedures set by FEMA for applying for a Letters of Map Revision (LOMR) or Condition Letters of Map Revision (CLOMR), including hydrologic and hydraulic modeling; drainage area work map; floodplain work map; annotated Flood Insurance Rate Map (FIRM); FEMA forms; and complete technical documentation of all data used in the study, including, but not limited to, calculations of times of concentrations or lag times and calculations of other runoff parameters such as NRCS curve numbers.
 - (1) For hydrology models, drainage areas should be determined to the nearest one hundredth (0.01) acre (fifteen million thousandths (0.000015) square miles); times of concentration and lag times should be computed to the nearest one hundredth (0.01) hour (six (6) minutes); and Natural Resources Conservation Service (NRCS) composite runoff curve numbers should be computed to the nearest one tenth (0.1) value.
 - (2) Other requirements are contained in Unit Hydrograph Method Section of these standards. These procedures shall be performed even for flood studies not being submitted to FEMA.
- (d) Floodplains and watersheds shall be modeled using standard practice engineering models that are public domain. The use of computer modeling software that is not public domain will require approval by the Director of Public Works and/or the City Engineer. [The most recent versions of HEC-HMS and HEC-RAS are currently the City's required hydrology and hydraulic models for flood studies. The use of these models is required in cases where a conversion from older models is desired or in previously-unstudied areas where new models are to be created].
- (e) All design elevations shall be based on computed flood elevations using flood discharges for one hundred-year (100-yr) projected fully-developed watershed conditions, including the effects of changes in storm water runoff and effects of encroachment caused by the proposed project.
- (f) All flood study models shall utilize the most current available models from the City or FEMA as base models (if available) and shall incorporate all additional known modifications that have occurred since the last update of these models. Conversion of base models to newer approved digital models is allowed, as noted below.
- (g) Results of hydrology and floodplain hydraulic computer models shall be summarized in tabular form, to show differences in computed one hundred-year (100-yr) flood discharges and flood elevations. The computer model results to be included in the comparison tables include:
 - (1) The original effective base hydrology and hydraulic models, if available, as provided by the City or FEMA.

- (2) Improved modeling procedures may be allowed and included, such as conversion of original models to newer versions of computer modeling software, such as conversion of HEC-2 models to HEC-RAS and conversion of TR-20 or HEC-1 models to HEC-HMS. Conversion to computer software that is not free public domain software and that is not on FEMA's approved list of computer modeling software must receive approval by the Director of Public Works and/or the City Engineer. Results of conversion to improved modeling should be performed prior to any updates or corrections to the model data and compared in tabular form with the original base model results.
- (3) Corrected hydrologic and hydraulic models (commonly referred to as "corrected effective" models by FEMA procedures) to include any improved data or needed corrections, such as new surveyed floodplain cross sections, inclusion of additional cross sections, or improved topographic mapping, but should not include any man-made changes to the watershed or floodplain.
- (4) Pre-project hydrologic and hydraulic models, to update the computer models by adding man-made changes that have occurred in the watershed and floodplain since the date of the original effective base models. [If there are no updates based on man-made changes, then the "corrected effective" and "pre-project" models are the same].
- (5) Post-project hydrologic and hydraulic models, to include all changes that are included in the pre-project models, plus hydrologic and hydraulic characteristics that are representative of changes based on the project's proposed final completed construction. The post-project hydrology should include changes in runoff conditions related to modifications of land cover and grading, changes in times of concentration or lag times, alteration of stream channels and floodplain areas (including changes in floodplain valley storage and changes in flow velocities), changes in drainage areas and drainage patterns, and any proposed mitigation to prevent increases in flood discharges. The post-project hydraulic models should include effects to floodplain hydraulic characteristics, including changes in floodplain and channel configuration, such as encroachments, excavations, channelization, proposed hydraulic structures, clearing of areas that will be continually maintained, and changes in hydrology (flood discharges). The effects of temporary clearing of vegetation in areas that will not be maintained should not be included.
- (6) Hydrologic and hydraulic computer modeling must be provided for both existing watershed conditions (both pre-project and post-project conditions), with summary comparisons of various steps ("a" through "e", above) shown in tabular form, to include computed one hundred-year (100-yr) discharges and flood elevations. The results of hydrology and hydraulic post-project models will be compared with results of pre-project models to verify compliance of City Standards requiring no increased flooding on other properties. Additionally, hydrology and hydraulic models must be provided based on fully-developed watershed conditions with the proposed project. The results of the fully-developed condition models will be used to determine compliance with the City's design elevation standards. When construction of a project will be in phases, the Director of Public Works and/or the City Engineer may require flood studies to be submitted for each phase.

- (h) When transferring discharges computed by the hydrology models as input data entered into the hydraulic models, round-off of discharges is allowed only to the nearest one (1) cfs. All hydrology models should be set to compute discharges to the nearest one (1) cfs and flood elevations (such as in ponds) to the nearest one hundredth (0.01) ft. All hydraulic models should be set to compute flood elevations to the nearest one hundredth (0.01) ft. Locations of flow changes in the hydraulic model should be carefully determined to avoid undue under-calculation of flood elevations. For example, in order to prevent unreasonable undercalculations of flood elevations along portions streams, discharges computed at sub-basin outlets along a stream should normally be used in the hydraulic model for a reasonable extended portion of the upstream floodplain reach, in order to avoid neglecting all of the lateral inflow within the upper stream reach in the hydraulic model computations.
- (i) The completed flood study, including detailed technical documentation; printed hydraulic and hydrological model input data and output results, digital model files (as listed in "F", above, for both existing and projected future fully developed watershed conditions), supporting calculations, drainage area maps, floodplain boundary maps, and certification statement (as noted in "A.", above) and all CAD/GIS data shall be submitted to the City for review.
- (j) The watershed work map(s) should include the following:
 - (1) Multiple watershed work maps may be submitted for pre-project and proposed project conditions, as long as all of the following items are provided.
 - (2) Total watershed drainage area and sub-basin drainage delineation boundaries, including those representative of the original base hydrology model, the corrected drainage delineations (if any), and proposed project changes in drainage delineations and any added sub-basins. All subareas should be labeled in agreement with sub-area labels used in the hydrology models.
 - (3) Topography overlaid on high-resolution aerial photography, with elevation contour labeling.
 - (4) Delineation of hydrologic soil groups and land cover conditions (these may be included on a separate map, with drainage delineations).
 - (5) Property boundaries of the tract of land where the proposed project is located, including any proposed division lines for the current and future project phases.
 - (6) Proposed project, with proposed grading and changes in land cover.
 - (7) Stream channel centerline flow path, with flow direction indicated.
 - (8) Flow path used in determining times-of-concentration or lag times (both pre-project and modifications based on proposed construction).
 - (9) Title block, legend, north arrow, and bar scale.
- (k) The floodplain work map(s) should include the following:
 - (1) Multiple floodplain work maps may be submitted, as long as all of the following items are provided.

- (2) Floodplain cross sections, with location and orientation relative to the floodplain, with labels in agreement with the stations referenced in the hydraulic models. If the study involves a stream that has been previously studied, stream stationing should be in general agreement with stationing used in the previous study. For streams with no previous flood studies, the stream stationing should be based on channel distance upstream from the stream's point of termination (downstream location of where the stream enters a larger receiving stream or major lake).
 - (3) Topography overlaid on high-resolution aerial photography, with elevation contour labeling.
 - (4) Floodplain boundaries and flood elevations for the one hundred-year (100-yr) flood using discharges for both pre-project existing watershed conditions and modifications based on proposed project discharges.
 - (5) Floodplain boundaries identified on the Flood Insurance Rate Maps (FIRM) as Special Flood Hazard Areas, and floodplain boundaries from previous studies (if available from the City) with one hundred-year (100-yr) flood elevations.
 - (6) Floodplain boundaries and flood elevations for the one hundred-year (100-yr) flood based on projected fully-developed watershed conditions, with the proposed project.
 - (7) Stream channel centerline (invert) with direction of flow indicated (for both pre-project and any changes in stream channel centerline based on the proposed construction).
 - (8) Property boundaries of the tract of land where the proposed project is located, including any proposed division lines for the current and future project phases.
- (l) Title block, legend, north arrow, and bar scale. In order for the City to maintain and update their hydrology and hydraulic computer models, after construction is completed, the developer's engineer must update and submit to the City their final certified flood study report, with hydrology and hydraulic models, along with all supporting calculations, maps, report, AutoCAD (.dwg files), and GIS files and other exhibits to adequately represent as-built conditions. If the project has been submitted to FEMA for a LOMR, the updated models and revisions to flood study reports should include all modifications that were approved by FEMA.
- (m) The Director of Public Works and/or the City Engineer will determine whether the proposed development will require a LOMR or CLOMR. All documentation prepared for submission to FEMA (LOMRs/CLOMRs) will be reviewed by the City. The City will not approve the flood study prepared for a LOMR, nor sign a LOMR application form, until construction grading associated with the LOMR has been completed, certified "as-built" plans are submitted to the City, construction has been verified by onsite inspection(s), and all required Local, Federal, and State permits and approvals have been received.
- (n) The Developer, engineer, or property owner requesting the proposed change in land use shall enter into a Professional Services Agreement with the City to retain consultants to provide a wide variety of professional services including, but not limited to engineering, legal or other services as needed in accordance with the Subdivision Regulations Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements* agreeing to an estimated specified retainer to assist City staff in the analyzation and review of the flood study.

SEC. 02.031.0322 STORM DRAINAGE MANAGEMENT PLAN

- (a) **General.** Storm drainage facilities shall include all elements of a drainage system consisting of streets, alleys, storm drains, channels, culverts, bridges, swales and any other facility through which or over which storm water flows, all of which the City must have a right in, either in the form of a dedicated right-of-way, or easements.
- (b) **Site Drainage.** All new subdivisions shall provide as part of the Construction Plan review process a complete storm drainage management plan. This plan will include, but not be limited to, the following:
 - (1) A complete review of all on-site, upstream, and downstream drainage within the impacted watershed;
 - (2) Determination of all onsite and downstream drainage facility improvements due to the increased runoff from the proposed development and future upstream and downstream developments; and
 - (3) Calculations necessary to determine compliance with the Standards of Design herein.
 - (4) Detention will be required if the downstream storm system is not capable of handling the proposed drainage flows.
 - (5) The plan shall be done, using current zoning conditions or land use prescribed by the City's Future Land Use Plan (whichever creates the greatest storm water runoff), with ultimate development considered throughout the watershed.
 - (6) The storm drainage plan shall show all necessary improvements with flow data provided at each point of interception of water.
 - i. As part of the storm drainage plan, the developer shall show a lot grading plan to direct all water to proper intersection points avoiding cross flow of water from lot to lot.
 - ii. All upstream discharge shall be intercepted and carried through the proper intersection points avoiding cross flow of water from lot to lot.
 - iii. All upstream discharge shall be intercepted and carried through the proposed development in compliance with the Standards of Design herein.
 - iv. All discharge from the proposed development shall be designed in accordance with the Standards of Design herein with all necessary improvements being installed by the developer to protect downstream property and adjacent properties from damage. The determination of necessary improvements to existing drainage facilities downstream of a proposed development shall be reviewed by the Director of Public Works and/or the City Engineer for compliance and adequacy.
 - v. Deviations from the Director of Public Works and/or the City Engineer's recommendations and the Standards of Design herein may be approved through the requesting and granting of an exception by the City Council.
- (c) **Subdivision Development.**
 - (1) All subdivision developments shall be built in complete compliance with a storm drainage plan as outlined herein. All lots shall be graded at the time of development in accordance with the plan. All grading shall not exceed a slope of four to one (4 to 1) unless approved by the Director of Public Works and/or the City Engineer.

- (2) Approved erosion control shall be provided as part of the development construction on any or all lots within the development to protect the drainage, lot development and adjacent property.
 - (3) The finish building pad for all subdivision developments shall be elevated to a minimum of 1.0 foot above the crown of the road. In no circumstance shall a building pad and finish floor of any structure be placed below street grade
- (d) **Construction Erosion Controls.** Developer is required to follow all requirements within the TCEQ Stormwater General Permit for Construction Activities (TXR150000). Construction Erosion Controls shall follow the guidelines set out in NCTCOG's integrated Storm Water Management (iSWM™) Technical Manual: Construction Controls updated November 2020 or more recent revision.
- (1) In order to address the requirements of pollution reduction at construction sites, a variety of controls should be employed to:
 - i. Reduce soil erosion,
 - ii. Reduce sediment loss from the site, and
 - iii. Manage construction-generated waste and construction related toxic materials.
 - (2) Controls consist of both temporary and permanent methods to reduce pollution from a construction site. The majority of controls address loss of soil from the site. Soil loss in the form of erosion and sediment due to storm events and wind constitute the majority of pollution generated from construction sites. Controls that address erosion and sediment are typically more site specific than waste and toxics management. Erosion and sediment controls are dependent on-site slopes, drainage patterns and drainage quantities along with other site-specific conditions. Materials and waste management consists primarily of "good housekeeping" practices which are dependent on the type of construction and the quantity and type of building materials.
 - (3) The Director of Public Works and/or the City Engineer will review the information submitted for compliance with the approved grading and drainage management plan. Accepted City streets are not to be used as an erosion control. No inlet protection is allowed in an accepted City street.
 - (4) Control measures shall follow the control selection guide set forth in the iSWM manual. Control measures from each of the three categories; Erosion Controls, Sediment Controls and the Material and Waste Controls shall be used in the design of an Erosion Control Plan for a site. Standard details called out in Division 1000 of NCTCOG's Standard Specifications and Standard drawing shall be utilized as well in the development of an erosion control plan.
 - (5) Control Measures (such are silt fences, inlet protection, rock berms, etc.) shall be removed from the site once grass cover has been established to an efficient level. Types of erosion control may be removed depending on amount of disturbed area remaining. Erosion control shall remain and be maintained when the overall project has reached the minimum amount of disturbed area, one (1) acre. Grass cover shall be determined by the Section 4, Vegetation of these Standards.
 - (6) Erosion control for a development shall remain until the phase has the minimum disturbed are, one (1) acre, for the overall phase, not individual lots. By approval of the Director of Public Works and/or the City Engineer, erosion control may remain in place after phase is complete in anticipation of future phases.

- (7) Erosion control shall be inspected by the contractor weekly, and before and after rain events. Deficiencies shall be corrected within a timely manner. If a deficiency is identified before a rain event, it shall be corrected before the end of the day or before the rain begins. Types of deficiencies include, but not limited to:
- i. Holes or tears in silt fencing;
 - ii. Fallen silt fencing;
 - iii. Debris or sediment clogging erosion control device;
 - iv. Rock check dams or construction entrance rock sedimented over or covered; and
 - v. All other approved construction site erosion control devices shall be maintained to Storm Water Pollution Prevention Plan (SWP3) and City Public Works Inspector requirements.
- (8) Construction Entrance: No crushed concrete is allowed, and rock must be a minimum of twelve inches (12") thick using well graded rock with minimum diameters of four (4) to six (6) inches.
- (9) Silt Fence: No wooden stakes to be allowed on any erosion control device.
- (10) Performance: Erosion from construction sites can be a significant water quality problem. Developing areas are cleared of vegetation during construction leaving the soil exposed and susceptible to erosion. Runoff then transports eroded sediment from these areas and deposits it downstream.
- i. Prevention is a key aspect of erosion control. Many of the control methods presented herein can be placed in a manner that will protect highly erodible areas such as steep slopes. The prevention of erosion requires prior planning to ascertain the placement of selected control methods. The rewards of this planning will be a significant reduction in soil loss. Not only can soil loss be prevented, but eroded soil can be recovered on the construction site and used for fill.
 - ii. The particulate material in construction site runoff is generally heavier and larger than particulates in urban runoff. These attributes facilitate the removal of the material whether the removal is by settling in a sediment trap or by filtration through a filter fence. Temporary sediment traps, filters, and routing devices an effectively control erosion for construction sites if properly applied. These methods are even more effective when permanent management techniques are used in an effort to control temporary increases in sediment loads.
 - iii. Keep dirt/mud/debris off of all public streets, and fire lanes. It is required to have sufficient equipment and material on-site to safely remove dirt/mud/debris from the public streets, and fire lanes. Such equipment includes but not limited to: traffic control items, brooms, shovels, and personal protection equipment.
 - iv. Required documents and permits prior to construction release include:
 1. Storm Water Pollution Prevention Plan (SWP3). A copy of the executed SWP3 is to be submitted electronically to the Director of Public Works and/or the City Engineer if the project disturbs one (1) acre or more of land.

2. Storm Water Notice of Intent (NOI). An electronic copy of the executed NOI will be required to be submitted to the Director of Public Works and/or the City Engineer, if the disturbed area of land of the project is:
 - a. five (5) acres or more, or
 - b. if the project will disturb land one (1) or more acres, but less than five (5) acres and is part of a larger common plan of development or sale that will disturb five (5) acres of land.
3. Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR 150000. Provide an electronic executed copy of the general permit to the Director of Public Works and/or the City Engineer if the project is one (1) acre and less than five (5) acres of disturbed land.

(e) Lot Development.

- (1) All lot developments shall include a drainage plan preventing all diversion of water from the approved path of discharge. The builder at the time of permit application shall furnish a grading plan in compliance with:
 - i. The appropriate chapter of the building code adopted by the City,
 - ii. The grading plan for the development; and
 - iii. The storm drainage plan approved for that particular development.
- (2) Residential lots shall generally drain to streets. Residential development shall be Type "A," "B," or "C" drainage for each lot within the subdivision.
 - i. Type "A": Drainage: All portions of the lot drain to the front.
 - ii. Type "B" Drainage: Drainage is split between drainage to the front and drainage to the rear and sides.
 - iii. Type "C" Drainage: All drainage is to the rear.
- (3) The engineer shall provide grading information and spot elevations to show how the drainage type will be achieved. Generally, no more than one lot may drain through another. The options noted below do not necessarily guarantee that an exception will be approved:
 - i. In cases where more than one lot will drain through a single lot, an improved drainage system (pipe or flume) shall be required.
 - ii. If the site is complex and an overall site grading plan cannot be developed in accordance with City standards, an individual grading plan for each lot shall be submitted by the engineer prior to issuing the building permit. The individual grading plans shall be coordinated with surrounding lots. For individual grading plans, an "as-built" letter signed and sealed by a professional engineer in Texas shall be submitted prior to final inspection.
- (4) The City reserves the right to set a minimum lot or finished floor elevation for any property for flood protection purposes.

- (5) If the re-grading of a lot is necessary, the builder shall be required to furnish a new drainage plan indicating the diversion and rerouting of the affected storm water.
 - i. When the re-grading of a lot prevents the drainage from flowing to the proper structures as designated in the drainage plan, then the builder will furnish a registered engineer's review for adequacy of existing structures to which the water is diverted.
 - ii. If improvements are necessary to provide for adequate drainage due to regrading of a lot, then the improvement must be made at the builder's expense before a grading permit or other permits for construction will be issued by the City.
 - iii. The Director of Public Works and/or the City Engineer will review the information submitted for compliance with the approved grading and drainage management plan.
 1. Accepted City streets are not to be used as an erosion control.
 2. No inlet protection is allowed in an accepted City street.
- (6) Off-Site Cost Sharing: The developer shall be fully responsible for the construction of off-site drainage improvements necessary for his subdivision and the surrounding area, unless other provisions are approved by the City Council in a Development Agreement and/or Facilities Agreement.
- (7) Exemptions: when a development is of two lots or less and in the Director of Public Works and/or the City Engineer's opinion does not affect existing drainage facilities or affect the adjacent property, the Director of Public Works and/or the City Engineer may allow the developer to waive any off-site pro-rata costs.
- (8) All City rights-of-way shall be sodded if disturbed. No artificial grass is allowed in any City right-of-way and/or easements.
- (9) Before Acceptance of Streets and Alleys silt fencing shall be placed at the back of curb/edge of all pavement.

Article 02.031.0400 ... VEGETATION

SEC. 02.031.0411 GENERAL.

All seeding, sodding and fertilizer requirements are to be done in accordance with the North Central Texas Council of Governments (NCTCOG) *Standards and Specifications*.

SEC. 02.031.0412 COVERAGE.

- (a) The developer shall establish grass and maintain the seeded area, including watering, until a Permanent Stand of Grass is obtained at which time the project will be accepted by the City. A Stand of Grass shall consist of 75% to 80% coverage of the whole project area and a minimum of one (1) inch in height as determined by the City.
- (b) There shall not be more than one (1) acre of land without proper grass coverage at the time of City acceptance. Re-seeding will be required in all washed areas and areas that have not been established.
- (c) All City rights-of-way shall be sodded if disturbed. No artificial grass is allowed in any City right-of-way and/or easements.

SEC. 02.031.0413 PLANTING SEASON.

Type No.	Variety	Hulled or Unhulled	Weight/Acre	Planting Season
Type 1	Bermuda Grass	Hulled	50 LBS/Acre	April thru June
Type 2	Annual Rye Grass	N/A	40 LBS/Acre	September thru March
Type 3	Bermuda Grass	Unhulled	50 LBS/Acre	January thru March & July thru August

- (a) A mix of seed shall be used in overlapping planting seasons. A seed mix shall be submitted prior to application.

SEC. 02.031.0414 ADDITIONAL INFORMATION.

- (a) For a public utility less than ten inches (10") in size no tree shall be planted within five feet (5') of the utility.
- (b) For a public utility greater than or equal to ten inches (10") in size no tree shall be planted within ten feet (10 ') of the utility.
- (c) If trees are approved by the Development Services Department and/or City Council to be within the right-of-way, then a City approved root barrier will be required to be installed in order to keep roots from degrading the pavement structure.
- (d) Vegetation over two feet (2') in height shall not be planted in any visibility easement or potential sight visibility (including medians).

Article 02.03.0500 WATER AND WASTEWATER SYSTEMS

SEC. 02.031.0511 GENERAL REQUIREMENTS.

- (a) The design and construction of the water and wastewater system to serve the development shall be in accordance with good engineering principles, with these Standards of Design and Construction and the Standard Details and with the requirements of the Texas Commission on Environmental Quality (TCEQ).
- (b) All on-site and off-site water and wastewater mains shall be sized and located to conform to projected demands in accordance with the current *Water Master Plan* and *Wastewater Master Plan* and the computer model with regard to the impact of each development on the existing and proposed water system. The alignment of future water and wastewater lines in the *Water Master* and *Wastewater Master Plans* may vary depending on design or layout. The water and wastewater lines in the *Master Plans* shall be minimums and should connect to the systems shown in the *Plans*.
- (c) No construction shall commence prior to the approval of the plans and specifications by the City.
- (d) The term “water main” shall refer to a water system that water meters, hydrants, and fire lines are connected to.
 - (1) Water mains may be located on private property but shall be within an easement and maintained by the City.
- (e) The term “wastewater main” shall refer to a wastewater system that serves more than one (1) property.
 - (1) Wastewater mains may be located on private property but shall be within an easement and maintained by the City.
 - (2) If a system serves only one (1) property and is located on private property it shall be a private sewer service and not a wastewater main and therefore considered private unless to serve off-site properties.
 - (3) Manholes or cleanouts on a sanitary sewer line does not indicate or require the system to be a wastewater main.
- (f) Water and wastewater mains should not cross a single-family lot unless along a street right-of-way or within an easement. Mains crossing between rights-of-way within a residential subdivision shall be within right-of-way, or within an easement, or within a HOA owned and maintained lot.

SEC. 02.031.0512 SYSTEM CAPACITY STUDIES

- (a) A water and wastewater system capacity study shall be performed for all developments or re-developments that propose a change in existing land use (change in density or higher water and sewer usage) that does not conform to the City's current Water and Wastewater Master Plan.
- (b) The Developer, engineer, or property owner requesting the proposed change in land use shall enter into a Professional Services Agreement with the City to retain consultants to provide a wide variety of professional services including, but not limited to engineering, financial and legal, services as needed in accordance with the Subdivision Regulations Section 02.03.045, *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements* agreeing to an estimated specified retainer to assist City staff in the review of the water and wastewater system capacity studies.

SEC. 02.031.0513 CONNECTION FOR FUTURE ADJACENT DEVELOPMENTS

- (a) All development shall accommodate future adjacent and upstream/downstream developments by extending water and wastewater lines across the proposed development in order to create water and wastewater systems connectivity. This connectivity will provide for ease of future development and limited disturbance to existing developments. These extensions of the water and wastewater facilities shall match the City's *Water Master Plan* and *Wastewater Master Plan*.
- (b) If the property adjacent to the proposed development is a Utility owned or City owned property, extension may be required across the subject property.

SEC. 02.031.0514 EASEMENTS.

- (a) If a water or wastewater main is located on private property, the mains shall be within an easement that conforms to the minimum width in **Table 5.1 Water & Wastewater Line Easements-Minimum Width**.
- (b) The utility shall be centered within the easement or have a minimum of half the required easement width on both sides of utility.

TABLE 5.1 WATER & WASTEWATER LINE EASEMENTS – MINIMUM WIDTH

		Minimum Easement Width (ft)
Conduit Size	<= 48" diameter	20'
	> 48" diameter	Approval Director Of Public Works and/or the City Engineer
Depth of Conduit	< 14'	20'
	14' - 16'	25'
	17' – 20'	30'
	21' – 23'	35'
	> 23'	40'

SEC. 02.031.0515 SEPARATION OF WATER AND WASTEWATER LINES.

- (a) All water lines and wastewater lines shall be separated ten-foot (10') horizontally and per TCEQ Rules and Regulations. Refer to the following for additional requirements:
 - (1) Chapter 290-Public Drinking Water SUBCHAPTER D: RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS §§290.38 - 290.47.
 - (2) Chapter 217-Design Criteria for Domestic Wastewater Systems SUBCHAPTER C: CONVENTIONAL COLLECTION SYSTEMS §§217.51 - 217.70.
- (b) For separation between stormsewer lines, a spacing of five-foot (5') horizontal shall be maintained from outside dimension of storm pipe to the water or wastewater line.

SEC. 02.031.0516 WATER AND WASTEWATER LINES WITHIN TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGH-OF-WAY (ROW).

- (a) Water and wastewater lines within or crossing a TxDOT ROW shall meet the requirements of the TxDOT District Office and the TxDOT Utility Manual. Utility permits for lines within or crossing TxDOT rights-of-way shall be processed through the City's Development Services Department.
 - (1) TxDOT permit plan sets shall be eleven-inches by seventeen inches (11"x17") in size and signed and sealed by a licensed professional engineer with the State of Texas. Plan sets shall include all applicable TxDOT standard details and traffic control plans sheets to construct the lines.
- (b) New proposed utility lines shall be outside of TxDOT ROW, on private property, within an easement.

SEC. 02.031.0517 BORING, JACKING AND TUNNELING.

- (a) All water and wastewater mains to be installed in steel casing under existing roadways, railroads, and creeks and shall be installed by a method other than open cut, unless otherwise approved by the Director of Public Works and/or the City Engineer.
 - (1) All boring of existing water lines mains shall be by dry bore methods.
 - (2) All boring of water and wastewater lines shall be by dry bore methods.
 - (3) No wet bores shall be allowed.
- (b) Steel casing thickness and diameter size shall be designed by the engineer of record for construction and maintenance of the carrier pipe per the requirements below. Raci patented casing spacers, or approved equal, shall be used. No bends and/or curves are permitted with casing pipes.
- (c) The construction bore and receiving pit shall be located at a minimum distance of four feet (4') behind the back of curb. The engineer of record shall provide a distance greater than four feet (4') where there is no curb or barrier protection at the edge of pavement.
 - (1) Additional bore setback distances or shoring shall be required to maintain roadway integrity and the safety of construction personnel.
 - (2) When bore and receiving pits are located on private property, permanent water and wastewater easements for the pits will be required for the installation and future maintenance of the line.
- (d) The engineer of record shall design the pipe casing for the following loading conditions and/or applicable combinations thereof:
 - (1) Cooper's E-80 Railway loading or AASHTO HS20 loading, as applicable.
 - (2) Earth loading with the height of fill above the casing as shown on the plans as existing or finish grade whichever is greater.
 - (3) All other applicable loading conditions, including loads applied during transportation and handling.
 - (4) Maximum casing deflection of one-half-inch ($\frac{1}{2}$ ") from the above loading conditions.
- (e) Engineer of records shall consider the location, size, and depth of bore and receiving pits relative to existing utilities when establishing the beginning and ending stations.

- (f) Manufacturers: Paint Manufacturers for pipe casing shall be 46-465 H.B. Tnemecol – Tnemec Inc. or approved equal.

SEC. 02.031.0518 CROSSINGS.

- (a) City Roadway Crossings: All City roadway crossings shall be by dry bore. Open cut is by the Director of Public Works and/or the City Engineer's written approval only and shall require full panel concrete replacement at a minimum.
- (b) Creek Crossings: Water and wastewater lines at creek crossing shall be designed to go under the flowline of the crossing. The lines shall be in steel encasement pipe with a minimum vertical clearance of four-feet (4') from the encasement pipe and the flowline of the creek to protect from future creek undercutting. The encasement pipe shall be extended to the creek's Erosion Hazard Setback line for future maintenance of the carrier pipe.
 - (1) Where an Erosion Hazard Setback does not exist due to a shallow creek the encasement pipe shall extend fifteen-feet (15') on either side of the main channel of the creek.
 - i. All creek crossings shall be profiled and shall show the Erosion Hazard Setback line along with the projected 4(H):1(V) sloping line and fifteen-foot (15') buffer from the intersecting point of the ground.
 - (2) Aerial crossing of water lines is not allowed.
 - (3) Aerial crossings for wastewater lines may be used only when all other alternatives have been evaluated and determined not to be feasible. Aerial crossings of wastewater lines require approval of the Director of Public Works and/or the City Engineer. If an aerial crossing is to be installed, reference additional requirements in the Wastewater System Section. No syphons are allowed.
- (c) TxDOT Highway Crossing: A steel encasement pipe shall be used to encase the carrier pipe at all TxDOT highway crossings. The crossing shall be at ninety degree (90°) (perpendicular) to the highway.
 - (1) All boring of water and wastewater lines shall be by dry bore methods. No wet bores will be allowed unless approved in writing by the TxDOT District Office.
- (d) Railroad Crossings: Prior to the design of any railroad crossing, the engineer of record shall contact the railroad and the appropriate regulatory agency to determine if there are any special design and/or construction requirements and shall copy the Director of Public Works and/or the City Engineer on all correspondence with each regulatory agency and approved permits.

SEC. 02.031.0519 WATER SYSTEM.

- (a) **General**. All facilities shall be sufficient size to provide adequate capacity for ultimate development as called out in the *Water Master Plan*, as amended. The water mains shall be sized to meet the maximum instant domestic requirements plus an appropriate allowance for fire protection water. The design criteria for water demand shall be submitted to the City with the plans and specifications.
 - (1) The City reserves the right to require larger water mains than required for the proposed development in order to provide capacities for areas outside the development. The Developer will be responsible to construct water mains adjacent to his property in accordance with the *Water Master Plan*, as amended or as required by the Director of Public Works and/or the City Engineer.

(b) **Connections to Existing Distribution System.**

- (1) Preliminary discussions concerning take-off points in the water system should be conducted with the Director of Public Works and/or the City Engineer prior to finalizing the preliminary designs of the water system, which will serve the development.
- (2) Connections to the City's existing water system will be allowed only at locations where sufficient quantity and pressures are available to meet the projected requirements of the development. In general, the connections to the existing water system shall be made in such a manner to keep "shut-downs" to minimum. Preference should be given to a tapping valve connection.
- (3) In a proposed development where City water is not adjacent to the property but is accessible, the Developer shall provide, at their expense, a minimum of eight-inch (8") water main, or if required an off-site water main of sufficient size to serve the development or as shown on the City's *Water Master Plan*, whichever is larger.
 - i. Through a Pro Rata, a Development Agreement, and/or a Facilities Agreement a Developer can request the City participation (if funds are available) for water oversizing above twelve - inches (12"), where the City collects a pro-rated amount as other developments connect to the system. The City participation must be approved by the City Council. The proposed development may require a loop into the existing water system in order to provide adequate water pressure. The loop will be at the Developer's expense. All water mains shall be extended to the property lines for future connections.
- (4) In general, the City will not approve a development which cannot be served by extensions to the City water system. Some areas in the City are served by public water supply corporations. The Developer shall contact these public water supply corporations for notification of future development. The Developer shall still be responsible to construct water facilities that meet City requirements and as shown on the City's *Water Master Plan*. The City will inspect the water facilities. All water facilities must pass North Texas Municipal Water District testing prior to acceptance of said facility.
- (5) Under unusual circumstances, the City may consider approval of a private water system, which will supply an adequate quantity of potable water to every lot in a residential development. Such systems must meet the approval of the City, the Texas Commission on Environmental Quality (TCEQ), the State Board of Insurance, and other appropriate regulatory agencies. In addition, a Development Agreement between the City and the Developer must be executed whereby the City may acquire the system at such time as it can be connected into the City's owned and operated distribution network. In all cases, the Construction Plans shall show the source of water for the development.

(c) **Sizing of Water Mains.**

- (1) Water mains shall be sized to have maximum velocities of seven-feet (7') per second for maximum daily demands and maximum velocities of ten-feet (10') per second for combined maximum daily demand and fire flow demands.

- (2) The water demand for residential land uses and nonresidential land uses are shown in **Table 5.2 Water Demand Rates** and shall apply for any development where the lot layout has not been finalized. Land uses not listed shall be classified by the land use they most nearly resemble in **Table 5.2** or calculated by the engineer in accordance with the anticipated use. The engineer shall submit the maximum daily demand and the maximum hourly demand to the Director of Public Works and/or the City Engineer for review and approval.
- i. The City reserves the right to assign a higher water usage rate, population per unit, and/or units per acre to be used for developments anticipated to generate higher than typical usage rates.

TABLE 5.2: WATER DEMAND RATES

Land Use	Units Per Acre	Population per Unit	Max Day per Capita (gpcd)	Max Hour per Capita (gpcd)	Max Day per Acre (gpac)	Max Hour per Acre (gpac)
Residential						
Single Family - Low Density	3.5	2.87	350	700		
Single Family - Medium Density	5.0	2.87	350	700		
Single Family - High Density	10.0	2.87	350	700		
Townhome	12.0	2.50	350	700		
Multi Family	24.0	2.00	350	700		
Mobile Home Park	10.0	2.87	200	360		
Non-Residential						
Mixed Use / Live Work / Downtown			350	700		
Commercial Retail / Business Center					1,500	3,000
Public / Quasi-Public					1,500	2,000
Commercial Industrial					2,000	3,000
Special Commercial Corridor / Technology Employment Center					3,000	3,900
Light Manufacturing ¹					2,000	3,000
Heavy Manufacturing *					2,500	3,000
Schools (Elementary)			39 per student	52 per student		
Schools (Middle / High Schools / Colleges)					1,500	2,000
Hospitals			720 gpd per bed	864 gpd per bed		
Nursing Homes / Assisted Living			240 gpd per bed	288 gpd per bed		
Restaurants					1,500	3,000
Parks and Open Space					1,500	1,500
Golf Course ²					1,000	1,000

Notes:

- ¹ Engineer shall provide the maximum daily demand and maximum hourly demand flows and/or the number and size of water meters proposed for the particular land use for review by the City.
- ² Engineer shall provide the number and size of water and irrigation meters proposed for the golf course for review by the City.

- (3) The engineer shall sufficiently size all water mains to provide adequate capacity for ultimate development as called out in the City's *Water Master Plan*, as amended. For all developments, re-developments, and any type of facility tying into the City's water distribution system, the following guidelines shall be used:
- i. The engineer shall obtain the available record drawings. When record drawings are not available, field investigations and verifications shall be required prior to construction.
 - ii. The standard water main sizes that shall be used are noted in **Table 5.3. Standard Water Main Sizes**.
 - iii. The minimum water main size to serve residential areas shall be eight-inches (8") in diameter.
 - iv. The minimum water main size serving commercial, business, industrial, etc. shall be twelve-inches (12") in diameter.
 - v. Fire Flow Demands for all uses shall be calculated with a minimum residual pressure of twenty pounds per square inch (20 psi) under combined fire and domestic (Maximum Daily Demand) water flow conditions and/or the latest requirement by the TCEQ. The Developer shall provide facilities sufficient for fire flows in accordance with the minimum criteria set for by the City's Fire Department.
 - vi. Mains are to be sized to ensure less than one-foot (1') of head loss per one thousand-feet (1000') of water main using a Hazen Williams coefficient of $C = 110$ for the Maximum Hourly Demand flow rates within the subdivision internal distribution system.
 - vii. Mains shall be sized to provide service to adjacent properties.

Table 5.3: Standard Water Main Sizes

8 inch	10 inch	12 inch	14 inch	18 inch
20 inch	24 inch	30 inch	36 inch	42 inch
48 inch	54 inch	60 inch	66 inch	72 inch

(d) **Water Mains Location/Alignment.**

- (1) Water pipelines shall be located in the parkways between the back of the curb and the street right-of-way. The location shall be six-feet (6') from the back of curb on the north side of east-west streets and on the west side of north-south streets. When horizontal curvature is used the minimum radius of curvature shall be equal to that recommended by the pipe manufacturer. No water main ten inches (10") or greater shall be located nearer than ten feet (10') from any tree, unless otherwise approved by the Director of Public Works and/or the City Engineer.
- (2) Water mains should not be designed to pass through single-family lots or between single family lots unless fully within a Home Owner Association (HOA) owned and maintained lot.
- (3) A blue EMS Locator Pad will be located as shown in the Standard Details. Water mains shall have blue EMS locator pads at every two hundred-fifty-feet (250'), change in direction, valve, curb stop, and service connection to the main water main.

(e) **Depth of Cover.**

- (1) The minimum depth of cover for water mains are indicated in **Table 5.4. Depth of Cover to Top of Pipe.**

Table 5.4: Depth of Cover to Top of Pipe

Pipe Size	Minimum Depth of Cover
6 inch through 10 inch	4.0 feet
12 inch through 18 inch	5.0 feet
20 inch and larger	6.0 feet

- (2) The engineer shall consider the ultimate roadway elevations in determining the depth of cover. Additional depth of cover shall be required for future development and as directed by the Director of Public Works and/or the City Engineer. Depths of cover greater than eight feet (8') shall be approved by the Director of Public Works and/or the City Engineer.

(f) **Pipe Material and Embedment.**

- (1) Water mains shall be PVC pipe conforming to the NCTCOG Standard Specifications for Construction. In general, the water pipelines shall be AWWA C900-16 PVC Pipe (blue in color) for all sizes, DR 14 (PC 305) for pipeline sizes twelve-inch (12") and smaller, and DR 18 (PC 235) for fourteen-inch (14") and larger water pipelines.
- (2) All pipes shall be installed in embedment material as shown on the NCTCOG Standard Drawings and in conformance with the Standards of Design and Construction.

(g) **Valves.**

- (1) Valves shall be installed to isolate pipe at a minimum of every other fire hydrant and on both sides of all public roadways. All gate valves shall comply with the approved list or an approved equal with resilient seat only and shall conform to and shall be installed according to the NCTCOG Standard Specifications for Construction
- Valves shall be placed in straight run sections at spacing no greater than five hundred-feet (500').
 - All valve boxes shall be encased in a concrete pad that shall be twelve-inches by twelve-inches by six-inches (12" x 12" x 6") and reinforced with No. 3 steel bars. Valves larger than eight-inches (8") may require larger concrete pads.
 - Valve extensions shall be 316 stainless steel.
 - Unless otherwise requested by the Developer and approved by the Director of Public Works and/or the City Engineer, valves shall be located in the northwest quadrant of the street intersection.
 - Valves shall be placed at or near the ends of mains in such a manner that a shutdown can be made for a future main extension without causing loss of service on the existing main. A minimum of twenty-feet (20') of main shall be installed past the valve and mechanical pipe thrust restraints shall be used to anchor it.
 - Valves should not be placed in vehicle parking spaces.

- vii. Where fire lines are connected to the water main, valves shall be installed on one side of the connection to provide the ability to isolate the main line and continue to provide water to the fire line. The fire line shall be provided with a valve at the connection with the main line.
 - viii. Valve boxes shall be provided for buried valves. They shall be three (3)-piece screw-type cast iron boxes of the extension type. The three (3) pieces shall consist of the top section, bottom section, and cover.
 - ix. Two-inch (2") square nuts that would be over four-feet (4') deep shall have stainless steel valve stem extensions. In these cases, the two-inch (2") square valve operating nut shall be no greater than two-feet (2') from the finish grade. Valve box extensions may be cast iron or C-900 PVC.
 - x. Additional valves may be required by the Director of Public Works and/or the City Engineer. Additional valves may be required for fire support or isolation purposes.
- (2) **Gate Valves:** Valves twelve-inches (12") and under shall be Resilient Wedge Gate Valves (RWGV). Valves are required to have 316 Stainless Steel hardware. Gate valves shall be located outside the paved streets and shall be six-feet (6') from back of curb of the intersecting street. In general, gate valves shall be located at street intersections (except for fire hydrant leads).
- (3) **Butterfly Valves:** Valves greater than twelve-inches (12") shall be flanged butterfly type spaced at a maximum of one thousand-foot (1,000') intervals. All valves shall have horizontal mounted actuators with a manhole for access to the actuators.
- (4) **Air Release, Air/Vacuum, and Combination Air Valves:**
- i. Air release valves, air/vacuum, and combination air valves shall be required on sixteen-inch (16") and larger water mains and as necessary for proper system operation. There are three primary functions of the valves that the engineer shall consider as follows:
 - 1. To vent large volumes of air during filling of the line;
 - 2. To allow air into the pipe during emptying for maintenance and/or repairs; and
 - 3. To vent small volumes of air that come out of solution during service.
 - ii. Typically these are installed at high points where the pipeline has a vertical change in gradient. Additional installation locations may be required by the Director of Public Works and/or the City Engineer.
 - iii. A fire hydrant shall be required at high points on twelve-inch (12") water mains for air relief and flushing maintenance operations. When a fire hydrant cannot be used, an air release valve may be approved by the Director of Public Works and/or the City Engineer.
- (h) **Fittings.** Mega-lugs or the approved equal shall be installed. No compaction fittings shall be allowed. Fittings shall be ductile iron in accordance with AWWA C110 or AWWA C153. All buried metal shall be wrapped in polyethylene tube wrap.

(i) **Connection to Existing Water Mains.**

(1) Tapping Sleeves and Valves

- i. Size-on-size tapping sleeves are not allowed. The largest allowable tapping sleeve shall be the main line size less one standard pipe size (Example: sixteen-inch by twelve-inch (16" x 12"), eight-inch by six-inch (8" x 6"), etc.). If a size-on-size connection is required, then a cut-in connection shall be used.
- ii. Connections to an existing line shall be made with full body stainless steel tapping sleeve and valve. A resilient wedge gate valve shall be flanged to the tapping sleeve.
- iii. Age, material, or condition of existing main may prohibit the use of a tapping sleeve for connections. Older mains can have major failures when tapping is attempted.

(2) Cut-In Connection. When connecting to an existing main, it may be required to provide a cut-in connection with a tee and valve being installed into the existing main in lieu of a tapping sleeve and valve where there is not an existing main line valve between proposed water connection locations as directed by the Director of Public Works and/or the City Engineer. A test shut down of the existing water main(s) shall be conducted by the Public Works Department. The requirement for a test shut-down may be waived with approval by the Director of Public Works and/or the City Engineer. Only the City's Public Works Department may perform a water shut down.

(j) **Dead-End Mains.**

- (1) Dead-end mains shall be avoided and may only be considered when a looped or interconnected water main system is not available. The design of all water distribution systems should include the opportunity for future looping or interconnect of any approved or proposed dead-end line.
- (2) All dead-end lines shall only be installed upon approval from the Director of Public Works and/or the City Engineer and at a maximum length of one-hundred-fifty-feet (150') regardless of main diameter or valve placement.
- (3) Dead-end non-residential water mains shall only have one (1) fire hydrant or service without looping the water main.
- (4) Where dead-end mains are approved, a flush point at the end of the dead-end main shall be provided.

(k) **Fire Hydrants.** In general, fire hydrants shall be located at each street intersection and at intervals on the interior of each block.

- (1) Residential and Duplex Residential and duplex areas shall have a fire hydrant at each street intersection and at a maximum of four-hundred-foot (400') intervals on the interior of each block. The City Fire Department may alter spacing requirements along roadways depending on subdivision layout.
- (2) Multi-Family: Multi-Family areas shall have a fire hydrant at each street intersection and at four-hundred-foot (400') intervals on the interior of each block and along fire lanes. The City Fire Department may alter spacing requirements along fire lanes depending on fire suppression systems being installed.

- (3) Commercial, Retail and Industrial: Commercial, retail, and industrial areas shall have a fire hydrant at each street intersection and at a maximum of four-hundred-foot (400') intervals on the interior of each block and along fire lanes. The City Fire Department may alter spacing requirements along fire lanes depending on the fire suppression systems being installed.
- (4) Rural Undeveloped Roadway: Water lines along roadways in rural areas that have not been developed, or development is sparse shall have fire hydrants installed a maximum of every one-thousand-feet (1000'). Additional hydrants may be required by the Director of Public Works and/or the City Engineer.
- i. Fire hydrants shall be installed a minimum of three-feet (3') and no greater than six-feet (6') behind curb of a fire lane, driveway, access, and/or street as measured from the centerline of the fire hydrant to back of curb, edge of pavement, or fire lane. All fire hydrants shall have a minimum of five-feet (5') of clearance around, including but not limited to trees, shrubs, bollards, walls, signs, structures, and parking stall curbs.
 - ii. The spacing of fire hydrants shall be measured along the street frontage or fire lanes. The Fire Department and Public Works Department shall review all fire hydrant spacing. When a special condition exists due to land use, the Fire Department, or the Director of Public Works and/or the City Engineer may require additional hydrants for fire protection. All existing fire flows and pressure tests shall be obtained from a private company (THE CITY DOES NOT PERFORM THIS TEST.).
 - iii. Fire hydrants shall comply with the approved list or an approved equal conforming to the requirements set forth in the NCTCOG Standards Specifications for Construction. All fire hydrants shall be installed with a six-inch (6") gate valve on the hydrant lead. The installation shall be as set forth in these Standards of Design and Construction. Fire hydrants shall be painted to meet the City's requirements for color code as set forth in the NCTCOG Standard Specifications. In general, the fire hydrant will be reflective silver with differing cap color, which corresponds to the size of hydrant feeder line, as detailed in Approved Water Materials List in the Attachment D.
 - iv. Fire hydrants shall be installed at the end of each dead-end line. Minimum lead size for a fire hydrant shall be eight-inches (8") if main is fifty-feet (50') or longer. Fire hydrant leads may not be longer than one-hundred-fifty-feet (150'). Fire hydrants are not to be powder coated. Fire hydrant nozzles are to be a minimum of nineteen-inches (19") to a maximum of twenty-eight-inches (28") above final grade.
 - v. Nozzle diameter shall be two (2) hose nozzles measuring two and one-half-inches (2 ½") nominal inner diameter and one (1) pumper nozzle measuring four-and-one-half-inches (4 ½") nominal inner diameter. All nozzles are to have National Standard Hose Threads. The operating nut and nozzle nuts shall be one-and-one-half-inch (1 ½") pentagon-point to flat size/shape.
 - 1. Standard fire hydrant barrel shoe depth wherever practical shall be five-feet (5'). The fire hydrant lead line shall be adjusted to meet the standard fire hydrant depth.
 - 2. The connection to the main line shall include a flanged tee connected to a flange by mechanical joint gate valve. The mechanical joint shall be restrained so that the fire hydrant is anchored to the valve.

3. Specifications - Fire hydrants shall be three-way breakaway type no less than five and one-quarter-inch (5-1/4") size. Mechanical joint connection is required.

- (l) **Water Service Connections.** Service connections shall be in accordance with the designs shown on the Standard Details. The materials shall comply with approved list or approved equal and shall be installed in accordance with this *Standards of Design and Construction*.
 - (1) All service pipelines shall be constructed of SDR-9 (Polytube) having a minimum size of one-inch (1"). All connections shall be compression type or approved equal.
 - (2) Detector pads embedded in sand shall be installed above all service connections.
 - (3) All meter boxes for residential properties shall be set between the sidewalk and the back of curb. If sidewalk is located on the back of curb, the water meter shall be set between sidewalk and edge of ROW.
 - i. Meter box tops shall be set one-half-inch to one-and one-half-inch (1/2" to 1 1/2") above the curb, and a meter stop shall be set six-inches (6") below the meter box top.
 - ii. An angle meter stop shall be set six-inches (6") below the meter box.
 - iii. Meter boxes shall have a one-inch (1") wide slot from five inches (5") below the top of the box to the bottom of the box on the side facing the lot for service connection.
 - (4) Any meter box installed in paving shall be traffic rated.
 - (5) Water meter shall not be located within a driveway or drive approach unless it is a traffic rated box and lid.
 - (6) A domestic and/or irrigation service connection shall not be allowed on fire hydrant leads.
 - (7) Installation of multiple meters per water service will not be allowed. Only one (1) meter service shall be allowed. Bull Heading of services and meters shall not be allowed except for special conditions and approved by the Director of Public Works and/or the City Engineer.
 - (8) Service saddle shall be double bronze flattened straps (**no banded straps shall be allowed**) with brass body. Service saddle shall be per the approved material list. Minimum size tap shall be one-inch (1") diameter.
 - (9) Water meter sizes shall not be bigger than the service line size from the water main to the meter.
 - (10) All meters two-inch (2") and under shall be purchased from the City and will be at developer's/contractor's expense. All meters greater than two inches (2") must be approved by the City and shall be furnished and paid for by the Developer/contractor.
 - (11) Concrete meter vaults are required for meter sizes three-inches (3") and larger, meters and vaults shall be provided by the contractor. Meter vaults shall be sealed on the outside of the vault to prevent water from draining in to the vault. Meter vault and meter requirements are shown in the Standard Details.
 - (12) Bending of water service from main to meter should be avoided.

(13) Residential Water Meters:

- i. In single family residential developments, the nearest edge of the water meter box shall be a minimum of six-inches (6") behind the back of curb, and the water service shall be no more than twelve-inches (12") deep, covered with a meter box in place at grade.
 1. If no curb is present, the water meter shall be located at the right-of-way line, no more than twelve-inches (12") deep, covered with a meter box in place at grade.
 2. Along roadways without a curb, the water service line shall be constructed at a minimum of twenty-four-inches (24") below the ditch flowline. Meter boxes shall not be placed in the invert of a ditch.
- ii. For multi-family, condominium, and townhouse developments installation of multiple meter boxes: may only be installed at approved locations. Each service box shall service one (1) lot/building. Installation on multiple meters per water service will not be allowed. Only one (1) meter per service will be allowed. All meters are to have a testable double check backflow device install below grade at the meter.

(14)Non-Residential Water Meters:

- i. Installation of non-residential three-inches (3") and larger meters will include two (2) mainline valves, one (1) bypass valve with chain and lock, and bypass line, all located inside the vault. Clearances between fasteners on valves, strainers, and meters to interior surfaces shall provide adequate room for maintenance. All meters are to have a testable double check backflow device install below grade at the meter.
- ii. Non-residential and multi-family water meters shall be located within the right-of-way or within a water easement and clear of high traffic areas. Location within the ROW shall match that of **Section 02.031.0519(I)(3) Water Service Connections** above. All meters are to have a testable double check backflow device install below grade at the meter.
- iii. Water meter vaults shall be sized according to the size of the water meter and to allow for a minimum of a twelve-inch (12") clear working area for maintenance and operation. Minimum water meter vault sizes are shown in the *Standard Details*.
- iv. Non-residential domestic irrigation meters shall have a testable double check backflow preventer at the meter.

(m) **Abandonment of Water Mains.**

- (1) The engineer is to note the limits and appropriate conditions for abandoning existing water mains that are being replaced. For lines being abandoned, the engineer should note and locate points of cut and plug at the junction with the line that remains in service.
- (2) The engineer shall make allowances to permit the existing and proposed mains to remain in service simultaneously thereby providing a means for transferring customer's services from the old main to the new main with minimum interruption.
 - i. If the construction of a proposed water main necessitates the abandoning of the existing main prior to the new main's placement into service, then provisions for a temporary water main with services must be addressed with the design.

- (3) Abandoned water lines to remain in place shall be cut and plugged and all void spaces within the abandoned line shall be filled with grout, flowable fill or an expandable permanent foam product.
 - i. Valves, to be abandoned, in place shall have any extensions and the valve box removed and shall be capped in concrete.
- (4) Existing fire hydrants and valves located on mains being abandoned are to be removed and delivered to the Public Works Department.

SEC. 02.031.0520 WASTEWATER SYSTEM

(a) General.

- (1) All facilities shall be sufficient size to provide adequate capacity for the ultimate development. The wastewater lines shall be sized to meet the peak day dry weather flow plus an appropriate allowance for infiltration of storm water per TCEQ. The minimum wastewater main size (other than service lines) for all developments shall be eight-inches (8") in diameter.
 - i. The design criteria and calculation shall be submitted to the City with the Construction Plans.
 - ii. Wastewater systems shall be designed so that all wastewater mains will be gravity flow. The use of a wastewater lift station can only be allowed with written approval by the Director of Public Works and/or the City Engineer.
 - iii. The City reserves the right to require a wastewater main of a larger size than that required by the development in order to provide capacities for areas outside of the development.
- (2) Connections to substandard mains and manholes shall not be allowed. Substandard mains shall be determined by the Director of Public Works and/or the City Engineer based on criteria including, but not limited to: size, material, condition, flow rate, capacity, etc. Offsite improvements may be necessary to provide adequate wastewater service to the site.
- (3) All wastewater mains shall be installed at a depth sufficient to permit all water mains to be above the wastewater when the water main has a minimum cover of four-feet (4').
 - i. In such cases where water mains either cross or otherwise come within ten-feet (10') of a wastewater main, the wastewater main may be PVC pressure pipe with a minimum working pressure class of one-hundred-fifty-pounds-per-square-inch (150 psi) or encased in concrete.

(b) Ownership and Maintenance.

- (1) Ownership - Ownership of wastewater systems shall conform to the following:
 - i. Wastewater mains within right-of-way or easements shall be owned by the City. This shall include the manholes and cleanouts on those lines.
 - ii. Wastewater service laterals shall be owned by the property being serviced, from the wastewater main connection to the structure being serviced. This includes any and all manholes and cleanouts on the service lateral.

(2) Maintenance - Maintenance of wastewater system shall conform to the following:

- i. Wastewater mains within right-of-way or easements shall be maintained by the City. This shall include the manholes and cleanouts on those lines.
- ii. Wastewater service lateral shall be maintained by the property owner being served from the structure to the right-of-way line and the City shall maintain from the right-of-way line cleanout to the wastewater main.

(c) **Connections to Existing Wastewater Collection System.**

- (1) Preliminary discussion concerning entrance points in the wastewater system should be conducted with the Director of Public Works and/or the City Engineer prior to finalizing the preliminary designs of the wastewater collection system to serve the development.
- (2) In a proposed development where City wastewater facilities are not adjacent to the property but are accessible, the developer shall provide, at his expense, an off-site wastewater interceptor of sufficient size to serve his development and the contributing service area (using fully developed flows), or as shown on the City's *Wastewater Master Plan*, whichever is larger.
 - i. Through a Pro Rata, a Development Agreement and/or a Facilities Agreement a Developer can request City participation (if funds are available) for wastewater over-sizing above twelve - inches (12"), where the City collects a pro-rated amount as other developments connect to the system. The City participation must be approved by the City Council. This money would be distributed back to the Developer that constructed the over-sized system. All wastewater mains shall be extended to the property lines for future connections.
- (3) Connections to Existing Wastewater Mains – When connecting a six inch (6") or larger new line to an existing wastewater main the engineer shall provide a new manhole at the point of connection. Prior to breaking into the existing line the new manhole and upstream pipe segment shall pass inspection by the Director of Public Works and/or the City Engineer. Connections in residential locations shall be completed after the preliminary walk through has been performed by the Director of Public Works and/or the City Engineer and approval is granted.
- (4) In general, the City will not approve a development which cannot be served by extensions to the City's wastewater collection system unless the development has received an approved exception granted by City Council.

(d) **Design Flow.**

- (1) All wastewater collection systems shall be designed in accordance with the current City's *Wastewater Master Plan*.
- (2) Where possible, all collection systems will be laid out so that all lines will be gravity flow, unless approved by the Director of Public Works and/or the City Engineer.
- (3) All wastewater collection systems must be designed to convey the peak wet weather flow from the entire service area including off-site areas through the system. The basin delineation shall be provided by using the latest Light Detection and Ranging (LiDAR) and surveyed contours. Contours shall be provided on two-foot (2') or less intervals.

(4) Flow calculations must include the specifics of the average daily flows, peak factor (ratio of peak to average flows) and the allowance for inflow and infiltration.

(e) **Sizing Wastewater Collection Mains.**

(1) General.

- i. The engineer shall reference the *Wastewater Master Plan* to determine the size of wastewater mains required in order to serve the development. For all developments or re-developments that propose a change in existing land use (change in density) that does not conform to the City's current *Wastewater Master Plan* a Wastewater System Capacity Study shall be performed. This shall be done as per **Section 02.03.0512 – System Capacity Studies**.
- ii. The standard wastewater pipe sizes that shall be used are noted in the **Table 5.5. Standard Wastewater Collection System Pipe Sizes**.

Table 5.5: Standard Wastewater Collection System Pipe Sizes

8 inch	10 inch	12 inch	15 inch	18 inch
21 inch	24 inch	27 inch	30 inch	33 inch
36 inch	39 inch	42 inch	48 inch	54 inch
60 inch	-----	-----	-----	-----

(2) Average Daily Flow.

- i. **Table 5.6 Wastewater Per Capita and Usage Rates** shall be used to calculate the average daily wastewater flow. The collection system shall be designed based on the peak flow calculations, plus an allowance for Inflow and Infiltration per TCEQ.
- ii. For replacement of existing sewer for additional capacity, wastewater flow data will be provided by the Director of Public Works and/or the City Engineer.
- iii. Wastewater mains with direct connections to service lines shall be designed to be no more than seventy-percent (70%) full and interceptors shall be designed for one-hundred-percent (100%) full.
- iv. **Table 5.6 Wastewater Per Capita and Usage Rates** summarizes the residential and non-residential land use wastewater usage rates. Land uses not listed shall be classified by the land use they most nearly resemble in **Table 5.6 Wastewater Per Capita and Usage Rates** or calculated by the engineer in accordance with the anticipated use. The engineer shall submit the average daily flow and peak flow calculations including off-site flows within the drainage basin to the Director of Public Works and/or the City Engineer for review and approval.
 1. The City reserves the right to assign a higher wastewater usage rate and/or population per unit to be used for developments anticipated to generate higher than typical usage rates.

(3) Peak Flow Factor are as follows:

- i. For average daily flow less than 0.05 MGD – Peak Flow Factor = 5.
- ii. For average daily flow between 0.05 MGD and 1.0 MGD – Peak Flow Factor = 4.
- iii. For average daily flow between 1.0 MGD and 2.0 MGD – Peak Flow Factor = 3.5.
- iv. For average daily flow greater than 2.0 MGD – Peak Flow Factor = 3.

(4) Inflow and Infiltration - After determining the peak flow amount, the engineer shall add an average daily inflow and infiltration rate in accordance with TCEQ guidelines. The inflow and infiltration amount calculated shall be added to the peak flow calculated, with the resultant being the peak wet weather flow, the basis for design.

Table 5.6: Wastewater Per Capita and Usage Rates

Land Use	Units per Acre	Population per Unit	Average Daily Flow (gallons per person or unit /day)	Average Daily Flow per Acre (GPAD)
Residential				
Single Family - Low Density	3.5	2.87	90	
Single Family - Medium Density	5.0	2.87	90	
Single Family - High Density	10.0	2.87	90	
Townhome	12.0	2.5	90	
Multi Family	24.0	2.00	80	
Mobile Home Park	10	2.87	150	
Non-Residential				
Mixed Use / Live Work / Downtown				800
Commercial Retail / Business Center				800
Public / Quasi-Public				1,000
Commercial Industrial				1,500
Special Commercial Corridor / Technology Employment Center				1,200
Light Manufacturing ¹				1,500
Heavy Manufacturing ¹				3,000
Schools (Elementary)			30 per student	
Schools (Middle / High Schools / Colleges)			30 per student	
Hospitals			400 per bed	
Nursing Homes / Assisted Living			300 per bed	
Restaurants			50 per seat	
Hotels			200 per room	
Parks and Open Space				0
Golf Course				100

NOTES:

- ¹ USAGE RATES SUBJECT TO CHANGE. ENGINEER FOR THE PROPOSED DEVELOPMENT SHALL PROVIDE ESTIMATES OF THE AVERAGE DAY AND PEAK HOUR WASTEWATER FLOWS BASED ON THE EXPECTED RATES OF USE FOR THE PROPOSED DEVELOPMENT. CITY WILL REVIEW AND PROVIDE DETERMINATION OF ANY REQUIRED CHANGES.

(f) **Wastewater Mains.**

- (1) Wastewater pipelines shall be located in the parkways between the back of the curb and the street right-of-way. The location shall be six-feet (6') from the back of the curb on the south side of east-west streets and on the east side of north-south streets.
- (2) A green EMS Locator Pad is to be installed at every manhole, cleanout, and service connection to the wastewater main.
- (3) If a wastewater line is to be constructed greater than ten-feet (10') in depth and services are required, then a parallel line is to be constructed at a depth shallower than ten-feet (10'). The deeper line shall be in the center of the pavement and the shallower line with services shall be six-feet (6') from the back of curb toward the right of way and not on the same side as the water line. Depending on depth and exact location of the main, additional easement width may be required. An alternative to a parallel line is a special service connection, with approval by Director of Public Works and/or the City Engineer only.
- (4) No wastewater main less than ten (10) inches shall be located nearer than five (5) feet from any tree. No wastewater main ten (10) inches or greater shall be located nearer than ten (10) feet from any tree.
- (5) Wastewater mains should not be designed to pass through single-family lots or between single-family lots.

(g) **Wastewater Pipe Material.** – Allowable pipe materials for gravity wastewater mains shall be per **Table 5.7. Pipe Materials for Wastewater Gravity Mains.**

Table 5.7 Pipe Materials for Wastewater Gravity Mains

Pipe Size	Pipe Material
4 inch through 15 inch	Green PVC – SDR 35 (ASTM D3034) [less 10 ft cover] Green PVC – SDR 26 (ASTM D3034) [10 ft or more cover]
18 inch and Larger	Green PVC – PS 46 (ASTM F679) [less 10 ft cover] Green PVC – PS 115 (ASTM F679) [10 ft or more cover]

- (1) Pipe shall have a minimum earth cover of four feet (4'). All pipes shall be installed in embedment material as shown on the Standard Details and in conformance for the Standard Specification for Construction.
 - i. Any main with less than the minimum cover shall be encased in concrete and is subject to approval by the Director of Public Works and/or the City Engineer. Depth of cover greater than twenty feet (20') must be approved by the Director of Public Works and/or the City Engineer.
 - ii. All pipelines shall be tested for infiltration in accordance with TCEQ.
- (h) **Minimum Grades.** - Wastewater lines should operate with velocities of flow sufficient to prevent excessive deposits of solid materials, otherwise objectionable clogging may result. The controlling velocity with regard to sediment deposition is near the bottom of the conduit and considerably less than the mean velocity flowing full of two and a half feet per second (2.5 fps). **Table 5.8. Minimum Grades for Wastewater Pipelines** indicates the minimum grades for wastewater pipe with a Manning's "n" = 0.013 and flowing at two and four tenths' feet per second (2.4 fps).

TABLE 5.8: MINIMUM GRADES FOR WASTEWATER PIPELINES

Pipe Size (Inches)	Slope (n = 0.013) (Foot/Foot)	Pipe Size (Inches)	Slope (n = 0.013) (Foot/Foot)
6	0.0050	39	0.0006
8	0.0033	42	0.0006
10	0.0025	45	0.0005
12	0.0023	48	0.0005
15	0.0023	54	0.0004
18	0.0018	60	0.0004
21	0.0015	66	0.0004
24	0.0013	72	0.0003
27	0.0011	78	0.0003
30	0.0009	84	0.0003
33	0.0008	96	0.0002
36	0.0007		

(i) Curved Sewers.

- (1) No vertical curves will be allowed. Horizontal curvature may be allowed by joint deflection or pipe flexure but not both. The Engineer must specify on the plans the method of deflection allowed and the allowable radius or joint deflection for each pipe size. Refer to TCEQ for additional requirements.
- (2) When pipe flexure is used, the minimum radius of curvature shall be equal to that recommended by the pipe manufacturer or three hundred (300)*OD, where OD is the average outside diameter of the pipe in inches, whichever is greater. The Engineer shall note on the plans that when using pipe flexure, all joints are to remain fully seated.
- (3) If a joint deflection will be used to provide horizontal curvature, the allowable deflection shall be five degrees (5°) or eighty percent (80%) of the manufacturer's recommended maximum joint deflection, or eighty percent (80%) of the National Reference Standard maximum recommended joint reflection, whichever is less. When joint reflection is used, the Engineer must specify the size of mandrel used for reflection testing. The mandrel shall be sized to verify that the maximum joint deflection has not been exceeded.
- (4) Horizontal curves shall match change in street direction as near as possible.

(j) Wastewater Service Laterals.

- (1) Wastewater service pipelines shall be laid to each lot. The service pipelines shall be plastic pipe having a minimum diameter of four inches (4") and shall extend to the property line. Wastewater service pipelines shall be located on the lower side of each lot and as approved on the final Construction Plans by the City. In general, a service pipeline shall serve only one (1) lot.
- (2) Special wastewater service sizing may be required in some instances. Where water and wastewater pipelines pass within ten feet (10') of each other horizontally, the method of construction shall be specified in order to meet TCEQ criteria.
- (3) No wastewater main less than ten (10") shall be located nearer than five feet (5') from any tree. No wastewater main 10-inches or greater shall be located nearer than ten (10) feet from any tree.

- (4) Service lines cannot connect to wastewater mains that are over ten feet (10') deep unless a special service connection is approved by the Director of Public Works and/or the City Engineer.
- (5) Service laterals shall have a minimum horizontal separation of ten feet (10') downstream from any water service.
- (6) Bends in services under roadway pavement should be avoided.
- (7) **Retail and Commercial.** Service lateral size shall be six (6) inch minimum at a two percent (2%) minimum grade.

(k) **Manholes.**

- (1) In general, manholes shall be located at all intersections of wastewater pipelines, changes in grade, changes in alignment, non-single family residential service connections, and at distances not to exceed five hundred-feet (500'). A manhole maybe required for a residential sewer service six inches (6") or larger.
- (2) Manholes should not be installed in parking stalls, inverts within pavement, gutter lines, or sidewalk ramp flares.
- (3) All manholes will be hydrostatically, or vacuum tested. For manholes that have an epoxy coating after constructed, a test will be required prior to acceptance. Manhole sizing shall be per **Table 5.9. Minimum Manhole Sizes** with a thirty-inch (30") lid. If a manhole exceeds ten feet (10') in depth, increase the diameter by one -foot (1') from the sizes given in **Table 5.9. Minimum Manhole Sizes**.

Table 5.9: Minimum Manhole Sizes

Wastewater Main Size	Minimum Manhole Diameter
6", 8" and 10"	4.0 foot ¹
12", 15", 18", 21", 24" and 27"	5.0 foot ¹
30" and 36"	6.0 foot ¹

Notes:

¹ INTERNAL DROP MANHOLES SHALL BE SIX FEET (6') MINIMUM.

- (4) Manholes shall be a minimum of four thousand two-hundred pounds per square inch (4,200 psi) pre-cast concrete (minimum six and a half (6.5) sack mix) or cast-in-place (minimum seven (7.0) sack mix) and shall conform to Standard Details and the Standard Specifications for Construction. Existing brick manholes shall be replaced. All private manholes shall have covers with the label "Private" forged into the cover.

(l) **Internal Drop Manholes.**

- (1) Internal drop manholes shall be required when the inflow elevation is more than eighteen-inches (18") above the outflow elevation. New internal drop manholes shall be constructed with inside drops with a six-foot(6') minimum diameter.
- (2) Depending on the depth of the drop manhole and inside clearances between drop bowl apparatus and the manhole, the Director of Public Works and/or the City Engineer may increase the minimum diameter above six-feet (6').

- (3) Drop manholes shall increase in diameter as necessary to accommodate the pipe for an internal drop connection as necessary to provide forty-eight-inches (48") of clear space for construction and maintenance operations.
- (4) Within the manhole the inverts shall be sloped to maintain a smooth transition through the manhole connecting all inlets and outlets.
- (5) Outside drop connections will not be allowed.
- (6) Only one (1) internal drop is allowed per manhole.

(m) **Manhole Corrosion Protection.**

- (1) All manholes shall have Raven Liner 405 epoxy coating, ConShield, or approved equal. ConShield must have terracotta color dye mixed in the precast and cast-in-place concrete.
- (2) Where connections to existing manholes are made the contractor shall rehab manhole as necessary and install a 250-mil thick coating of Raven Liner 405 or approved equal. Manhole shall be replaced at the Developer's/contractor's expense if it cannot be rehabilitated.

(n) **Watertight Sealed Manholes.**

- (1) All manholes shall be sealed if located in an area of storm water flow (paving, creek, drain way, etc.). When manholes are placed within the limits of the fully developed one hundred-year (100-yr) floodplain, watertight sealed manholes (Type S) shall be used to prevent the entrance of stormwater and properly vent manhole.
 - i. Manholes installed in the floodplain shall be a minimum of sixty-inch (60") diameter with a concentric flat top that has a rim elevation two-feet (2') above the limits of the fully developed one hundred-year (100-yr) floodplain. When allowed by the Director of Public Works and/or the City Engineer, manholes may be below the one hundred-year (100-yr) floodplain but must be bolted and gasketed.
 - ii. Every third (3rd) manhole shall be vented two-feet (2') above the fully developed one hundred-year (100-yr) floodplain elevation or four-feet (4') above the adjacent ground line, whichever is higher.
 - iii. Manhole rim shall be a minimum of two-feet (2') above ground line but not to exceed four-feet (4') above ground line.
 - iv. The engineer shall obtain and provide the elevation of the fully developed one hundred-year (100-yr) floodplain. When manholes are installed within a floodplain or open space, a location indicator pole shall be installed on the manhole to help prevent damage and for City to easily locate.

(o) **Inflow Prevention.** - In order to reduce the size of wastewater system main trunk lines and reduce the cost of wastewater treatment, efforts to reduce inflow and infiltration into the wastewater collection system shall be taken. All manholes (public or private) shall be fitted with inflow prevention.

(p) **Cleanouts.** - Cleanouts shall be constructed on the end of all lines. The maximum distance between a manhole and an upstream cleanout is two-hundred-fifty feet (250'). Cleanouts may be located at the end of the line only. Double clean outs shall be installed for non-residential services at the right-of-way line, property line, or easement line where a public line changes to a private service. Cleanouts shall conform to the Standard Details and the Standard Specifications for Construction.

(q) **Testing.**

- (1) All wastewater lines shall be tested for infiltration in accordance with the procedures set forth in the Standard Specifications for Construction. In general, all wastewater pipes shall be installed so that the completed wastewater will have a maximum exfiltration of one-hundred fifty (150) gallons per inch of internal diameter, per mile of pipe, per twenty-four (24) hours, where the maximum hydrostatic head at the centerline of the pipe does not exceed twenty-five-feet (25').
- (2) All wastewater pipes shall be inspected by photographic means (video/camera) after franchise utility installation but prior to final acceptance. The contractor shall furnish a DVD or flash drive to the Public Works Department Construction Inspector for review. Any sags, open joints, cracked pipes, etc. shall be repaired or removed by the contractor at the contractor's expense. A television survey will be performed as part of the final testing in the twentieth (20th) month of the maintenance period. The City's representative shall be present at all testing. All expenses for this work shall be the Developer's responsibility.

(r) **Abandoning Existing Wastewater Mains and Manholes.**

- (1) When an existing wastewater line is to be abandoned all services and laterals on the main to be abandoned shall connect back into the system. All existing wastewater mains that are to be abandoned shall be digitally recorded to determine the location of the services and laterals. A digital copy shall be given to the City Public Works Department Construction Inspector for review before the line is fully abandoned.
- (2) All abandoned wastewater and force main lines shall be cut and plugged and all void spaces within the abandoned line shall be filled with grout, flowable fill or an expandable permanent foam product.
- (3) Wastewater manholes shall be abandoned per Standard Specifications for Construction.

(s) **Aerial Creek Crossings.**

- (1) Aerial crossings for wastewater lines may be used only when all other alternatives have been evaluated and determine not to be feasible. Aerial crossings of wastewater lines require approval of the Director of Public Works and/or the City Engineer.
- (2) Aerial crossing shall meet the following requirements:
 - i. The design of all piers, bents, restraints, abutments, steel casing, etc. for the aerial crossing shall be performed and signed and sealed by a Professional Structural Engineer licensed in the State of Texas.
 - ii. The engineer of record shall use steel encasement pipe around all aerial carrier pipes. The carrier pipe shall be restrained or welded all around joints or be a monolithic pipe between a span section.
 - iii. The pier spacing for the aerial crossing supports must maintain adequate grade, and span the one hundred-year (100-yr) floodway.
 - iv. A span section must withstand the hydraulic forces applied by the occurrence of a one hundred-year (100-yr) flood including buoyancy. Both the aerial crossing encasement pipe and the supporting structure shall be capable of withstanding impacts from debris and water.
 - v. A scour analysis report prepared by a geotechnical professional engineer shall be submitted to the Director of Public Works and/or the City Engineer.

- vi. A Hydrologic and Hydraulics Study of the aerial crossing shall be performed. The aerial crossing shall not increase the one hundred-year (100-yr) floodplain water surface elevations or velocities.
- vii. Geotechnical borings at the creek crossing and report shall be prepared by a Professional Geotechnical Engineer licensed in the State of Texas.
- viii. Wastewater lines shall have manholes on each side of the crossing.
- ix. The upstream bent/abutment section of the aerial crossing shall be designed with a minimum two-inch (2") underdrain at the flowline of the embedment to collect infiltration that is traveling within the upstream embedment of the aerial crossing. This shall day light at the aerial crossing current day slope to prevent erosion of the aerial crossing at the upstream end.
- x. The aerial crossing shall be designed to extend to the erosion hazard setback line with piers and bents.

(t) **Inverted Siphon.** Inverted siphons at creek crossings for wastewater lines are not allowed.

SEC. 02.031.0521 WASTEWATER LIFT STATIONS AND FORCE MAINS.

(a) **General.**

- (1) All lift station design plans and specifications shall be submitted to the Director of Public Works and/or the City Engineer, and TCEQ for review and approval prior to construction. Lift stations and force mains shall be designed and built for the upstream drainage area using a fully developed condition. This will include off-site areas if applicable. Developers are responsible for the construction of regional lift stations and force mains, per the *Wastewater Master Plan*.
- (2) Developments which increase the flow to existing lift stations will be subject to a pro-rata charge if sufficient capacity is available in the existing lift station or will be required to increase the capacity of the existing facility. Developers can request a pro-rata agreement, Facilities Agreement and/or Development Agreement be executed with the City, where the City collects a pro-rated amount as other developments connect to the system. This money would be distributed back to the developer that constructed the oversized system. The pro-rata agreement requires approval by City Council.
- (3) The Developer, engineer, or property owner requesting the proposed change in land use shall enter into a Professional Services Agreement with the City to retain consultants to provide a wide variety of professional services including, but not limited to engineering, financial and legal services as needed in accordance with the Subdivision Regulations, Section 02.03.044 *Facilities and Professional Services Agreements, Financial Assurances and Construction Contracts for Public Improvements* agreeing to an estimated specified retainer to assist City staff in the review of a report, study, and/or plans for wastewater lift stations and force main

(b) **Lift Station and Force Main Design Report and Plans.** A lift station and force main design report shall be prepared and signed and sealed by a register professional engineer licensed in the State of Texas.

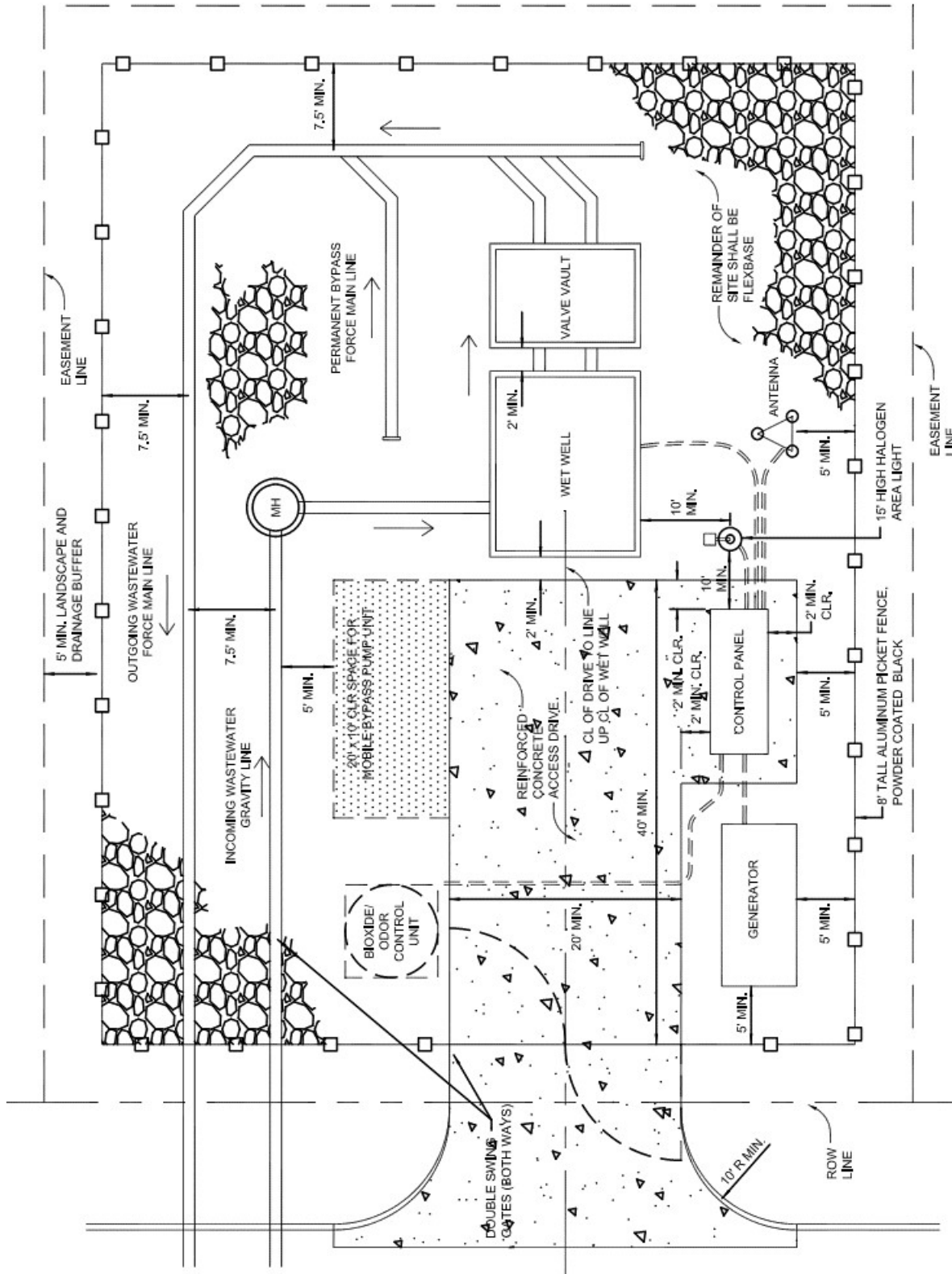
- (1) Lift Station and Force Main Design Report. The digital report shall include the following information at a minimum:

- i. A brief summary of project that includes:
 - 1. General description of proposed development
 - 2. General explanation on circumstances that warrant a lift station including other options considered.
 - 3. Description of any potential phasing of lift station until sewer basin is built-out if Director of Public Works and/or the City Engineer approves lift station size less than fully developed conditions.
 - ii. Influent hydraulic calculations showing:
 - 1. Area in acres of the sewer basin and the development.
 - 2. The area of each proposed use for the development and the ultimate projected use for the basin per City Future Land Use Plan.
 - 3. The average design flow and the maximum peak flow for the basin and the development.
 - 4. Elevation of the proposed lift station site.
 - 5. The elevation of the proposed discharge point of the force main.
 - iii. Wet well volume calculations.
 - iv. Force main size with proposed velocities in pipe.
 - v. Power outage records on electric provider letterhead for power outages in area for the past twenty-four (24) months.
 - vi. Opinion of probable costs for lift station, force-main, and annual operating and maintenance costs.
 - vii. Ground water levels in proposed site area.
 - viii. Proposed system's effect on existing system's capacity.
 - ix. Odor control methods shall be submitted to the Director of Public Works and/or the City Engineer for review and approval. The potential odor determination must include the estimated flows immediately following construction and throughout a system's fifty-year (50-yr) expected life cycle.
- (2) Lift Station and Force Main Design Plans. The plan or plans submitted shall contain the following minimum information.
- i. Scale.
 - ii. North Arrow.
 - iii. Vicinity map.
 - iv. Delineation of the boundary of the proposed development and off-site areas of the sewer basin (service area) in which the development lies. Basin delineation shall be provided using NCTCOG, LiDAR or surveyed contours. Contours shall be provided on two (2') foot or less intervals. USGS topo is not permissible.
 - v. Area in acres of the development and of the sewer basin contributing to the lift station.
 - vi. Proposed use or uses for the development and service area.

- vii. The proposed lift station location.
 - viii. Delineation of the one-hundred-year (100-yr) fully developed flood plain, FEMA one-hundred-year (100-yr) flood plain and erosion hazard setbacks.
 - ix. The location and size of the existing collection system at the tie-in point.
 - x. Property lines, easement lines, and right-of-way lines.
- (3) **Lift Station Site Requirements.** The lift station site shall conform to the requirements in these subsections and **Figure 5.1, Typical Lift Station Site Layout.**
- i. **Lift Station Site Access.**
 - 1. Access drive will be provided by a reinforced concrete pavement from a public street and/or dedicated access easement. Concrete shall be a minimum eight-inches (8") thick, 3,600 PSI (six and half (6.5) sack/CY) with #4 bars at eighteen-inch (18") OCEW reinforced concrete pavement with a minimum of twenty-feet (20') in width and forty-feet (40') in length (within fenced area of lift station) to allow maintenance vehicles to park fully outside of the right-of-way.
 - 2. When an access drive for the lift station connects to a City Thoroughfare or Texas Department of Transportation (TXDOT) designated highway a "T" shaped turnaround shall be provided with applicable turning radii. The alignment of the drive shall allow maintenance vehicles the ability to back up straight to the wet well.
 - 3. Access shall be functional during a one-hundred-year (100-yr) flood. All area within the lift station fencing and access drive shall be a minimum of one-foot (1') above the water level caused by a one-hundred-year (100-yr) fully developed floodplain.
- (4) **Lift Station Security.**
- i. At a minimum, security of the lift station site shall be provided by an intruder-resistant fence (IRF) to restrict access by an unauthorized person(s). The IRF shall be placed around the perimeter of the site encompassing all interior structures and appurtenances shall maintain a minimum five-foot (5') clearance from all lift station components and seven and a half -foot (7.5') minimum off of lift station piping.
 - ii. The IRF shall comply with all TCEQ regulations and shall comply with the requirements for ground mounted utility structures as specified in Section 38.3.E., Fence Regulation of the Zoning Ordinance. The IRF shall be a minimum of eight-feet (8') aluminum picket fence with a twenty-foot-wide (20') minimum double swing gate for access. All components shall be manufactured from aluminum extrusions having a minimum ultimate strength of thirty-five thousand pounds per square inch (35,000 PSI), using 6005 T5 alloy. The fence, post and gates shall be powder coated black with a minimum cure film thickness of two (2) mils.
 - iii. **Technical Data.**
 - 1. **Pickets.** The hollow pickets shall pass through the rails and are to be attached using stainless-steel screws allowing the pickets to be always parallel to the terrain. Screws shall be on one (1) side of rail only. Pickets shall be one (1) inch square x 0.062-inch thick.

2. Horizontal Rails. Rails shall be C-Channels with ribbed reinforced side walls. Square holes shall be punched in the top of the rails to allow the pickets to pass through.
 - a. Four (4) rails are required.
 - b. *Heavy Industrial Rails* shall be 1 $\frac{5}{8}$ -inch by 1 $\frac{5}{8}$ -inch with a side thickness of 0.100-inch, top wall thickness 0.070-inch and bottom wall thickness of 0.062-inch, which snaps into the top allowing all screws to be enclosed inside the rail.
3. Posts. . Posts shall be hollow square extrusion with holes pre-punched to allow the rails from the fence sections to slide into them. All posts shall include aluminum post caps. Posts can be placed no more than six-feet (6') apart.
 - a. Line Posts and End Posts are three (3) inch square by 0.125-inch thick.
 - b. Gate Posts are four (4) inch square x 0.125-inch-thick weighing nine (9) pounds per foot.
4. Gates. Gates shall be fabricated with two (2) inch or 2 $\frac{1}{2}$ -inch square ends, 1 $\frac{5}{8}$ -inch by 1 $\frac{5}{8}$ -inch rails and one (1) inch square pickets. The gate shall be a double swing gate. Gate shall match appearance of fence panel. The gate shall have a double rail that allows for hidden fasteners and no exposed cavities under the rail. Gate shall be designed and manufactured by the fence manufacturer.
 - a. Each gate shall have a hasp for chain locking welded to the frame as detailed in the construction plans.
 - b. Gates shall be designed and manufactured by the fence manufacturer.
 - c. Gates shall be designed and manufactured by the fence manufacturer.
 - d. Swing gates shall include cane-bolts for each gate panel. The cane-boll shall have a stop to hold it in the up position for operating the gate.
 - e. Hinges shall have minimum $\frac{3}{8}$ -inch stainless-steel pins.
5. There should be a minimum of a five (5) foot landscape and drainage buffer from the easement line to the lift station fencing. The five (5) foot buffer shall have Chinese Variegated Privet (or similar vegetation as approved by the Director of Public Works and/or Director of Development Services) place within the buffer to screen the lift station site. In residential zoning districts the five-foot (5') buffer shall include dense evergreen shrubs to screen the lift station site

Figure 5.1: Depiction of Lift Station Site Layout



(5) Lift Station Site Interior.

- i. Interior of the site that is not part of the access drive shall be a minimum six (6) inches thick flex base. Site shall be graded to drain away from the station to prevent storm water inflow or infiltration into the wet well, valve vault and manholes. The wet well and valve vault top elevation shall be a minimum of twelve-inches (12") higher than interior concrete and flex base.
- ii. Control panel shall have a two-foot (2') minimum clear reinforced concrete working area away from face, sides and back of cabinet. Electrical and instrumentation panels shall be located where they do not obstruct vehicle access to the wet well or the dry well. They shall be placed at an elevation so that they are easily accessible.
- iii. A fifteen-foot (15') high halogen or light-emitting diode (LED) area light with photometric cell on an aluminum pole shall be placed within ten-feet (10') of wet well and control panel without obstructing daily operations.

- (c) **Wet Well Design.** Wet well shall be cast in place or pre-cast watertight and gas tight walls with watertight joint meeting ASTM C478-90. Steel, high-density polyethylene (HDPE) and reinforced concrete pipe (RCP) are not acceptable materials.

(1) Orientation.

- i. Orientation shall consider the routing of incoming sewer and force main for ease of maintenance and to minimize effluent turbulence.
- ii. Orientation shall allow a five (5) ton vehicle to pull in forwards or backwards directly to the wet well or the dry well.
- iii. All influent gravity mains discharging into the wet well shall be located so that the invert/flowline is above the "on" setting liquid level of the pumps.

(2) Level Sensors.

- i. Level control system shall use a pressure transducer with built-in surge protection for pump operation with Off and High-Level Floats as back-up in case transducer fails.
- ii. Sensors shall be provided for "All Pumps Off," "Lead Pump On," "Lag Pump On," and "High Level Alarm" levels as well as additional "Lag-Lag Pump On" for lift stations with more than two pumps.
- iii. Level Sensors shall be placed in the wet well.

(3) Wet Well and Valve Vault Separation.

- i. Wet wells and valve vaults shall be separated by a minimum of two-feet (2').

(4) Wet Well Liner and Coatings.

- i. Wet wells shall have a minimum of ten-percent (10%) sloped bottoms to the pump intakes and shall have a smooth finish to avoid excess sludge deposits.
- ii. Wet wells shall be ConShield, Raven Lining or approved equal to protect against hydrogen sulfide gases.
- iii. Wet wells and valve vaults shall have inflow protection as called out in Standard Details of Construction.

(5) Wet Well Hatches.

- i. The wet well shall have a lockable odor suppressing aluminum door with an aluminum frame and safety grate. The minimum opening size shall be four-feet(4') by six-feet (6') with two (2) doors large enough to adequately maintain the wet well.
- ii. All hatches shall have accommodations for locking above grade with three-eighths - inch ($\frac{3}{8}$ ") shaft padlocks provided by the City.
- iii. All hatches shall include fall protection as required for safety and approved by the City.

(6) Wet Well Ventilation.

- i. The design of a wet well must reduce odor potential in a populated area or as directed by the Director of Public Works and/or the City Engineer.
- ii. Passive ventilation structures shall be provided and must include screening to prevent the entry of birds and insects to the wet well. An air vent pipe shall have a minimum diameter of four (4) inches with outlet located one-foot(1') above wet well top.
- iii. Continuous mechanical ventilation structures shall be provided with ventilation equipment providing a minimum capacity of twelve (12) air exchanges per hour and be constructed of corrosion resistant material.

(7) Wet Well Cable Strain Relief. A stainless-steel cable holder shall be provided for all cables in the wet well for cable strain relief purposes.

(d) **Wet Well Volume.**

- (1) Wet well volume for a submersible pump station is the volume contained above the top of the motor, or as specified by the pump manufacturer.
- (2) High level alarm elevation shall be a minimum of sixty-inches (60") below the top of the wet well or forty-eight-inches (48") below the flowline elevation of the lowest service tap, whichever elevation is lower.
 - i. Alarm shall be sent when both pumps are running on a duplex station or when the level is six-inches (6") to twelve-inches (12") over all pumps running. The Director of Public Works and/or the City Engineer shall approve all situations and levels that need to trigger an alarm.
 - ii. Wet well volume shall be calculated by **Equation 5.1**. Wet Well Volume:

$$V = \frac{TQ}{4(7.48)}$$

Equation 5.1. Wet Well Volume where:

V = Active Volume, (Cubic Feet)

Q = Pump Capacity, (Gallons Per Minute)

T = Cycle Time, (Minutes)

7.48 = Conversion Factor, (Gallons Per Cubic Foot)

- iii. Pump cycle time, based on Peak Flow, must equal or exceed the criteria shown in Table 5.10: Minimum Pump Cycle Time.

Table 5.10: Minimum Pump Cycle Time

Pump Horsepower	Minimum Cycle Times
< 50	6 minutes
50-100	10 minutes
> 100	15 minutes

- (3) The operation cycle “T” shall not be less than ten (10) minutes for average flow and not more than 60-minutes for minimum flow conditions. The operation cycle time must exceed the manufacturer’s requirements.

(e) Valve Vault.

- (1) Valve vaults shall have sloped bottoms towards a floor drain to remove liquid build up. The floor drain line from the valve vault connecting to the wet well must prevent gas and liquids from entering valve vault.
- (2) The valve vault shall have a lockable aluminum door with an aluminum frame. The minimum opening size shall be two-feet (2') by three-feet (3') or large enough to adequately maintain the valve vault.

SEC. 02.031.0522 PUMPS, LIFT STATION PIPING, AND VALVES.

(a) Pumps.

- (1) Stations shall contain a minimum of two (2) pumps and shall be capable of handling peak flows with one (1) pump out of service.
- (2) All pumps shall be explosion proof, non-clog, submersible type capable of passing a two-and-a-half-inch (2½”) diameter sphere or greater. Vortex impellers shall be used to prevent clogging.
- (3) Pumps shall be sized to operate at optimum efficiency. Minimum acceptable efficiency at the operating point will be-percent sixty-percent (60%). The minimum required horsepower for the motor must be capable of handling the entire range as shown in the pump curve. Where necessary, a higher horsepower pump will be required to prevent any damage to the motor as a result of loss of hydraulic head situation.
- (4) All submersible pumps shall be equipped with an automatic flush valve attached to the pump volute using the hydraulic energy created by the pump operation to temporarily suspend settled materials.
- (5) The pump rail system shall be MTM Sch 40 stainless-steel with supports on eight (8) feet maximum spacing.

(b) Pump Capacity.

- (1) The firm pumping capacity shall be greater than the peak flow for the entire fully developed drainage basin. If the fully developed drainage basin is significantly larger than the proposed development and it is not feasible to design for this flow, the firm capacity may be designed to handle a portion of the basin with the ability to expand for the ultimate basin capacity with approval from the Director of Public Works and/or the City Engineer.
- (2) The pump curves shall be selected so that during normal operating conditions the pumps will run near the best efficiency point. The curves shall not approach shut off head when the pumps are running together.

- (3) System head curves, pump curves, and head calculations shall be submitted. Calculations and pump curves at both minimum (*all pumps off*) and maximum (*last normal operating pump on*) static heads, and for a C value of both one-hundred (100) and one-hundred-forty (140) must be provided for each pump and for the combination of pumps with modified pump curves. Head calculations shall be the sum of static head, friction head in force main and lift station piping, and a fittings head.
- (4) Flow calculations, system curves, and head calculations shall be shown in the construction drawings as well as in a final design report. Final design report shall include all of the preliminary design submittal requirements with the exception of the replacement of final design information.

(c) Lift Station Piping.

- (1) Piping inside the lift station shall be ductile iron Class 200 PSI, AWWA C151-75, C171-76, or latest edition thereof. Pipe joints within the wet well or valve vault shall be flanged. All fittings shall be ductile iron Class 250 meeting AWWA C110-77 or latest revision for sizes 12-inches and smaller or Class 150 on sizes 14-inches and larger. All pipe and fittings shall have a prime coat on the outside surface and shall have an interior lining of forty-manual-in-line-stabilization (40-mils) nominal dry film thickness of Protecto 401 Ceramic Epoxy Lining or approved equal, applied in accordance to the manufacturer's recommendations.
- (2) All nut and bolt assemblies inside the wet well shall be ASTM 316 stainless-steel.
- (3) Lift station piping shall be designed with an additional emergency by-pass pump connection, allowing the station to be operated with the primary pump(s) out of service for an extended period of time. The by-pass pump connection shall be fitted with a CamLock fitting and cap. Bypass piping shall be supported by a strut type pipe support set in a reinforced concrete pad. By-pass piping and valves shall maintain a minimum of a twenty-four-inch (24") clearance from the ground.

(d) Valves. (Isolation valves, check valves, and air release/vacuum valves shall be located in the valve vault)

(1) Isolation Valves.

- i. Each pump shall have one isolation valve downstream of the pump and check valve, including a discharge pressure gauge between the pump and isolation valve. Isolation valves shall be resilient seated gate valves meeting the City Standard Specifications. The discharge pressure gauge shall be a minimum of four-inch (4") diameter within the appropriate pressure ranges for the design.
- ii. All external nuts and bolts shall be ASTM 316 stainless-steel.

(2) Check Valves.

- i. Check valves shall be a controlled closing swing check valve with a lever and spring.
- ii. Check valves shall be located upstream of the isolation valve.
- iii. All external nuts and bolts shall be ASTM 316 stainless-steel.

(3) Air Release/Vacuum Valves.

- i. Air release valves of a type suitable for wastewater service shall be installed along the force main where the force main would be prone to trapped air.

- ii. The type of valve shall be air release or a combination of air release and vacuum breaker. Valves shall be fitted with blow off valves, quick disconnect coupling and hose to permit back flushing after installation without dismantling the valve.
- iii. All external nuts and bolts shall be ASTM 316 stainless-steel.
- iv. The engineer shall determine the valve type and location. The calculations for valve type and valve sizing shall be provided to the Director of Public Works and/or the City Engineer.
- v. Isolation valves for three-inch (3") and smaller air release valves shall be all bronze or brass. Isolation valves four-inch (4") and larger shall meet standard specifications for resilient wedge gate valve.
- vi. Locations of the air release/vacuum valves shall be shown on the plan and profile sheets for the force main

SEC. 02.03.0523. FORCE MAIN.

(a) General.

- (1) Force main capacity shall be sized to meet the pump capacity. The force main shall be sized to handle the ultimate basin capacity. The force main may be designed to handle a portion of the basin with the ability to expand for the ultimate basin capacity if approved by the Director of Public Works and/or the City Engineer. The minimum force main size shall be four-inch (4") diameter except for grinder pump lift stations.
- (2) The minimum recommended velocity is three-feet (3') per second, and the velocity shall not be less than two-and-a-half feet (2.50') per second when only the smallest pump is in operation.
- (3) Force main sewer pipe shall be designed to meet the working pressure requirements of the particular application. Design calculations and pipe selection shall be submitted to the Director of Public Works and/or the City Engineer in report format.
- (4) A force main must be designed to abate any anticipated odor.
- (5) Force main pipe materials shall AWWA C900-16 PVC Pipe (*green in color*) for all sizes, DR 14 (PC 305) for pipeline sizes twelve-inch (12") and smaller, and DR 18 (PC 235) for fourteen-inch (14") and larger wastewater pipelines. The design engineer shall select the DR specification based on design for pressure and including surge, and submit calculations with design report.
- (6) For trench depths greater than twelve-feet (12') or other dead and/or live loading considerations, the engineer shall provide a pipe with the appropriate DR rating which shall exceed the minimum requirements.
- (7) All fittings shall be wrapped in ductile iron in accordance with AWWA C110 or AWWA C153. Fittings shall have a prime coat on the outside surface and shall have an interior lining of forty-manual-in-line stabilization (40-mils) nominal dry film thickness of Protecto 401 Ceramic Epoxy Lining or approved equal, applied in accordance to the manufacturer's recommendations.
- (8) Isolation valves shall be a maximum spacing of one-thousand-feet (1,000') and at critical locations along the force main.
- (9) All valves and fittings shall be restrained with Mega-lug or approved equal. Joint material for PVC shall conform to ASTM F471.
- (10) Plans shall include plan and profile for the force main.

- (11) Force main shall have a minimum of four-feet (4') of cover and be laid to standard specifications for potable waterline.
- (12) Force main separation and design criteria from water mains and all other utility lines shall meet the minimum requirements from TCEQ.
- (13) All force mains shall have green EMS locator pads at every two-hundred-fifty-feet (250'), change in direction, valve, manhole, etc.

- (b) **Embedment.** All force main pipes shall be installed in embedment material as shown on the *Standard Construction Details* in and in conformance for the *Standard Specification for Construction*.

SEC. 02.03.0524 Control Panel.

- (a) **General.**

- (1) The control system shall be designed to operate the required number of pumps specified on the drawing at the power characteristics shown on the plans.
- (2) The control function shall provide for the operation of the pumps in Hand (manual) and Auto (controlled by Programmable Logic Controller (PLC)). See *24VAC Regulator System* for further information. The control shall function as described below. The equipment listed below is a guide and does not relieve the supplier from providing a system that will function as required.

- (b) **Control Panel Enclosure.** The enclosure shall be a National Electrical Manufacturers Association (NEMA) 4x rated stainless-steel. The enclosure shall be a wall mount type with a minimum depth of eight-inch (8") sized to adequately house all the components. The door gasket shall be rubber composition with a retainer to assure a positive weatherproof seal. The door shall operate with a single action handle that accepts a three-eighths-inch ($\frac{3}{8}$ ") shaft padlock and opens a minimum of one-hundred-eighty (180) degrees.

- (c) **Inner Dead Door.**

- (1) A polished aluminum dead front shall be mounted on a continuous aircraft type hinge, contain cutouts for mounted equipment, and provide protection of personnel from live internal wiring. Cutouts for breaker handles shall be provided to allow operation of breakers without entering the compartment. **No door mounted operating mechanisms allowed for breaker operation.**
- (2) All control switches, indicator pilot lights, one (1) general purpose ground fault interrupter (GFI) duplex receptacle and other operational devices shall be mounted on the external surface of the dead front. The dead front shall open a minimum of one-hundred-fifty-feet (150) degrees to allow access to equipment for maintenance. A three-quarter-inch ($\frac{3}{4}$ ") break shall be formed around the perimeter of the dead front to provide rigidity.

- (d) **Back Plate.** The back plate shall be manufactured of twelve (12) gauge sheet steel and be finished with a primer coat and two (2) coats of baked on white enamel. All devices shall be permanently identified.

- (e) **Power Distribution.**

- (1) The panel power distribution shall include all necessary components and be wired with stranded copper conductors rated at a minimum of ninety-degrees (90°) Celsius.

- (2) System shall be equipped with an **Emergency Generator** with an automatic transfer switch capable of programmable test dates and times. Inputs shall be provided to PLC to indicate Generator Running, Generator Alarm, and Generator Low Fuel Level **OR** a Stand Alone Manual Double Throw Safety Switch to allow hard wiring to a portable generator. Emergency Generator shall meet the requirements of the most recently adopted noise ordinance and be a minimum Level I noise control compliant.
- (3) **No door mounted operating mechanisms allowed for breaker operation in control panel.** All conductor terminations shall be as recommended by the device manufacturer.

(f) **Circuit Breakers.**

- (1) All circuit breakers shall be heavy-duty thermal magnetic or motor circuit protectors similar and equal to Square D type FAL. Each motor breaker shall be adequately sized to meet the pump motor operating characteristics and shall have a minimum of ten-thousand (10,000) amps interrupting capacity for two-hundred-thirty voltage in alternating current (230 VAC) and fourteen-thousand (14,000) amps at four-hundred eighty voltage in alternating current (480 VAC). The control circuit and the duplex receptacles shall be individually controlled by heavy-duty breakers.
- (2) Circuit breakers shall be indicating type, providing "ON-OFF-TRIP" positions of the operating handle. When the breaker is tripped automatically, the handle shall assume a middle position indicating "TRIP".
- (3) Thermal magnetic breakers shall be quick-make and quick-break on both manual and automatic operation and have inverse time characteristics secured through the use of bimetallic tripping elements supplemented by a magnetic trip.
- (4) Breakers shall be designed so that an overload on one pole automatically trips and opens all legs. Field installed handled ties shall not be acceptable.

(g) **Motor Starters.**

- (1) Motor starters shall be open frame, across the line, NEMA rated with individual overload protection in each leg. Motor starter contact and coil shall be replaceable from the front of the starter without being removed from its mounted position.
- (2) Overload heaters shall be solid state motor logic type with the following features:
 - i. Three (3) to one (1) adjustment for trip current,
 - ii. Phase loss and unbalance protection,
 - iii. LED power indication,
 - iv. Ambient insensitive and self-powered, and
 - v. Shall have availability of electrical remote reset.
- (3) Overloads shall be sized for the full load amperage draw of the pumps. Definite purpose contactors, fractional size starters and horsepower rated contactors or relays shall not be acceptable.

- (h) **Transformers.** Control transformers shall provide the one-hundred (120) VAC and/or twenty-four (24) VAC for control circuits. Transformers shall be fused on the primary and secondary circuits. The secondary shall be grounded.

- (i) **Lighting Transient Protection.** A lightning-transient protector with tell-tale warning lights on each phase to indicate loss of protection on the individual phases shall be provided. The device shall be solid state with a response time of less than five (5) nanoseconds withstanding surge capacity of six-thousand- five-hundred amperes (6,500 amps). Unit shall be instant recovery, long life and have no holdover currents.
- (j) **Phase Monitor.** A line voltage rated, adjustable phase monitor shall be installed to sense low voltage, loss of power, reversed phasing and loss of a phase. Control circuit shall de-energize upon sensing any of the faults and shall automatically restore service upon return to normal power.
- (k) **Alarm System.**
 - (1) The alarm light shall be a weatherproof, shatterproof, red-light fixture with five-hundred (500) lumens minimum to indicate alarm conditions. The alarm light shall be turned on by the alarm level.
 - (2) The alarm light shall be mounted on the exterior of the cabinet. The alarm horn shall provide an audio signal of not less than ninety-decibels (90 DB) at ten-feet (10'). An **alarm silence switch** shall be **mounted on the exterior of the cabinet** and deactivate the alarm horn; however, the alarm light shall flash until the alarm condition ceases to exist. An Input shall be provided to PLC to indicate High Wet Well Condition.
- (l) **Twenty-four VAC Regulator System.**
 - (1) Supervisory Control and Data Analysis (SCADA). Equipment for SCADA shall consist of a PLC, Radio, Antenna, etc. to operate the system. Control cabinet components shall be installed when the panel is built. Engineer shall contact the Public Works Department at 972-771-7730 for current requirements for SCADA system and contact for City's current SCADA supplier. The control system shall provide for both automatic and manual control and alternation of the pumps to maintain a pumped down condition of the wet well.
 - (2) Wet well levels shall be sensed by a pressure transducer. Float regulators shall be installed as back-up for HIGH and LOW levels only. The transducer shall sense the "OFF", "LEAD", "LAG", and "HIGH" levels as given on the plans. As the level in the wet well raises the lead pump, as determined by the alternator, shall start and pump the station to the "OFF" position. In the event the incoming flow exceeds the capacity of the lead pump, the lag pump shall start, and both pumps shall run to the off level. If the wet well level continues to rise, high well alarm functions shall be activated. The alternator shall switch when the off level is reached.
 - (3) All inputs and outputs shall be wired to a terminal strip at bottom of cabinet.
- (m) **Ancillary Equipment.**
 - (1) Hand-Off-Auto (HOA) Switches. A three (3) position HOA switch shall be provided on the inner dead front for each pump. **Inputs shall be provided to PLC to indicate position of HOA.**
 - (2) Run Indicators. A run pilot indicator shall be provided on the inner dead front. All indicator lights shall be push-to-test. Inputs shall be provided to PLC to indicate pump running.
 - (3) Elapsed Time. Elapse time meter shall be mounted on the dead front door.
 - (4) Cabinet Temperature Control. The cabinet shall be equipped with a panel heater controlled by a thermostat and a vent fan controlled by a thermostat.

- (5) Receptacles. One (1) duplex receptacle located on inner dead front door for general purpose use. This receptacle shall be of the ground fault type, one-hundred-twenty volts (120 V) and protected by a twenty (20)-amp breaker. A second single receptacle shall be located on the back panel to provide power for uninterruptible power supply (UPS) back up system. This receptacle shall be one-hundred-twenty volts (120 V) and protected by a separate twenty (20) amp breaker.
- (6) UPS Back Up System. Will provide one-hundred-twenty-volts (120 V) power to SCADA communication equipment and all low voltage power transformers. This must be installed in the control panel. UPS shall be Advanced Process Control (APC) six-hundred-fifty volt-ampere (650VA) one-hundred-twenty-volts (120 V) or equivalent. **The System must be able to transmit all alarms and wet well levels when on backup power.**
- (7) Motor Protection. A control and status module shall sense either motor over temperature or seal leakage, and shall turn off the pump, lock out the pump, and send an alarm. Inputs shall be provided to PLC to indicate Pump Fail, Seal Fail and Temp Fail individually for each pump.

(n) **Miscellaneous.**

- (1) Panel Racks. Posts supporting racks shall be **three-inch (3") minimum rigid conduit capped and bolted directly to channel framework supporting the panels**. Panels shall have a "rain shield" structure using one-quarter-inch ($\frac{1}{4}$ ") minimum aluminum plating providing a solid back plate behind panels continuous to overhead plate to protect panel from rain. Provide lighting mounted on structure with switch mounted on exterior of panel to light up panel area. Contact City of Kaufman at 972-771-7730 or 972-962-8007 for location of existing type structure. Each pump must have its own conduit for power cord and a separate conduit for all float wires.
- (2) Drawings. Control panel schematic drawings shall be submitted for approval with the Construction Plan submittal. Final control panel wire schematic drawings including a list of all legends (two [2] sets total) shall be provided. One (1) set shall be encapsulated in Mylar and attached to the inside of the front door of the control cabinet. A second set shall be delivered to the City of Kaufman Public Works Department.
- (3) Panel Markings. All component parts in the control panel shall be permanently marked and identified as they are indicated on the drawing. Marking shall be on the back plate adjacent to the component. All control conductors shall be identified with wire markers as close as practical to each end of conductors.
- (4) Panel Wiring. All wiring in panel shall maintain a minimum of one-and-a-half-inch ($1\frac{1}{2}$ ") spacing between components and wire ways.
- (5) Testing. All panels shall be tested to the power requirements as shown on the plans to assure proper operation of all the components. Each control function shall be activated to check for proper operation and indication.
- (6) Guarantee. All equipment shall be guaranteed for a period of three (3) years from date of acceptance. The guarantee is effective against all defects in workmanship and/or defective components. The warranty is limited to replacement or repair of the defective equipment.

ARTICLE 02.031.0600 GRADING

SEC.02.031.0611 GRADING.

- (a) All backfill or grading material shall be placed in layers not to exceed eight-inches (8") loose thickness. The moisture content shall be uniform and near the optimum moisture content for the material. In cases where the materials being placed do not have the proper moisture, the material shall be dried out or additional moisture shall be added by satisfactory methods such that the additional water is distributed uniformly throughout the material being placed. The layers of the backfill shall be reduced in thickness when satisfactory compaction cannot be obtained with the equipment being used. In all cases, a density of not less than ninety-five-percent (95%) of the standard proctor density must be obtained.
- (b) The contractor shall arrange for the necessary laboratory testing, at their expense, to determine the density of the material. All density reports shall be provided to the City of Kaufman. All franchise utility companies (phone, gas, electrical, cable, internet, and any utility that is not supplied by the City) working within the rights-of-way of streets or alleys shall also comply with the above noted specifications with laboratory testing results provided to the City of Kaufman. Easement locations under pavement shall also have a minimum density control backfill to ninety-five-percent (95%) of the standard proctor density. All densities are to be within the acceptable moisture range of negative-two-percent to positive-four-percent (-2 % to +4%) of optimum moisture unless otherwise approved by the Director of Public Works and/or the City Engineer.
- (c) A sheep's-foot roller shall be utilized for compaction of all fill material. Mechanical tamping is allowed for trench backfill. The sheep's-foot roller is to be on-site and active whenever fill material is being placed.
- (d) It shall be the responsibility of the Developer to adjust all City and franchise utilities to the final grades of the development. Depending on changes in grade over existing utilities, utility relocation may be required.
- (e) All slopes should be a maximum of ratio of four to one (4:1) and a minimum of one-percent (1%) percent. In locations where a ratio of four to one (4:1) slope is not possible, retaining walls, gabion baskets, concrete slope protection, or other approved retaining methods may be required. Retaining methods must be approved by the Director of Public Works and/or the City Engineer.
- (f) At the beginning of the project the Developer will provide offset stakes at intervals of fifty-feet (50'). The stakes will be offset from the back of the outside curb, a convenient distance to permit all operations to be completed without disturbing these stakes. Information that shall be included on the stakes includes the station number, offset distance from back of curb, and elevations of hub. It will be the contractor's responsibility to maintain these stakes, and use the information for all other horizontal and vertical control required. The contractor will set all forms using the data shown on the approved plans.

SEC.02.031.0612 GRADING, FILL EXCAVATION, AND EARTHWORK PERMIT.

- (a) A grading, fill, excavation, and earthwork permit shall be obtained from the Development Services Department prior to stockpiling or filling property within the City limits.
 - (1) No filling in drainage swales, creeks, wetlands, flood plains, etc. is allowed without a flood study approval.

- (2) Erosion protection shall be installed around stockpiled or stored material until grass is established. If fill is placed for use other than stockpiling or storage, a grading plan shall be prepared by a Professional Engineer and submitted with the grading, fill, excavation, and earthwork permit. Temporary stockpiles have a maximum time limit of six (6) months.
- (3) Densities shall be taken, and proper compaction techniques used when placing the fill. In all cases, a Professional Engineer shall certify that the proposed fill location is not within a stream, creek (flowing or not), or floodplain. If the Director of Public Works and/or the City Engineer determines the fill is to be placed near a creek or stream or possible drainage way, the one-hundred-year (100-yr) floodplain shall be staked by a registered surveyor.
- (b) All grading permits shall be issued in accordance with Section 02.03.042 of the Subdivision Regulations.
- (c) Residential (including infill) lots shall submit a grading plan with the building permit. This is to ensure drainage and structure elevations will meet City requirements.
- (d) The City of Kaufman requires that the design engineer provide a letter of concurrence. The letter is to verify that the drainage patterns, grade to drains locations, detention systems including outfall structures, detention pond volume, pad elevations, and drainage structures located within the project scope were installed to the general elevations as shown on the approved plans. The letter shall also verify that the project was constructed to meet the approved design requirements or is within acceptable design tolerances (maximum two-tenths-of-a-foot (0.2') for residential pad elevations). The design engineer or their designated representative shall direct all survey work necessary to verify elevations and design compliance. The letter of concurrence is to have the seal and signature of the design engineer.

SEC. 02.031.0613 PRIVATE UTILITY CONSTRUCTION.

- (a) Trench Backfill in City Right-of-Way.
 - (1) No concrete streets shall be open cut by utility companies without City approval. All contractors and/or sub-contractors working in the City Right-of-Way shall contact the Public Works Department before any work is begun. Utilities crossing concrete streets shall be tunneled or bored (dry only). If open cut is approved by City, full panel replacement will be required to nearest joints. Additional pavement removal and replacement may be required for connection.
 - (2) Asphalt streets may be open cut. Backfill above utilities shall be concrete stabilized sand or cement. The asphalt pavement shall be repaired per City detail.
 - (3) All trench backfill is to be compacted to ninety-five-percent (95%) Standard Proctor Density within City rights-of-way. The compaction may be obtained by mechanical tamping, rolling, etc. No water jetting is allowed.
 - i. In the parkway, the backfill material may be from the excavated trench, except no rocks larger than two-inches (2") shall be used. Material from rock or shale excavation cannot be used.
 - ii. The contractor for the utility company or the utility company shall furnish density reports from a material testing company verifying the densities. Densities shall be taken at each twelve-inches (12") lift at a maximum spacing of one-hundred-fifty-feet (150').

- iii. The moisture content shall be uniform and near the optimum moisture content for the material. In cases, where the materials being placed do not have the proper moisture, the material shall be dried out or additional moisture shall be added by satisfactory methods such that the additional water is distributed uniformly throughout the material being placed.

- (b) Parkway Cleanup. The contractor for the utility company or utility company shall remove any rocks or excess trench material from the parkway and replace any disturbed areas with grass sod.

SEC. 02.031.0614 ADDITIONAL PERMITS OR APPROVALS.

- (a) Developer or developer's representative is responsible for obtaining any other approvals or permits needed for their development, for example: TCEQ, TXDOT, Kaufman County, FEMA, USACOE etc. prior to start of construction. Copies of the permits/approvals shall be furnished to the City.

SEC. 02.031.0615 RETAINING WALLS.

- (a) Retaining walls or concrete slope protection shall be installed where lot slope is greater than a ratio of four to one (4:1).
- (b) No railroad tie, wood, or steel retaining walls shall be constructed in public or private property.
- (c) No retaining walls, including the footings, shall be placed in the right-of-way, easements, detention ponds or overlapping property lines. Retaining walls shall be entirely on the lot with the higher elevation.
- (d) All retaining walls (18-inches and taller) shall be stone, masonry or reinforced concrete with a stone face or form liner. No smooth concrete retaining walls to be installed.
- (e) Retaining walls three-feet (3') and taller shall be designed (signed and sealed) and inspected by a professional licensed engineer in the State of Texas. Property lines and rights-of-way shall be noted on the wall plans.
 - (1) The City requires a verification letter (signed/sealed) from the design engineer stating that the retaining walls installed with the site/subdivision were inspected by the engineer or their designated representative and that the walls were installed to the engineered design and general construction standards. The verification letter shall be delivered to the Public Works Department prior to the project acceptance by the City.
- (f) Retaining walls over thirty-inches (30") in height that have sidewalk, trail, or other walking surface on the top side of the wall will require railing.
- (g) Traffic rated guard rail or barrier will be required when roadway, parking lot, drive isle or alley is within ten-feet (10') of a retaining wall that is over thirty-inches (30") in height. Details of the railing or barrier shall be provided in the Construction Plans.
- (h) The design of retaining walls (not screening walls) in close proximity to trash enclosures shall take into account the weight of a fully loaded dumpster, fully loaded trash truck, and the force exerted when the dumpster is placed back on the ground in the enclosure.
- (i) Gabion retaining walls may be used only with the Director of Public Works and/or the City Engineer's approval for walls less than three-feet (3') along drainage ways.
- (j) All retaining walls shall be placed according to offset hubs set by certified professional surveyors noting grade cuts, wall elevations, and stop points for each wall end. Wall locations and elevations shall match those shown on the approved site grading plans.

- (k) All retaining wall plans shall indicate property lines, swales, easements, and rights-of-way. If the retaining wall is designed to be the high point of the lot/area, the wall shall have a stone cap that is installed a minimum of six (6) inch above the final adjacent grade.

SEC. 02.031.0616 MAINTENANCE BONDS.

- (a) The City requires one-hundred-percent (100%) two (2) year maintenance bond for paving, paving improvements, water systems, wastewater systems, storm sewer systems including detention systems, and associated fixtures and structures which are located within the rights-of-way or defined easements. The two (2) year maintenance bond is to state "from date of City acceptance" as the starting time. All maintenance bonds shall be in accordance with the *Subdivision Regulations*, Section 02.03.045 *Facilities and Personal Services Agreements*, *Financial Assurances and Construction Contracts for Public Improvements*.
- (b) A review of the site shall be conducted at twenty (20) months into the two (2) year maintenance period. The design engineer or their designated representative shall be present to walk the site with the City of Kaufman Public Works Inspection personnel..

SEC. 02.031.0617 .CONSTRUCTION.

- (a) Preliminary Site Preparation: The noted site preparation items below are to be in place, inspected and approved by the City, prior to the start of any clearing, grubbing or grading operations.
 - (1) All tree preservation in the limits and in the ETJ shall be in accordance with the *Subdivision Regulations* Section 02.03.065 *Tree Preservation in the ETJ* and Section 02.03.072 *Tree Preservation*.
 - (2) No Clear-Cutting of land is allowed without a permit issued from the Department of Development Services.
 - (3) Protected trees which are designated to remain on site are to be identified, tagged, and banded with bright orange or red bands.
 - (4) Protected trees which are designated to be removed from the site are to be identified, tagged and banded with blue bands or blue paint markings.
 - (5) Tree identification tags are to consist of metal tags which have the tree identification number stenciled or stamped or engraved on the tag. The numbers used to identify the protected trees shall correspond to the tree identification number noted on the approved Tree Preservation Plans.
 - (6) Types of Protected Tree Barrier Fencing.
 - i. Chain link barrier fencing shall be placed around the drip lines of the individual protected trees or groups of protected trees, which are designated to remain at the site.
 - ii. Plastic mesh barrier fencing shall be placed around the drip lines of individual protected trees or groups of protected trees.
 - (7) Silt fence along with construction entrance and any other designated erosion BMP's must be installed and inspected by the Public Works Department. No silt fencing may be installed at the site until the trees have been identified, banded, tagged, fenced, and inspected by the City. Silt fence should not be installed within a floodplain.

- (8) Portable toilet facilities will be required on all construction sites or as otherwise deemed necessary by the City of Kaufman. It is essential that adequate on-site restroom facilities be available for all construction workers. It will be the responsibility of the contractor to install and maintain the facilities through the completion of the project. These facilities must be on site and verified prior to moving personnel on site and before construction can begin.
- (9) Portable trash receptacle is to remain on the job site through the course of construction. The site is to remain free of construction litter and debris. Construction workers shall place all lunch trash in the "trash containers" immediately after lunch. Trash receptacle must be on site and verified prior to moving personnel on site and before construction can begin.
- (10) If a detention pond system is required per the plans, the detention pond must be installed with outfall structure and soil stabilization before pavement/cement, slab, or any non-impervious area may be placed.
- (11) Construction Site Working Hours and Noise Control Signage. Construction and construction related activities including the erection, excavation, demolition, alteration, or repair work on any development may regularly occur at the following times:
 - i. From June 1 to September 30; development activity may occur Monday through Friday between the hours of 7:00 a.m. and 8:30 p.m., but **not** between the hours of 6:00 a.m. and 8:30 p.m.;
 - ii. From October 1 to May 31; development activity may occur Monday through Saturday between the hours of 8:00 a.m. and 8:30 p.m., and on Sunday and between the hours of 1:00 p.m. and 8:30 p.m.; provided,
 - iii. However, the city manager may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience;
 - iv. The City requires a three-feet (3') wide x two-feet (2') tall sign as shown in **Figure 6.1. Construction Site/Noise Ordinance Sign Example** be posted at each Commercial/Residential development construction site. The sign must be installed at the site and verified prior to moving personnel on site and before construction can begin. The construction related activities are to include but not be limited to the following:
 - v. Maintenance, servicing and fueling of construction equipment.
 - vi. The delivery of construction-related materials and/or construction equipment.
- (12)At locations where compliance to Ordinance 20-99 is not being observed, the City of Kaufman may issue written orders to stop work or further regulate the site construction work hours. The City may also issue citations if it is determined that a violation of the construction ordinance exists.

Figure 6.1. Construction Site/Noise Ordinance Sign Example

(Sign Size: three-feet (3') wide x two-feet (2') tall)

ORDINANCE # 20-99 CONSTRUCTION SITE WORKING HOURS AND NOISE CONTROL City Ordinance – No. 02-99 limits construction and construction related activities to the hours of 6:00 a.m. – 8:30 p.m. Monday through Friday from June 1 to September 30, between 7:00 a.m. and 8:30 p.m. Monday through Friday, from October 1 to May 31, between 8:00 a.m. and 8:30 p.m. on Saturday, and between 1:00 p.m. and 8:30 p.m. on Sunday.
ORDENANZA # 20-99 HORAS DE TRABAJO EN EL SITIO DE CONSTRUCCIÓN Y CONTROL DE RUIDO La Ordenanza de la Ciudad No. 02-99 limita la construcción y las actividades relacionadas con la construcción al horario de 6:00 a. m. a 8:30 p. m. De lunes a Viernes del 1 de junio al 30 de septiembre, de 7:00 a 20:30 horas. De lunes a Viernes, del 1 de octubre al 31 de mayo, de 8:00 a 20:30 horas. el sábado, y entre las 13:00 y las 13:00 horas. y 20:30 h. el Domingo.

(b) Inspection Scheduling.

- (1) It is the responsibility of the contractor to schedule inspections prior to construction. Inspections may be scheduled and coordinated in the field or by cell phone directly with the Public Works Construction Inspector. Inspection of construction and verification of compliance to plans and specifications shall be conducted by the City Public Works Inspector. The general contractor shall notify all of his construction contractors of this requirement. Items to be inspected must be sufficiently ready for inspection at the time of your requested inspection appointment as inspector's time is limited. Failure to be ready for inspections may result in inspection rescheduled to the following day. No development will be accepted by the City until all construction has been approved by the City inspectors.
- (2) Saturday Inspections. The contractor will be charged a minimum of two (2) hours' inspection charge for all Saturday inspections. All Saturday inspections must be scheduled in writing to the Public Works Department by noon on the Thursday before the inspection date.
 - i. A signed Saturday Engineering Inspection Request form must be emailed to the Public Works Director and Public Works Inspector. Approval/disapproval will be emailed back to the requesting contractor with the Saturday inspector's information.
 - ii. All cancellations must be given verbally and in writing to the Saturday inspector no later than 8:00 AM on day of inspection.
 - iii. Two (2) hours of overtime inspection will be charged to the contractor if no cancellation is given prior to the inspector arriving at the project site.
 - iv. Contractor must sign form to finalize the inspection. No acceptance and/or certificate of occupancy will be given until all overtime engineering inspection fees are paid in full.

- v. If any City holiday occurs on a Friday, there will be no inspections or inspectable construction on the Saturday after this holiday . If any City holiday occurs on a Monday, there will be no inspections or inspectable construction on the Saturday prior to this holiday.
- (3) Before/After Weekday Hours Inspections. Contractor will be charged on 15-minute intervals for any before/after hour's inspections. Contractor must sign form to finalize the inspection. No acceptance and/or certificate of occupancy will be given until all overtime engineering inspection fees are paid in full.
- (c) Building Permit. No vertical (above slab) construction will be allowed until such time as the following minimum site requirements have been addressed at the site, verified by a City Representative, and a building permit issued by the Development Services Department permit has been issued. Minimum requirements for vertical construction are subject to but not necessarily limited to the below noted items.
 - (1) Fire lane pavement is installed, tested, and approved for use.
 - (2) Fire lane pavement is painted and marked to Fire Department specifications.
 - (3) Water lines for the site are installed, tested, and approved for use.
 - (4) All fire hydrants are installed and approved for use.
 - (5) Fire hydrant nozzles and bonnets are painted as per line size color code.
 - (6) Reflective fire hydrant locator buttons are in place at hydrant pavement locations.
 - (7) Fire hydrants are flow tested to verify flow at designated hydrant locations.
 - (8) Fire hydrant nozzle diameters, proper height above final grade, and clearance are verified and approved.
 - (9) Silt fence is placed above the fire lane if it is deemed necessary at positive flow areas.
 - (10) Exterior building materials are approved by the Development Services Department.
- (d) Disposal of Excess Materials. The contractor shall properly dispose of all excess material by removing from the job site all the brush, trash, debris, etc. upon completion of construction. All material shall be properly disposed outside of the City limits. No dumping of dirt/fill material inside the City of Kaufman without a permit
- (e) Construction Site Safety.
 - (1) Construction site safety measures are to be in place at all construction projects located within the City of Kaufman. All necessary measures required to ensure that safe work zones exist for the protection of construction workers and general public living in or near such construction zones. Construction zones shall comply with work zone traffic control specifications and requirements.
 - (2) Occupational Health and Safety Administration requirements and regulations must be in compliance.
 - (3) Temporary construction fencing is to be placed around open trenches, pits, or other locations deemed necessary by the City of Kaufman. Any miscellaneous items that may pose direct or potential hazard to workers or the general public that is known by the contractor or brought to the attention of the contractor shall be addressed immediately.

- (4) It is the responsibility of the contractor(s) to establish and maintain construction site safety measures; however, the City will temporarily suspend work at a construction site if it is deemed necessary due to unsafe or hazardous conditions until such conditions have been corrected.
- (5) In each circumstance where it is deemed that proper safety measures are not being followed, a warning will be issued by the Public Works Inspector. Construction may be temporarily suspended if deemed necessary until items responsible for issuance of the safety warning have been properly addressed.
 - i. Issuance of three (3) or more safety warnings will require that the designated construction be suspended until such time that a safety meeting is scheduled with contractor personnel along with City representatives to discuss the appropriate measures to correct the identified problems and determine any further possible actions which may be necessary.

ATTACHMENTS

1. Attachment "A" – Construction Plan Review General Checklist
2. Attachment "B" – Example - Residential Checklist for Final Acceptance
3. Attachment "C" – Example - Commercial Checklist for Final Acceptance
4. Attachment "D" – Approved Water Materials List
5. Attachment "E" - Kaufman Standard Construction Drawing Details

Attachment "A"- Construction Plan Review General Checklist

Item Description

1. **Administrative Items** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Engineering Plan Submission Application with submittal checklist;
- b. ☐ Engineering-Plan Review Checklist;
- c. ☐ Four Complete Copies of Engineering Plans Initial Submittal; Three Complete Copies of Engineering Plans Re-Submittal; Two additional sets each submittal is proposed lift station;
- d. ☐ Markups from Previous Submittals, if subsequent submittal;
- e. ☐ Annotated Review Comments, if applicable;
- f. ☐ Two copies of any Study or Report Completed in Support of the Project;
- g. ☐ Submission of Required Fire Flows Form to Fire Marshal;
- h. ☐ Submission of Fire Hydrant Flow Form to Fire Marshal;
- i. ☐ Floodplain Administrator Development Permit Application;
- j. ☐ Storm Drainage Management Plan;
- .k ☐ TxDOT preliminary letter of approval for Drive Approach Connections;
- l. ☐ TxDOT permits obtained ;
- m. ☐ Franchised Utility Approval Obtained (specify);
- n. ☐ Other Agency or Land Owner Approval Obtained (specify);
- o. ☐ Corps of Engineers (COE) Wetland Permit Obtained (if applicable) or letter of determination ;
- p. ☐ Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR);
- q. ☐ Other Agreements (explain);

2. **Studies - If Required** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Geotechnical Report ;
- b. ☐ Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR) Flood Study;
- c. ☐ Wetland Determination;
- d. ☐ Lift Station Report;
- e. ☐ Hydraulic Study Submitted;
- f. ☐ Water Study Submitted;
- g. ☐ Sanitary Sewer Capacity Study Submitted;
- h. ☐ Traffic Impact Analysis;

Attachment "A"- Construction Plan Review General Checklist

Item Description

i. ☐ Flood Study (100 year-fully developed) (Local or FEMA);

j. ☐ Sight Visibility Determination for easements;

3. All Sheets Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

a. ☐ Sheet Size 24" x 36";

b. ☐ Title Block with Subdivision Name, Project Name and Sheet Description;

c. ☐ Revision Block - Filled Out;

d. ☐ North Arrow;

e. ☐ Vertical and Horizontal Scale Listed and Accurate;

f. ☐ Benchmarks Listed and Described;

g. ☐ Legend of All Drawing Symbols and Line Types Used;

h. ☐ Engineer's Seal, Signature and Date per Texas Engineering Practices Act;

i. ☐ Responsibility Note Required on All Sheets except site plan and standard details: "ALL RESPONSIBILITY FOR ADEQUACY OF DESIGN REMAINS WITH THE DESIGN ENGINEER. THE CITY OF KAUFMAN, IN REVIEWING AND RELEASING PLANS FOR CONSTRUCTION, ASSUMES NO RESPONSIBILITY FOR ADEQUACY OR ACCURACY OF DESIGN.";

j. ☐ Provide Key Map for Large Projects Showing Sheet Locations;

k. ☐ Clear Drafting with Proper Line Weights for Ease of Reading;

l. ☐ No Overlapping Text;

m. ☐ Drafting at Adequate Scale to Obtain Ease of Reading and Scanning;

4. Cover Sheet Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

a. ☐ Project Name;

b. ☐ Official Plat Name as Assigned by the Planning and Zoning Department (including Block & Lot);

c. ☐ Official Project Address Assigned by the City Planning and Zoning Department;

d. ☐ Mapsco Grid Reference;

e. ☐ Month and Year of Probable Start of Project Construction;

f. ☐ Revision Table;

g. ☐ Engineer Contact Information (Name, Address, Phone Number, email address);

h. ☐ Owner Contact Information (Name, Address, Phone Number, email address);

i. ☐ Sheet Index - List ALL sheets included in plan set including details;

Attachment “A”- Construction Plan Review General Checklist

Item Description

- j. ☐ Location Map with North Arrow;
- k. ☐ Side Bar - Plat Subdivision Name & Project Name;
- l. ☐ Title of type of sheet (i.e. Grading, Utility, Water,...);
- 5. Approved Site Plan** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A
- a. ☐ Approved Site Plan;
- 6. Approved Landscape/Treescape Plan** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A
- a. ☐ Approved Landscape and Treescape Plan;
- 7. Proposed Lot Layout** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A
- a. ☐ Lot Layout included;
- b. ☐ Correct Lot Layout Name
- c. ☐ Tract Closure Calculations (Sealed by Registered Surveyor or Engineer);
- d. ☐ GPS Grid Coordinates Shown for the Property Corners Properly Into City Monumentation System (x, y coordinates on 2 property corners);
- e. ☐ Location map;
- f. ☐ Approved Street Names with Right-of-Ways Widths Identified;
- g. ☐ Benchmark (if near drainage feature or flood zone);
- h. ☐ Basis of bearing;
- i. ☐ Metes and Bounds of Tract;
- j. ☐ Adjacent Land Ownership Information;
- k. ☐ List Corners Found or Set
- l. ☐ Property Pins Shown for tracts across ROW with verification of existing ROW Widths;
- m. ☐ Front and Corner Lot Building Setback Lines Shown;
- n. ☐ Recording Volume and Page Information for all separate easements and ROW dedications within proposed lot layout area or adjacent tracts
- o. ☐ 100-Year Floodplain for Fully Developed Conditions showing cross sections and elevations;
- P** ☐ Minimum Finished Floor Elevations Shown (if near drainage feature or flood zone);
- q. ☐ Drainage & Drainage Maintenance Easements Shown and annotated ;
- r. ☐ Required Utility Easements Shown (10' minimum width) and annotated
- s. ☐ Access Easements Shown and annotated;
- t. ☐ ROW. Dedication Shown and annotated;
- u. ☐ ROW Corner Clips and annotated;
- v. ☐ All Existing easements (on-site) shown and annotated;

Attachment "A"- Construction Plan Review General Checklist

Item Description

x. ☐ Visibility Easements Shown and annotated;

y. ☐ Surveyor Seal, Signature and Date;

8. Demolition Plan Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

a. ☐ All existing topographic features including but not limited to: pavement, curbs sidewalks, barrier free-ramps, light poles, driveways, storm sewer inlets, manholes, junction boxes headwalls retaining walls, fences, mailboxes, landscape planters, trees, etc.;

b. ☐ All wet utilities (water lines, wastewater lines and storm sewer) including sizes;

c. ☐ All franchise utilities (electric, cable, communications, gas, etc.);

d. ☐ Pavement removals with full depth pavement sawcut locations;

e. ☐ Water line, wastewater line and storm sewer removals;

9. Dimensional Control & Paving Plan Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

a. ☐ Lot Boundary with Dimensions and Bearings;

b. ☐ Approved Street Names Shown;

c. ☐ Existing ROW;

d. ☐ ROW Dedication and ROW Corner Clips Shown with Dimensions;

e. ☐ Verification of public rights-of-way width ("variable width" is not acceptable) (When Required);

f. ☐ Visibility Easements Shown as Required by City Code;

g. ☐ Front and Corner Lot Building Setback Lines Shown;

h. ☐ Dimensions (thickness, width, length, radius) for all paved areas (parking areas, driveways, fire lanes, turn lanes, drive aisles, sidewalks, etc.);

i. ☐ Driveways Location, Spacing and Width Meet City Code and TxDOT Requirements;

j. ☐ Driveways- Width, Radius, Distance to Adjacent Drives, Alignment with other Drives Across Street Shown;

K. ☐ Fire Lane - Width, Radius & Distance from Building Shown and Detailed including turn-arounds and dead-ends;

l. ☐ All Pavement Thickness, Concrete Strength, Reinforcing, Subgrade Detailed Per City Requirements;

m. ☐ Location of Fire Sprinkler Fire Department Connection (FDC) Shown;

n. ☐ Location of Electrical Transformers Shown;

o. ☐ Dumpster Location, Access and Construction Requirements Met and approved by Planning and Zoning Department (Backing Distance and Maneuver - Accessible by SU-30 Turning Template);

p. ☐ All Existing and Proposed Utility and Drainage Easements and Widths Shown ;

q. ☐ Existing and Required Access Easements and Widths Shown;

r. ☐ Screening Wall Location, Foundation, Height, Start/End of Wall;

Attachment "A"- Construction Plan Review General Checklist

Item Description

- s. ☐ Retaining Wall Location, Foundation, Height, Start/End of Wall;
- t. ☐ Existing and Required Sidewalks and Trails Shown with Dimensions;
- u. ☐ Show Location of Required ADA Ramps;
- v. ☐ Limits of 100-Year Ultimate Flood Plain Shown (FEMA and local);
- x. ☐ Note Identifying Reference for 100-Year Floodplain and WSE Information with cross section with elevations;
- y. ☐ New/Relocating Left Turn Lane and/or deceleration lanes complies with City and TxDOT Requirements (Spacing, Length, Construction);
- z. ☐ Existing and Proposed Infrastructure within Median Modifications Shown (Trees, Street Lights, Conduit, Irrigation, pavers, etc.);
- aa. ☐ Street Lighting and Street Sign Plan;

10. Roadway Paving Plan and Profile Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Approved Street Name and Cross Street Names;
- b. ☐ Block, Lot, and Address Labels;
- c. ☐ All existing and proposed easements and easement widths;
- d. ☐ Dimensions labels of roadway width, ROW width, sidewalk widths, curb return radius, etc.;
- e. ☐ Show and label all storm sewer inlets with roadway stationing;
- f. ☐ Legend showing type of pavements, thickness, strength, reinforcing, etc. ;
- g. ☐ Roadway centerline stationing every 100 ft, alignment labels for all Start, PC, PT, PI, PRC, etc.;
- h. ☐ Driveway centerline stationing location off roadway;
- i. ☐ Label Cross-slope (At cross-slope transitions the cross-slope shall be labeled every 25 ft and at critical design points);
- j. ☐ Show and Label Proposed Profile station and elevation (All Slopes, VPI, PI, Vertical Curves, LP, HP, K, e, PC, PT, VPRC, etc.);
- k. ☐ Show and Label Existing ground Centerline, Left ROW, Right ROW, and any other critical profiles;
- l. ☐ Show in Profile and Major Utility Crossing (Culverts, Water/Wastewater Transmission Lines, Gas Transmission Lines, Electric and Communication Duct Banks);
- m. ☐ Existing and Proposed Ground lines elevation in profile every 50 ft;
- n. ☐ 100-Year floodplain line and water surface elevation (WSEL);

11. Cross-Sections Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Cross sections shall be provided for all Arterial and Collector Roadways;

Attachment "A"- Construction Plan Review General Checklist

Item Description

- b. ☐ Cross-Sections shall be taken every 50 feet, driveway centerline, intersecting streets, and other critical points or features;
- c. ☐ Include Existing and Proposed ROW lines;
- d. ☐ Existing Ground Line;
- e. ☐ Proposed Pavement thickness, and subgrade depths, and sidewalks;
- f. ☐ Proposed Slopes;
- g. ☐ Cross-sections at Driveways shall have all slope and VC Labeled;

12. Grading Plans Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☒ Benchmarks;
- b. ☐ Exist Lot Lines & Corners (lot lines screened if being changed);
- c. ☐ Proposed Lot Lines;
- d. ☐ Existing (screened) & Proposed ROW;
- e. ☐ Approved Street Names Shown;
- f. ☐ Drainage Easements and Widths for Drainage Features and Structures Shown;
- g. ☐ Existing & Proposed Improvements (paving and building footprints);
- h. ☐ Minimum Finished Floor (FF) Elevations for Structures meet Requirements of Drainage Section in Design Manual;
- i. ☐ Minimum Finished Floor (FF) Elevation Shown for each Structure;
- j. ☐ Existing & Proposed Contours for Site and Minimum of 50' Beyond Property Lines (with appropriate contour interval) with all ponds and waterways labeled;
- k. ☐ Existing & Proposed Spot Elev. Showing Grade; High & Low Points; Swales, Inverts & Ridges with Flow Arrows;
- l. ☐ Label Lot Area and Disturbed Land Area;
- m. ☐ Adjacent Property Improvements Within Minimum 25' of site,
- n. ☐ Existing & Proposed On-site and Off-site Drainage Features (Design Info Shown);
- o. ☐ Maximum Cross Slope 4H:1V (H=Horizontal, V=Vertical) Min Running Slope 1% for unpaved areas;
- p. ☐ Ditches Adjacent to Site Cleared, Cleaned & Regraded (only with permission from property owner);
- q. ☐ Positive Overflow Routes with elevations (All public roads that have a sag require an overflow route);
- r. ☐ Lot grading to be above street elevation (Residential Only);
- s. ☐ Limits of existing and proposed 100-Year Ultimate Floodplain Shown and wetland and water of U.S. delineation;
- t. ☐ Ultimate (Fully Developed) 100-Year Floodplain Water Surface Elevations (WSE's) shown on cross sections ;

Attachment "A"- Construction Plan Review General Checklist

Item Description

- u. ☐ Note Identifying Reference for 100-Year Floodplain and WSE Information;
- v. ☐ Cross sections to scale with hydraulic calculations;
- x. ☐ Location of Cross-Sections With Stationing Shown;
- y. ☐ Cut or Fill Areas shown on Cross-Sections;
- z. ☐ Existing and Proposed Retaining Walls with Top & Bottom Spot Elevations and calculations as required;
- aa. ☐ No Residential Cross Lot Drainage;
- bb. ☐ Grading Plan Matches Drainage Area Map;
- cc. ☐ Does Grading Plan Address Impacts to Adjacent Properties Requiring Easements or Letters of Permission;
- dd. ☐ All Detention Areas with Flumes with Elevations and Side Slopes Labeled;

13. Retaining Wall Plan and Profiles Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Label Beginning and Ending of Wall;
- b. ☐ Label Top of Wall, Bottom of Wall, Bottom of Footing;
- c. ☐ Railing type and limits;
- d. ☐ Detailed Structural Sections for each differing section type;
- e. ☐ Flume locations shown in plan and sections (no water allowed to overtop retaining walls);
- f. ☐ Show locations of all Water, Sanitary Sewer, Storm Sewer, Franchise Utility Crossings in Plan;
- g. ☐ Show locations of all Water, Sanitary Sewer, Storm Sewer, Franchise Utility Crossings in Profile along with elevations;
- h. ☐ Profile Existing Natural Ground Line, Proposed Ground Line at Bottom and Top of Wall;

14 Drainage Area Map Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Existing Drainage Area Map (Pre-Project Conditions), Proposed Drainage Area Map (Current proposed phase of development conditions) and Ultimate Drainage Area Map (Built-out conditions of development);
- b. ☐ Storm Drainage Analysis and design shall comply with the Drainage Ordinance and the Flood Hazard Damage Prevention and Control Ordinance;
- c. ☐ Existing and Proposed Drainage System and Structures Shown (pipe, inlets, etc.);
- d. ☐ Current Zoning or Anticipated Ultimate Development Shown and Correct For Off-Site Areas;
- e. ☐ Ensure Site Drainage is Collected on Site ;
- f. ☐ Design for an Ultimate (Fully Developed) 100 Year Storm Event;
- g. ☐ Design showing Elevation Contours for the Entire Off-Site Drainage Basin and 50' beyond Property;
- h. ☐ Design with most recent surveyed Contour Information;
- i. ☐ Drainage Area Map shows Subbasins For Each Collection Point and Inlet;

Attachment "A"- Construction Plan Review General Checklist

Item Description

- j. ☐ Each Drainage Area has ID, Q100, Acres and Direction of Flow to the Outfall Shown;
- k. ☐ Each Outfall labeled with an Identification, direction of flow and Total Flow;
- l. ☐ Drainage Direction Arrows for Both On-site and Off-site Drainage Basins;
- m. ☐ Indicate all Sags and Crests With Flow Arrows;
- n. ☐ City Standard Drainage Area Map Calculation Table for Current and Future Conditions With Outfall Summary Included;
- o. ☐ I - Values Meet City Requirements;
- p. ☐ C - Values Meet City Requirements (based on Zoning);
- q. ☐ Time of Concentration Values Used Meet City Requirements;
- r. ☐ Q - Calculated Flow in cfs;
- s. ☐ Provide a Subtotal for each Major Drainage Line;
- t. ☐ Drainage Area Map & Calculations for all Offsite Drainage;
- u. ☐ Limits of 100-Year Ultimate Floodplain Shown ;
- v. ☐ Ultimate (Fully Developed) 100-Year Floodplain Water Surface Elevations (WSE's) shown (FEMA and local);
- w. ☐ Note Identifying Reference for 100 Year Floodplain and WSE Information (FEMA and local) ;
- x. ☐ Show Limits of Each Plan Sheet (Tile);
- y. ☐ Show Detention;
- z. ☐ Show Existing Drainage Areas (lighter line type);
- aa. ☐ Label where each drainage area drains (inlet number, swale, etc.);
- 15. Storm Drainage Plans and Profiles (Storm Drainage Structures including Pipe, Inlets, Etc.)**
Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A
- a. Benchmark Location and Elevation;
- b. Flood Study / FEMA FIRM Map Reference Information Listed by Note;
- c. Storm Sewer Alignment Logical, Sharp Bends Eliminated;
- d. Collecting On-Site Drainage with Storm Sewer/Inlets;
- e. Profile Given for all Storm Sewer Mains and Laterals (shall be along the centerline of pipe);
- f. Pipe Size, Material and Class Identified on Plan and Profile;
- g. ☐ Hydraulic Grade Line Shown on all Storm Sewer Profiles for Mains/Laterals, in both full and partial flow conduit conditions;
- h. ☐ Hydraulic Grade Line Elevations labeled on Storm Sewer Profiles at every change in flow, change in pipe size, horizontal bend, vertical bend, wye, manhole, inlet, headwall, etc.;

Attachment “A”- Construction Plan Review General Checklist

Item Description

- | | |
|------------|---|
| i. | ☐ Other Hydraulic Info Shown on Storm Sewer Profiles for all Mains/Laterals (Q100, Qcap, Velocity, V2/2g) on every conduit section between every junction and/or increase in flow; |
| j. | ☐ Vertical and Horizontal Alignment and Slope Shown for all Mains/Laterals on Plan and Profile; |
| k. | ☐ Hydraulic Grade Line Meets City Design Requirements; |
| l. | ☐ Starting Hydraulic Grade Line Calculations/Assumptions Listed; |
| m. | ☐ Starting Hydraulic Grade Line Meets City Design Requirements; |
| n. | ☐ Pipe Velocity Within Ordinance Requirements and Limitations; |
| o. | ☐ Elevation Information on Plan View (Flowlines, Top-of-Curb, Hgl or 100 yr water surface (partial flow) at every inlet, etc.) Matches Profile View; |
| p. | ☐ Show Crossings of Existing and Proposed Water and Sanitary Sewer on Storm Sewer Profile; |
| q. | ☐ Note minimum Cover for Pipes and Culverts; |
| r. | ☐ Drainage System Reviewed for Constructability - Depth and Clearance From Streets, Structures, Other Utilities (dimensions); |
| s. | ☐ Inlet Capacity Calculations Provided In City Standard Tabular Form; |
| t. | ☐ Inlets Placed to Capture Runoff Before It Enters Street or Major Thoroughfare; |
| u. | ☐ Storm Sewer Calculations Provided In City Standard Tabular Form; |
| v. | ☐ If Street Drainage, Calculations Showing Curb & Street Capacity; |
| w. | ☐ If Street Drainage, Show Nearest Inlet & all Upstream Drainage; |
| x. | ☐ Inlet Construction Layout Information Shown (Top of Curb, Flowline, Throat Elevation, Type, Size, Hgl, Q100, etc.) |
| y. | ☐ Inlet Construction Layout Information Shown (Top of Curb, Flowline, Throat Elevation, Type, Size, Hgl, Q100, etc.) |
| z. | ☐ Storm Sewer Inlet Location, Size, Type, and Construction Detail Per City Requirements |
| aa. | ☐ Storm Sewer Manhole Location, Size, Type, and Construction Detail Per City Requirements |
| bb. | ☐ Outfall, Headwall, and Other Structure Location, Type, Velocity and Erosion/Scouring Protection Per City Standards |
| cc. | ☐ Positive Overflow Route Through Site with grades |
| dd. | ☐ Sag Points Identified and Paved Positive Overflow Designed |
| ee. | ☐ Outfall/Headwall Locations No Greater Than 1' Above Creek Flowline and Pointed Down Stream |
| ff. | ☐ Outfalls Discharge into Existing Drainage Features or Provide Easements as Required |
| gg. | ☐ Outfall Velocity Meets City Requirements ; |
| hh. | ☐ Outfall Protection / Energy Dissipation When Required; |
| ii. | ☐ Appropriate Details are Included for Structures, Junction Boxes, Headwalls, and Inlets (if different than NCTCOG 4 th Ed. or City details);; |

Attachment "A"- Construction Plan Review General Checklist

Item Description

- jj. ☐ Connection Details Provided for Non-Standard Connections;
- kk. ☐ Limits of Existing and Proposed 100-Year Ultimate Floodplain Shown (FEMA and local) and Wetland and Water of U.S. Delineation;
- ll. ☐ Ultimate (Fully Developed) 100-Year Floodplain Water Surface Elevations (WSE's) shown (FEMA and local) ;
- mm. ☐ Note Identifying Reference for 100 Year Floodplain and WSE Information ;
- nn. ☐ Drainage Easements for Drainage Features and Structures Shown (15' minimum width);

16. Storm Drainage Plans and Profiles(Ditches, Swales, and Open Channels)

Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Direction Of Flow Indicated For Ditches, Swales And Open Channels
- b. ☐ Ditches, Swales And Open Channels Have 100 Year Ultimate Water Surface Shown On Profile (Min 1% Running Slope)
- c. ☐ Ditches, Swales And Open Channels Have 100 Year Ultimate Water Surface Shown On Cross Sections
- d. ☐ Ditches, Swales And Open Channels Armored With Approved Material In Areas Where Average & Localized Velocities Are Above 6 Fps
- e. ☐ Ditches, Swales And Open Channels Can Carry 100-Year Ultimate Storm With Required Freeboard
- f. ☐ Ditches, Swales And Open Channels Hydraulic Information Shown On Plans
- g. ☐ Ditches, Swales And Open Channels Hydraulic Information Shown On Plans Matches Hydraulic Report Or Flood Study Submitted
- h. ☐ Ditches, Swales And Open Channels Side Slopes Less Than 4h:1v For Grassed/Un-Armored Sections
- i. ☐ Ditch, Swale And Open Channel Width, Depth, Running And Side Slopes And Capacity Per City Requirements
- j. ☐ Drainage Easements For Drainage Features And Structures Shown

17. Storm Drainage Plans (Detention And Ponds)

Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Required Detention Shown
- b. ☐ Detention Calculation Shown And Correct
- c. ☐ Outfall Discharge Curves For Required Storm Events
- d. ☐ Detention/Retention Pond Location, Size, Depth, Capacity, And Material Per City Requirements, 100 Year Water Surface Elevations
- e. ☐ Provide Access And Structures That Contribute To Long Term Maintenance Of Detention Pond
- f. ☐ Drainage Easements For Drainage Features And Structures Shown (15' Minimum Width)
- g. ☐ Provide Chart Showing Flow Allowable Vs. Flow Actual For Q5, Q10, Q25, And Q100

Attachment "A"- Construction Plan Review General Checklist

Item Description

18. **Water** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

- a. ☐ Water Main Sized In Compliance With Water System Master Plan
- b. ☐ Water Mains Provided To Front Property Along All Street Frontages Or Otherwise Extended To Serve Adjacent Properties
- c. ☐ Water Main Extension Required By Code Shown
- d. ☐ Water Mains Looped To Provide Circulating And Redundant Feed
- e. ☐ Water Main Size, Material And Class Called Out
- f. ☐ Existing Water Mains And Valves Shown; Show Valves On Both Sides Of Tap In Case Area Needs To Be Isolated
- g. ☐ Existing & Proposed Fire Hydrants Shown
- h. ☐ Utility Easements For Water Mains Shown
- i. ☐ Proposed And Existing Fire Lanes Shown
- j. ☐ Fire Hydrant Spacing Meets Requirements Of Adopted International Fire Code (IFC)
- k. ☐ Fire Sprinkler Fire Department Connection (FDC) Location Shown
- l. ☐ Water Main Fittings, Valves, etc. Identified
- m. ☐ Water Mains 16" And Larger Profiled
- n. ☐ All Water Main Bores Profiled
- o. ☐ All Crossings Identified On Appropriate Profile
- p. ☐ Bore Complies With Bore And Utility Crossing General Design Standards And TxDOT Standards If In TxDOT Row
- q. ☐ Existing Water Meters Shown
- r. ☐ Proposed Water Meters Shown (Both Domestic And Irrigation)
- s. ☐ Domestic And Irrigation Water Meters On Looped/Circulating Main
- t. ☐ All Water Meters On Separate Service - No Water Meter "Bullheads" Or Manifolds Allowed
- u. ☐ Water Meters Location, Preferred To Be In Unpaved Area
- v. ☐ Water Meter Sizes Identified
- w. ☐ Appropriate Double Check/Backflow Prevention Shown On Private Side Of All Meters
- x. ☐ Water System Reviewed For Constructability And Maintenance - Depth And Clearance From Streets, Structures, Other Utilities (Dimensions)
- y. ☐ Water Mains Identified As Either Public Or Private With Lines Of Demarcation
- z. ☐ Utility Crossings Shown In All Profiles And Bore Profiles Including Franchise Utilities And Street Light Utilities
- aa. ☐ If Fire Sprinkler Line Is Shown, Add Note To Plans To Indicated The Requirement For Separate Permit From The Fire Department And Label Min 10-Foot Separation Distance From All Other Utilities

19 **Wastewater** Notes: ☒ = COMPLETE | ☒ = DEFICIENT | ☐ = N/A

Attachment "A"- Construction Plan Review General Checklist

Item Description

- a. ☐ Wastewater Mains Provided To Front Property Or Otherwise Extended To Serve Upstream Property
- b. ☐ Existing Wastewater Mains, Manholes, Cleanouts And Services Shown
- c. ☐ Proposed Wastewater Mains, Manholes, Cleanouts And Services Shown
- d. ☐ Sanitary Sewer Mains Profiled Along Centerline Of Pipe
- e. ☐ Bore Complies With Bore And Utility Crossing General Design Standards And TxDOT Standards If In TxDOT Row
- f. ☐ Wastewater Main Size, Material And Class Identified On Plan And Profile
- g. ☐ Wastewater Main Depth, Slope, Service Locations, Cleanouts And Manholes Shown In All Profiles
- h. ☐ Wastewater Rim, Flow Line In & Flow Line Out Elevations For All Manholes (Min 2% Drop Between Manhole Flow-In And Flow-Out)
- i. ☐ Utility Crossings Shown In All Profiles And Bore Profiles Including Franchise Utilities And Street Light Utilities
- j. ☐ Wastewater System Reviewed For Constructability And Maintainability - Depth And Clearance From Streets, Structures, Other Utilities (Dimensions)
- k. ☐ All Existing And Proposed Public And Private Easements And Rights Of Way Shown
- l. ☐ Wastewater Mains Identified As Either Public Or Private With Lines Of Demarcation And Private Utility Note
- m. ☐ Private Utility Note: "All Wastewater Work Designated As "Private" In This Set Of Plans Shall Be Installed In Accordance With The International Plumbing Code, Permitted And Inspected By The City Building Inspection Department And Installed By A Licensed Plumber."
- n. ☐ Limits Of Existing And Proposed 100-Year Ultimate Floodplain Shown (FEMA And Local) And Wetland And Water Of U.S. Delineation
- o. ☐ Ultimate (Fully Developed) 100-Year Floodplain Water Surface Elevations (WSE's) Shown (FEMA And Local)
- p. ☐ Note Identifying Reference For 100 Year Floodplain And WSE Information And Wetland And Water Of U.S. Delineation

20. Lift Station Notes: ☒ = COMPLETE | ☐ = DEFICIENT | ☐ = N/A

- a. ☐ Lift Station Report
- b. ☐ Dimension And Site Plans
- c. ☐ Grading Plan
- d. ☐ Force Main Plan And Profile
- e. ☐ Landscape Plan
- f. ☐ Electrical And Control Plans
- g. ☐ Detail Sheets

21. Erosion Control (For Sites Greater 1- Acre Or Larger) / SWP3 (If Required By TCEQ Regulations) Notes: ☒ = Complete | ☒ = Deficient | ☐ = N/A

- a. ☐ Owners Name, Address & Phone No.
- b. ☐ Developers Name Address & Phone No.

Attachment "A"- Construction Plan Review General Checklist

Item Description

- c. ☐ Engineers Name Address & Phone No.
- d. ☐ Site Acreage Listed
- e. ☐ Disturbed Acreage Listed (Acres)
- f. ☐ Limits Of Construction And Disturbed Areas Shown
- g. ☐ Existing Ground Contours, Drainage Features And Structures
- h. ☐ 100-Yr Flood Plain With Elevations (FEMA And Local) And Wetland And Water Of U.S. Delineation
- i. ☐ Limits Of Trees/Shrubs To Remain
- j. ☐ Grades To Match Grading Plan
- k. ☐ Proposed Storm Drainage, Structures & Pavement
- l. ☐ Borrow & Spoil Area Identified
- m. ☐ Bmp Locations, Details, Calculations, And Maintenance Schedule
- n. ☐ Sediment Basin, Required If Disturbed Area Greater Than 10 Acres

22. Standard Details and City General Notes Notes: ☒ = Complete | ☒ = Deficient | ☐ = N/A

- a. ☐ All Standard Details That Are Required For Construction From Standard Specifications For Public Works Construction, North Central Texas, Fifth Edition, Or The City Of Rockwall Standards Of Design And Construction Shall Be Included In All Plan Sets.
- b. ☐ City General Notes Sheets

23. TxDOT Details Notes: ☒ = Complete | ☒ = Deficient | ☐ = N/A

- a. ☐ Include All Pertinent Details Called Out In Plans

ATTACHMENT “B”

Example - Residential Checklist For Final Acceptance

(DATE)

(ENGINEER'S NAME)

(ENGINEERING COMPANY)

(ADDRESS)

(CITY, TX ZIP)

Re. (PROJECT NAME) – Checklist for final acceptance

Dear (ENGINEER'S NAME),

The following items are to be completed at the above-mentioned site to bring the project into compliance with City specifications and to meet specific project requirements. The listed items are items identified during the walkover of the site and are to be addressed prior to final acceptance of the project. The City will conduct daily site visits (during daily rounds) at the project until completion of the noted items. A copy of this list will also be directed to the developer/owner and general contractor. The below listed items are to be directed to the appropriate responsible parties for completion.

Walk-Through Punch List

1) ??

Required documentation from the design engineer:-

1. Letter of Concurrence - The City of Kaufman requires that the design engineer provide a letter of concurrence with the following verifications:
 - a. The letter is to verify that the drainage flow patterns, grade to drain locations, pad elevations, and drainage structures, including the volume of the surface and/or subsurface detention system and detention outlet structure located at the project were installed to the general elevations as shown on the approved plans.
 - b. The letter shall also verify that the project was constructed to meet the approved design requirements or is within acceptable design tolerances.
 - c. The Design Engineer or his designated representative shall direct all “survey-work” necessary to verify elevations and design compliance. The letter of concurrence is to have the seal and signature of the design engineer
 - d. Example of Letter of Concurrence verbiage **which will NOT be accepted** by the City: *“A representative of this company visited the site and has visually verified to the best of the engineer’s professional opinion, knowledge and belief, the final grading and site drainage comply with the City approved plans and details.”*

- e. Example of Letter of Concurrence verbiage **which WILL be accepted** by the City:
"A representative of this company visited the site and has visually verified to the best of the engineer's professional opinion, knowledge and belief, that based on my observations along with survey work conducted at the site, the final grading, site drainage, and detention outfall with required volume comply with the City approved plans and details."
2. Paper "Record Drawings" or "As Built" Drawings - Submit one (1) set of blue line drawings of the "Record Drawings" containing copies of all sheets. The blue line copy will be reviewed by the construction inspector **PRIOR** to producing the "Record Drawing" disk. This will allow any revisions to be addressed prior to producing the disk.
3. Digital "Record Drawings" or "As Built" Drawings - The Design Engineer shall furnish a digital file of the project formatted in Auto Cad 14, or 2000 format or newer **and** Adobe Acrobat (pdf.) format with a CD-ROM. The disk shall include a full set of plans along with any landscaping, wall plans, and details sheets.
 - a. The "Record Drawing" disk drawings shall have the design engineer's seal, signature and must be stamped and dated as "Record Drawings" or "As Built Drawings" **on all sheets**.
 - b. The City of Kaufman **will not accept** any "Record Drawing" disk drawings which include a disclaimer with the like or similar verbiage: A disclaimer shall **NOT** directly or indirectly state or indicate that the design engineer or the design engineers, surveyor/surveyors **did not verify the grades** after construction, or that the Record Drawings were based solely on information provided by the construction contractor/contractors.
 - c. The City of Kaufman **will accept** any "Record Drawing" disk drawings which include a disclaimer with the like or similar verbiage. (Example of Acceptable Disclaimer) *"To the best of our knowledge Smith Engineering, Inc., hereby states that this plan is "As-Built". This information provided is based on surveying at the site and information provided by the contractor."*
4. Engineering Inspection Fee (Final "As-Built" Adjustments) – Prior to the start of construction at the project, engineering inspection fees for the project were established. The preliminary inspection fee amounts were based upon the projected quantity and unit price amounts which were approved by the City Engineer. A fee based on percentage of the projected quantity cost was paid to the City. The final fee amounts are to be adjusted if necessary to match the unit quantity and unit price amounts based on the "As-Built" unit quantity amounts.
 - a. Please provide a copy of the "As-Built" quantity amounts with total amounts for each item. The "As Built" amounts should be noted or stamped as: *"As Built contract quantity and unit price amounts"*.
 - b. The engineering inspection fee charged by the City will be adjusted to match these amounts if necessary. The City is to receive payment on the adjusted cost amounts prior to project acceptance.

- c. “As-built” contract unit quantity and unit price include but are not limited to amounts for the pavement, drive approaches, sidewalks, barrier free ramps, wastewater, storm sewer, drainage structures (including underground detention), water lines, along with all associated fixtures which are located within the defined rights-of-way and easements of the project.
 - d. All weekday and weekend overtime engineering inspections fees are to be paid prior to final acceptance.
- 5. Flood study review fees in accordance with the approved Professional Services Agreement, the Facilities Agreement and/or the Development Agreement are to be paid if there is an excess due over the initial review fee. If all of the initial fees were not utilized for the flood study review, those monies will be refunded.
- 6. Gas and Electric facilities are to be installed at the site and be ready to provide service to each lot.
 - a. A letter of installation verification and operation will be required from electric and gas project managers and will need to be directed to the City of Kaufman prior to project acceptance or any early lot releases. The letter may be from the above noted parties or their designated representatives.
- 7. Storm Sewer Outfall Coordinates - It is now necessary to tie down all the storm sewer outfall pipes to our state plane Coordinate System. The design engineer will be required to provide the following coordinate information which is to be submitted in letter form showing the x, y, and z coordinates at the end of all storm sewer outfalls of the project.
- 8. Elevation Survey Monuments which are to be installed at the project shall be tied to the City of Kaufman monument coordinates both horizontally and vertically. The information shall be transferred to the City of Kaufman.
 - a. Elevations and monument locations are to be shown on the “As Built” mylars on both the paving plans and the storm sewer plans and shall also be submitted to the City in similar or like letter-form: *“The monuments are to be supplied by the City of Kaufman and installed by the utility contractor. The monument locations are as follows: 1 (Location), 2. (Location)”*
- 9. Right-of-Way Compaction and Density Reports –
 - a. Final grade densities are to be conducted at approximately each five hundred (500) foot intervals on both sides of each street in the general fill areas of the rights-of-way.
 - b. Full Depth trench densities are to be taken at all utility trenching locations where trenching operations consisted of cutting trench ten (10) inches wide or wider.
 - c. All final grade right-of-way and easement compaction density tests are to be a minimum of ninety-five percent (95%) of the standard proctor density.
 - d. Copies of the compaction tests performed for the developer’s contractors as well as by the franchise utility company’s contractors shall be provided to the City prior to project acceptance.

10. Maintenance bonds are to be submitted to the City of Kaufman for the paving and utilities installed at the project. The bonds shall be **two-year (2-yr)** one-hundred percent (100%) maintenance bonds to cover maintenance, for a two-year timeline starting from the “*Date of City of Kaufman’s Acceptance*” for the project. There is to be no date in the starting timeline only the above wording.
11. Utility Bond - The utility bond shall cover the following utility systems and their associated fixtures:
 - a. Water & Wastewater;
 - b. Storm Sewer (including detention systems);
12. Paving Bond – The paving bond shall cover the following:
 - a. Street pavement;
 - b. Driveway approaches
 - c. Sidewalks;
 - d. Barrier free ramp.
13. Engineered Retaining Wall Inspection & Letter of Concurrence – The City requires the design engineer for any retaining wall which is three-feet in height or taller, to periodically inspect, or make arrangements for his designated representative to periodically inspect the retaining wall/walls during the construction process. The design engineer is to submit letter of concurrence for the retaining wall/walls to the City prior to project acceptance. The letter shall contain the **seal and signature** of the retaining wall design engineer.

-Site Items-

1. Site Working Hours and Noise Control Signage - Ordinance No. 20-99 – signs are to be placed at all entrances, which provides an access entry way into the subdivision. The signs are to note allowed hours of construction as mandated by the City Ordinance. The signs must be installed prior to project acceptance or prior to the start of any early lot release construction. The signs may be placed in the City right-of-way provided that it is not placed within the 30-foot visibility easement clips, which are located at all street intersections. Each posted sign shall contain the following ordinance work-hours information and contain both the English and the Spanish version of the ordinance (see next page).
 - a. The face of the sign shall be a minimum of 3-feet wide by 2-feet tall with the sign post being approximately 4-feet tall when measured from the top of the ground to the bottom of the sign face. The maximum height of the sign shall not exceed a height of 7-feet, 6 inches when measured from the top of the ground to the top of the sign. The sign face shall consist of a white background with blue or black lettering. The letters shall be of sufficient size so as to be readily visible to all vehicular traffic entering the subdivision.

ORDINANCE # 20-99
CONSTRUCTION SITE WORKING HOURS AND NOISE CONTROL

City Ordinance – No. 02-99 limits construction and construction related activities to the hours of 6:00 a.m. – 8:30 p.m. Monday through Friday from June 1 to September 30, between 7:00 a.m. and 8:30 p.m. Monday through Friday, from October 1 to May 31, between 8:00 a.m. and 8:30 p.m. on Saturday, and between 1:00 p.m. and 8:30 p.m. on Sunday.

ORDENANZA # 20-99
HORAS DE TRABAJO EN EL SITIO DE CONSTRUCCIÓN Y CONTROL DE RUIDO

La Ordenanza de la Ciudad No. 02-99 limita la construcción y las actividades relacionadas con la construcción al horario de 6:00 a. m. a 8:30 p. m. De lunes a Viernes del 1 de junio al 30 de septiembre, de 7:00 a 20:30 horas. De lunes a Viernes, del 1 de octubre al 31 de mayo, de 8:00 a 20:30 horas. el sábado, y entre las 13:00 y las 13:00 horas. y 20:30 h. el Domingo.

2. Maximum Slope - The maximum slope allowed by the City will be a 4:1 slope, however this slope will only be allowed when it is not possible or feasible to achieve a slope of 4:1 or less. Retaining walls or other City approved retaining methods will be required where it is not possible or feasible to comply with the 4:1 maximum slope requirement. All slopes are to be compacted to 95% of the standard proctor density.
3. Install floodway monument markers - The City will furnish the marker cap, which is to be set in concrete as directed by the City of Kaufman. The developers designated representative shall install the marker prior to project acceptance. Monument installation shall meet City of Kaufman specifications.
 - a. The monument marker location is to be shown on the "Record Drawing" on the grading plan;
 - b. The City of Kaufman will furnish the marker cap;
 - c. Install "No Dumping, Drains to Waterway" inlet markers to be installed on each inlet by the developer.
4. Interior Erosion Protection – Install reinforced silt fencing which complies with (NCTCOG) standard drawing (1020A) Third Addition. Silt fencing is to be installed at the back of the street pavement curbs and at 1-foot off the outside pavement edge of the alleys. The silt fence should contain the entire perimeter of the disturbed lot.
5. Silt Fence Installation - When installing the silt fence at the street (back of curb) and alley (edge of paving) locations take care to address the following issues:
 - a. Allow for a clearance radius of 5-feet around each hydrant;
 - b. Block the silt fence around and to the backside of each water meter;

- c. When placing the silt fence at an alley intersection be sure to transition the silt fence to allow a turning radius for vehicles;
 - d. Do place the silt fence within the sight visibility easements which are located at the street and alley intersections;
 - e. Maintain existing or install additional construction site erosion BMP's as necessary, to stabilize the disturbed soil or contain silt migration.
6. Street and Alley Parkway Grading - All street and alley parkways and right-of-way locations are to be graded so as to obtain a 2% grade (1/4-inch per foot) slope. All parkways and right-of-way locations are to have positive drainage flow towards the street or alley to the right-of-way. The transitional grading from the right-of-way to the existing natural grade is to match the approved grading plans.
7. Final Site Grading – All grading is to be completed and verified to meet the approved grading plans. All graded areas including slopes are to be brought to a final grade surface that is smooth and uniform being relatively free of erosion washouts, tire ruts, dirt clods, silt deposits, etc. Care should be taken to re-grade any rough surface areas prior to the application of grass seed, sod or erosion matting.
8. Site Maintenance - Remove and dispose any miscellaneous construction related debris, trash rocks etc., from the job-site and properly dispose.
9. Rout and seal all miscellaneous random cracks which are located in the street and alley locations.
10. Testing Report Copies - Provide the Public Works inspector with electronic copies of **ALL** testing reports for the project. These shall include but not be limited to soils reports, utility densities, utility videos along with supporting documents, subgrade test reports and all concrete related reports for utilities and paving.
11. Video Survey - Conduct a video survey of the public sanitary and storm lines to the Public Works inspector assigned to the project. Videos shall be taken after the franchise utilities on the project have been completed.
12. Barrier Free Ramps - Complete the installation of all barrier free ramps.
13. Construct all sidewalks that are located in the common open areas.
14. Roadway Maintenance - Clean and sweep all roadways to remove all of the dirt and debris that has accumulated during construction.
15. Random Pavement Depth Checks – Conduct random depth core tests at various street and alley locations, as directed by the engineering inspector. The location of the test and the number of test necessary will be left to the discretion of the engineering inspector.
16. Landscaping - Complete the landscaping per the approved landscaping plans.
17. Fire Hydrants - Fire hydrants are required to have a nozzle height of 19-inches to 28-inches above the final grade elevation. Hydrant nozzles that do not meet this specification are to be raised or lowered as necessary to obtain compliance.

- a. All fire hydrants are to have a clearance radius of 5-feet in all directions. No structures, traffic bollards, silt fencing, landscaping etc., are to be placed within the clearance area;
 - b. Paint all fire hydrants located at the site to City specifications. A minimum of two coats of aluminum paint, Mobile 11-A-19 or Tnemec 2-color Tnemec-Gloss or approved equal are to be applied to each hydrant. The fire hydrant body shall be painted silver. The hydrant nozzle and bonnet are to be painted to comply with the following line size color code. The color indicating the line size shall be as follows:
 - i. Solid silver for 6-inch water mains;
 - ii. Blue for 8-inch lines water mains;
 - iii. Yellow for 10-inch water mains and above.
18. Water Valve and Waste Water Manhole Curb Cut Marks – The pavement curbs are to be marked at all water valve and waste water manhole locations. The curb cut marks are to be sawn into the pavement curb. The curb cut marks are to consist of the following:
 - a. Valves – place a (V) mark on the curb to note the valve locations, (blue paint for general, white paint for stub outs or dead ends, and red paint for fire hydrants and or fire lines);
 - b. Manholes – place a (M-H) mark on the pavement curb to indicate manhole locations (green paint);
 - c. Curb stops – place a (I) mark on the pavement curb to indicate curb stop locations (blue paint);
 - d. Cleanouts – place a (II) mark on the pavement curb to indicate sewer clean out locations (green paint).
19. Manholes - Seal and vacuum test all manholes. All manholes which require grade adjustments are to be re-tested.
20. Camera Inspections - Perform a television camera inspection of all sanitary sewer and storm sewers, along with the associated storm sewer laterals. Copies of the inspection tapes which are to be on a thumb drive or DVD format are to be submitted to *Engineering Inspector* with the City of Kaufman Engineering Department. Videos shall be taken after the franchise utilities on the project have been completed. Also forward the results of all air and mandrel tests to the Engineering Inspector.
21. Lift Station - The lift station is to be operational and approved for use by the design engineer and the City of Kaufman.
22. Guard Rails - Install guard rail at all locations as noted on the approved plans.
23. Landscaping and Screening Inspection – The Development Services Director or his designated representative shall conduct an inspection of the landscaping and project screening upon completion.

24. Information (Future Item) – Twenty-Month Maintenance Review – The City of Kaufman requires a twenty-month maintenance review of every project. This review is to be conducted at twenty-months into the two-year maintenance warranty. The design engineer or his designated representative along with the contractors' designated representatives shall be present to perform a walkover of the project with the City of Kaufman. A second T.V. camera of sanitary sewer main shall be done at this time with a thumb drive or DVD formatted copy provided to the City of Kaufman.
25. Grass is to be established in all disturbed areas. Grass shall be at least 1" in height with seventy-five to eighty percent (75%-80%) coverage of all disturbed areas.

For additional information regarding this check list or site work status please contact – the Public Works Inspector and/or the City Engineer for the designated inspector for the site-work on this project for the City of Kaufman, regarding this list. Project acceptance is subject to but not necessarily limited to the above-listed punch list items. The *Public Works Inspector* may be reached at telephone no. 972-771-7730 or 972-962-8007.

Sincerely,

City Engineer or Public Works Inspector
City of Kaufman Public Works Department

ATTACHMENT "C"

Example – Commercial Checklist For Final Acceptance

(DATE)

(ENGINEER'S NAME)

(ENGINEERING COMPANY)

(ADDRESS)

(CITY, TX ZIP)

Re. (PROJECT NAME) – Checklist for final acceptance

Dear (ENGINEER'S NAME),

The following items are to be completed at the above-mentioned site to bring the project into compliance with City specifications and to meet specific project requirements. The listed items are items identified during the walkover of the site and are to be addressed prior to final acceptance of the project. The City will conduct daily site visits (during daily rounds) at the project until completion of the noted items. A copy of this list will also be directed to the developer/owner and general contractor. The below listed items are to be directed to the appropriate responsible parties for completion.

Walk-Through Punch List

1) ??

Required documentation from the design engineer:-

1. Letter of Concurrence - The City of Kaufman requires that the design engineer provide a letter of concurrence with the following verifications:
 - a. The letter is to verify that the drainage flow patterns, grade to drain locations, pad elevations, and drainage structures, including the volume of the surface and/or subsurface detention system and detention outlet structure located at the project were installed to the general elevations as shown on the approved plans.
 - b. The letter shall also verify that the project was constructed to meet the approved design requirements or is within acceptable design tolerances.
 - c. The Design Engineer or his designated representative shall direct all "survey-work" necessary to verify elevations and design compliance. The letter of concurrence is to have the seal and signature of the design engineer
 - d. Example of Letter of Concurrence verbiage **which will NOT be accepted** by the City:
"A representative of this company visited the site and has visually verified to the best of the engineer's professional opinion, knowledge and belief, the final grading and site drainage comply with the City approved plans and details."

- e. Example of Letter of Concurrence verbiage **which WILL be accepted** by the City:
"A representative of this company visited the site and has visually verified to the best of the engineer's professional opinion, knowledge and belief, that based on my observations along with survey work conducted at the site, the final grading, site drainage, and detention outfall with required volume comply with the City approved plans and details."
2. Paper "Record Drawings" or "As Built" Drawings - Submit one (1) set of blue line drawings of the "Record Drawings" containing copies of all sheets. The blue line copy will be reviewed by the construction inspector **PRIOR** to producing the "Record Drawing" disk. This will allow any revisions to be addressed prior to producing the disk.
3. Digital "Record Drawings" or "As Built" Drawings - The Design Engineer shall furnish a digital file of the project formatted in Auto Cad 14, or 2000 format or newer **and** Adobe Acrobat (pdf.) format with a CD-ROM. The disk shall include a full set of plans along with any landscaping, wall plans, and details sheets.
 - a. The "Record Drawing" disk drawings shall have the design engineer's seal, signature and must be stamped and dated as "Record Drawings" or "As Built Drawings" **on all sheets**.
 - b. The City of Kaufman **will not accept** any "Record Drawing" disk drawings which include a disclaimer with the like or similar verbiage: A disclaimer shall **NOT** directly or indirectly state or indicate that the design engineer or the design engineers, surveyor/surveyors **did not verify the grades** after construction, or that the Record Drawings were based solely on information provided by the construction contractor/contractors.
 - c. The City of Kaufman **will accept** any "Record Drawing" disk drawings which include a disclaimer with the like or similar verbiage.(Example of Acceptable Disclaimer) *"To the best of our knowledge Smith Engineering, Inc., hereby states that this plan is "As-Built". This information provided is based on surveying at the site and information provided by the contractor."*
4. Engineering Inspection Fee (Final "As-Built" Adjustments) – Prior to the start of construction at the project, engineering inspection fees for the project were established. The preliminary inspection fee amounts were based upon the projected quantity and unit price amounts which were approved by the City Engineer. A fee based on percentage of the projected quantity cost was paid to the City. The final fee amounts are to be adjusted if necessary to match the unit quantity and unit price amounts based on the "As-Built" unit quantity amounts.
 - a. Please provide a copy of the "As-Built" quantity amounts with total amounts for each item. The "As Built" amounts should be noted or stamped as: *"As Built contract quantity and unit price amounts"*.
 - b. The engineering inspection fee charged by the City will be adjusted to match these amounts if necessary. The City is to receive payment on the adjusted cost amounts prior to project acceptance.

- c. "As-built" contract unit quantity and unit price include but are not limited to amounts for the pavement, drive approaches, sidewalks, barrier free ramps, wastewater, storm sewer, drainage structures (including underground detention), water lines, along with all associated fixtures which are located within the defined rights-of-way and easements of the project.
 - d. All weekday and weekend overtime engineering inspections fees are to be paid prior to final acceptance.
- 5. Flood study review fees in accordance with the approved Professional Services Agreement, the Facilities Agreement and/or the Development Agreement are to be paid if there is an excess due over the initial review fee. If all of the initial fees were not utilized for the flood study review, those monies will be refunded.
- 6. Gas and Electric facilities are to be installed at the site and be ready to provide service to each lot.
 - a. A letter of installation verification and operation will be required from electric and gas project managers and will need to be directed to the City of Kaufman prior to project acceptance or any early lot releases. The letter may be from the above noted parties or their designated representatives.
- 7. Storm Sewer Outfall Coordinates - It is now necessary to tie down all the storm sewer outfall pipes to our state plane Coordinate System. The design engineer will be required to provide the following coordinate information which is to be submitted in letter form showing the x, y, and z coordinates at the end of all storm sewer outfalls of the project.
- 8. Elevation Survey Monuments which are to be installed at the project shall be tied to the City of Kaufman monument coordinates both horizontally and vertically. The information shall be transferred to the City of Kaufman.
 - a. Elevations and monument locations are to be shown on the "As Built" mylars on both the paving plans and the storm sewer plans and shall also be submitted to the City in similar or like letter-form: *"The monuments are to be supplied by the City of Kaufman and installed by the utility contractor. The monument locations are as follows: 1 (Location), 2. (Location)"*
- 9. Right-of-Way Compaction and Density Reports –
 - a. Final grade densities are to be conducted at approximately each five hundred (500) foot intervals on both sides of each street in the general fill areas of the rights-of-way.
 - b. Full Depth trench densities are to be taken at all utility trenching locations where trenching operations consisted of cutting trench ten (10) inches wide or wider.
 - c. All final grade right-of-way and easement compaction density tests are to be a minimum of ninety-five percent (95%) of the standard proctor density.
 - d. Copies of the compaction tests performed for the developer's contractors as well as by the franchise utility company's contractors shall be provided to the City prior to project acceptance.

10. Maintenance bonds are to be submitted to the City of Kaufman for the paving and utilities installed at the project. The bonds shall be **two-year (2-yr)** one-hundred percent (100%) maintenance bonds to cover maintenance, for a two-year timeline starting from the “*Date of City of Kaufman’s Acceptance*” for the project. There is to be no date in the starting timeline only the above wording.
11. Utility Bond - The utility bond shall cover the following utility systems and their associated fixtures:
 - a. Water & Wastewater;
 - b. Storm Sewer (including detention systems);
12. Paving Bond – The paving bond shall cover the following:
 - a. Street pavement;
 - b. Driveway approaches
 - c. Sidewalks;
 - d. Barrier free ramp.
13. Engineered Retaining Wall Inspection & Letter of Concurrence – The City requires the design engineer for any retaining wall which is three-feet in height or taller, to periodically inspect, or make arrangements for his designated representative to periodically inspect the retaining wall/walls during the construction process. The design engineer is to submit letter of concurrence for the retaining wall/walls to the City prior to project acceptance. The letter shall contain the **seal and signature** of the retaining wall design engineer.

-Site Items-

1. Site Working Hours and Noise Control Signage - Ordinance No. 20-99 – signs are to be placed at all entrances, which provides an access entry way into the subdivision. The signs are to note allowed hours of construction as mandated by the City Ordinance. The signs must be installed prior to project acceptance or prior to the start of any early lot release construction. The signs may be placed in the City right-of-way provided that it is not placed within the 30-foot visibility easement clips, which are located at all street intersections. Each posted sign shall contain the following ordinance work-hours information and contain both the English and the Spanish version of the ordinance (see next page).
 - a. The face of the sign shall be a minimum of 3-feet wide by 2-feet tall with the sign post being approximately 4-feet tall when measured from the top of the ground to the bottom of the sign face. The maximum height of the sign shall not exceed a height of 7-feet, 6 inches when measured from the top of the ground to the top of the sign. The sign face shall consist of a white background with blue or black lettering. The letters shall be of sufficient size so as to be readily visible to all vehicular traffic entering the subdivision.

ORDINANCE # 20-99
CONSTRUCTION SITE WORKING HOURS AND NOISE CONTROL

City Ordinance – No. 02-99 limits construction and construction related activities to the hours of 6:00 a.m. – 8:30 p.m. Monday through Friday from June 1 to September 30, between 7:00 a.m. and 8:30 p.m. Monday through Friday, from October 1 to May 31, between 8:00 a.m. and 8:30 p.m. on Saturday, and between 1:00 p.m. and 8:30 p.m. on Sunday.

ORDENANZA # 20-99
HORAS DE TRABAJO EN EL SITIO DE CONSTRUCCIÓN Y CONTROL DE RUIDO

La Ordenanza de la Ciudad No. 02-99 limita la construcción y las actividades relacionadas con la construcción al horario de 6:00 a. m. a 8:30 p. m. De lunes a Viernes del 1 de junio al 30 de septiembre, de 7:00 a 20:30 horas. De lunes a Viernes, del 1 de octubre al 31 de mayo, de 8:00 a 20:30 horas. el sábado, y entre las 13:00 y las 13:00 horas. y 20:30 h. el Domingo.

2. Maximum Slope - The maximum slope allowed by the City will be a 4:1 slope, however this slope will only be allowed when it is not possible or feasible to achieve a slope of 4:1 or less. Retaining walls or other City approved retaining methods will be required where it is not possible or feasible to comply with the 4:1 maximum slope requirement. All slopes are to be compacted to 95% of the standard proctor density.
3. Install floodway monument markers - The City will furnish the marker cap, which is to be set in concrete as directed by the City of Kaufman. The developers designated representative shall install the marker prior to project acceptance. Monument installation shall meet City of Kaufman specifications.
 - a. The monument marker location is to be shown on the "Record Drawing" on the grading plan;
 - b. The City of Kaufman will furnish the marker cap;
 - c. Install "No Dumping, Drains to Waterway" inlet markers to be installed on each inlet by the developer.
4. Interior Erosion Protection – Install reinforced silt fencing which complies with (NCTCOG) standard drawing (1020A) Third Addition. Silt fencing is to be installed at the back of the street pavement curbs and at 1-foot off the outside pavement edge of the alleys. The silt fence should contain the entire perimeter of the disturbed lot.
5. Silt Fence Installation - When installing the silt fence at the street (back of curb) and alley (edge of paving) locations take care to address the following issues:
 - a. Allow for a clearance radius of 5-feet around each hydrant;
 - b. Block the silt fence around and to the backside of each water meter;

- c. When placing the silt fence at an alley intersection be sure to transition the silt fence to allow a turning radius for vehicles;
 - d. Do place the silt fence within the sight visibility easements which are located at the street and alley intersections;
 - e. Maintain existing or install additional construction site erosion BMP's as necessary, to stabilize the disturbed soil or contain silt migration.
- 6. Street and Alley Parkway Grading - All street and alley parkways and right-of-way locations are to be graded so as to obtain a 2% grade (1/4-inch per foot) slope. All parkways and right-of-way locations are to have positive drainage flow towards the street or alley to the right-of-way. The transitional grading from the right-of-way to the existing natural grade is to match the approved grading plans.
- 7. Final Site Grading – All grading is to be completed and verified to meet the approved grading plans. Re-establish all drainage swales, as necessary to achieve conformance to the drainage patterns shown on the approved grading plans. Grade to drain any locations which may hold water or obstruct approved drainage flow patterns.
 - a. All graded areas including slopes are to be brought to a final grade surface that is smooth and uniform being relatively free of erosion washouts, tire ruts, dirt clods, silt deposits, etc. Care should be taken to re-grade any rough surface areas prior to the application of grass seed, sod or erosion matting.
- 8. Site Maintenance - Remove and dispose any miscellaneous construction related debris, trash, rocks etc., from the job-site and properly dispose.
- 9. Street Repairs - Repair all gouges, cracks and deformities on the curbs. Rout and seal all miscellaneous random cracks which are located in the street and alley locations.
- 10. Testing Report Copies - Provide the Public Works inspector with electronic copies of **ALL** testing reports for the project. These shall include but not be limited to soils reports, utility densities, utility videos along with supporting documents, subgrade test reports and all concrete related reports for utilities and paving.
- 11. Video Survey - Conduct a video survey of the public sanitary and storm lines to the Public Works inspector assigned to the project. Videos shall be taken after the franchise utilities on the project have been completed.
- 12. Barrier Free Ramps - Complete the installation of all barrier free ramps.
- 13. Street Maintenance - Clean and sweep all roadways to remove all of the dirt and debris that has accumulated during construction.
- 14. Random Pavement Depth Checks – Conduct random depth core tests at various street and alley locations, as directed by the engineering inspector. The location of the test and the number of test necessary will be left to the discretion of the engineering inspector.
- 15. Fire Hydrants - Fire hydrants are required to have a nozzle height of 19-inches to 28-inches above the final grade elevation. Hydrant nozzles that do not meet this specification are to be raised or lowered as necessary to obtain compliance.

- a. All fire hydrants are to have a clearance radius of 5-feet in all directions. No structures, traffic bollards, silt fencing, landscaping etc., are to be placed within the clearance area;
 - b. Paint all fire hydrants located at the site to City specifications. A minimum of two coats of aluminum paint, Mobile 11-A-19 or Tnemec 2-color Tnemec-Gloss or approved equal are to be applied to each hydrant. The fire hydrant body shall be painted silver. The hydrant nozzle and bonnet are to be painted to comply with the following line size color code. The color indicating the line size shall be as follows:
 - i. Solid silver for 6-inch water mains;
 - ii. Blue for 8-inch lines water mains;
 - iii. Yellow for 10-inch water mains and above.
 - c. All fire lanes are to be sawn, and crack sealed. All miscellaneous cracks are to be routed and sealed. All expansion joints are to be sealed in the fire lane.
 - d. The fire lane is to be re-painted where necessary, if there are locations where the fire lane is scuffed or is flaking. The locations which require re-painting shall be sandblasted, prior to re-painting.
16. Parking Lot Striping & Signage - All parking lot and handicap striping along with all associated signs must be installed
17. Water Valve and Waste Water Manhole Curb Cut Marks – The pavement curbs are to be marked at all water valve and waste water manhole locations. The curb cut marks are to be sawn into the pavement curb. The curb cut marks are to consist of the following:
- a. Valves – place a (V) mark on the curb to note the valve locations, (blue paint for general, white paint for stub outs or dead ends, and red paint for fire hydrants and or fire lines);
 - b. Manholes – place a (M-H) mark on the pavement curb to indicate manhole locations (green paint);
 - c. Curb stops – place a (I) mark on the pavement curb to indicate curb stop locations (blue paint);
 - d. Cleanouts – place a (II) mark on the pavement curb to indicate sewer clean out locations (green paint).
18. Meter Cans and Valve Stacks - Adjust meter cans and valve stacks to final grade elevation.
- a. All valve stacks located outside of paving are to have a 2' x 2' four-inch-thick reinforced concrete pad around them.
19. Manholes - Seal and vacuum test all manholes. All manholes which require grade adjustments are to be re-tested.
- a. Wipe the inside ring and cover of the sanitary sewer manhole, using “Non-Shrink” grout and seal if necessary.
 - b. Cut an invert in the sanitary sewer connection into the existing manhole at station 0+00, and re-seal the bottom of the manhole.

C.

20. Camera Inspections - Perform a television camera inspection of all sanitary sewer and storm sewers, along with the associated storm sewer laterals. Copies of the inspection tapes which are to be on a thumb drive or DVD format are to be submitted to Public Works Inspector with the Public Works Department. Videos shall be taken after the franchise utilities on the project have been completed. Also forward the results of all air and mandrel tests to the Public Works Inspector.
21. Lift Station - The lift station is to be operational and approved for use by the design engineer and the City of Kaufman.
22. Guard Rails - Install guard rail at all locations as noted on the approved plans.
23. Detention Pond Flume Maintenance – Clean mud from concrete flume in detention pond
24. Screening Inspection – The Development Services Director or his designated representative shall conduct an inspection of the project screening upon completion.
25. Information (Future Item) – Twenty-Month Maintenance Review – The City of Kaufman requires a twenty-month maintenance review of every project. This review is to be conducted at twenty-months into the two-year maintenance warranty. The design engineer or his designated representative along with the contractors' designated representatives shall be present to perform a walkover of the project with the City of Kaufman. A second T.V. camera of sanitary sewer main shall be done at this time with a thumb drive or DVD formatted copy provided to the City of Kaufman.
26. Grass is to be established in all disturbed areas. Grass shall be at least 1" in height with seventy-five to eighty percent (75%-80%) coverage of all disturbed areas.

For additional information regarding this check list or site work status please contact – the Public Works Inspector and/or the City Engineer for the designated inspector for the site-work on this project for the City of Kaufman, regarding this list. Project acceptance is subject to but not necessarily limited to the above-listed punch list items. The *Public Works Inspector* may be reached at telephone no. 972-771-7730 or 972-962-8007.

Sincerely,

City Engineer or Public Works Inspector
City of Kaufman Public Works Department

ATTACHMENT “D”

Approved Water and Wastewater Materials List

Approved Water Materials List:

All materials on this list do not require separate submittals. All materials must be new and in good condition. All materials to be installed for use on projects in the City of Kaufman shall be produced in the United States of America.

FIRE HYDRANTS

NOTE: All bolts, nuts and washers below bury line to be type 316 stainless-steel.

- Mueller “Super Centurion 250-A423”
- American Darling “B-84B-5”
- Waterous “Pacer WB67”
- Clow “Medallion”
- M&H “Model 129 & 929”
- WaterMaster 5CD250

VALVES

NOTE: All bolts, nuts and washers for valves to be type 316 stainless-steel.

- Mueller Resilient Seat
- Mueller Resilient Wedge
- Mueller Butterfly
- American Darling Resilient Wedge
- American Darling Butterfly
- U.S. Pipe & Foundry “Metro-Seal” Resilient Wedge
- American Flow Control – Series 2500 Resilient Wedge Valve
- Clow Resilient Wedge
- Pratt Butterfly
- American AVK Resilient Seated Gate Valve Series 25, 4”-12”

VALVES (AIR RELEASE / COMBINATION AIR & VACUUM)

- Vent-O-Mat 025 RBX 2521 – 1”
- Vent-O-Mat 050 RBX 2521 – 2”

TAPPING SLEEVES AND VALVES

NOTE: All bolts, nuts and washers to be type 316 stainless-steel.

- All require $\frac{3}{4}$ ” NPT brass test plug.

SLEEVES

NOTE: All bolts, nuts and washers to be type 316 stainless-steel.

- Mueller H-304 Stainless-steel Tapping Sleeve w/Stainless-steel Flange
- Tyler Traverse Tapping Sleeve

- Clow Traverse Tapping Sleeve
- Dresser Style 630 Heavy Stainless-Steel Tapping Sleeve
- PowerSeal Model 3490 Stainless-steel Tapping Sleeve
- Ford All Stainless Tapping Sleeve Style FTSS
- Ford All Stainless Tapping Sleeve Style FTSS-MJ
- Smith-Blair 665 Stainless-steel Tapping Sleeve with Stainless-steel Flange, Smith-Blair 665MJ Stainless-steel Tapping Sleeve with Stainless-steel Flange Romac Industries, SST III

TABLE D1: SERVICE SADDLES (FOR PVC, DI OR CI)				
Size/Manufacturer	Mueller	Jones	Ford	A.Y. McDonald
¾-INCH, 2 STRAP	BR-2B, BR-2S	J-979, J-969	202B, 202BS	3825, 3845
1-INCH, 2 STRAP	BR-2B, BR-2S	J-979, J-969	202B, 202BS	3825, 3845
1 ½ -INCH, 2 STRAP	BR-2B, BR-2S	J-979, J-969	202B, 202BS	3825, 3845
2-INCH, 2 STRAP	BR-2B, BR-2S	J-979, J-969	202B, 202BS	3825, 3845

NOTE: All of the above service saddles are to be CC thread. Saddles must be supplied with stainless-steel bolt/nut/washer, with the exception of a double strap bronze saddle.

RESTRAINT (RETAINER) GLANDS

NOTE: All bolts, nuts and washers to be type 316 stainless-steel.

- Uni-Flange Series 1400 for 4" thru 12" (Ductile Iron)
- Uni-Flange Series 1500 for 4" thru 12" (C900 PVC)
- EBAA Iron 1100 Series Megalug (Ductile Iron)
- EBAA Iron 2000PV Series Megalug (C900 PVC)
- Stargrip Series 4000 (C900 PVC)
- Stargrip Series 3000 (Ductile Iron)
- Sigma – One Lok (C900/905 PVC)
- Tyler Union Field Lock (Ductile Iron)
- Tyler Union Tufgrip 1000 (Ductile Iron)
- Tyler Union Tufgrip 2000 (PVC)

RESTRAINT (INTERNAL JOINT RESTRAINED)

NOTE: All bolts, nuts and washers to be type 316 stainless-steel.

- Eagle LOC 900 for 4" thru 12" C900 DR14 PVC Pipe
- Diamond Lok-21 for 4" thru 12" C900 DR14 PVC Pipe

TABLE D2: CORPORATION VALVE (STOPS)				
Size/Manufacturer	Mueller	Jones	Ford	A.Y. McDonald
¾-INCH	B-25008	J-1937-SG	FB-1000-3-Q	4701BQ
1-INCH	B-25008	J-1937-SG	FB-1000-4-Q	4701BQ
1 ½ -INCH	B-25008	J-1937-SG	FB-1000-6-Q	4701BQ
2-INCH	B-25008	J-1937-SG	FB-1000-7-Q	4701BQ

TABLE D3: ANGLE METER VALVES (STOPS)

Size/Manufacturer	Mueller	Jones	Ford	A.Y. McDonald
¾-INCH	B-24258	J-1963W-SG	BA43-332-WQ	4602BQ 3/4
1-INCH	B-24258	J-1963W-SG	BA43-444-WQ	4602BQ 1
1 ½ -INCH	B-24276	J-1975W-SG	BFA43-666-WQ	4602BQ 1 ½
2-INCH	B-24276	J-1975W-SG	BFA43-777-WQ	4602BQ 2

DUCTILE IRON FITTINGS (COMPACT ONLY C153)

- American Pipe
- Tyler Pipe Products
- Clow Products
- Star Pipe Products (tees, bends & anchor nipples)
- Sigma/Nappco Products (tees, bends & anchor nipples)
- Griffin Pipe Products

VALVE STACKS AND BOXES

- Bass & Hays adjustable valve box Model No. 2436S

TABLE D4: FIRE HYDRANT PAINT		
Main Size	Color	Paint
6"	Silver/Top & Bottom	Sherwin Williams Silver-Brite Heavy Duty Rust Resistant Aluminum Paint B59s11
8"	Safety Blue Top/Aluminum Bottom	Sherwin Williams Heavy Duty Rust Resistant Aluminum Paint-Safety Blue B54t104
10" Or Larger	Yellow Top/Aluminum Bottom	Sherwin Williams Heavy Duty Rust Resistant Aluminum Paint-Safety Yellow B54y37

TABLE D5: METER BOXES	
< 1 Inch Service	DFW1814F-1BA DFW Plastics, Inc Not Traffic Rated
1-1/2-Inch & 2-Inch Service	DFW2818F-1BA DFW Plastics, Inc Not Traffic Rated
Traffic Rated Meter Box	DFW65C-14-10BA DFW65C-1BA – CAN DFW65C-Overlay-Lid DFW Plastics
Lids	DFW 18-AMRL-LID E Series

Approved Wastewater Materials List:

NOTE: all specified materials on this list do not require separate submittals. All materials must be new and in good condition. All materials to be installed for use on projects in the City of Kaufman shall be produced in the United States of America.

WASTEWATER MAIN AND SERVICE PIPE (GRAVITY FLOW ONLY)

- ASTM D3034 SDR-35 PVC 4" to 15" Diameter (Green in color)
- ASTM D3034 SDR-26 PVC 18" to 30" Diameter and for any wastewater installed 10' and deeper (Green in color)
- ASTM D3262 Fiberglass Sewer Pipe 18" to 54" and ASTM 4161 Fiberglass Fittings (must submit thickness design for wall thickness calculations) Approved Manufactures for Fiberglass Pipe and fitting are Hobas Pipe, US Composite Pipe South and Ameron International.

MANHOLE PIPE CONNECTORS

- Link-Seal
- A-LOC
- KOR-N-SEAL – 306 Series by National Pollution Control Systems Inc.
- PS (Press-Seal) – PSX: Direct Drive

WASTEWATER MANHOLE LIDS AND RINGS

- Pamrex with Lock
- East Jordan Iron Works 30" ERGO XL with Camlock Security closing device, MPIC Pick slot, elastomer T-Gasket in lid and infiltration plugs at the hinges. – Product No. 00148026L01
- East Jordan Iron Works 24" ERGO with Camlock Security closing device, MPIC Pick slot, elastomer T-Gasket in lid and infiltration plugs at the hinges – Product No. NPR10-1213A (for retrofit work only).

MANHOLE COATINGS (NO DARK COLORS ALLOWED)

- Raven 405 (125 mils thick)-light blue colored only
- ConShield-terra cotta colored only (must be spark tested per NACE International Standard)

GEOTEXTILE MATERIAL (INSTALLED UNDER PRECAST MANHOLES)

- Mirafi 140N
- Geotex 401

MANHOLE GRADE RINGS

- HDPE Adjustment Rings by Ladtech Inc.
- ARPRO Expanded Polypropylene, ASTM D3575, by Cretex Seals
- East Jordan Iron Works Infra-Riser.

PRE-CAST MANHOLE GASKETS

- Hanson – CR 097
- Hydroconduit – Profile

MANHOLE CHIMNEY SEALS AND RING & COVER SEALING SYSTEMS

- Cretex with stainless-steel self-locking bands. (interior & exterior)
- Riser Wrap by PSI

MANHOLE DROP BOWL

- Reliner / Duran Inc., Inside Drop Bowl with Stainless-steel anchor assemblies
- Approved Equal

CLEANOUT

- Bass & Hays 404 Lateral Cleanout with lid and gasket within pavement only
- Bass & Hays 339 Wastewater Cleanout Boot
- Stan Roberts G-1504

DOUBLE CLEANOUT METER BOX

- Bass & Hays 3-LID2 (Sewer)
- Approved Equal

THREADED ANCHOR

- Hilti – KB3-SS304 5/8" anchor bolts or equal
- Stainless-steel all thread 5/8" (embedded min 4-1/2" into cone with an epoxy or Wedge-it)
- Simpson Strong Tie – Strong-Bolt 5/8"

FORCE MAIN PIPE

- AWWA C-905 pipe, green colored

AIR RELEASE VALVE

- Vent-O-Mat Anti-Shock Air Release and Vacuum Break Valves
- Approved Equal

ISOLATION GATE VALVE

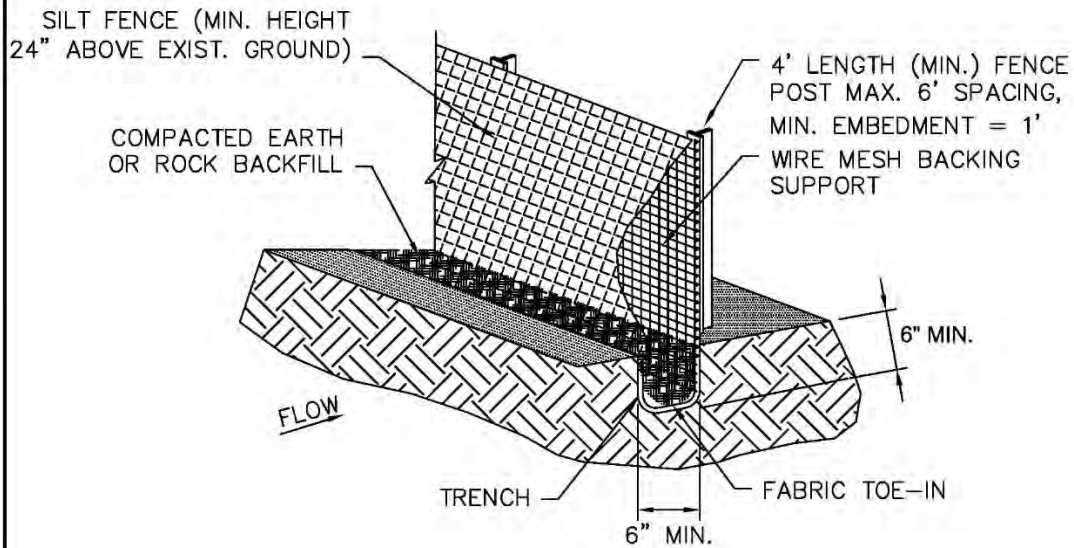
- American-Series 2500 2"-12" Resilient Wedge Gate Valves with Flanged Ends
- Approved Equal

GENERAL NOTES:

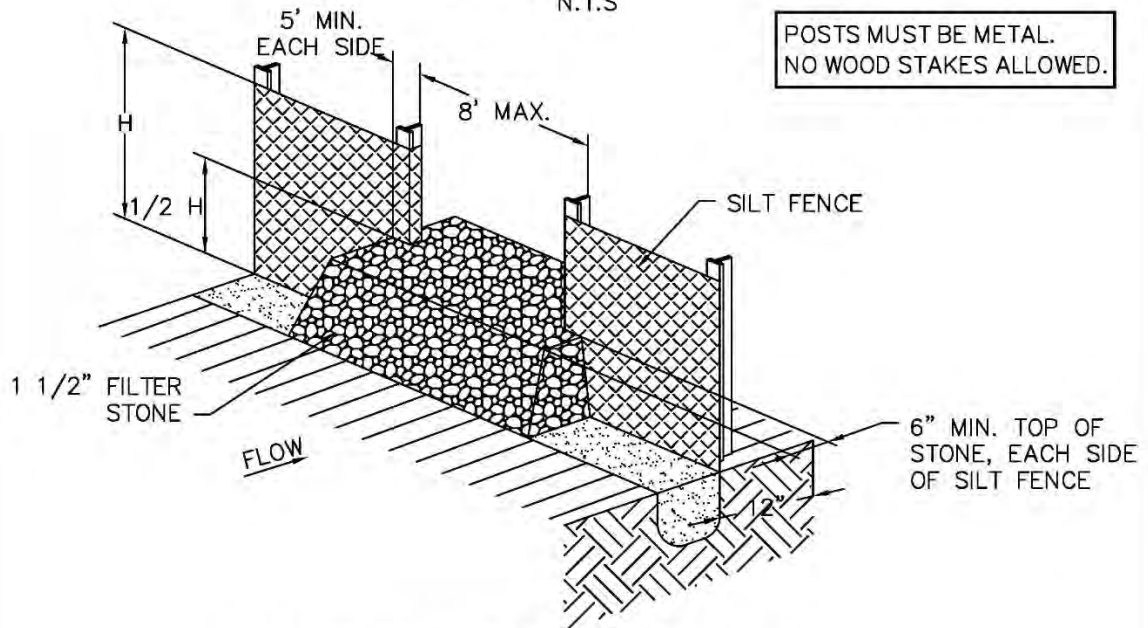
- (1) all exposed stainless-steel bolts and nuts must be coated with approved anti-seize compound: permatex nickel anti-seize or approved equal.
- (2) materials not on this list will need to be submitted for review

ATTACHMENT “E”

Kaufman Standard Construction Drawing Details



SILT FENCE
N.T.S



SILT FENCE OVERFLOW STRUCTURE
N.T.S

SILT FENCE



STANDARD SPECIFICATION REFERENCE

202.5

DATE

AUG '23

STANDARD DRAWING NO.

1020A

SILT FENCE GENERAL NOTES:

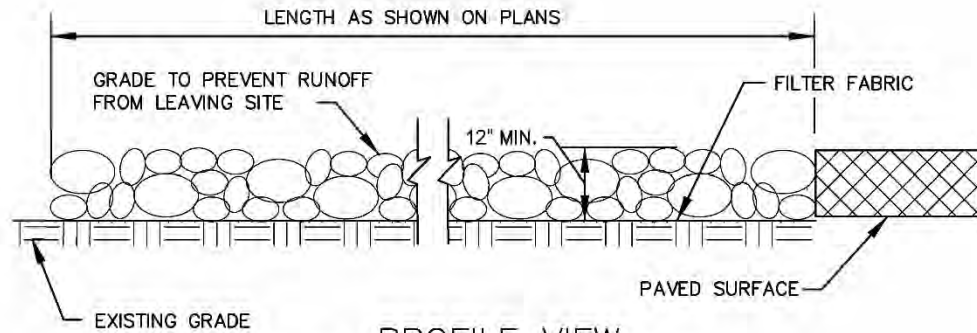
1. POST WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF ONE FOOT.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW. WHERE FENCE CANNOT BE TRENCHED IN (e.g. PAVEMENT), WEIGHT FABRIC FLAP WITH ROCK ON UPHILL SIDE TO PREVENT FLOW FROM SEEPING UNDER FENCE.
3. THE TRENCH MUST BE A MINIMUM OF 6 INCHES DEEP AND 6 INCHES WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH SUPPORT POST OR TO WIRE BACKING, WHICH IN TURN IS ATTACHED TO THE FENCE POST. THERE SHALL BE A 3 FOOT OVERLAP, SECURELY FASTENED WHERE ENDS OF FABRIC MEET.
5. INSPECTION SHALL BE AS SPECIFIED IN THE SWPPP. REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN FINAL STABILIZATION IS ACHIEVED OR ANOTHER EROSION OR SEDIMENT CONTROL DEVICE IS EMPLOYED.
7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF HALF THE HEIGHT OF THE FENCE. THE SILT SHALL BE DISPOSED OF AT AN APPROVED SITE AND IN SUCH A MANNER AS TO NOT CONTRIBUTE TO ADDITIONAL SILTATION.
8. FILTER STONE SHALL BE WRAPPED IN FILTER FABRIC AND BURIED SIX (6") INCHES MINIMUM.

SILT FENCE		STANDARD SPECIFICATION REFERENCE 202.5	
GENERAL NOTES		DATE AUG '23	STANDARD DRAWING NO. 1020B

ROCK CHECK DAM GENERAL NOTES:

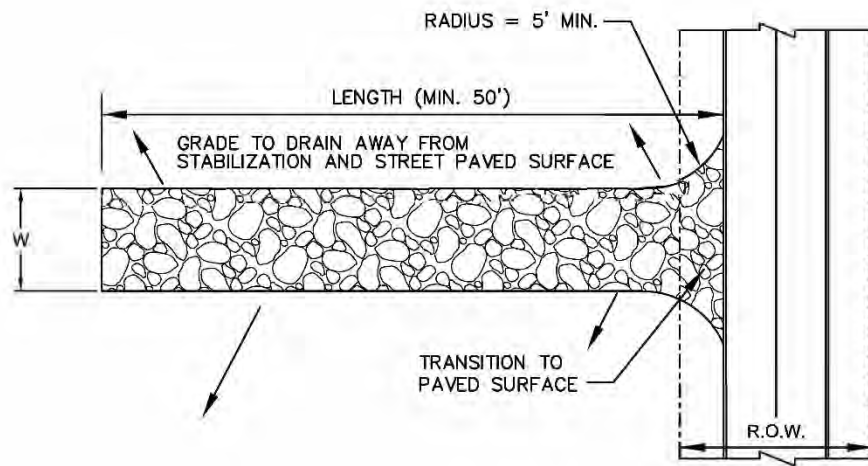
1. STONE SHALL BE WELL GRADED WITH SIZE RANGE FROM 1½ TO 3½ INCHES IN DIAMETER DEPENDING ON EXPECTED FLOWS.
2. THE CHECK DAM SHALL BE INSPECTED AS SPECIFIED IN THE SWPPP AND SHALL BE REPLACED WHEN THE STRUCTURE CEASES TO FUNCTION AS INTENDED DUE TO SILT ACCUMULATION AMONG THE ROCKS, WASHOUT, CONSTRUCTION TRAFFIC DAMAGE, ETC.
3. WHEN SILT REACHES A DEPTH EQUAL TO ONE—THIRD OF THE HEIGHT OF THE CHECK DAM OR ONE FOOT, WHICHEVER IS LESS, THE SILT SHALL BE REMOVED AND DISPOSED OF PROPERLY.
4. WHEN THE SITE HAS ACHIEVED FINAL STABILIZATION OR ANOTHER EROSION OR SEDIMENT CONTROL DEVICE IS EMPLOYED, THE CHECK DAM AND ACCUMULATED SILT SHALL BE REMOVED AND DISPOSED OF IN AN APPROVED MANNER.
5. FILTER STONE SHALL BE WRAPPED IN APPROPRIATE SIZED WIRE MESH TO CONTAIN STONE AND BURIED SIX (6") INCHES MINIMUM.

ROCK CHECK DAM		STANDARD SPECIFICATION REFERENCE 202.9	
GENERAL NOTES		DATE AUG '23	STANDARD DRAWING NO. 1060B



PROFILE VIEW

N.T.S.



WIDTH (W)

20' MIN. FOR < 5 AC SITES

30' MIN. FOR > 5 AC SITES

PLAN VIEW

N.T.S.

EXIT MUST BE SLOPED SO THAT
STORM WATER IS NOT ALLOWED TO
LEAVE THE SITE AND ENTER
ROADWAYS

NOTE:
NO CRUSHED OR RECYCLED
CONCRETE ALLOWED.

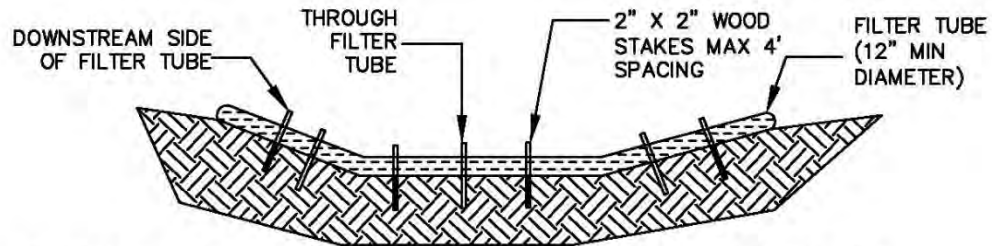
STABILIZED CONSTRUCTION

EXIT

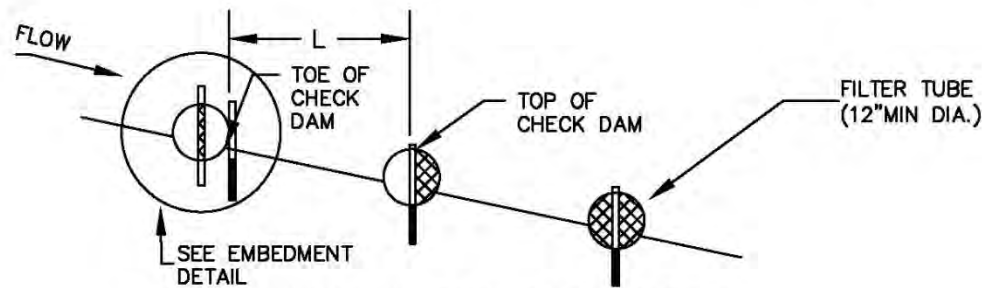
STABILIZED CONSTRUCTION EXIT GENERAL NOTES:

1. THE THICKNESS SHALL NOT BE LESS THAN 12 INCHES.
2. STONE SHALL BE 4 TO 6 INCH DIAMETER COURSE AGGREGATE, NO CRUSHED PORTLAND CEMENT CONCRETE OR RECYCLED CONCRETE ALLOWED.
3. LENGTH SHALL BE SHOWN ON PLANS, WITH A MINIMUM LENGTH OF 50 FEET.
4. THE WIDTH SHALL BE NO LESS THAN 20' FOR SITES LESS THAN 5 AC, AND 30' FOR SITES GREATER THAN 5 AC, AT ALL POINTS OF INGRESS OR EGRESS.
5. WHEN NECESSARY, VEHICLES SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO A PUBLIC ROADWAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WITH DRAINAGE FLOWING AWAY FROM BOTH THE STREET AND THE STABILIZED EXIT. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH OR WATERCOURSE USING APPROVED METHODS.
6. THE EXIT SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PAVED SURFACES. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PAVED SURFACES MUST BE REMOVED IMMEDIATELY.
7. THE EXIT MUST BE PROPERLY GRADED OR INCORPORATE A DRAINAGE SWALE TO PREVENT RUNOFF FROM LEAVING THE CONSTRUCTION SITE.
8. PREVENT SHORTCUTTING OF THE FULL LENGTH OF THE CONSTRUCTION EXIT BY INSTALLING BARRIERS AS NECESSARY.
9. INSPECTION SHALL BE AS SPECIFIED IN THE SWPPP.
10. NO CRUSHED OR RECYCLED CONCRETE ALLOWED.

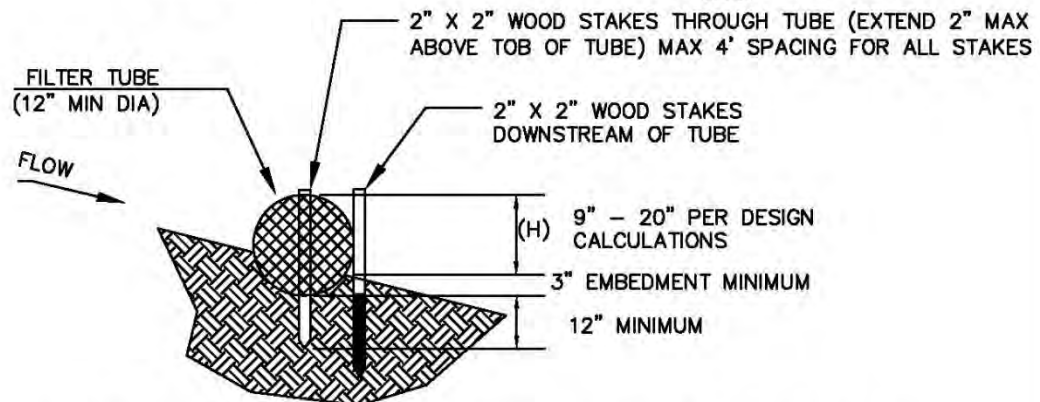
STABILIZED CONSTRUCTION		STANDARD SPECIFICATION REFERENCE 202.11	
EXIT, GENERAL NOTES		DATE AUG '23	STANDARD DRAWING NO. 1070B



FILTER TUBE CHECK DAM VIEW LOOKING UPSTREAM
N.T.S.



FILTER TUBE CHECK DAM PROFILE
N.T.S.



EMBEDMENT DETAIL FOR FILTER TUBE CHECK DAM
N.T.S.

GENERAL NOTES:

1. ACTUAL DIMENSIONS OF THE CHECK DAMS SHALL BE DESIGNED BASED ON FLOW CONDITIONS IN THE DRAINAGE SWALE OR DITCH.
2. HEIGHT (H) AND SPACING (L) OF CHECK DAM AS PROVIDED IN PLANS BY OWNER OR OWNER'S REPRESENTATIVE. PROVIDE CALCULATIONS UPON REQUEST OF THE REVIEWING AGENCY.

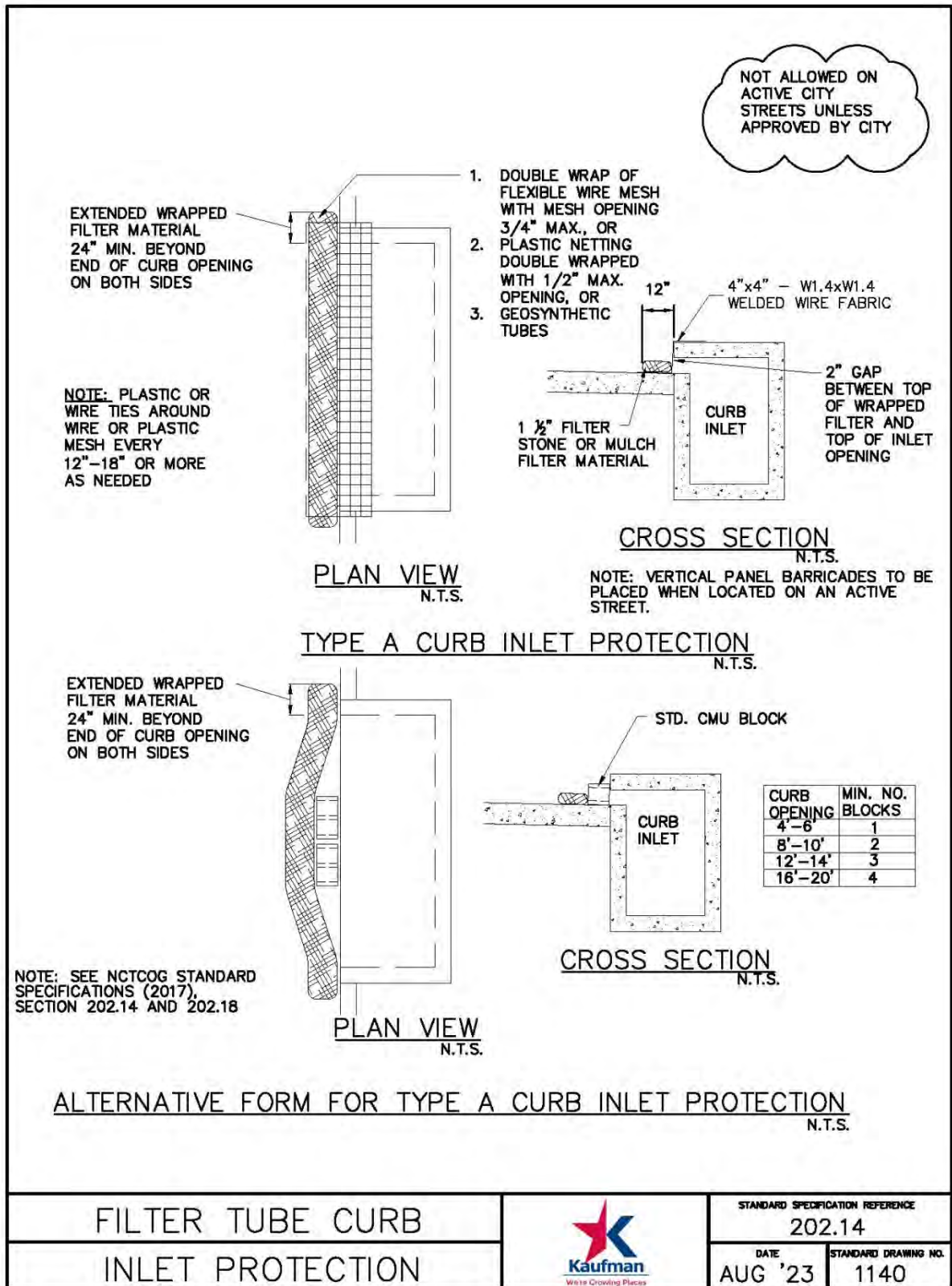
FILTER TUBE CHECK DAM

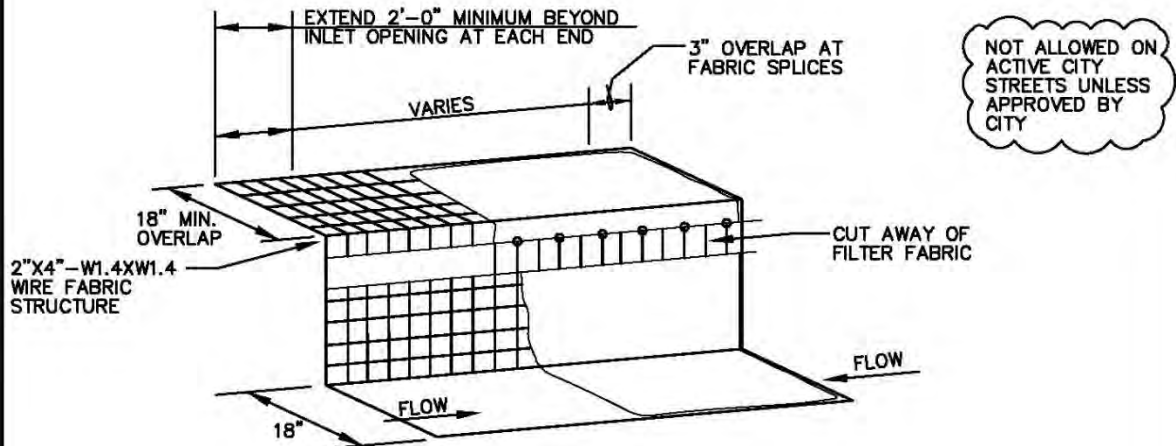


STANDARD SPECIFICATION REFERENCE
202.10

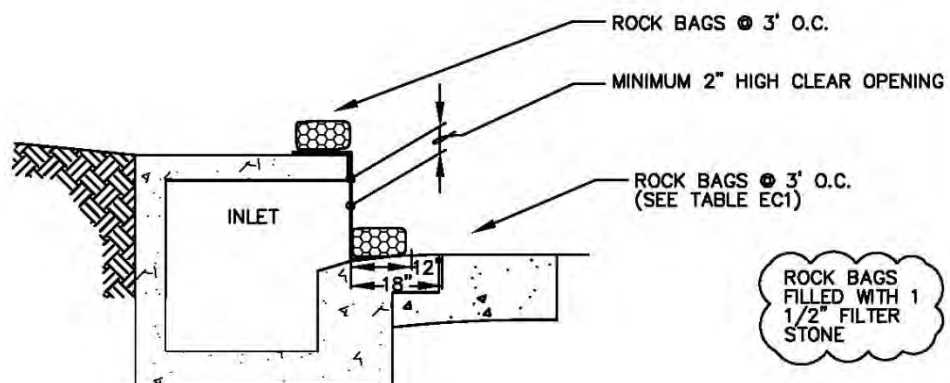
DATE
AUG '23

STANDARD DRAWING NO.
1090





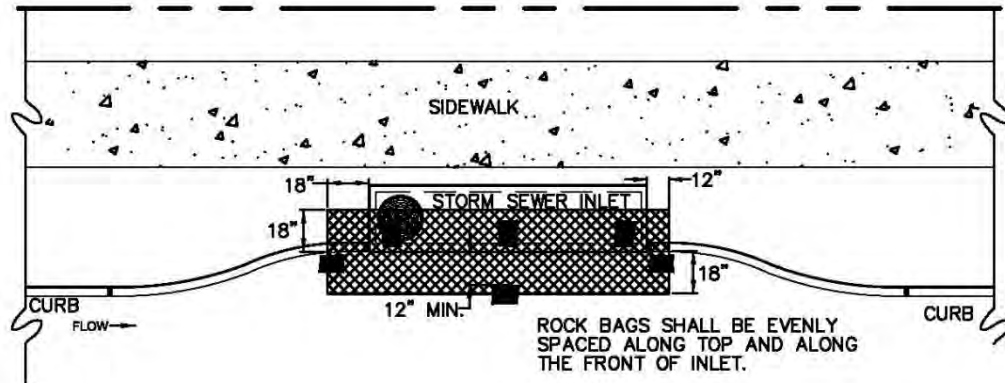
WIRE WEIR CURB INLET PROTECTION ISOMETRIC VIEW
N.T.S.



WIRE WEIR CURB INLET PROTECTION CROSS SECTION
N.T.S.

NOTE: THIS CONTROL WILL DECREASE THE CAPACITY OF THE INLET. IT SHALL ONLY BE USED WHEN AN ENGINEER HAS DETERMINED THERE IS ADEQUATE STORAGE OR POSITIVE OVERFLOW.

WIRE WEIR CURB INLET PROTECTION		STANDARD SPECIFICATION REFERENCE 202.14	
		DATE AUG '23	STANDARD DRAWING NO. 1150A



WIRE WEIR CURB INLET PROTECTION PLAN VIEW
N.T.S

TABLE EC1

INLET OPENING	MINIMUM NUMBER OF ROCK BAGS	
	TOP	FRONT
5'-0"	2	3
10'-0"	3	3
15'-0"	3	4
20'-0"	4	4

NOT ALLOWED ON
ACTIVE CITY
STREETS UNLESS
APPROVED BY CITY

NOTES:

1. A SECTION OF FILTER FABRIC SHALL BE REMOVED AS SHOWN ON THIS DETAIL TO PROVIDE A 2" MINIMUM CLEAR OPENING. FABRIC MUST BE SECURED TO WIRE BACKING WITH CLIPS OR HOG RINGS AT THIS LOCATION.
2. INSPECTION SHALL BE MADE BY THE CONTRACTOR AND SILT ACCUMULATION MUST BE REMOVED WHEN DEPTH REACHES 2".
3. INLET PROTECTIONS SHALL BE REMOVED AS SOON AS THE SOURCE OF SEDIMENT IS STABILIZED.

WIRE WEIR CURB
INLET PROTECTION



STANDARD SPECIFICATION REFERENCE

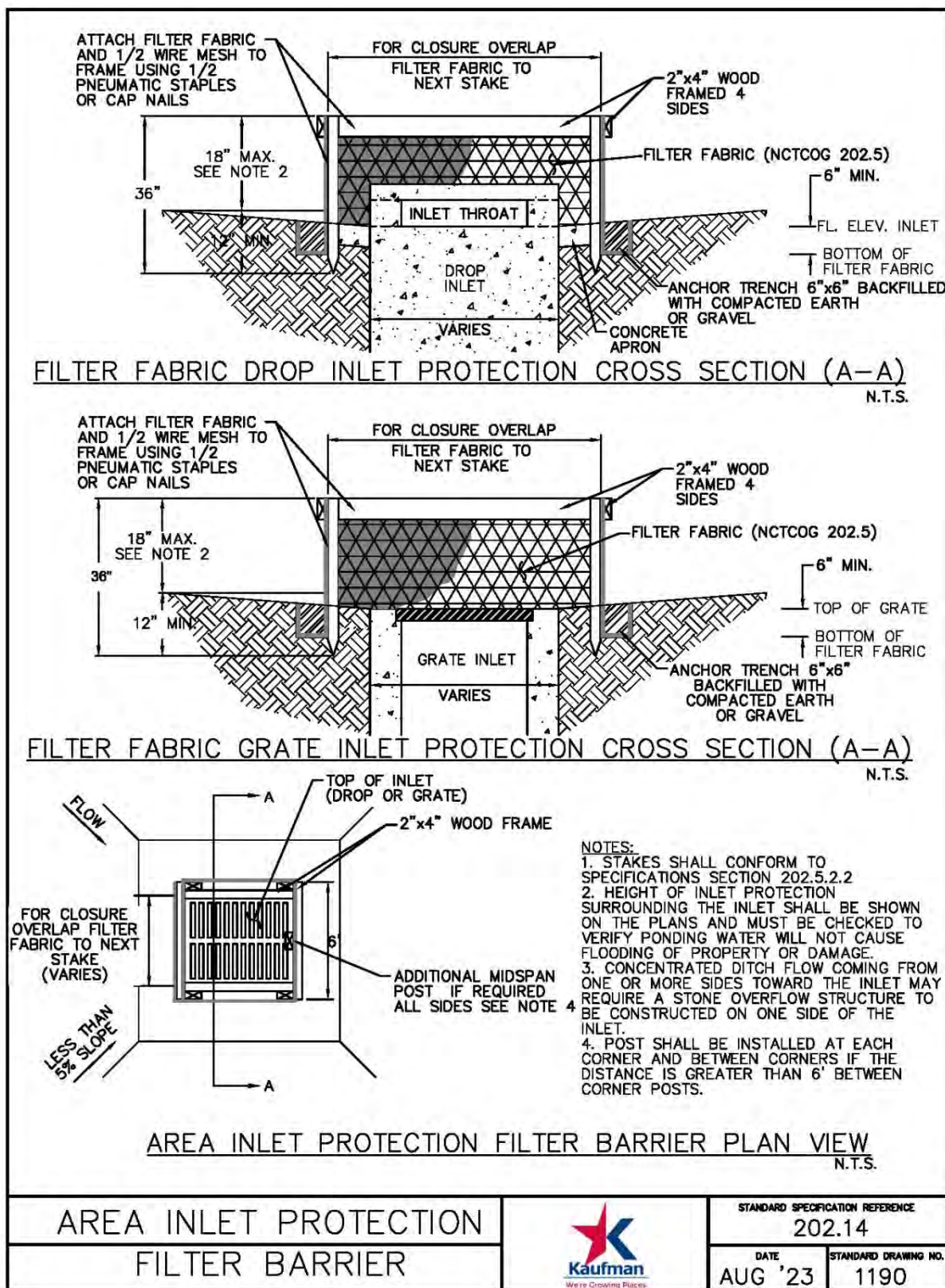
202.14

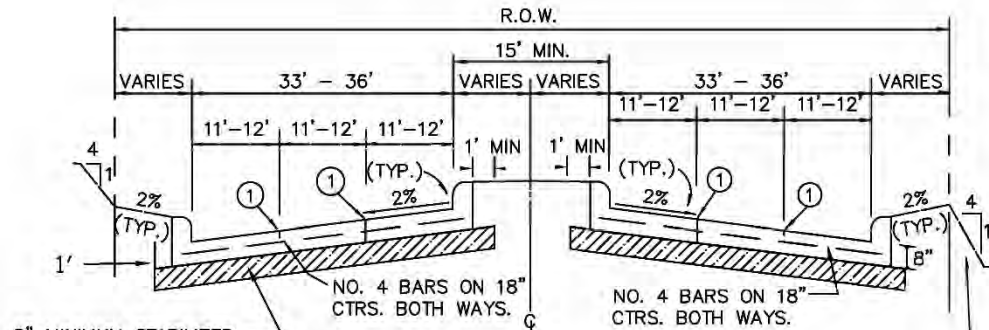
DATE

AUG '23

STANDARD DRAWING NO.

1150B

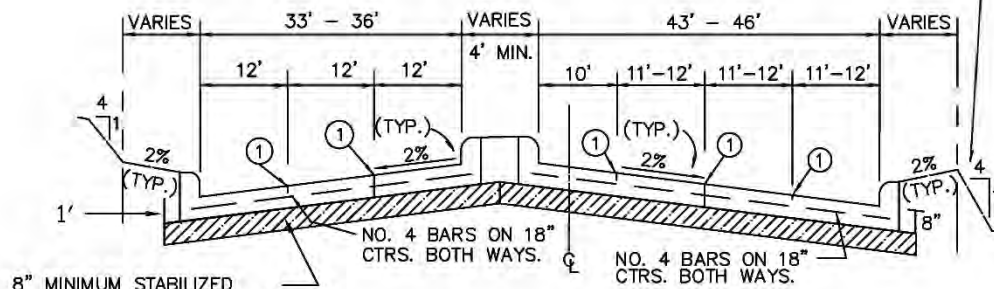




REGULAR SECTION

N.T.S.

(FILL SECTIONS ONLY. ALTERNATE REVERSE SLOPE ACCEPTABLE. NOT TO EXCEED 4:1)



LEFT TURN SECTION

N.T.S.

NOTES:

1. MIN. PAVEMENT DEPTH AND STRENGTH SHALL BE 8" - CLASS "C" OR "PC", OR AS SPECIFIED BY OWNER. MIN. HMAC THICKNESS SHALL BE 2" TYPE D SURFACE COURSE OVER 8" TYPE B BINDER COURSE.
2. MIN CURB HEIGHT AND WIDTH SHALL BE 6", OR AS SPECIFIED BY OWNER.
3. ALTERNATIVE MATERIALS, SUBGRADE, THICKNESS, AND STEEL MAY BE UTILIZED WITH MORE DETAILED ANALYSIS AS APPROVED BY OWNER.
4. IF LIME STABILIZED SUBGRADE IS UTILIZED A MINIMUM OF 40LBS/SY IS REQUIRED. REFERENCE SECTION 301.

① SAWED LONGITUDINAL CONTRACTION JOINT OR CONSTRUCTION JOINT.

SIX-LANE DIVIDED THOROUGHFARE



STANDARD SPECIFICATION REFERENCE

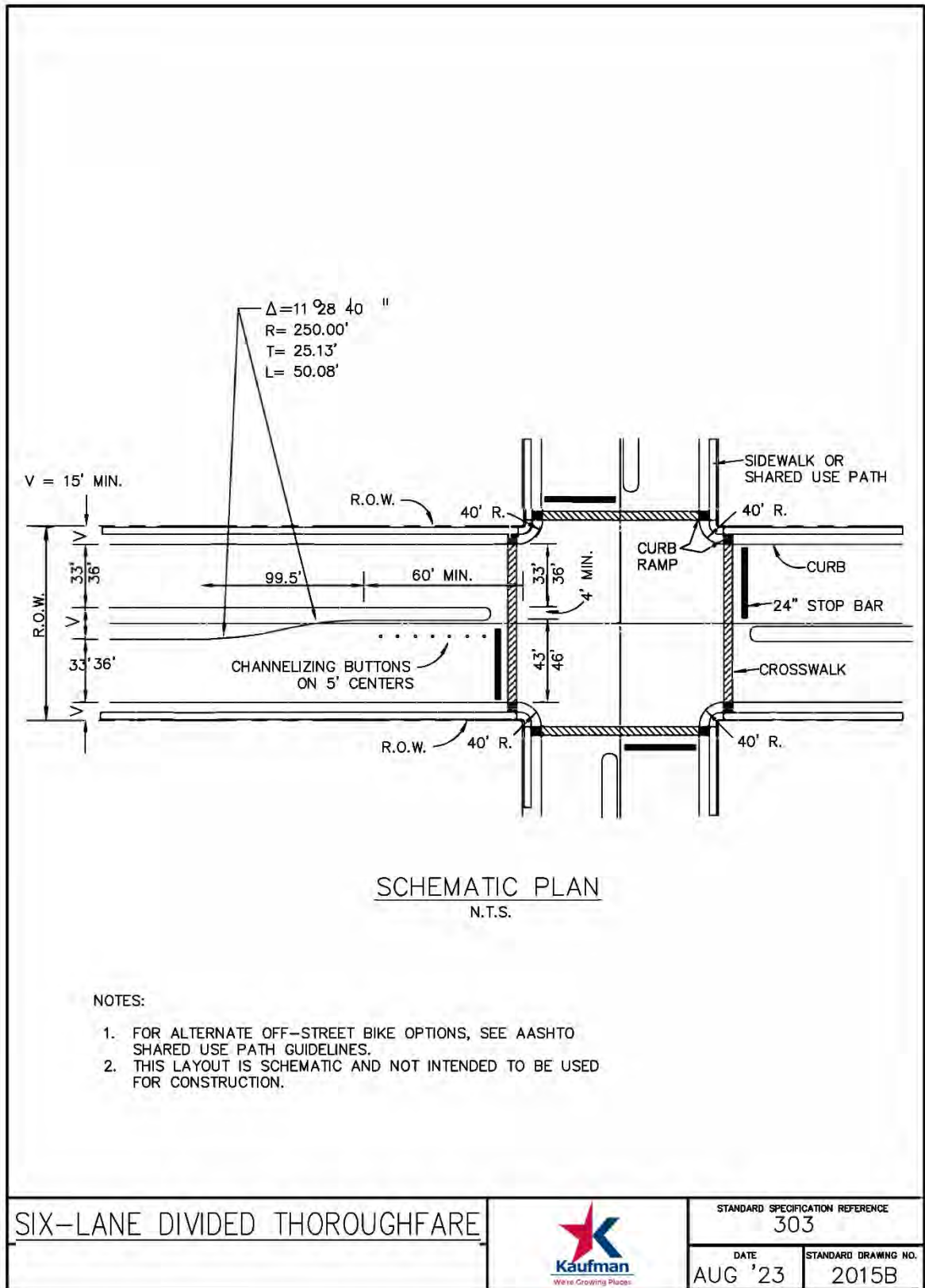
301, 303

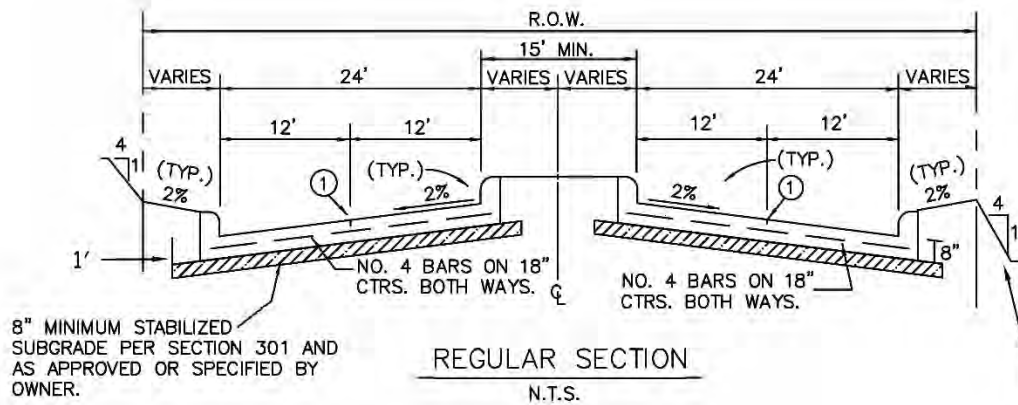
DATE

AUG '23

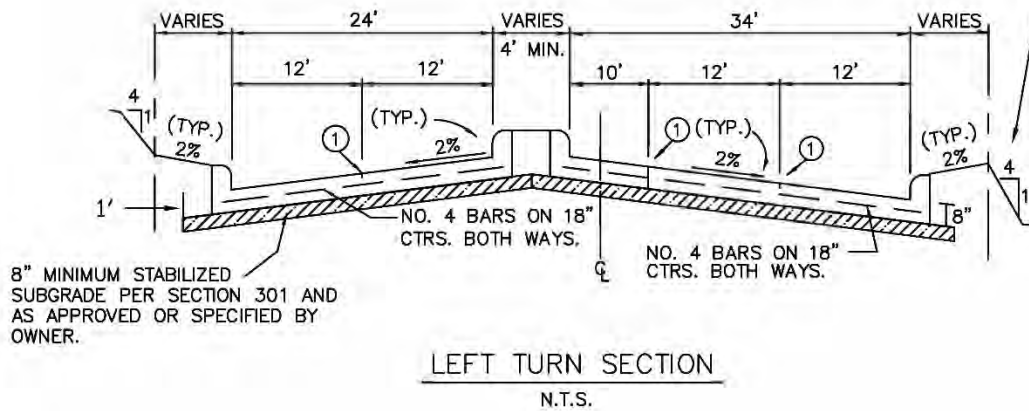
STANDARD DRAWING NO.

2015A





(FILL SECTIONS ONLY. ALTERNATE REVERSE SLOPE ACCEPTABLE. NOT TO EXCEED 4:1.)



NOTES:

1. MIN. PAVEMENT DEPTH AND STRENGTH SHALL BE 8" - CLASS "C" OR "PC", OR AS SPECIFIED BY OWNER.
2. MIN CURB HEIGHT AND WIDTH SHALL BE 6", OR AS SPECIFIED BY OWNER.
3. ALTERNATIVE SUBGRADE, THICKNESS, AND STEEL MAY BE UTILIZED WITH MORE DETAILED STUDY AND ANALYSIS AS APPROVED BY OWNER.
4. IF LIME STABILIZED SUBGRADE IS UTILIZED A MINIMUM OF 40LBS/SY IS REQUIRED. SEE SECTION 301.
5. SEE DETAIL 2170 FOR SIDEWALKS.

① SAWED LONGITUDINAL CONTRACTION JOINT OR CONSTRUCTION JOINT.

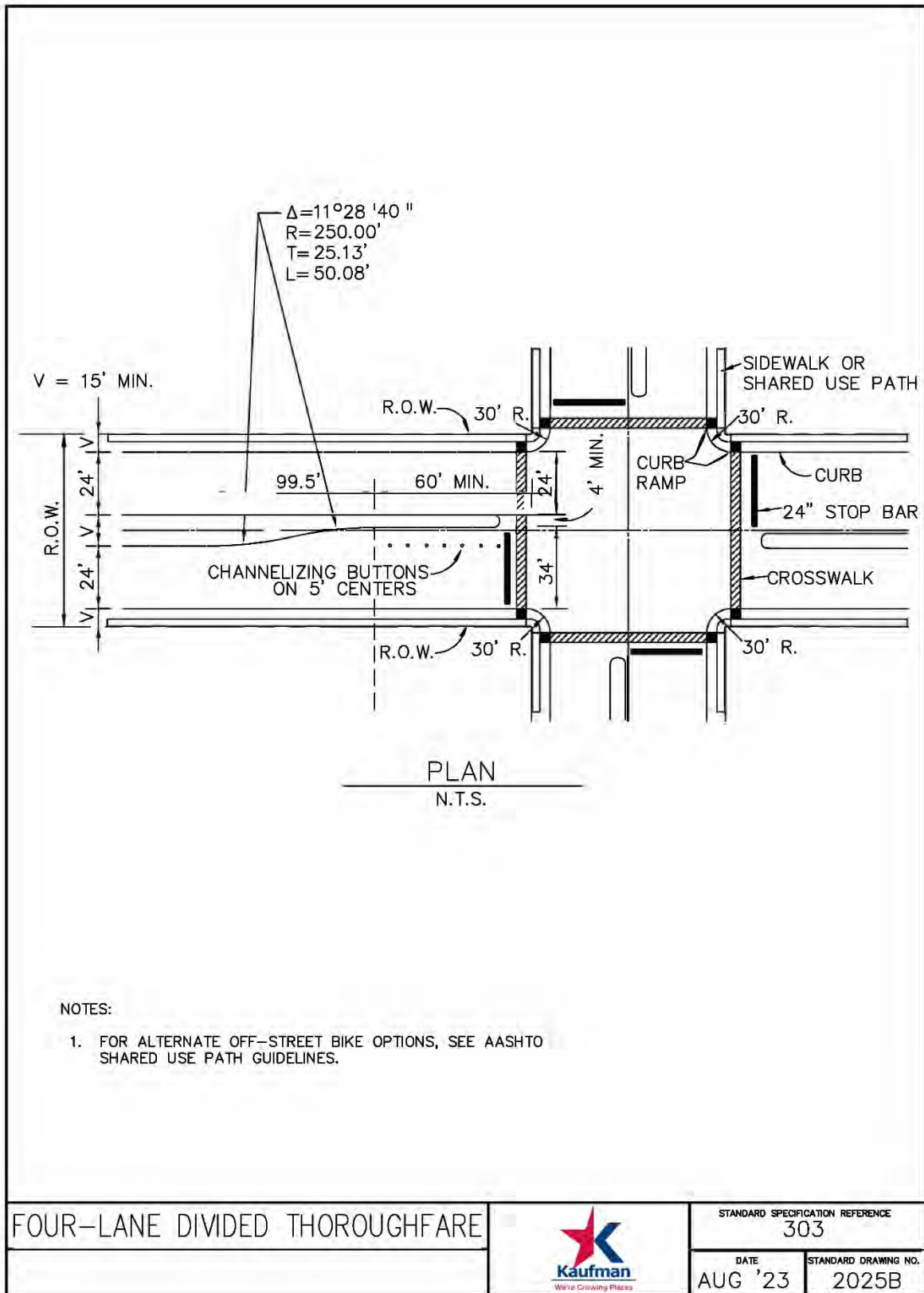
FOUR-LANE DIVIDED THOROUGHFARE

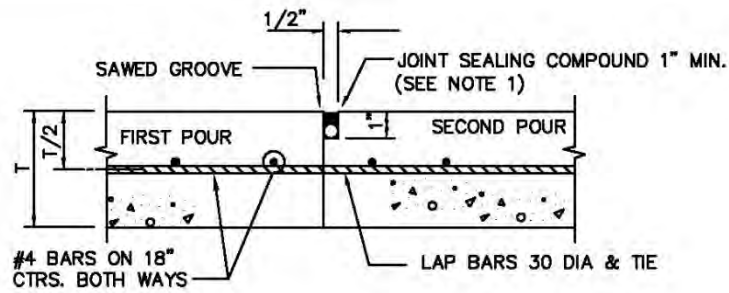


STANDARD SPECIFICATION REFERENCE
303

DATE
AUG '23

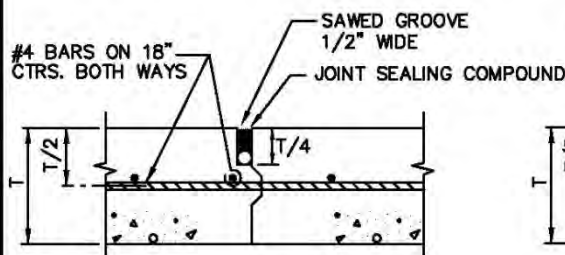
STANDARD DRAWING NO.
2025A





CONSTRUCTION JOINT

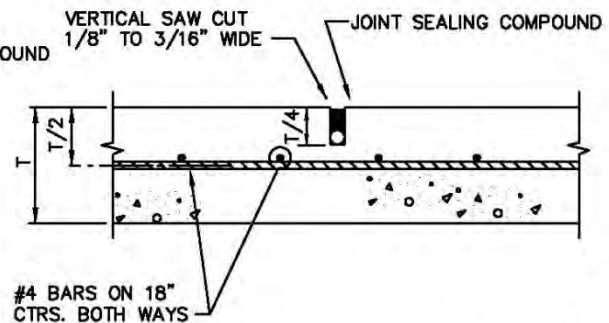
N.T.S.



KEYWAY JOINT

(FOR PAVEMENT THICKNESS > 6")

N.T.S.

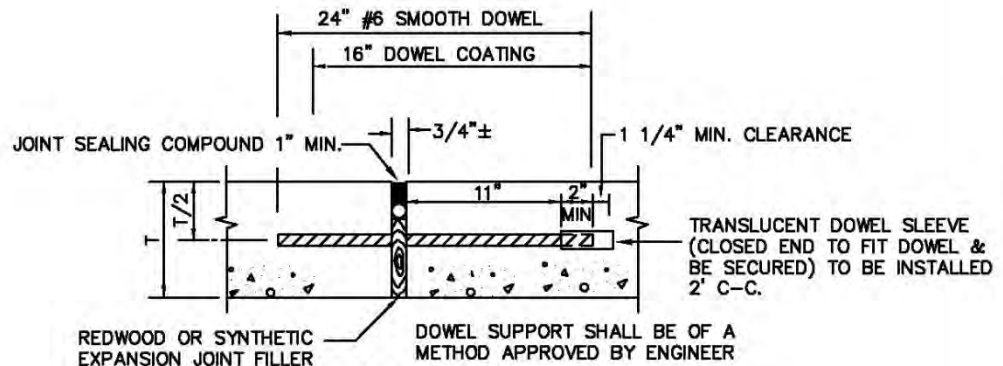


SAWED CONTRACTION JOINT

N.T.S.

NOTE:

1. APPLY BACKER ROD AS APPROVED BY OWNER



EXPANSION JOINT

(SPACED 600 FT. MAXIMUM; LOCATE AT
STRUCTURES AND AT INTERSECTION P.C.'S & P.T.'S)
N.T.S.

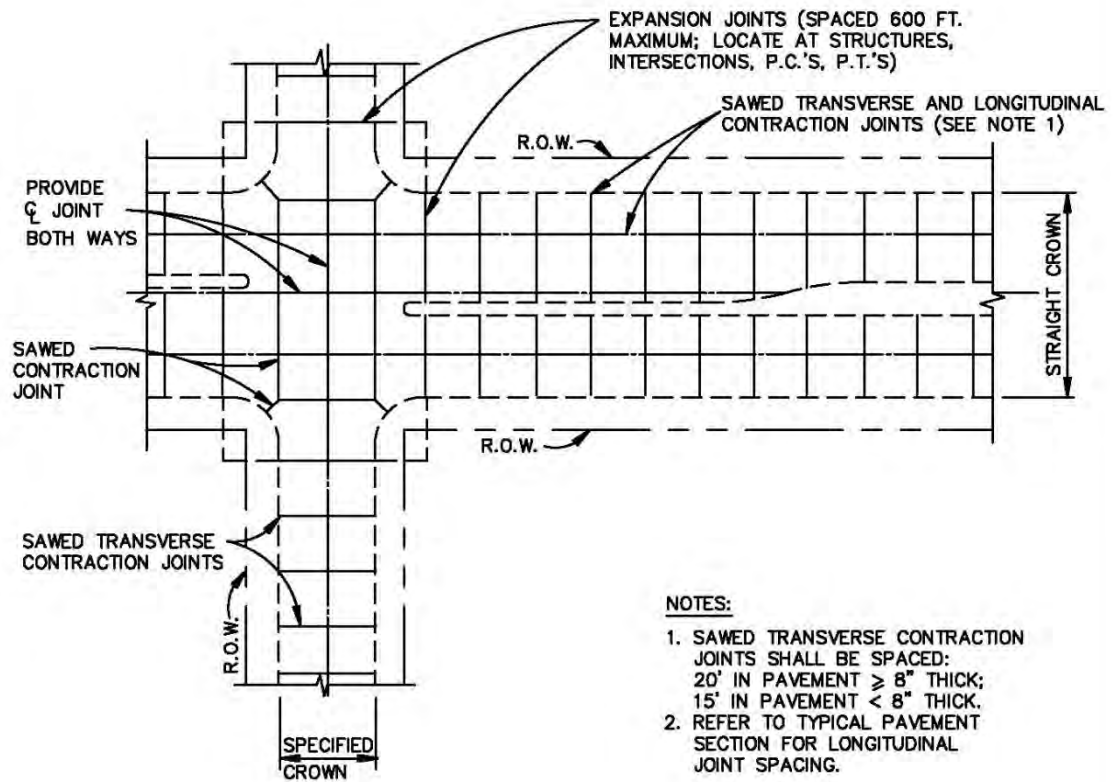
REINFORCED CONCRETE PAVEMENT

JOINTS

STANDARD SPECIFICATION REFERENCE
303.5.4.

DATE
AUG '23

STANDARD DRAWING NO.
2050



SPACING DIAGRAM FOR TRANSVERSE JOINTS
N.T.S.

REINFORCED CONCRETE PAVEMENT
TRANSVERSE JOINT SPACING



STANDARD SPECIFICATION REFERENCE
303.5.4.

DATE
AUG '23

STANDARD DRAWING NO.
2060

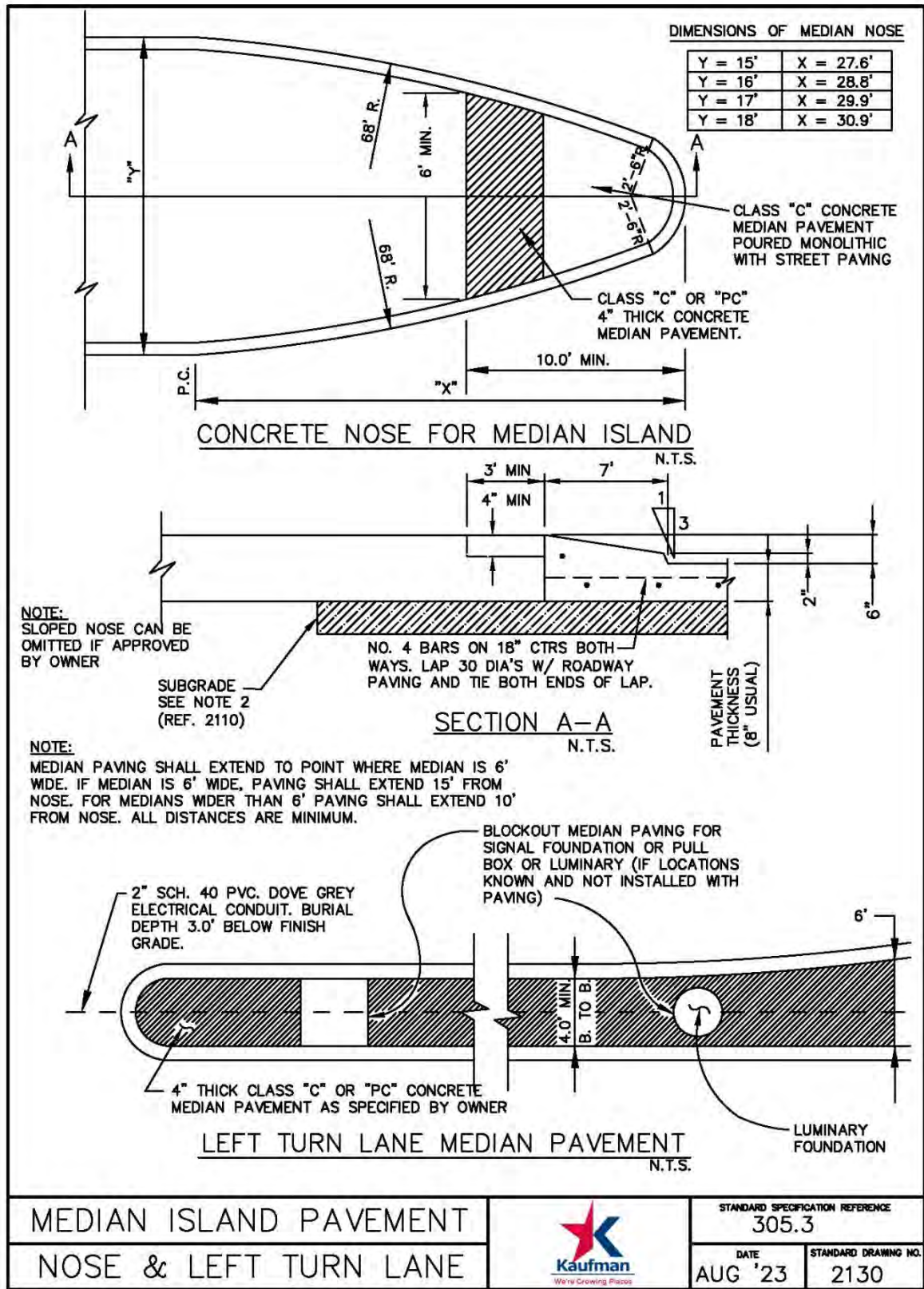
GENERAL NOTES:

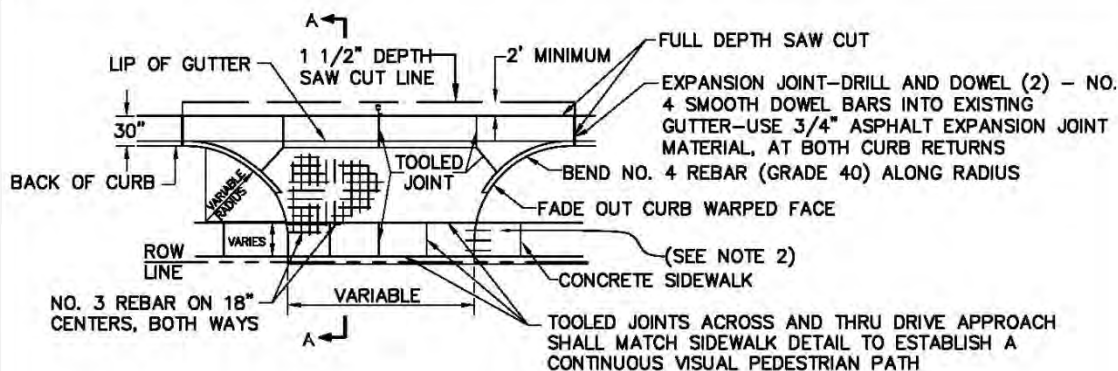
1. REINFORCED CONCRETE PAVEMENT:
 - A. ALL CURBS SHALL BE PLACED INTEGRAL WITH PAVEMENT UNLESS OTHERWISE APPROVED BY THE OWNER.
 - B. CURBS SHALL MEET THE SAME COMPRESSIVE STRENGTH AS SPECIFIED FOR THE PAVEMENT.
 - C. BAR LAPS SHALL BE 30 DIAMETERS.
 - D. REINFORCING BARS SHALL BE SUPPORTED BY CHAIRS OR OTHER DEVICES APPROVED BY THE OWNER.

2. SUBGRADE: (UNLESS OTHERWISE SPECIFIED BY OWNER)
 - A. SUBGRADE UNDER ALL PAVEMENTS SHALL BE STABILIZED TO MINIMUM DEPTH OF 6" FOR 2 LANE RESIDENTIAL ROAD AND 8" FOR ALL OTHERS. IF THE P.I. IS 15 OR GREATER, LIME SHALL BE USED, IF THE P.I. IS LESS THAN 15, CEMENT SHALL USED OR AS RECOMMENDED BY A GEOTECH ENGINEER. LABORATORY TESTS MUST BE PERFORMED TO DETERMINE THE AMOUNT OF CEMENT REQUIRED TO LOWER THE P.I. TO 15 OR BELOW SATURATION P.I. ($PH \geq 12.4$) WILL BE THE LIMIT WHEN A SOIL'S P.I. CANNOT BE BROUGHT TO 15 OR LOWER.
 - B. WHERE THE IN PLACE MATERIAL HAS A P.I. OF LESS THAN 15, THE SUBGRADE SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6" AND RECOMPACTED.
 - C. WHERE SULFATES ARE PRESENT, CONSULT A GEOTECHNICAL ENGINEER FOR RECOMMEND SUBGRADE TREATMENT.

3. IF THE ROADWAY IS A DESIGNATED BIKE ROUTE OR BIKE USAGE IS ANTICIPATED, REFER TO AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS AASHTO GUIDE FOR THE DEVELOPMENT OF BICYCLE FACILITIES (2012, 4TH EDITION) AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD):
https://mutcd.fhwa.dot.gov/resources/state_info/texas/tx.htm

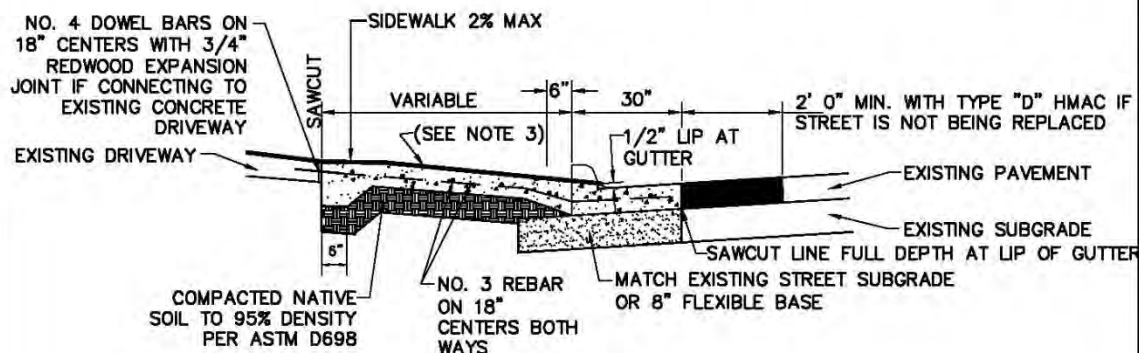
PAVEMENT SYSTEMS		STANDARD SPECIFICATION REFERENCE 301. 302. 303.	
GENERAL NOTES		DATE AUG '23	STANDARD DRAWING NO. 2110





TYPICAL DRIVE APPROACH CONNECTING TO ASPHALT STREETS WITH CURB AND GUTTER

N.T.S.



SECTION 'A-A'

N.T.S.

NOTES:

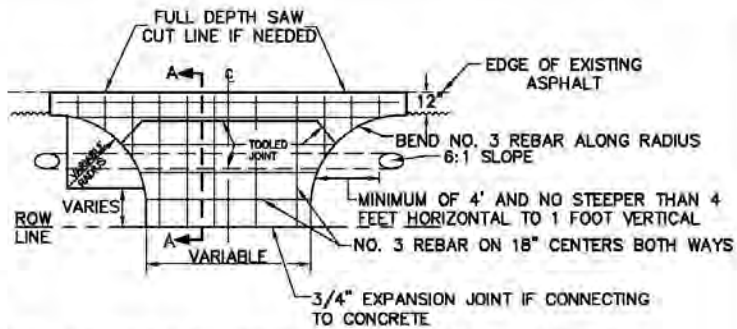
1. THE SLOPE OF THE DRIVE WHERE SIDEWALKS CROSS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2%.
2. REMOVE ANY EXISTING SIDEWALK AT NEAREST JOINT AND CONNECT REPLACED SECTION TO DRIVE WITH (3) - NO. 4 SMOOTH DOWEL BARS ON 18" CENTERS WITH 3/4" REDWOOD EXPANSION JOINT, WITH 1" REMOVABLE CAP STRIP. SEAL WITH SELF LEVELING GRAY SILICONE SEALANT.
3. RESIDENTIAL DRIVE APPROACH 10% MAX SLOPE*; MIN. 5" SLAB THICKNESS
* MAXIMUM SLOPE AS APPROVED BY OWNER
4. ALL CONNECTIONS TO STATE RIGHT-OF-WAY SHALL USE TXDOT DETAILS.
5. ALL CURB AND GUTTER SHALL BE 30" UNLESS OTHERWISE DIRECTED BY THE CITY.
6. CONCRETE SHALL BE CLASS C, 6 SACK AND HAVE COMPRESSIVE STRENGTH OF 3600 PSI @28 DAYS.
7. IF STREET IS BEING REPLACED, PAVEMENT THICKNESS SHALL BE 6" FOR RESIDENTIAL AND 8" FOR COLLECTOR OR LARGER.

RESIDENTIAL DRIVE APPROACH CONNECTING TO
ASPHALT STREETS WITH CURB AND GUTTER



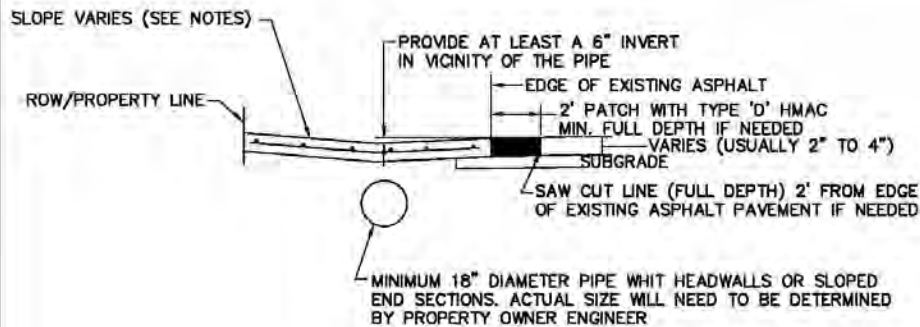
STANDARD SPECIFICATION REFERENCE
305.2

DATE AUG '23 STANDARD DRAWING NO. 2150A



TYPICAL DRIVE APPROACH CONNECTING TO EXISTING RURAL TYPE ASPHALT STREETS

N.T.S.



SECTION 'A-A'

N.T.S.

NOTES:

1. THE SLOPE OF THE DRIVE WHERE SIDEWALKS CROSS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2%.
2. RESIDENTIAL DRIVE APPROACH 10% MAX SLOPE*; MIN. 5" SLAB THICKNESS
* MAXIMUM SLOPE AS APPROVED BY OWNER
3. ALL CONNECTIONS TO STATE RIGHT-OF-WAY SHALL USE TXDOT DETAILS.
4. CONCRETE SHALL BE CLASS C, 6 SACK AND HAVE COMPRESSIVE STRENGTH OF 3600 PSI @ 28 DAYS.
5. MINIMUM VELOCITY THROUGH PIPE IS 2.5fps. MINIMUM SLOPE IN PIPE IS 0.5% UNLESS OTHERWISE DESIGNED TO MEET MINIMUM SLOPE REQUIREMENTS
6. IN SOME CASES A SWALE MAY BE PROVIDED IN LIEU OF THE PIPE. THE PROPERTY OWNER AND OWNER'S ENGINEERS WILL NEED TO DETERMINE IF A SWALE CAN BE USED IN LIEU OF A PIPE.
7. USE OF RURAL SECTION AS APPROVED BY OWNER.

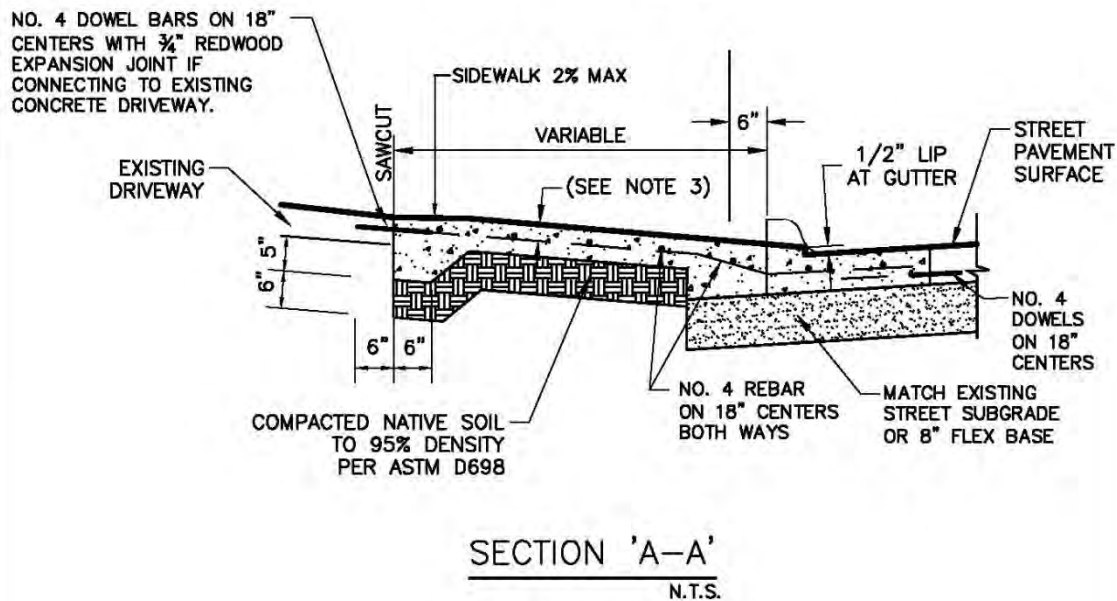
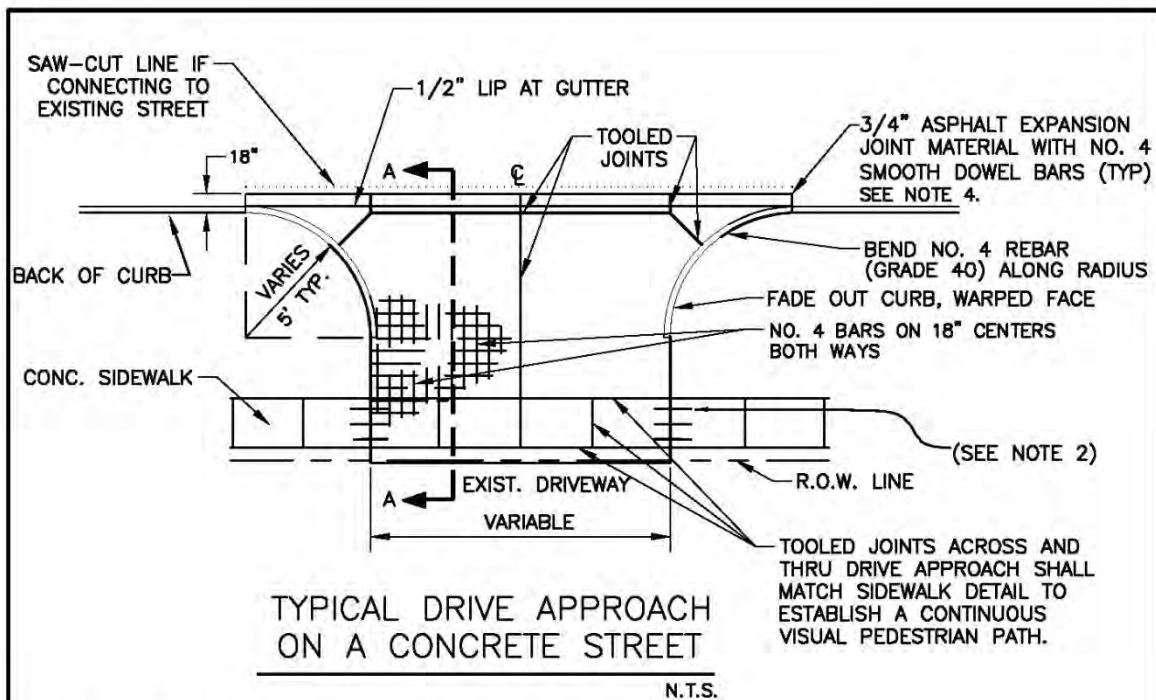
RESIDENTIAL DRIVE APPROACH CONNECTING
TO EXISTING RURAL TYPE ASPHALT STREET



STANDARD SPECIFICATION REFERENCE
305.2

DATE
AUG '23

STANDARD DRAWING NO.
2150B



SEE NOTES FOR 2150A

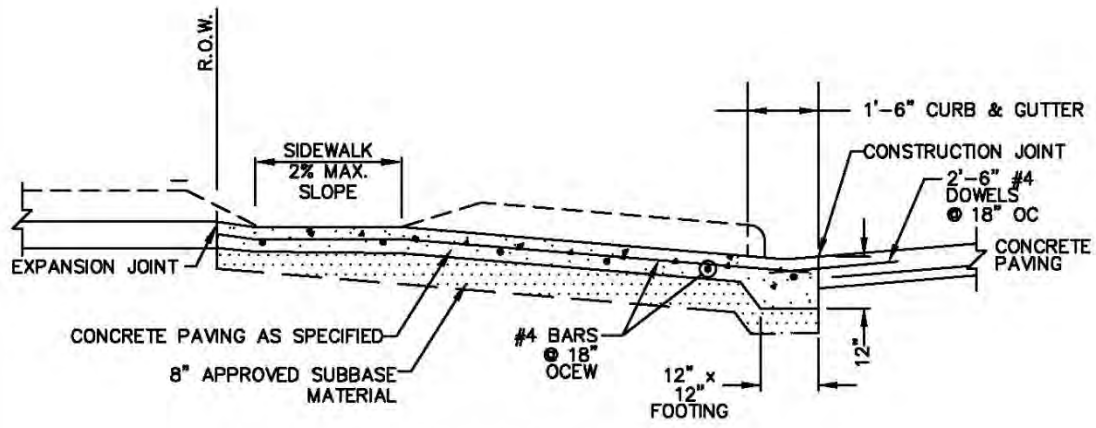
**RESIDENTIAL DRIVE APPROACH
ON A CONCRETE STREET**



STANDARD SPECIFICATION REFERENCE
305.2

DATE
AUG '23

STANDARD DRAWING NO.
2150C



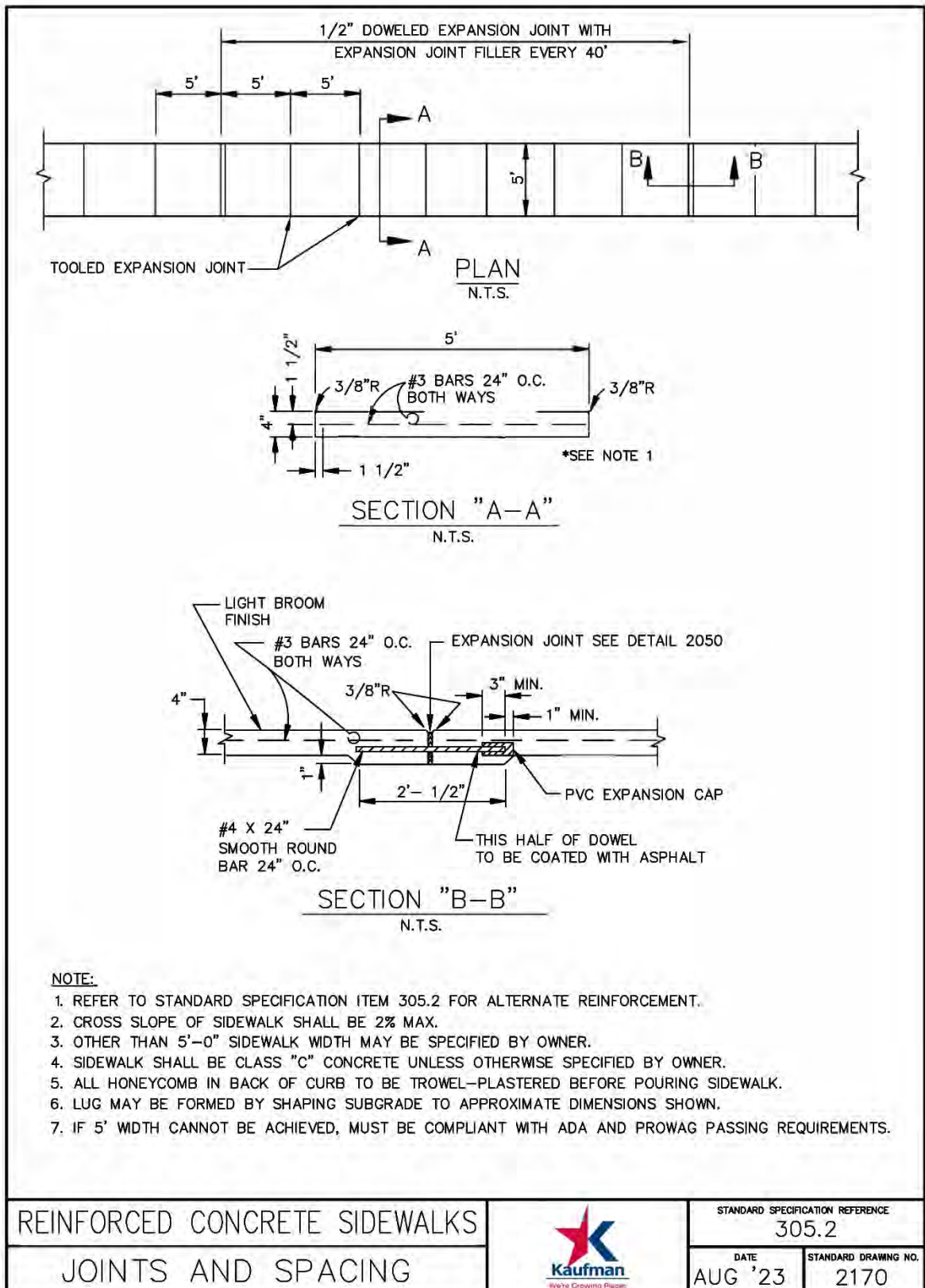
SECTION 'A-A'
N.T.S.

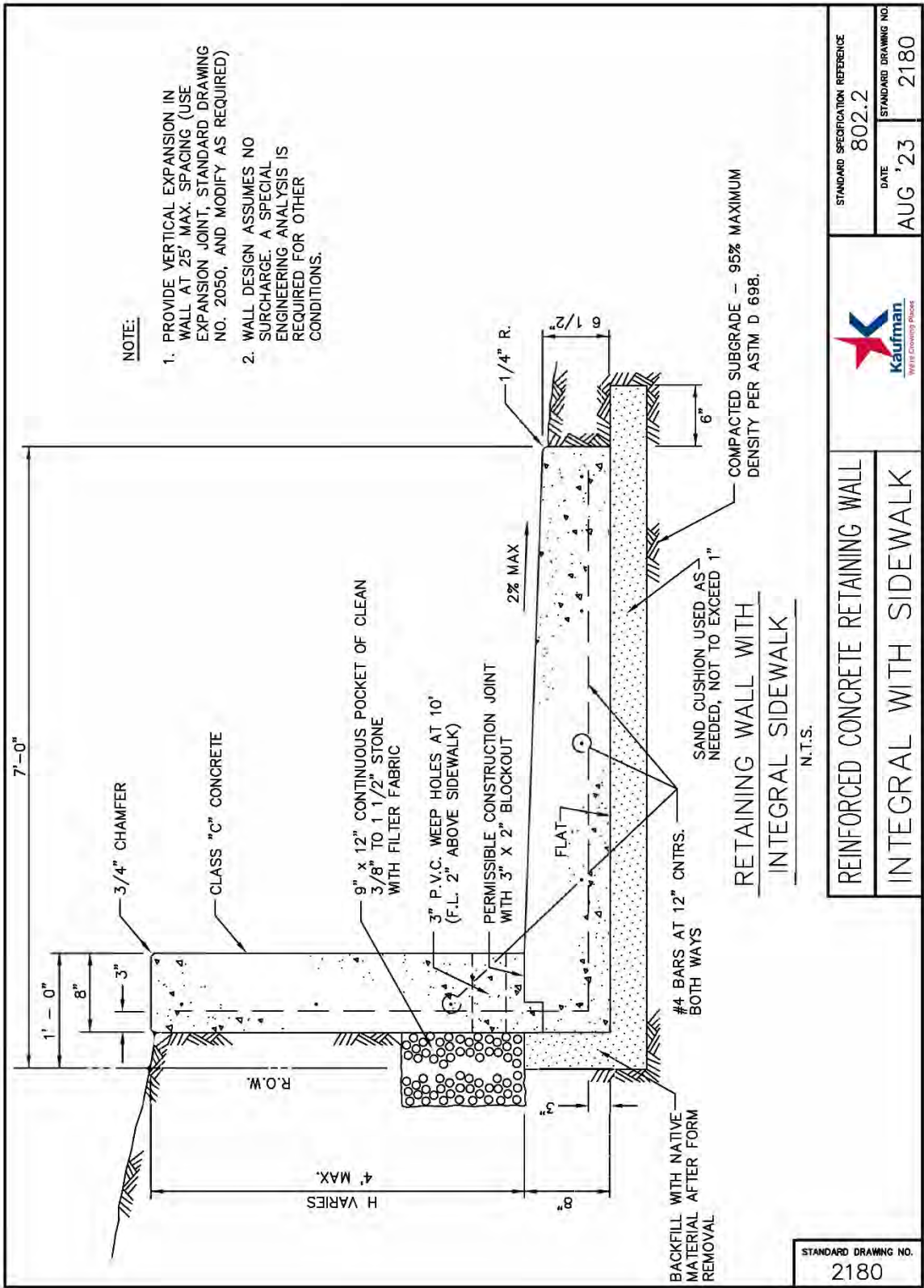
COMMERCIAL APPROACH (CONCRETE PAVING)

NOTES:

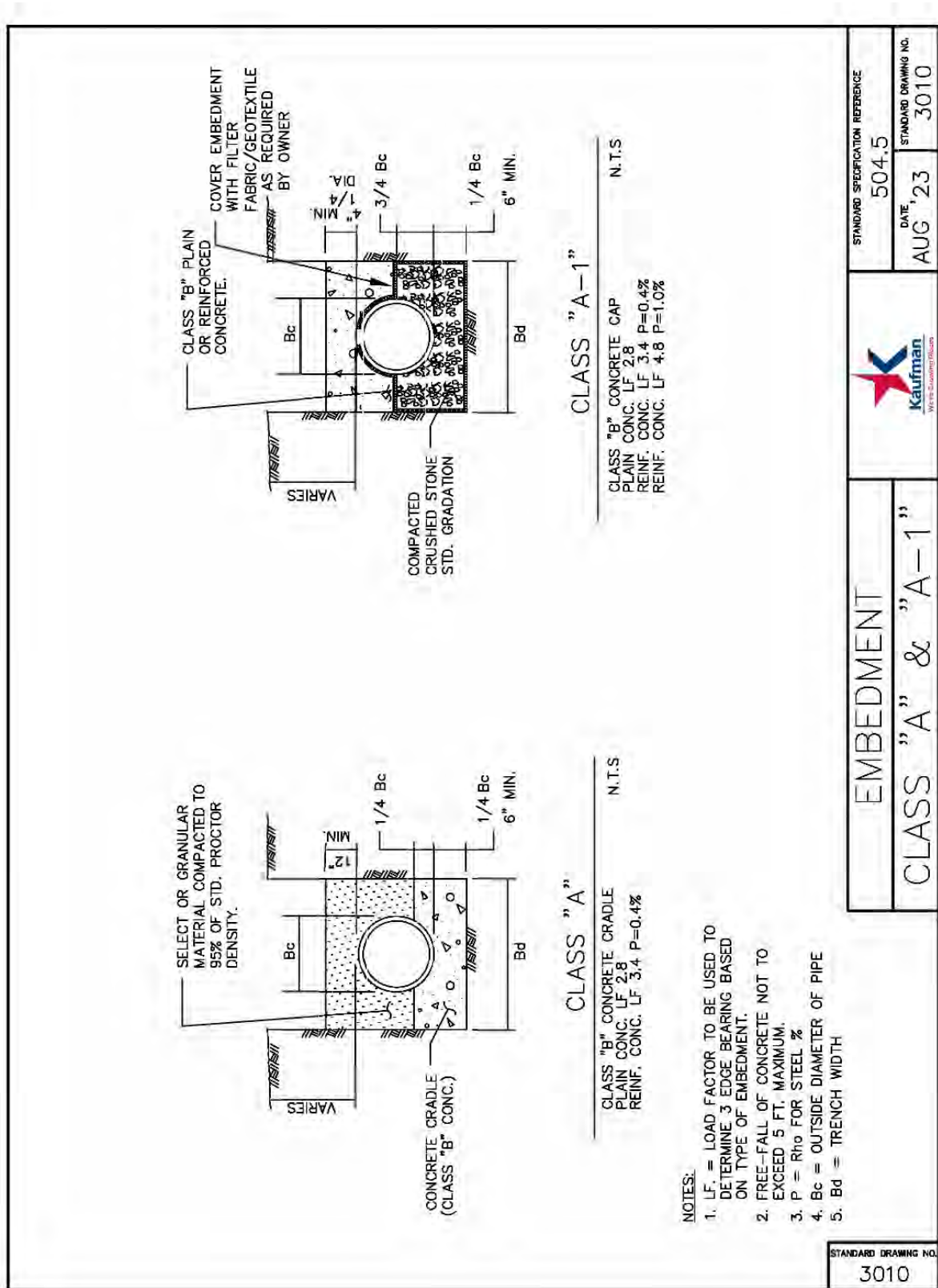
1. THE SLOPE OF THE DRIVE WHERE SIDEWALKS CROSS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2%.
2. REMOVE ANY EXISTING SIDEWALK AT NEAREST JOINT AND CONNECT REPLACED SECTION TO DRIVE WITH (3) - NO. 4 SMOOTH DOWEL BARS ON 18" CENTERS WITH 3/4" REDWOOD EXPANSION JOINT, WITH 1" REMOVABLE CAP STRIP. SEAL WITH SELF LEVELING GRAY SILICONE SEALANT.
3. COMMERCIAL DRIVE APPROACH 10% MAX SLOPE*; MIN. 7" SLAB THICKNESS
* MAXIMUM SLOPE AS APPROVED BY OWNER
4. ALL CONNECTIONS TO STATE RIGHT-OF-WAY SHALL USE TXDOT DETAILS.
5. ALL CURB AND GUTTER SHALL BE 30" UNLESS OTHERWISE DIRECTED BY THE CITY.
6. CONCRETE SHALL BE CLASS C, 6 SACK AND HAVE COMPRESSIVE STRENGTH OF 3600 PSI @28 DAYS.
7. IF STREET IS BEING REPLACED, PAVEMENT THICKNESS SHALL BE 6" FOR RESIDENTIAL AND 8" FOR COLLECTOR OR LARGER.

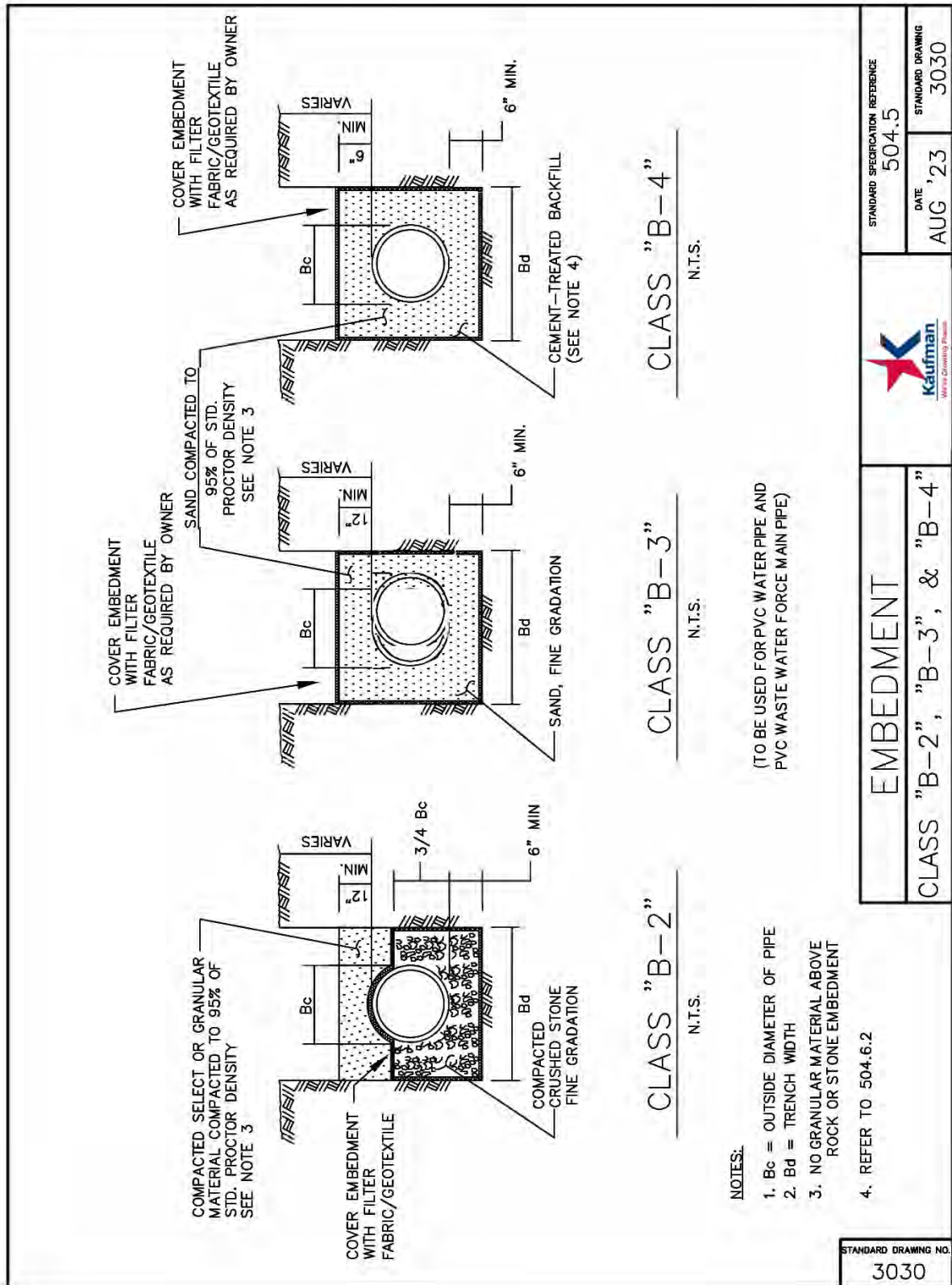
COMMERCIAL DRIVEWAY APPROACH SECTION VIEW		STANDARD SPECIFICATION REFERENCE	
		305	DATE
		AUG '23	STANDARD DRAWING NO.
			2155B

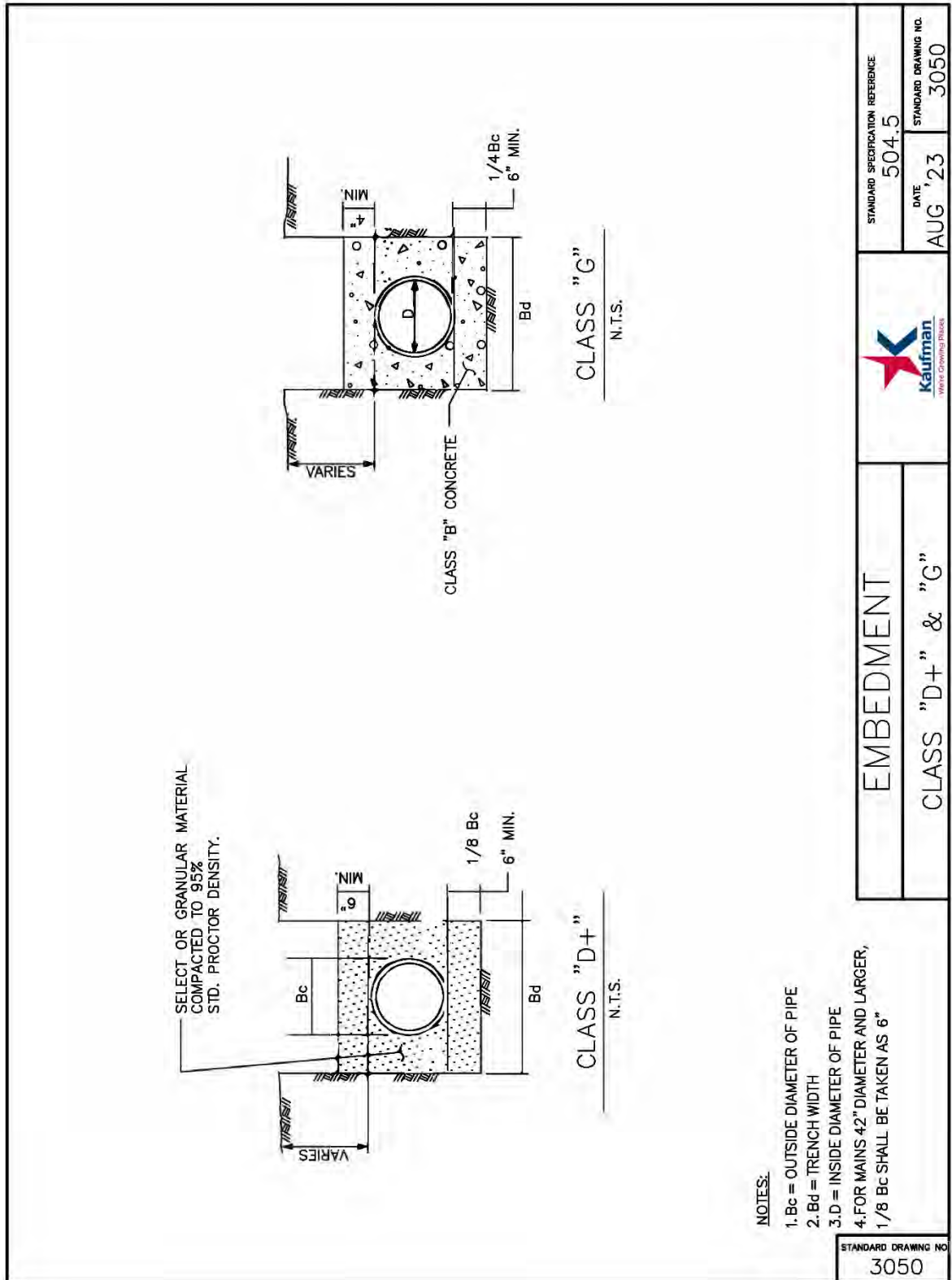


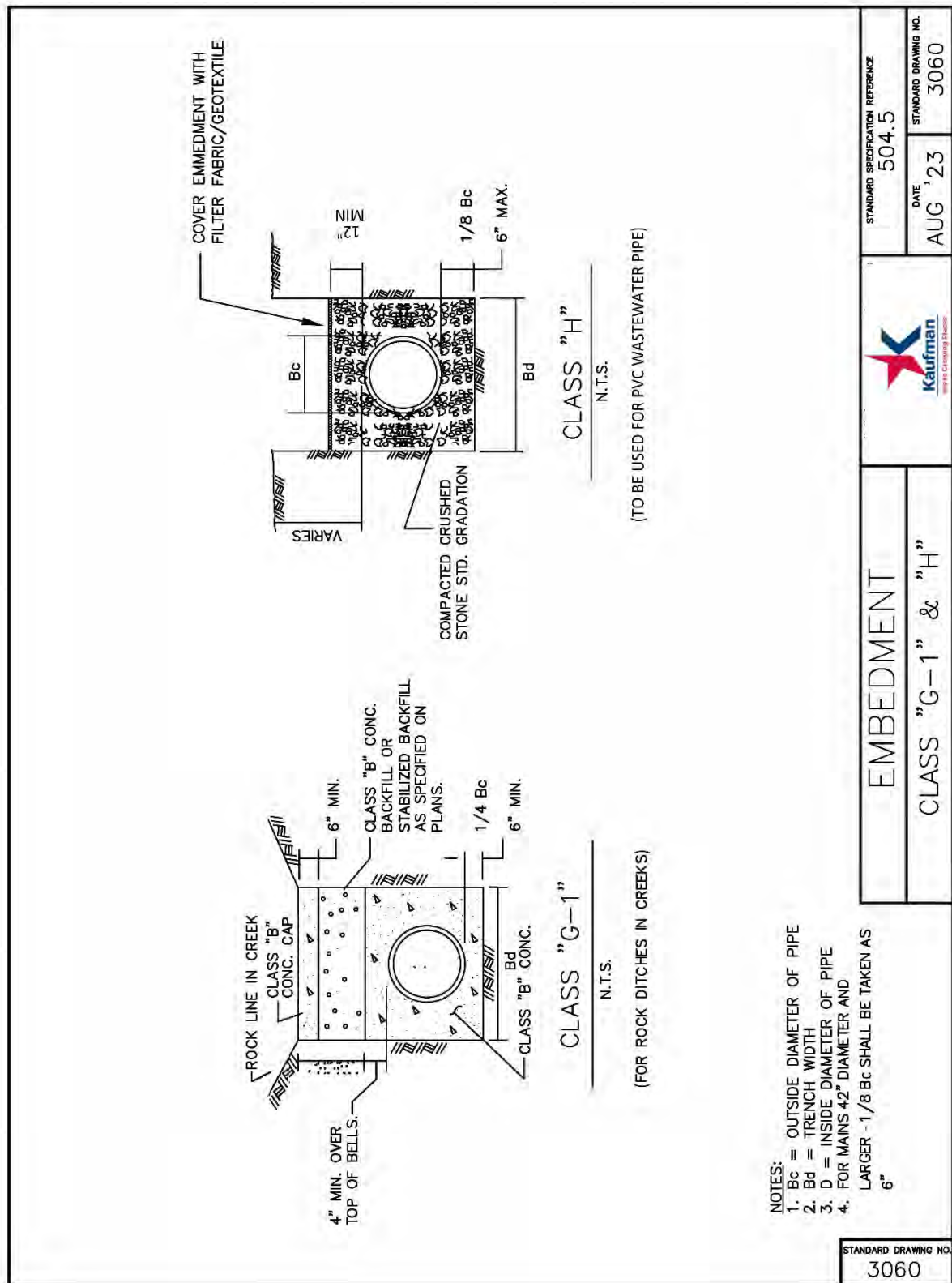


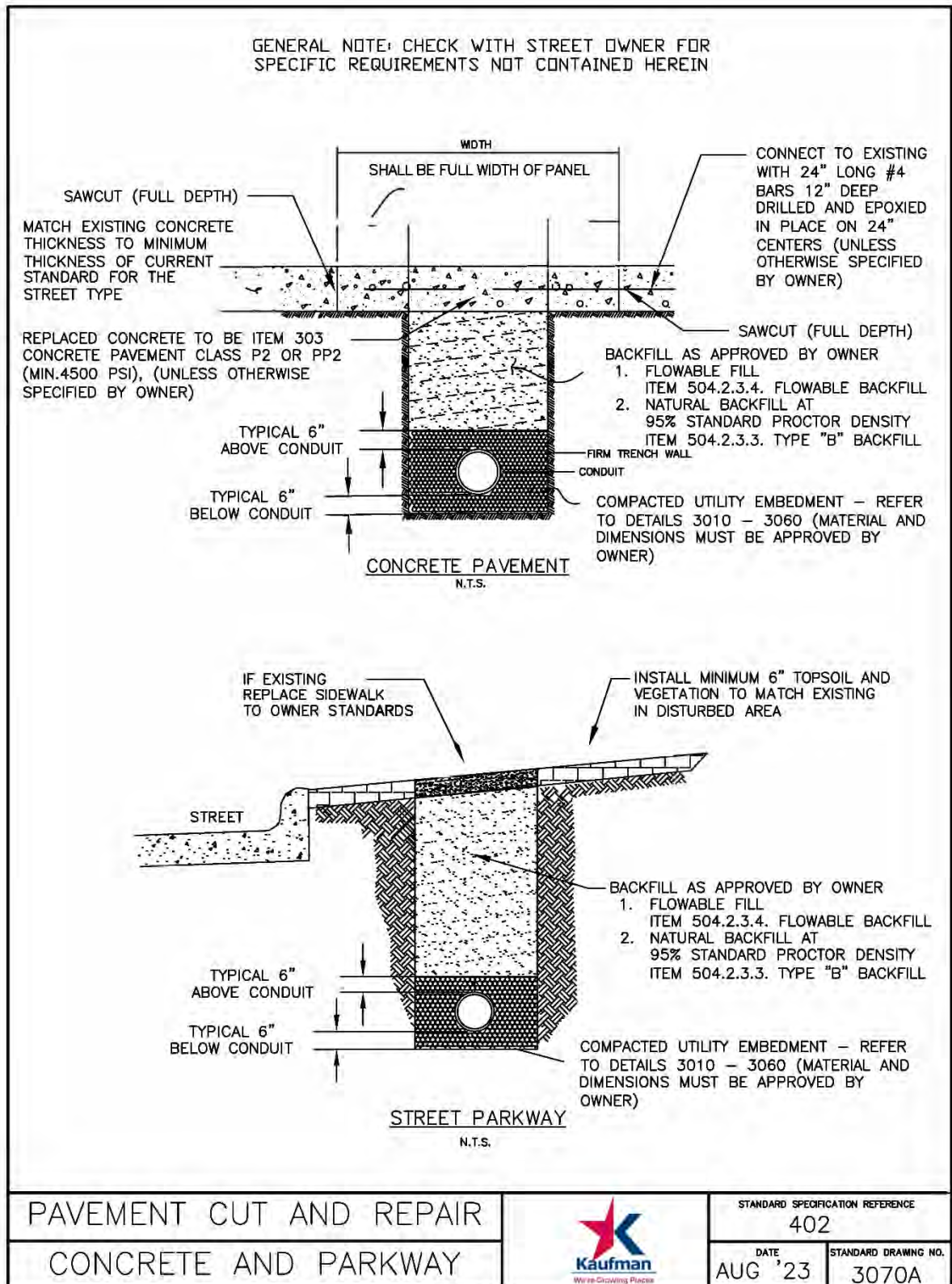
1 EACH  48" MFG NOTES: FONT COLOR SEE NOTES BACK COLOR WHITE BORDER 1/2" FONT FHWA U/L? UPPER/LOWERCASE LTR SERIES B SERIES LTR HGT 6" 3" HIP - HI INTENSITY PRISMATIC REFLECTIVE 3930 SERIES (TYPE III) OVERLAY - 3M 1170 CLEAR NOTES: 1. COLORS SHALL BE: BLUE - TRAFFIC BLUE; RED - TRAFFIC RED. 2. ALL SIGNS SHALL BE 0.080 THICKNESS REFLECTIVE SIGNS. 3. RADIUS ON THE EDGES OF THE SIGN SHALL BE 3/4". 4. SIGN POSTS SHALL BE 2 3/8" O.D. GALVANIZED STEEL TUBE SIGN POLE.	
STREET SIGNAGE	
	
DATE AUG '23	STANDARD DRAWING NO. 2300

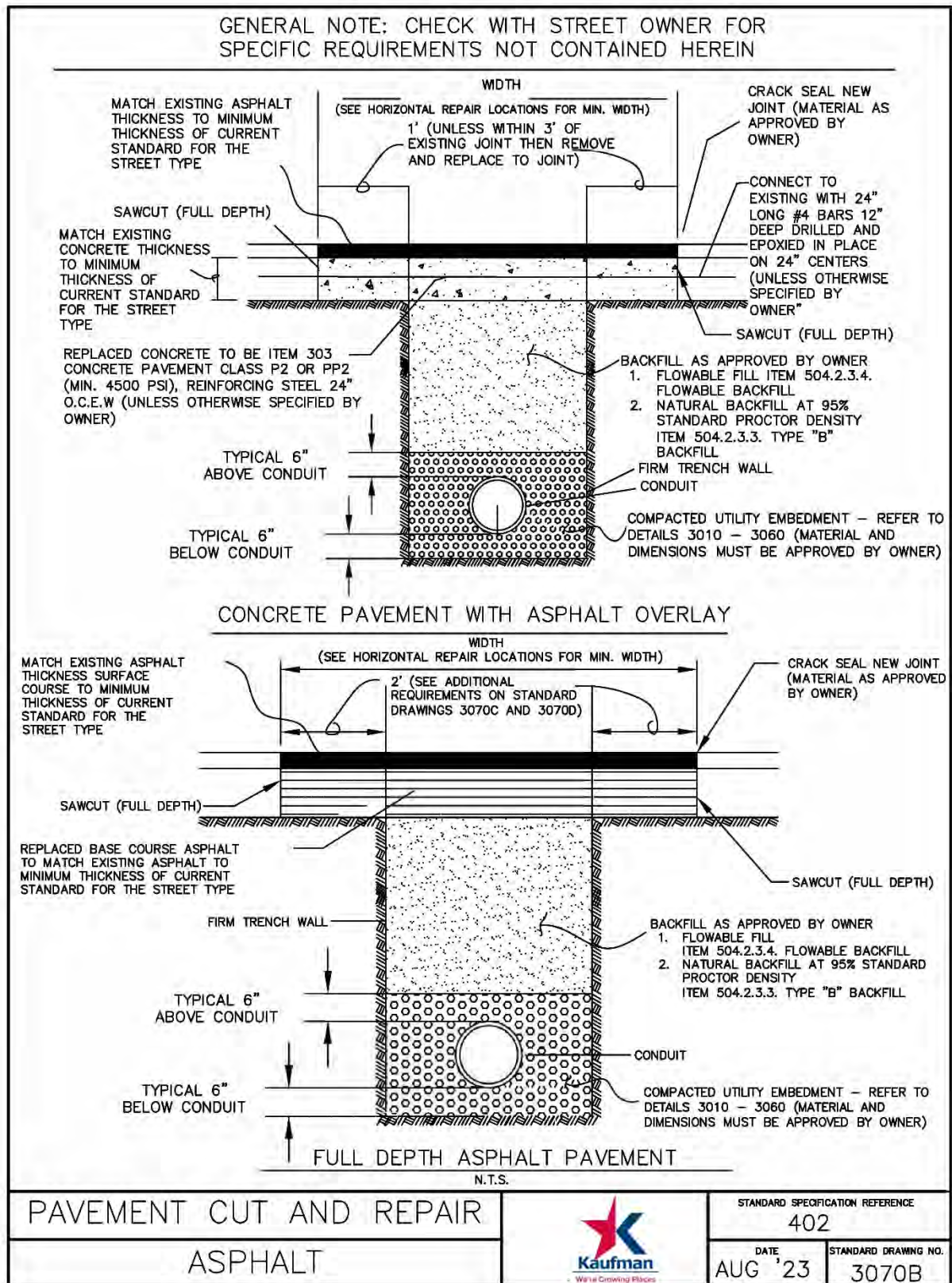


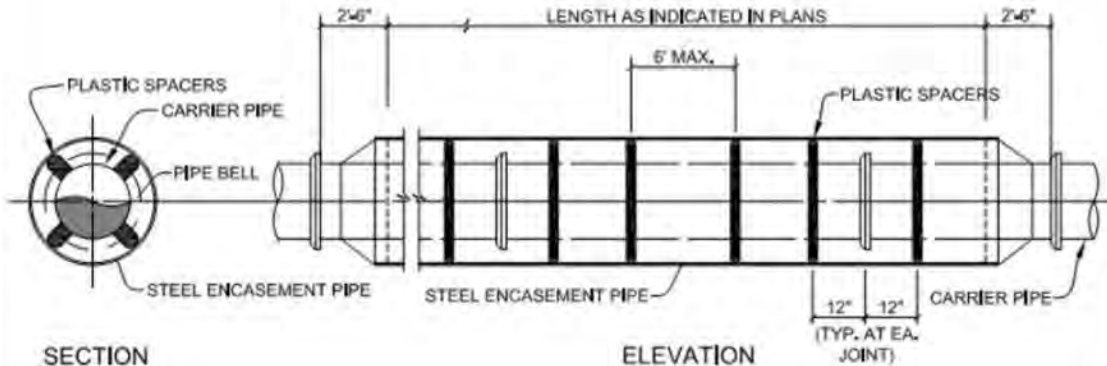












SECTION

ELEVATION

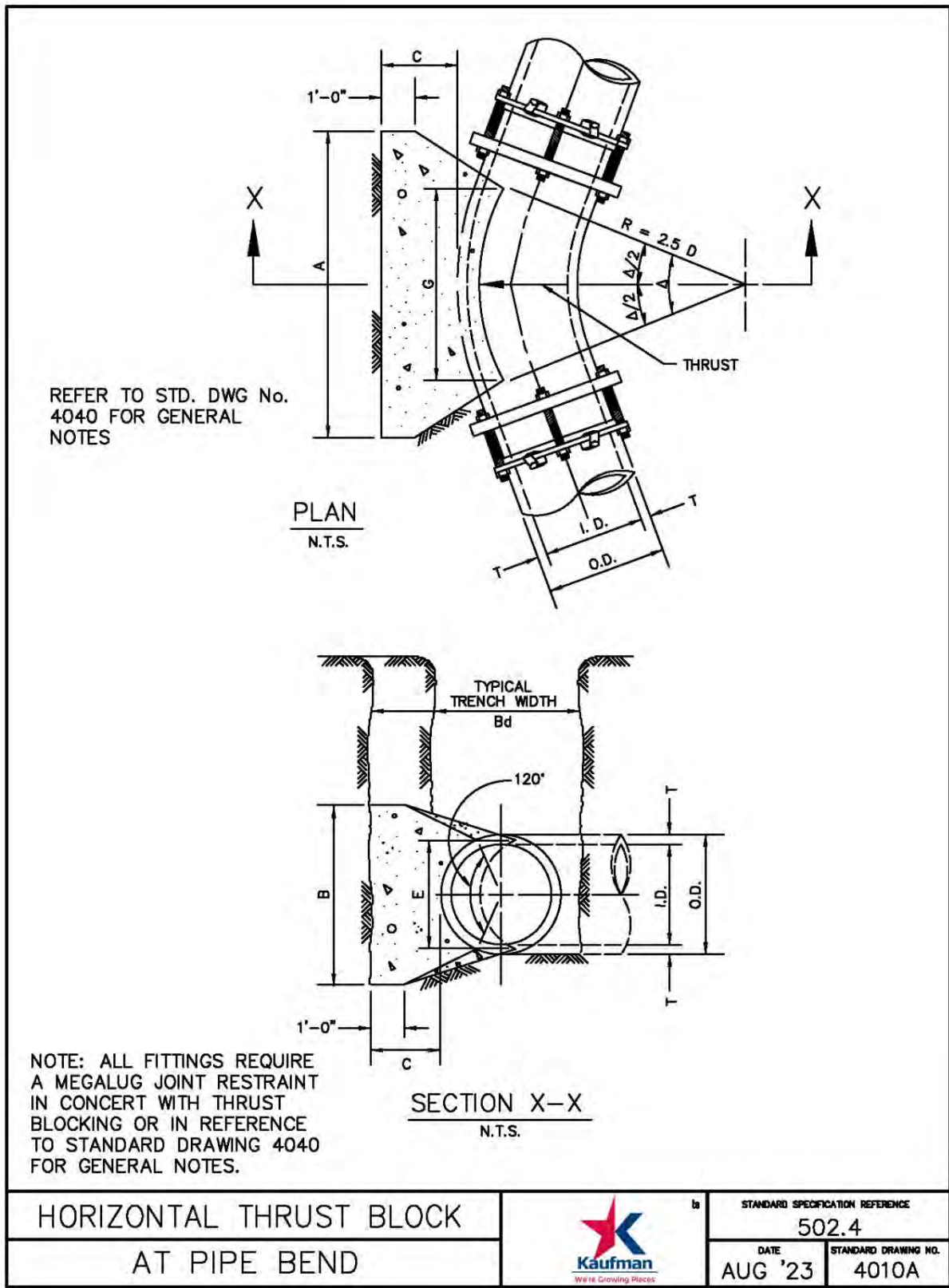
ENCASED ROAD BORE

NO SCALE

NOTES:

- 1) ALL BORES BY CONTRACTOR SHALL BE DRY BORES.
- 2) PREFABRICATED PLASTIC SPACERS SHALL BE RACI NORTH AMERICA OR APPROVED EQUAL, FOR THE SPECIFIC APPLICATION AS RECOMMENDED BY THE MANUFACTURER.
- 3) CONTRACTOR SHALL PROVIDE SUPPORT UNDER CARRIER PIPE TO HAVE A MIN. 1" CLEARANCE BETWEEN PIPE BELL AND ENCASEMENT PIPE.
- 4) ENDS OF ENCASEMENT PIPE SHALL HAVE END SEALS INSTALLED PER MANUFACTURER'S REQUIREMENTS. END SEALS SHALL BE CCI MODEL ESW WRAP-AROUND BY CCI PIPELINE SYSTEMS OR APPROVED EQUAL.
- 5) THE DESIGN ENGINEER SHALL DESIGN THE MINIMUM THICKNESS OF THE ENCASEMENT PIPE. DESIGN WILL NEED TO INCLUDE DEAD LOADING BASED ON THE HEIGHT OF COVER AND HS-20 LOADINGS FOR ROADWAY CROSSINGS AND E-80 LOADINGS FOR RAILROAD CROSSINGS.
- 6) STEEL ENCASEMENT PIPE SHALL CONFORM TO AWWA C-200. PIPE SHALL BE FABRICATED IN ACCORDANCE WITH ASTM A-570 FROM STEEL PLATES HAVING MINIMUM YIELD STRENGTH 36,000 PSI.
- 7) STEEL ENCASEMENT PIPE SHALL BE PAINTED INSIDE AND OUTSIDE WITH TWO COATS OF TNEDEC, HB TNEDECOL, SERIES 46+465 COAL TAR, OR CITY APPROVED EQUIVALENT PRIOR TO DELIVERY TO THE JOB SITE. MINIMUM COATING INSIDE AND OUTSIDE SHALL BE 12+MILS DRY FILM THICKNESS (DFT) PER EACH COAT.
- 8) ENCASEMENT PIPE SHALL BE FIELD WELDED IN ACCORDANCE WITH AWWA C-206. WELDED JOINTS SHALL BE WIRE BRUSHED AND PAINTED WITH ONE COAT OF TNEDEC, OMNITHANE SERIES 530, 2.5-MILS DRY FILM THICKNESS (DFT) OR CITY APPROVED EQUIVALENT.

UNDERGROUND CONDUIT
STEEL ENCASED BORE



I.D. (IN.)	T (IN.)	$\Delta = 11.25'$ C (FT.)	$\Delta \geq 22.50'$ C (FT.)	E (FT.)
4,6,8	0.4	1.5	1.5	0.9
10,12	0.5	1.5	1.5	1.2
16,18	0.6	1.5	1.5	1.6
20	0.7	1.5	1.5	1.8
24	0.9	1.5	1.5	2.1
30	2.9	1.5	1.9	2.6
36	4.5	1.5	2.3	3.3
42	5.0	1.8	2.6	3.8
48	5.5	2.0	3.0	4.3
54	6.0	2.3	3.4	4.8
60	6.5	2.5	3.8	5.3
66	6.8	2.8	4.1	5.7
72	7.5	3.0	4.5	6.3
78	7.5	3.3	4.9	6.7
84	8.0	3.5	5.3	7.2
90	8.5	3.8	5.6	7.7
96	9.0	4.0	6.0	8.2

I.D. (IN.)	Δ = 11.25°								I.D. (IN.)	Δ = 22.50°							
	G (FT.)	THRUST (TONS)	EARTH			ROCK				G (FT.)	THRUST (TONS)	EARTH			ROCK		
			A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)				A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)
4,6,8	0.4	1.0	1.0	1.5	0.1	1.0	1.0	0.1	4,6,8	0.8	2.0	1.5	1.5	0.1	1.0	1.0	0.1
10,12	0.6	2.2	1.5	1.5	0.1	1.0	1.5	0.1	10,12	1.1	4.4	2.0	2.5	0.3	1.5	1.5	0.1
16,18	0.8	5.0	2.0	2.5	0.3	1.5	2.0	0.2	16,18	1.6	9.9	3.0	3.5	0.6	2.0	2.5	0.3
20	0.9	6.2	2.0	3.5	0.4	1.5	3.0	0.3	20	1.8	12.3	3.5	3.5	0.7	2.0	3.0	0.4
24	1.1	8.9	3.0	3.5	0.5	1.5	3.0	0.3	24	2.2	17.7	4.0	4.5	1.0	3.0	3.5	0.5
30	1.4	10.4	3.0	3.5	0.6	2.0	3.5	0.4	30	2.7	20.7	5.0	4.5	1.5	3.0	4.0	0.8
36	1.7	15.0	3.5	4.5	0.9	2.0	4.0	0.5	36	3.3	29.8	5.5	5.5	2.3	4.0	4.0	1.3
42	1.9	20.4	4.5	5.0	1.5	2.5	5.0	0.8	42	3.8	40.5	7.0	6.0	3.9	4.5	5.0	2.1
48	2.2	26.6	4.5	6.0	2.0	2.5	6.0	1.1	48	4.4	52.9	8.0	7.0	5.7	4.5	6.0	2.8
54	2.5	33.7	6.0	6.0	3.0	3.0	6.0	1.4	54	4.9	67.0	9.0	8.0	8.0	6.0	6.0	4.1
60	2.7	41.6	6.0	7.0	3.8	3.0	7.0	1.8	60	5.5	82.7	9.5	9.0	10.6	6.0	7.0	5.3
66	3.0	50.3	6.5	8.0	5.1	3.5	8.0	2.7	66	6.0	100.1	10.5	10.0	14.1	6.5	8.0	7.2
72	3.3	59.9	7.5	8.0	6.3	4.0	8.0	3.3	72	6.6	119.1	11.0	11.0	17.6	7.5	8.0	9.1
78	3.6	70.2	8.0	9.0	8.1	4.0	9.0	3.9	78	7.1	139.8	12.0	12.0	22.5	8.0	9.0	11.7
84	3.8	81.5	8.5	10.0	10.3	4.5	10.0	5.3	84	7.6	162.1	13.0	12.5	27.2	8.5	10.0	14.8
90	4.1	93.5	9.5	10.0	12.2	5.0	10.0	6.3	90	8.2	186.1	14.0	13.5	33.7	9.5	10.0	17.7
96	4.4	106.4	10.0	11.0	15.0	5.0	11.0	7.4	96	8.7	211.7	15.0	14.5	41.2	10.0	11.0	21.8

TABLES OF DIMENSIONS AND QUANTITIES

HORIZONTAL THRUST BLOCK
AT PIPE BEND



STANDARD SPECIFICATION REFERENCE
502.4

DATE
AUG '23

STANDARD DRAWING NO.
4010B

$\Delta = 30^\circ$									$\Delta = 45^\circ$								
I.D. (IN.)	G (FT.)	THRUST (TONS)	EARTH			ROCK			I.D. (IN.)	G (FT.)	THRUST (TONS)	EARTH			ROCK		
			A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)				A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)
4,6,8	1.0	2.6	2.0	1.5	0.2	1.0	1.5	0.1	4,6,8	1.5	3.9	2.0	2.0	0.2	1.5	1.5	0.1
10,12	1.5	5.9	2.5	2.5	0.3	2.0	1.5	0.2	10,12	2.2	8.7	3.5	2.5	0.5	2.0	2.5	0.3
16,18	2.2	13.2	3.5	4.0	0.8	2.5	3.0	0.4	16,18	3.2	19.5	4.5	4.5	1.2	3.0	3.5	0.6
20	2.4	16.3	4.5	4.0	1.0	3.0	3.0	0.5	20	3.6	24.1	5.5	4.5	1.5	3.5	3.5	0.7
24	2.9	23.4	6.0	4.0	1.4	3.5	3.5	0.7	24	4.3	34.6	8.0	4.5	2.3	4.5	4.0	1.1
30	3.6	27.5	6.5	5.0	1.9	3.5	4.0	0.9	30	5.4	40.6	8.5	5.0	3.2	5.5	4.0	1.6
36	4.4	39.5	7.0	6.0	3.4	4.5	4.5	1.6	36	6.5	58.5	10.0	6.0	5.3	6.5	4.5	2.6
42	5.1	53.8	8.0	7.0	5.1	5.5	5.0	2.5	42	7.5	79.6	11.5	7.0	8.1	8.0	5.0	4.2
48	5.8	70.3	9.0	8.0	7.4	6.0	6.0	3.7	48	8.6	104.0	13.0	8.0	11.9	9.0	6.0	6.3
54	6.5	89.0	10.0	9.0	10.3	7.0	6.5	5.3	54	9.7	131.5	15.0	9.0	17.1	10.5	6.5	8.9
60	7.3	110.0	11.0	10.0	13.9	7.5	7.5	7.3	60	10.7	162.4	16.5	10.0	23.1	11.0	7.5	12.0
66	8.0	132.9	12.5	11.0	18.9	8.5	8.0	9.6	66	11.8	196.5	18.0	11.0	30.1	12.0	8.5	16.2
72	8.7	158.2	13.5	12.0	24.0	9.0	9.0	12.3	72	12.9	233.9	19.5	12.0	38.6	14.0	8.5	20.7
78	9.4	185.6	14.5	13.0	30.0	10.0	9.5	15.6	78	13.9	274.5	21.5	13.0	49.8	14.5	9.5	25.9
84	10.1	215.3	15.5	14.0	37.1	10.5	10.5	19.5	84	15.0	318.4	23.0	14.0	61.2	15.5	10.5	32.6
90	10.9	247.1	16.5	15.0	45.0	11.5	11.0	23.9	90	16.1	365.5	24.5	15.0	74.5	17.5	10.5	39.6
96	11.6	281.2	18.0	16.0	55.5	12.5	11.5	28.9	96	17.1	415.6	26.0	16.0	89.5	18.5	11.5	48.5

$\Delta = 67.50^\circ$									$\Delta = 90^\circ$								
I.D. (IN.)	G (FT.)	THRUST (TONS)	EARTH			ROCK			I.D. (IN.)	G (FT.)	THRUST (TONS)	EARTH			ROCK		
			A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)				A (FT.)	B (FT.)	VOL. (C.Y.)	A (FT.)	B (FT.)	VOL. (C.Y.)
4,6,8	2.1	5.6	3.0	2.0	0.3	2.0	1.5	0.2	4,6,8	2.7	7.1	5.0	1.5	0.4	2.0	2.0	0.2
10,12	3.1	12.6	5.5	2.5	0.8	3.5	2.0	0.4	10,12	4.0	16.0	6.5	2.5	1.0	3.5	2.5	0.5
16,18	4.7	28.3	7.5	4.0	1.9	5.5	3.0	0.9	16,18	6.0	36.0	9.0	4.0	2.4	4.5	4.0	1.0
20	5.2	34.9	9.0	4.0	2.3	5.5	3.5	1.2	20	6.6	44.4	10.0	4.5	3.1	6.0	4.0	1.5
24	6.2	50.3	11.5	4.5	3.5	6.5	4.0	1.6	24	7.9	64.0	14.5	4.5	5.0	8.0	4.0	2.1
30	7.8	58.9	12.0	5.0	4.8	7.5	4.0	2.2	30	9.9	75.0	15.0	5.0	6.7	10.0	4.0	3.3
36	9.4	84.9	14.5	6.0	8.2	9.5	4.5	3.8	36	11.9	108.0	18.0	6.0	11.4	12.0	4.5	5.3
42	10.9	115.5	17.0	7.0	12.8	11.0	5.5	6.3	42	13.9	147.0	21.0	7.0	17.8	14.0	5.5	8.7
48	12.5	150.9	19.0	8.0	18.4	13.0	6.0	9.2	48	15.9	192.0	24.0	8.0	26.2	16.0	6.0	12.4
54	14.0	191.0	21.5	9.0	26.0	15.0	6.5	12.9	54	17.9	243.0	27.0	9.0	36.9	18.0	7.0	18.1
60	15.6	235.8	24.0	10.0	35.6	16.0	7.5	17.6	60	19.9	299.8	30.0	10.0	50.3	20.0	7.5	24.0
66	17.1	285.3	26.0	11.0	46.0	18.0	8.0	23.0	66	21.8	362.8	33.0	11.0	66.2	22.0	8.5	32.5
72	18.7	339.5	28.5	12.0	57.8	19.0	9.0	28.4	72	23.8	431.8	36.0	12.0	85.6	24.0	9.0	41.0
78	20.2	398.5	31.0	13.0	75.7	21.0	9.5	37.4	78	25.7	506.7	39.0	13.0	108.2	26.0	10.0	53.2
84	21.8	462.1	33.5	14.0	94.7	22.0	10.5	46.5	84	27.7	587.7	42.0	14.0	134.4	28.0	10.5	64.8
90	23.3	530.5	35.5	15.0	114.4	24.5	11.0	58.2	90	29.0	674.6	45.0	15.0	164.9	30.0	11.5	81.2
96	24.9	603.6	38.0	16.0	138.9	25.5	12.0	70.0	96	31.6	767.5	48.0	16.0	199.0	32.0	12.0	95.1

TABLE OF DIMENSIONS AND QUANTITIES

HORIZONTAL THRUST BLOCK

AT PIPE BEND



STANDARD SPECIFICATION REFERENCE

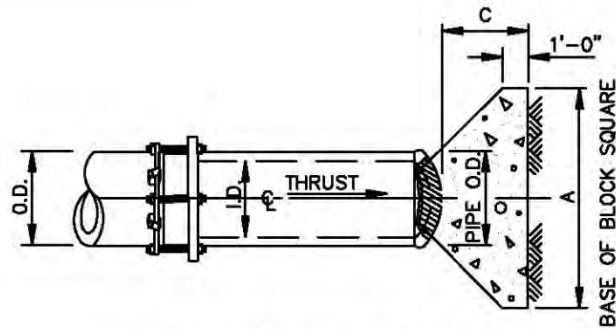
502.4

DATE

AUG '23

STANDARD DRAWING NO.

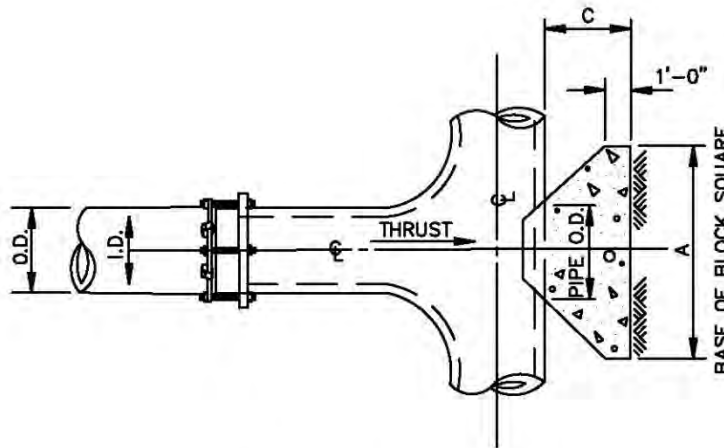
4010C



PLAN OF PLUG THRUST BLOCK

N.T.S.

REFER TO
STD. DWG. No. 4040
FOR GENERAL NOTES.



PLAN OF TEE THRUST BLOCK

N.T.S.

I.D. (IN.)	THRUST (TONS)	C (FT.)	EARTH		ROCK	
			A (FT.)	VOL. (C.Y.)	A (FT.)	VOL. (C.Y.)
4,6,8	5.1	1.5	2.5	0.3	2.0	0.2
10,12	11.3	1.5	3.5	0.6	2.5	0.3
16,18	25.5	2.0	5.5	1.6	4.0	0.9
20	31.5	2.0	6.0	1.9	4.0	0.9
24	45.2	2.5	7.0	3.1	5.0	1.7
30	53.0	3.0	7.5	4.1	5.5	2.4
36	76.3	4.0	9.0	7.3	6.5	4.2
42	104.0	4.5	10.5	11.0	7.5	6.2
48	136.0	5.0	12.0	15.6	8.5	8.7
54	172.0	5.5	13.5	21.4	9.5	11.9
60	212.0	6.0	15.0	28.4	10.5	15.7
66	257.0	6.5	16.5	36.8	11.5	20.5
72	305.0	7.5	17.5	47.2	12.5	27.2
78	358.0	8.0	19.0	58.9	13.5	33.7
84	416.0	8.5	20.5	72.3	14.5	41.2
90	477.0	9.0	22.0	87.7	15.5	49.7
96	543.0	9.5	23.5	104.8	16.5	61.0

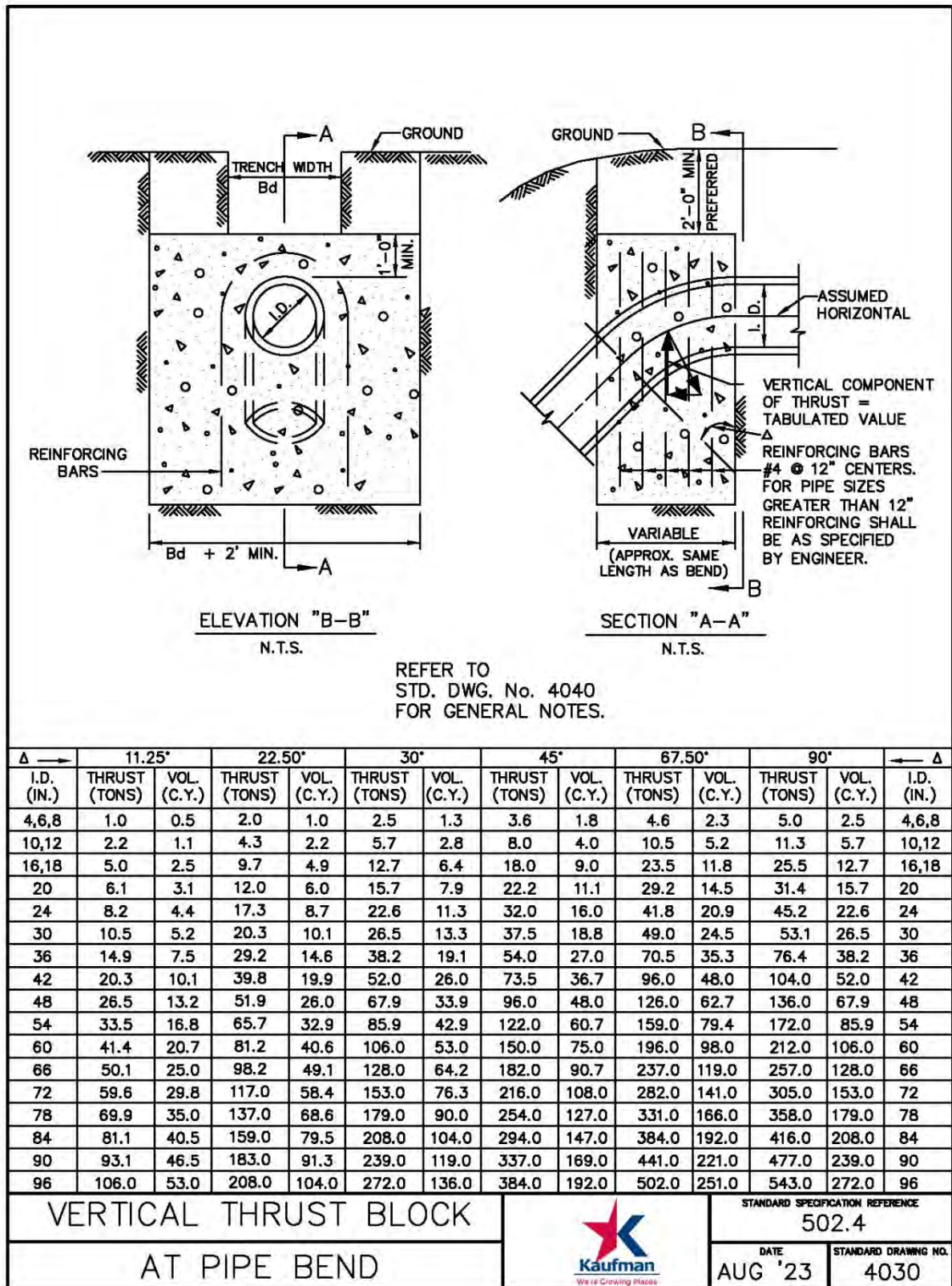
HORIZONTAL THRUST BLOCK
AT TEES AND PLUGS



STANDARD SPECIFICATION REFERENCE
502.4

DATE
AUG '23

STANDARD DRAWING NO.
4020



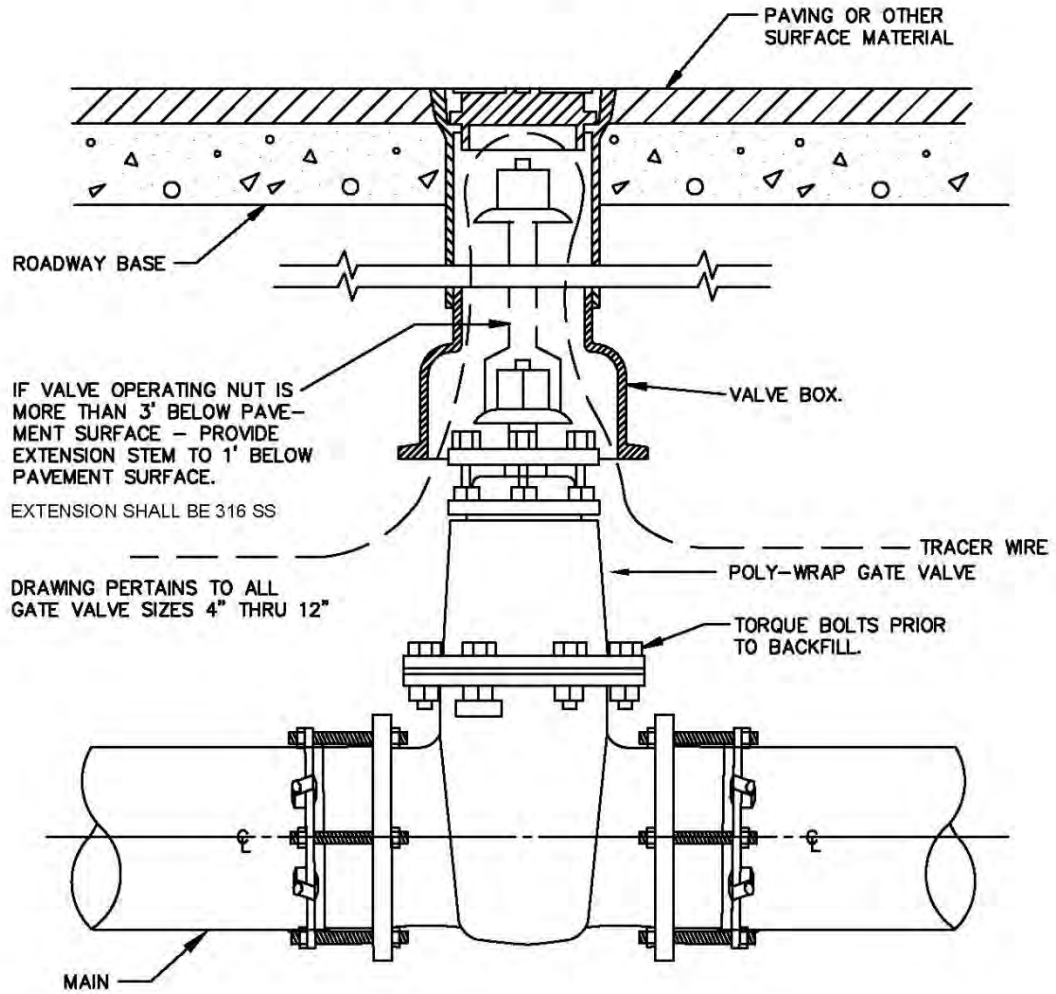
GENERAL NOTES FOR ALL THRUST BLOCKS:

1. CONCRETE FOR BLOCKING SHALL BE CLASS "B".
2. ALL CALCULATIONS ARE BASED ON INTERNAL PRESSURE OF 200 PSI FOR DUCTILE IRON, P.V.V, AND 150 PSI FOR CONCRETE PIPE.
3. VOLUMES OF THRUST BLOCKS ARE NET VOLUMES OF CONCRETE TO BE FURNISHED. THE CORRESPONDING WEIGHT OF THE CONCRETE (CLASS "B") IS EQUAL TO OR GREATER THAN THE VERTICAL COMPONENT OF THE THRUST ON THE VERTICAL BEND.
4. WALL THICKNESS (T) ASSUMED HERE FOR ESTIMATING PURPOSES ONLY.
5. POUR CONCRETE FOR BLOCKS AGAINST UNDISTURBED EARTH.
6. DIMENSIONS MAY BE VARIED AS REQUIRED BY FIELD CONDITIONS WHERE AND AS DIRECTED BY THE ENGINEER. THE VOLUME OF CONCRETE BLOCKING SHALL NOT BE LESS THAN SHOWN HERE.
7. THE SOIL BEARING PRESSURES ARE BASED ON 1000 LBS./S.F. IN SOIL AND 2000 LBS./S.F. IN ROCK.
8. USE POLYETHYLENE WRAP OR EQUAL BETWEEN CONCRETE AND BEND, TEE, OR PLUG TO PREVENT THE CONCRETE FROM STICKING TO IT.
9. CONCRETE SHALL NOT EXPAND BEYOND JOINTS.
10. RESTRAINED JOINTS AND/OR THRUST BLOCKING SHALL BE USED TO RESIST THRUST FORCES AT ALL FITTINGS. IF USED IN LIEU OF THRUST BLOCKING, RESTRAINING LENGTH SHALL BE CALCULATED IN ACCORDANCE WITH AWWA M41 FOR DUCTILE IRON PIPES AND AWWA M23 FOR PVC PIPES.
11. IF ADDING ADDITIONAL SACRIFICIAL ANODE DETAIL: SACRIFICIAL ANODES CAN BE ADDED TO FITTINGS AS DIRECTED BY OWNER AND/OR ENGINEER.

THRUST BLOCK		STANDARD SPECIFICATION REFERENCE 502.4	
GENERAL NOTES		DATE AUG '23	STANDARD DRAWING NO. 4040

NOTE:

IN UNPAVED AREAS, INSTALL 2' x 2' x 6" CONCRETE VALVE PAD FLUSH WITH THE TOP OF VALVE BOX. REINFORCE WITH #3 BARS ON 6" CENTERS BOTH WAYS.



**GATE VALVE BOX AND
EXTENSION STEM**

N.T.S.

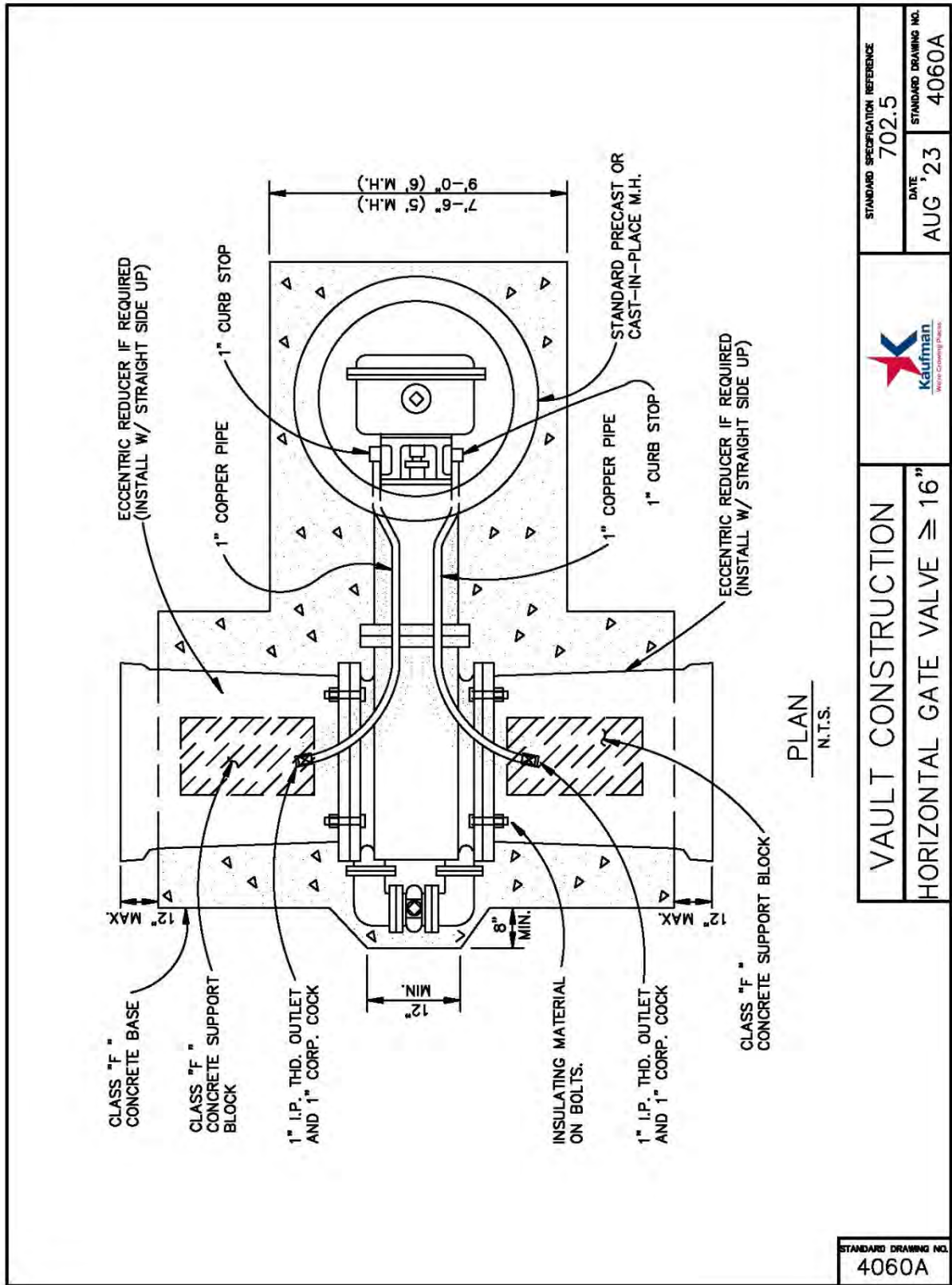
**GATE VALVE 4" TO 12"
BOX & EXTENSION STEM**



STANDARD SPECIFICATION REFERENCE
502.6

DATE
AUG '23

STANDARD DRAWING NO.
4050

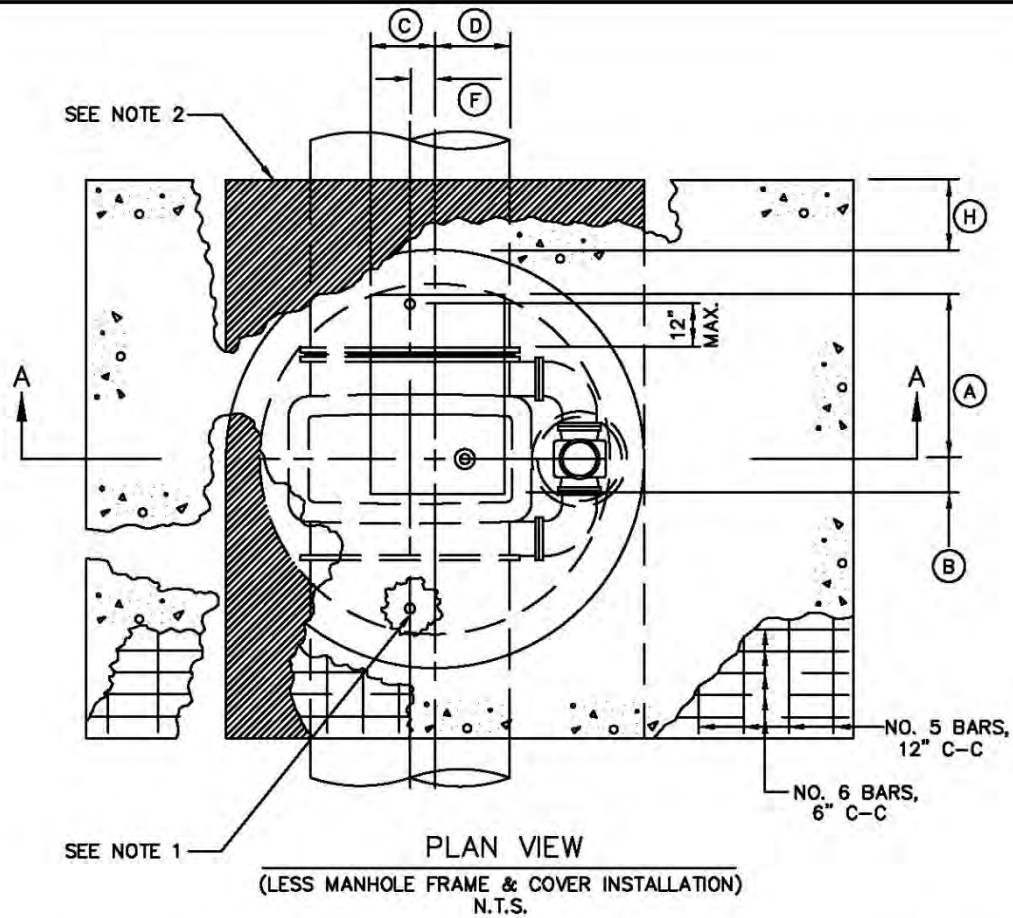


STANDARD SPECIFICATION REFERENCE	702.5
	DATE AUG '23
STANDARD DRAWING NO.	4060A



Vault Construction
Horizontal Gate Valve $\geq 16"$

STANDARD DRAWING NO.
4060A

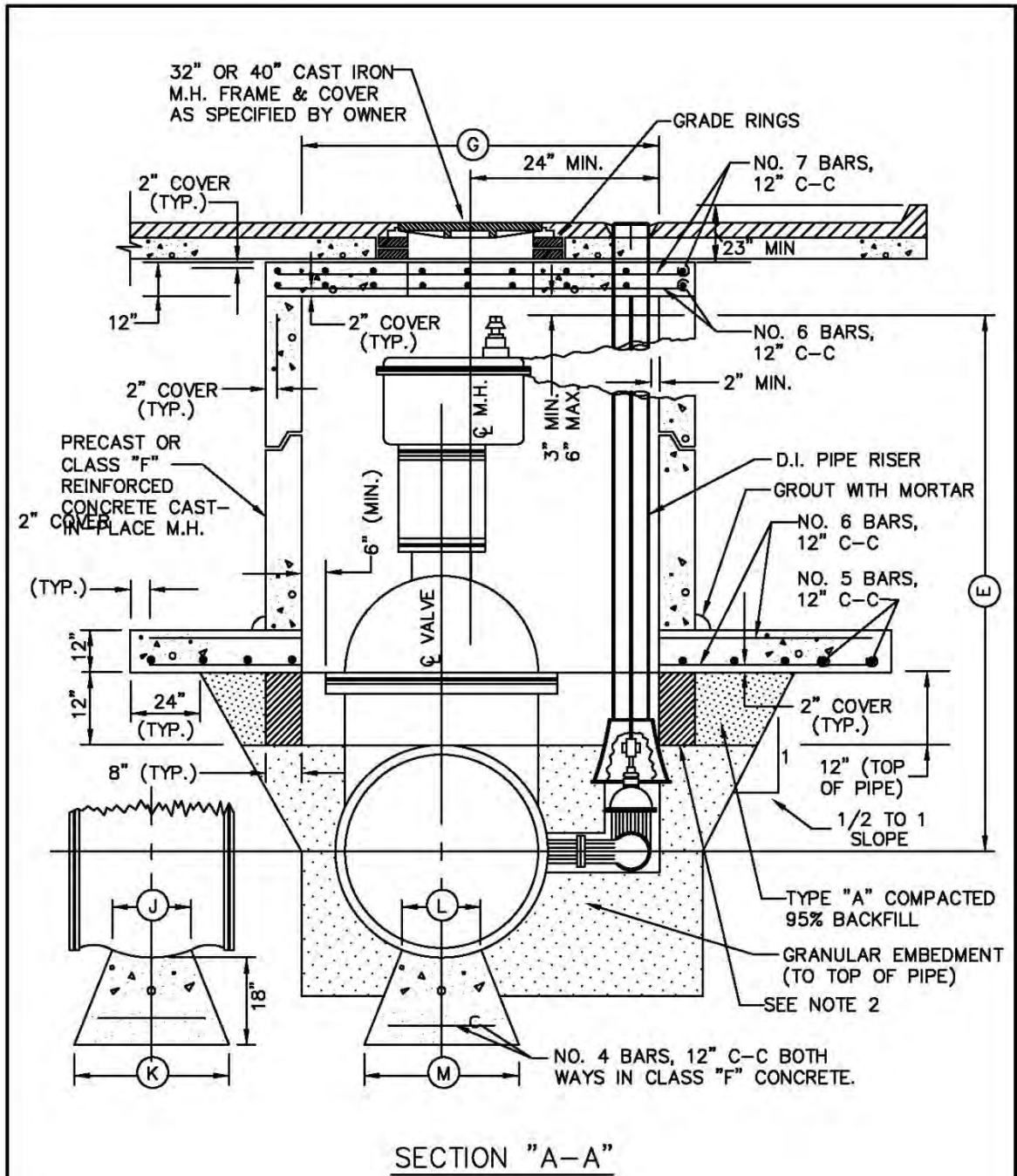


GATE VALVE SIZE	DIMENSION TABLE											
	A	B	C	D	E	F	G	H	J	K	L	M
16"	20"	20"	12"	12"	44 1/2"	1"	48"	12"	10"	24"	12"	16"
18"	20"	20"	12"	12"	51 3/8"	2"	48"	12"	12"	24"	12"	18"
20"	22"	18"	12"	12"	56 5/8"	1"	48"	12"	12"	24"	16"	20"
24"	26"	14"	12"	12"	64 3/8"	1"	60"	18"	14"	30"	18"	24"
30"	28"	12"	12"	12"	80 5/8"	3"	60"	18"	18"	30"	20"	30"
36"	32"	8"	12"	12"	90 1/16"	4"	72"	18"	18"	36"	24"	36"
42"	34"	6"	15"	9"	107 3/4"	5"	84"	24"	20"	36"	30"	42"
48"	36"	4"	14"	10"	121 5/8"	4"	96"	24"	26"	42"	36"	48"
54"	36"	4"	9"	15"	142 1/2"	3"	120"	24"	32"	46"	40"	54"

NOTES:

1. PROVIDE CORPORATION AND CURB STOPS A MAXIMUM OF 12" FROM EACH END OF GATE VALVE, AS SHOWN. CORPORATION AND CURB STOP SIZES SHALL BE 1" FOR 16", 20", AND 24" NOMINAL PIPE DIAMETERS; 2" FOR 30" AND LARGER DIAMETERS. 2" TAPS SHALL BE MADE AS A 2" FLANGED OUTLET WITH INSULATED ADAPTOR KIT. COPPER RISERS SHALL BE PROVIDED BETWEEN THE CORPORATION AND CURB STOPS. CURB STOPS SHALL BE INSTALLED AT AN ELEVATION 12" ABOVE THE TOP SURFACE OF VAULT BOTTOM SLAB.
2. POLYURETHANE CUSHION PAD.
3. STANDARD PRECAST DIMENSIONS MAY BE USED WITH APPROVAL OF THE OWNER AND MAY REQUIRE AN INCREASE IN SIZE TO THE NEXT READILY AVAILABLE PRECAST DIMENSION.

VAULT CONSTRUCTION		STANDARD SPECIFICATION REFERENCE 702.5	
VERTICAL GATE VALVE $\geq 16''$		DATE AUG '23	STANDARD DRAWING NO. 4070A



REFER TO STD. DWG. 4070A FOR DIMENSION TABLE AND GENERAL NOTES.

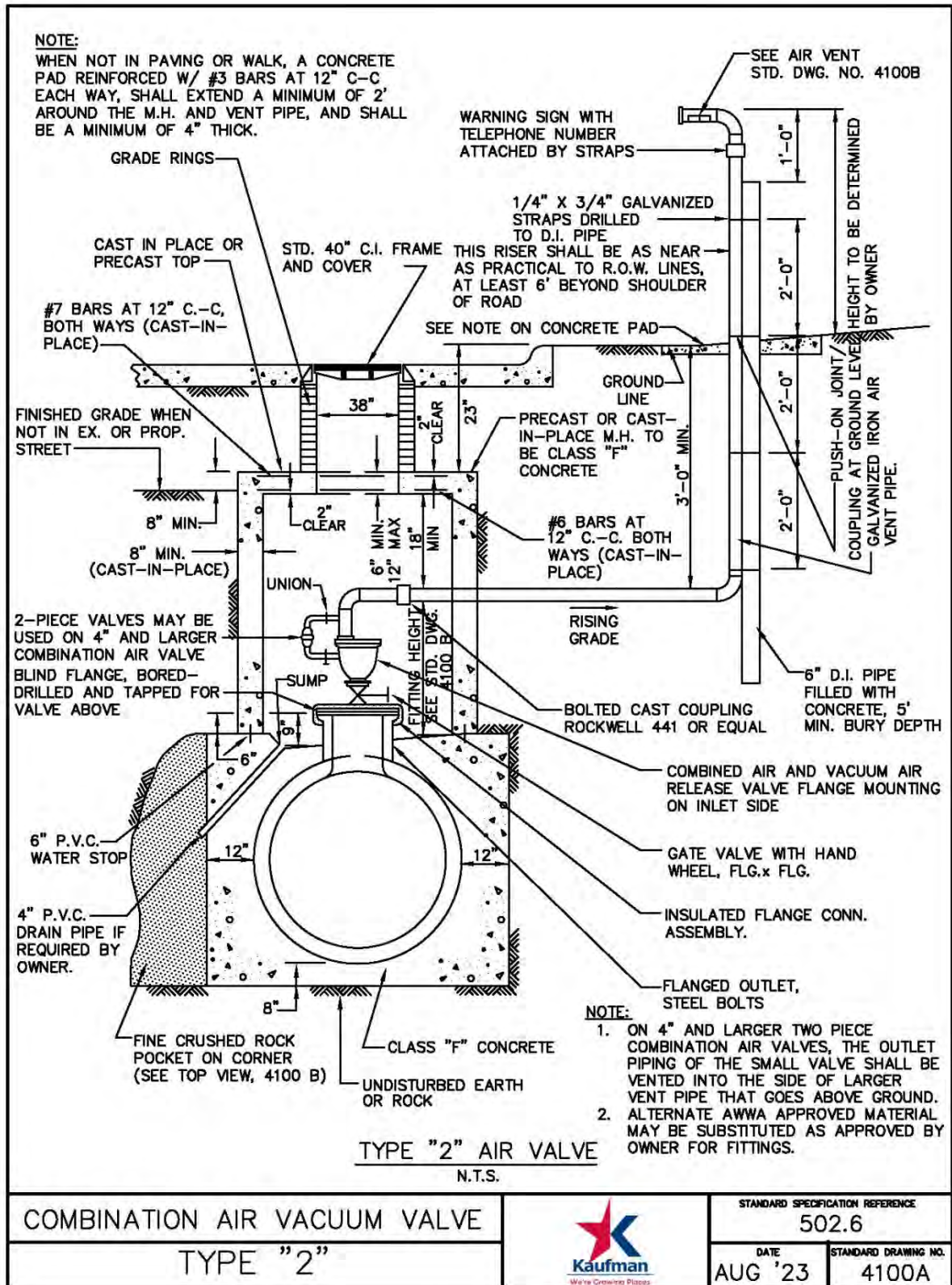
VAULT CONSTRUCTION
VERTICAL GATE VALVE $\geq 16"$

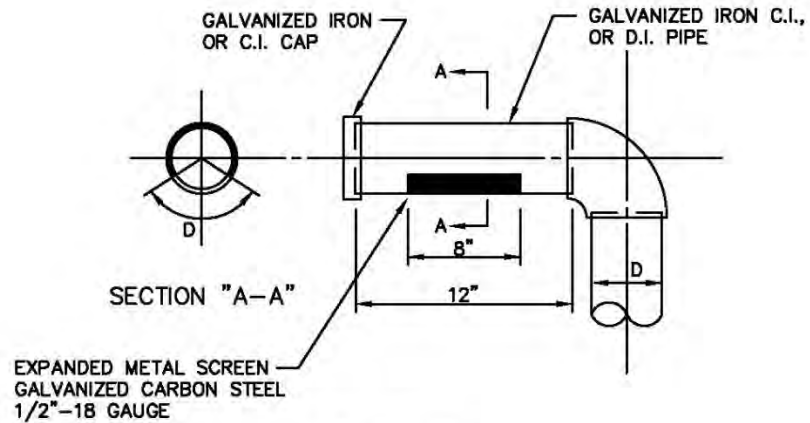


STANDARD SPECIFICATION REFERENCE
702.5

DATE
AUG '23

STANDARD DRAWING NO.
4070B

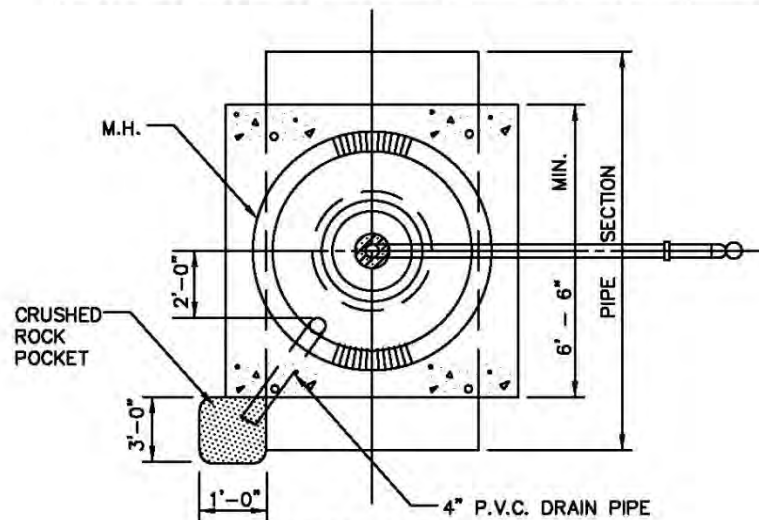




AIR VENT

N.T.S.

AIR VALVE	GATE VALVE	FLG. OUTLET	MIN. FITTING HEIGHT	VENT PIPE D	M.H. DIA.
2"	2"	8"	26"	2"	5'
3"	3"	18"	31"	3"	5'
4"	4"	18"	38"	4"	5'
6"	6"	18"	46"	6"	5'
8"	8"	18"	53"	8"	6'
10"	10"	20"	62"	10"	6'
12"	12"	24"	72"	12"	6'



PLAN VIEW

N.T.S.

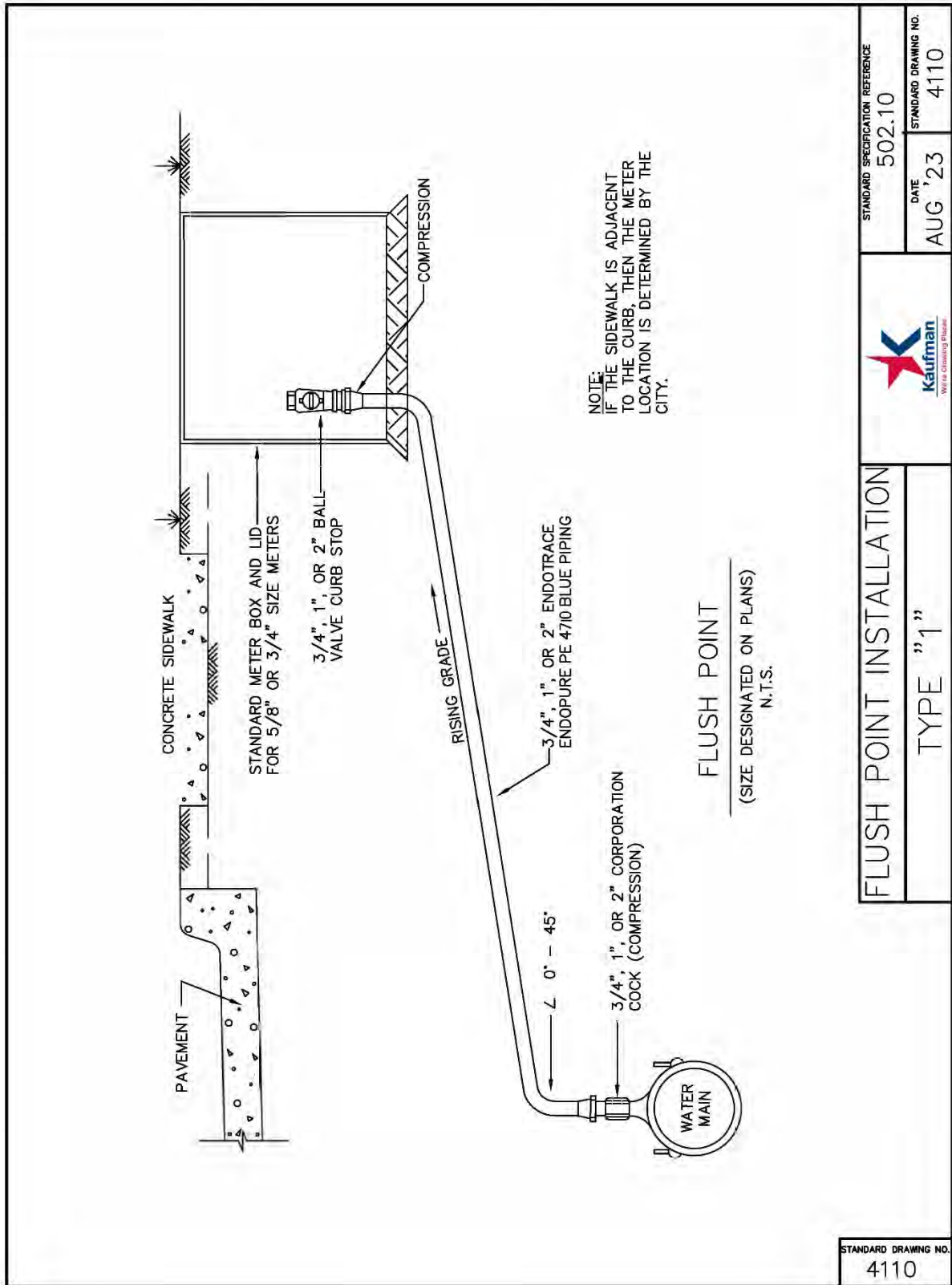
AIR VENT STANDARD
DIMENSION AND DETAIL



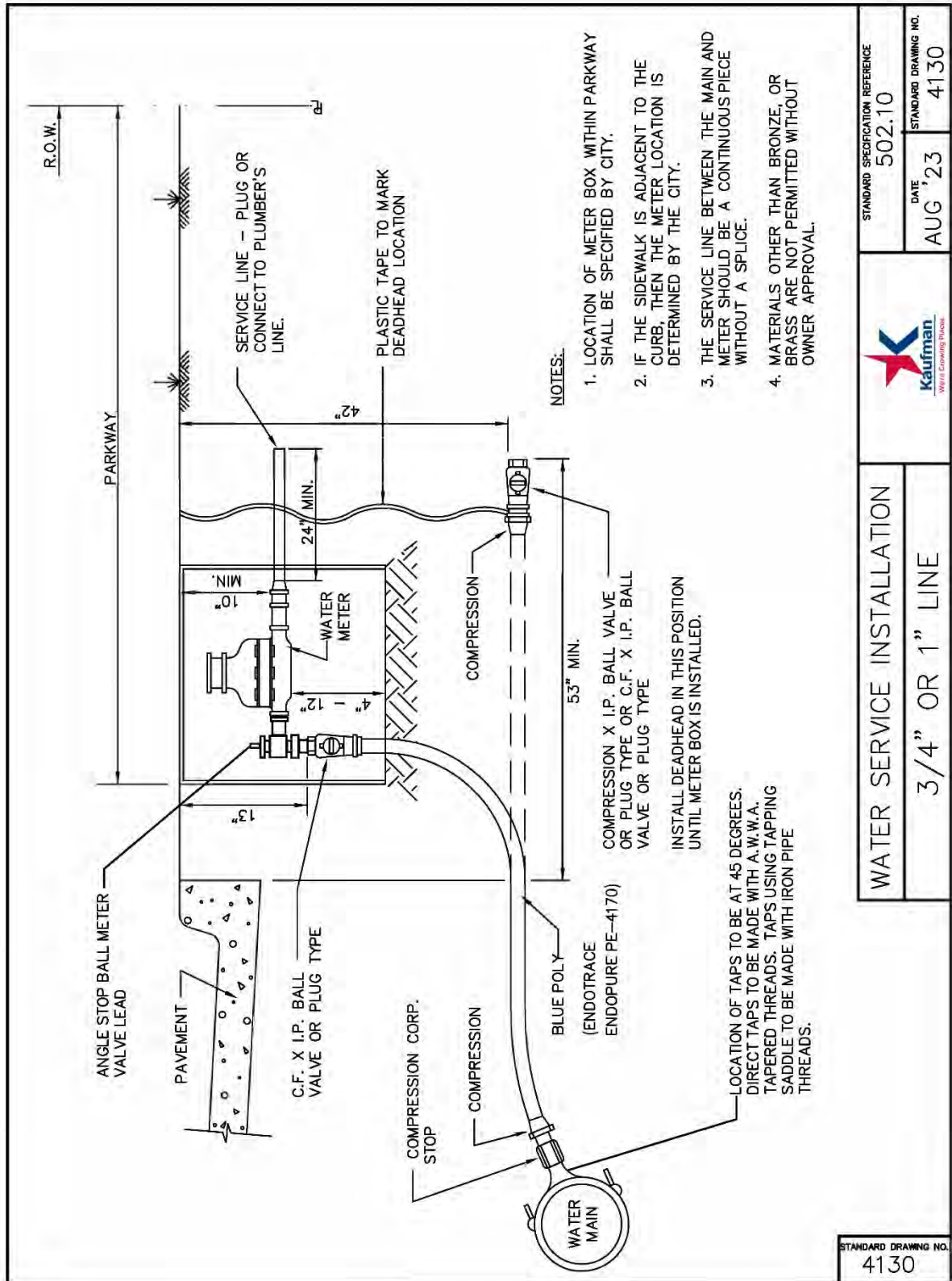
STANDARD SPECIFICATION REFERENCE
502.6

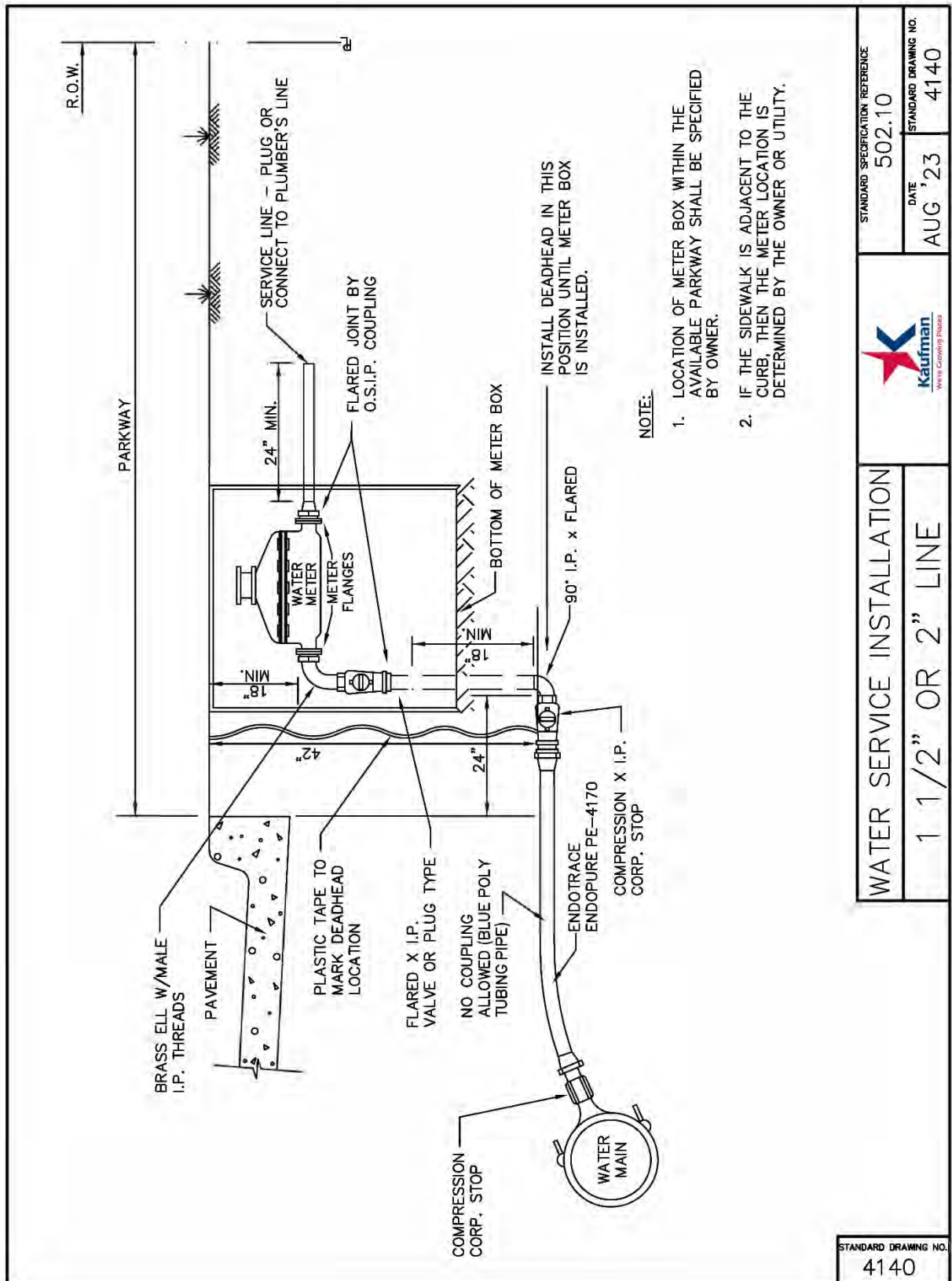
DATE
AUG '23

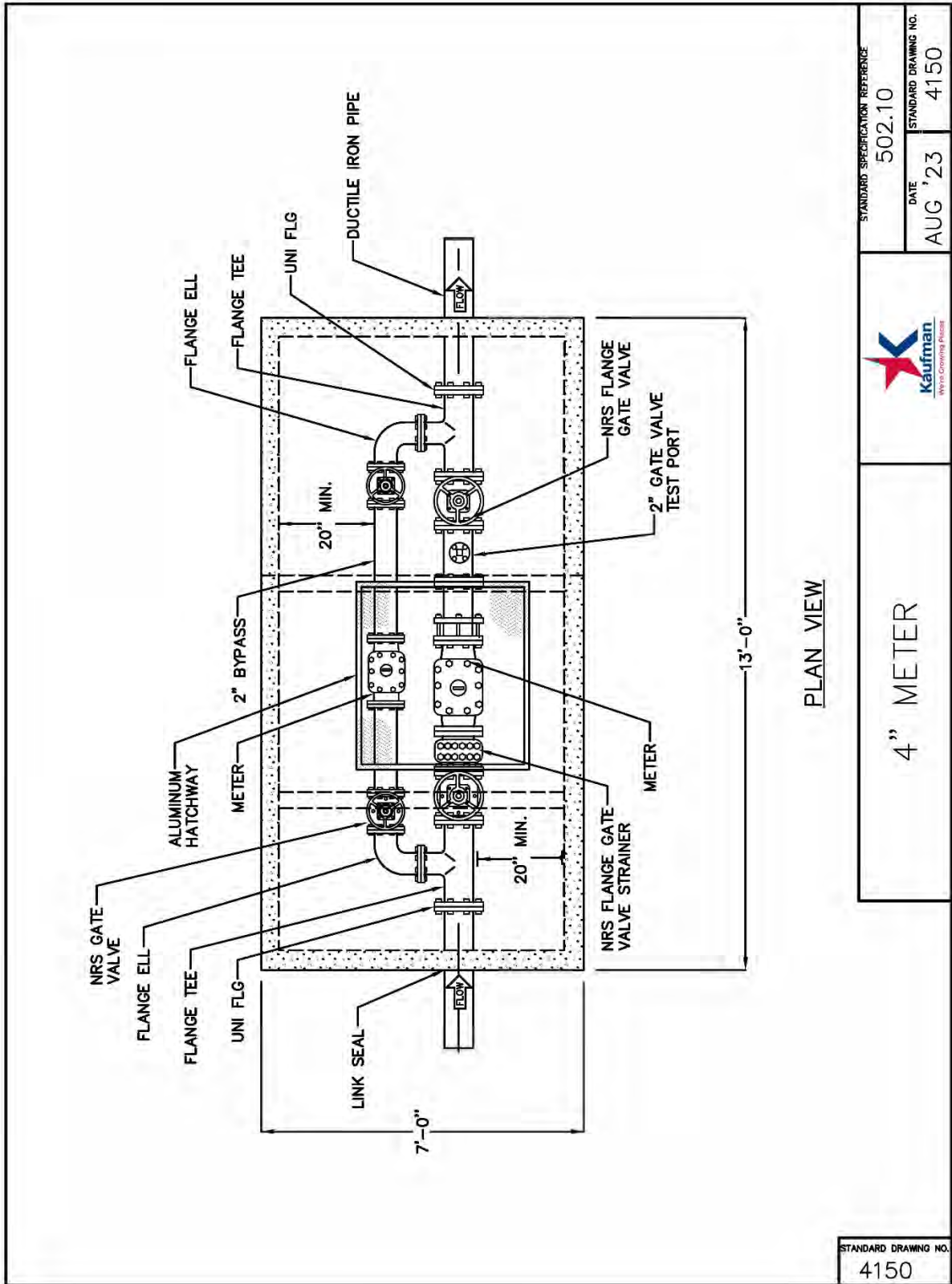
STANDARD DRAWING NO.
4100B

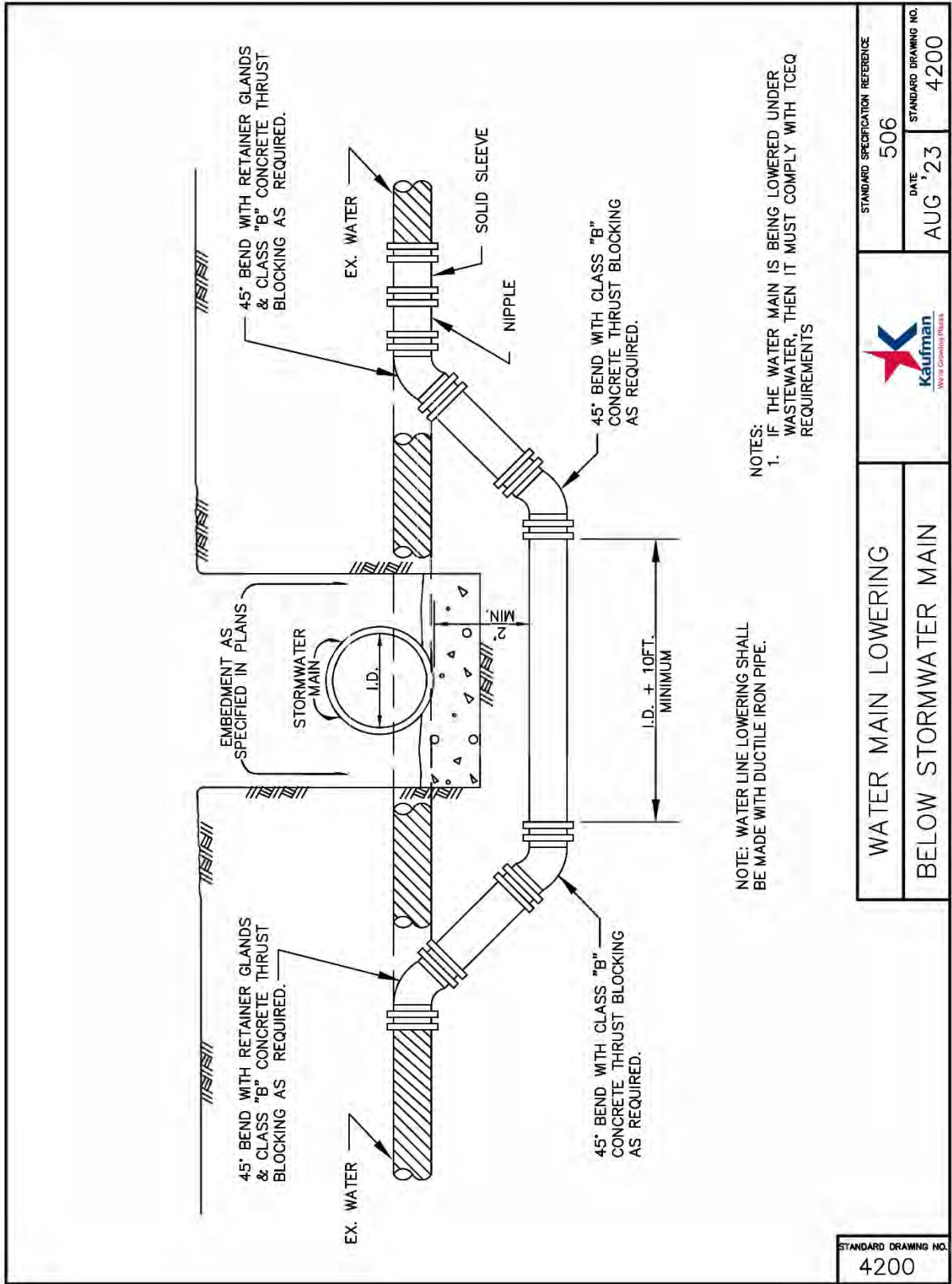










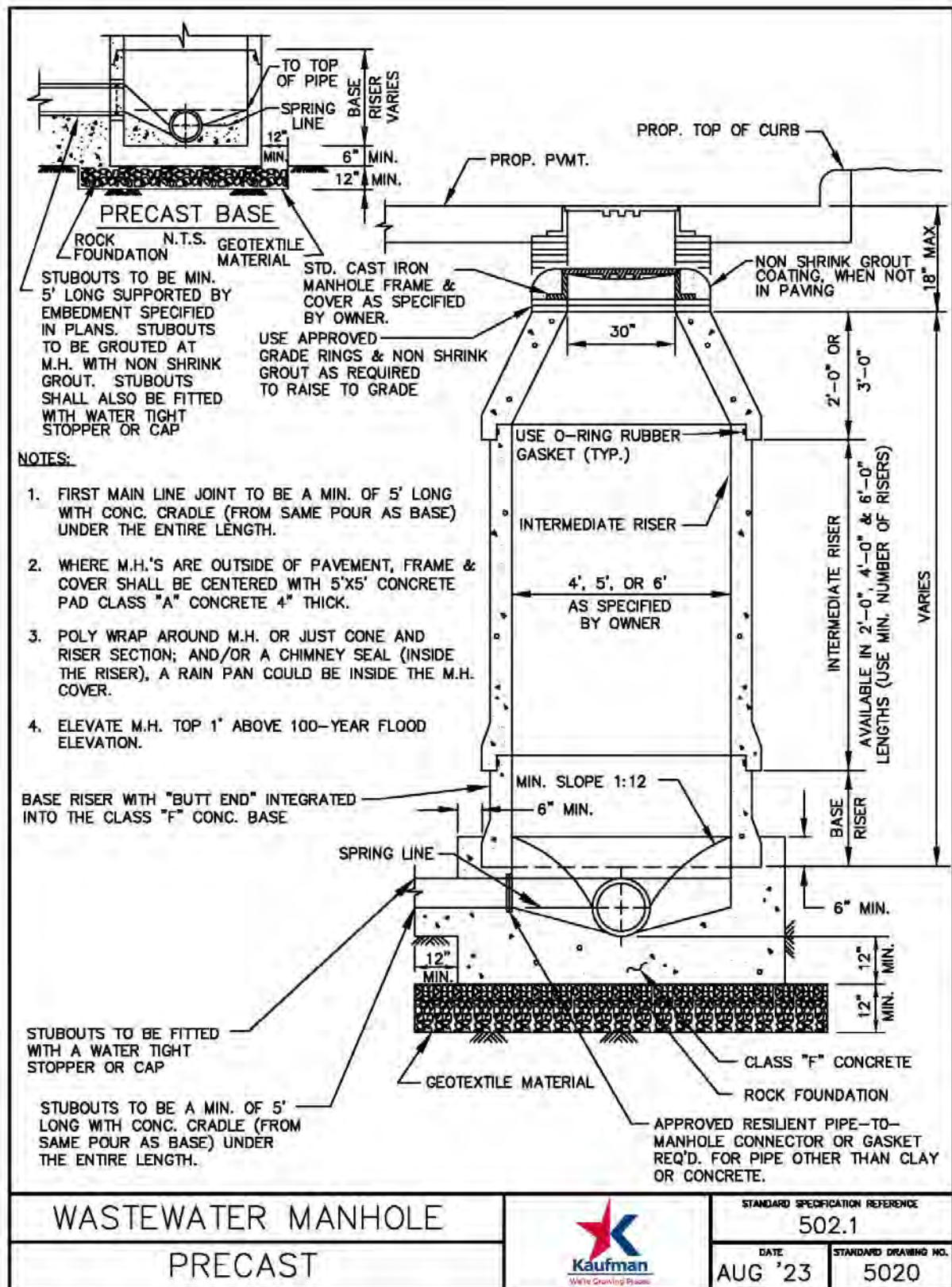


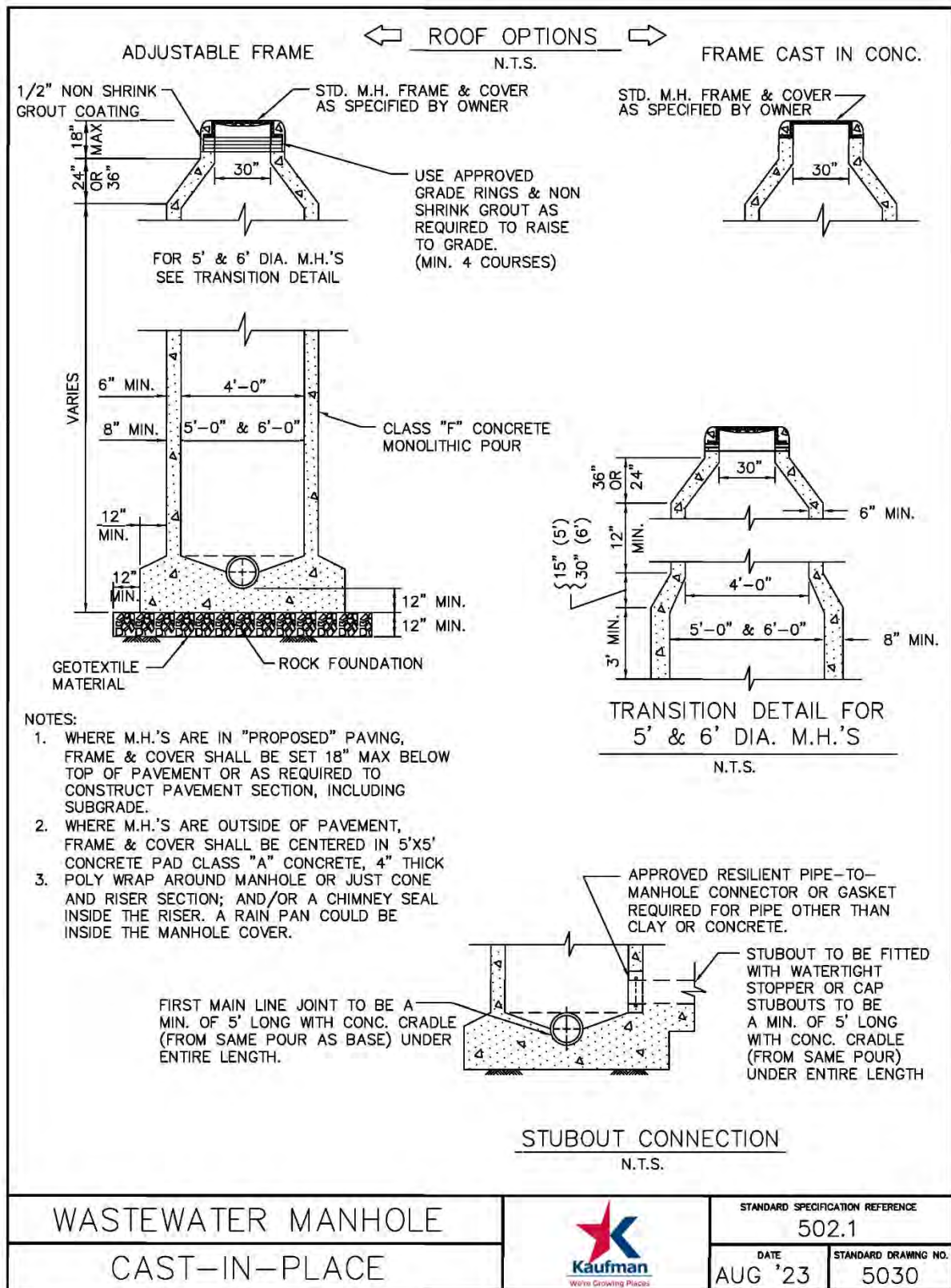
STANDARD SPECIFICATION REFERENCE	506
DATE	AUG '23
STANDARD DRAWING NO.	4200

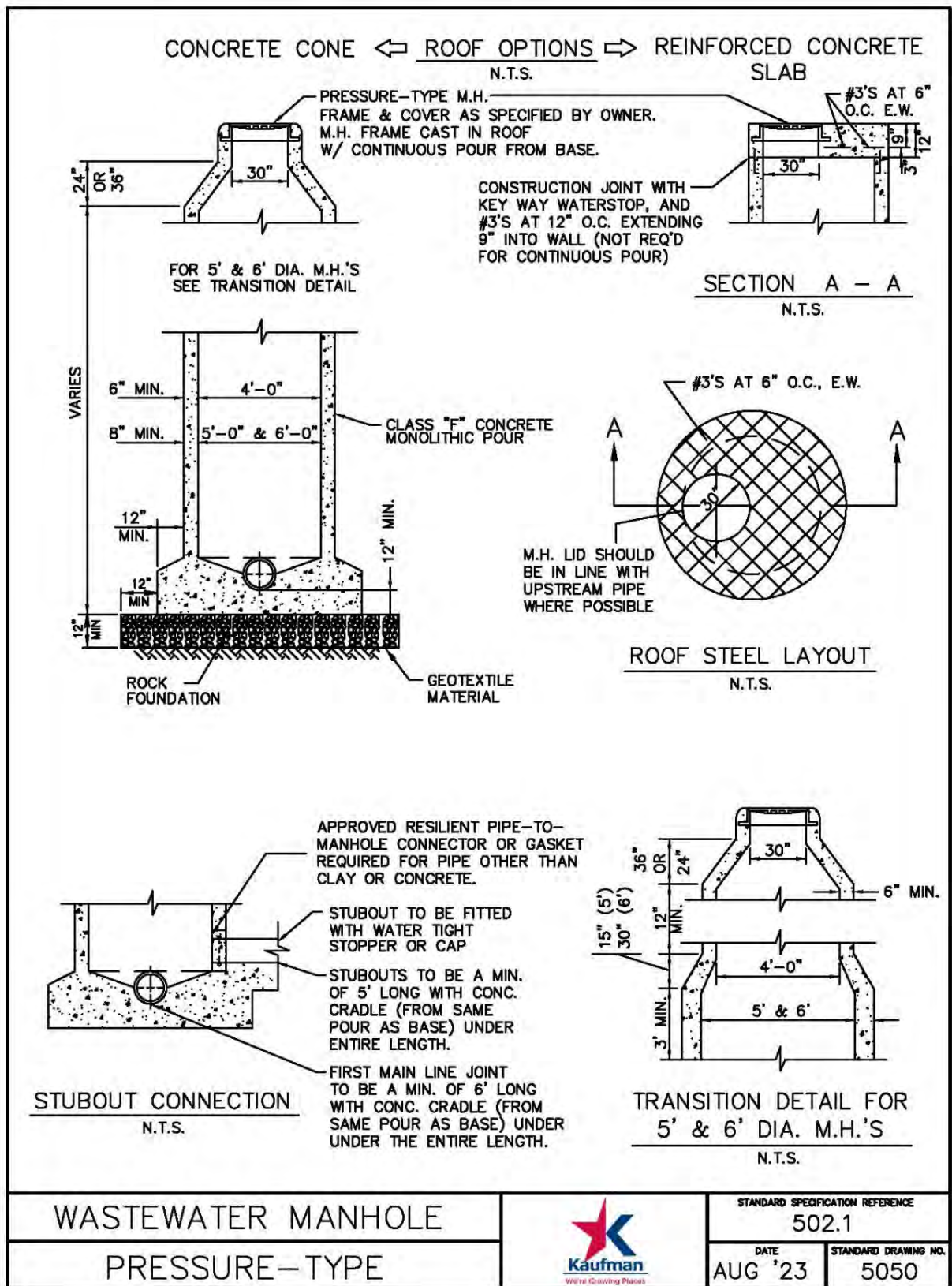


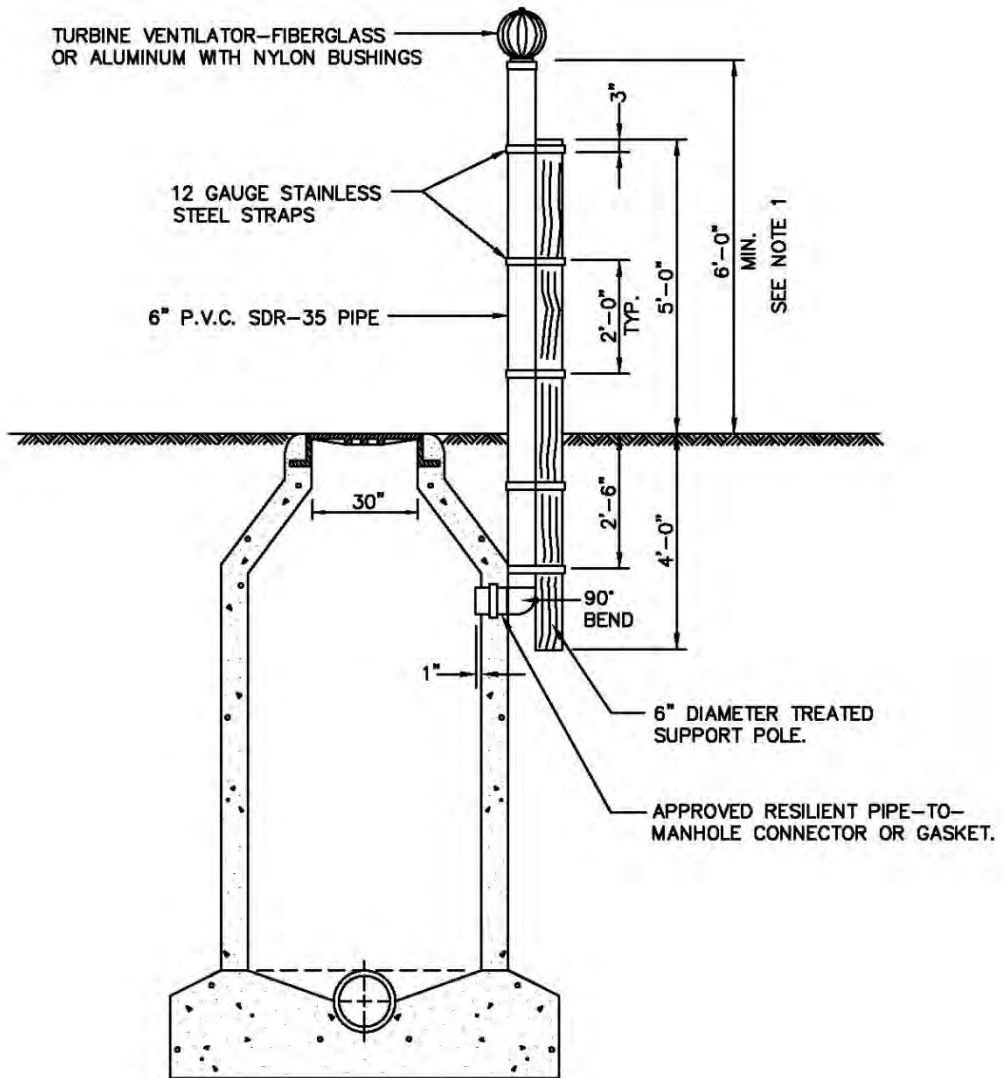
WATER MAIN LOWERING
BELOW STORMWATER MAIN

STANDARD DRAWING NO.
4200









NOTES:

1. ELEVATE TOP OF VENT MIN. 1' ABOVE 100-YEAR FLOOD ELEVATION.
2. FRAME AND COVER SHALL BE BOLTED.

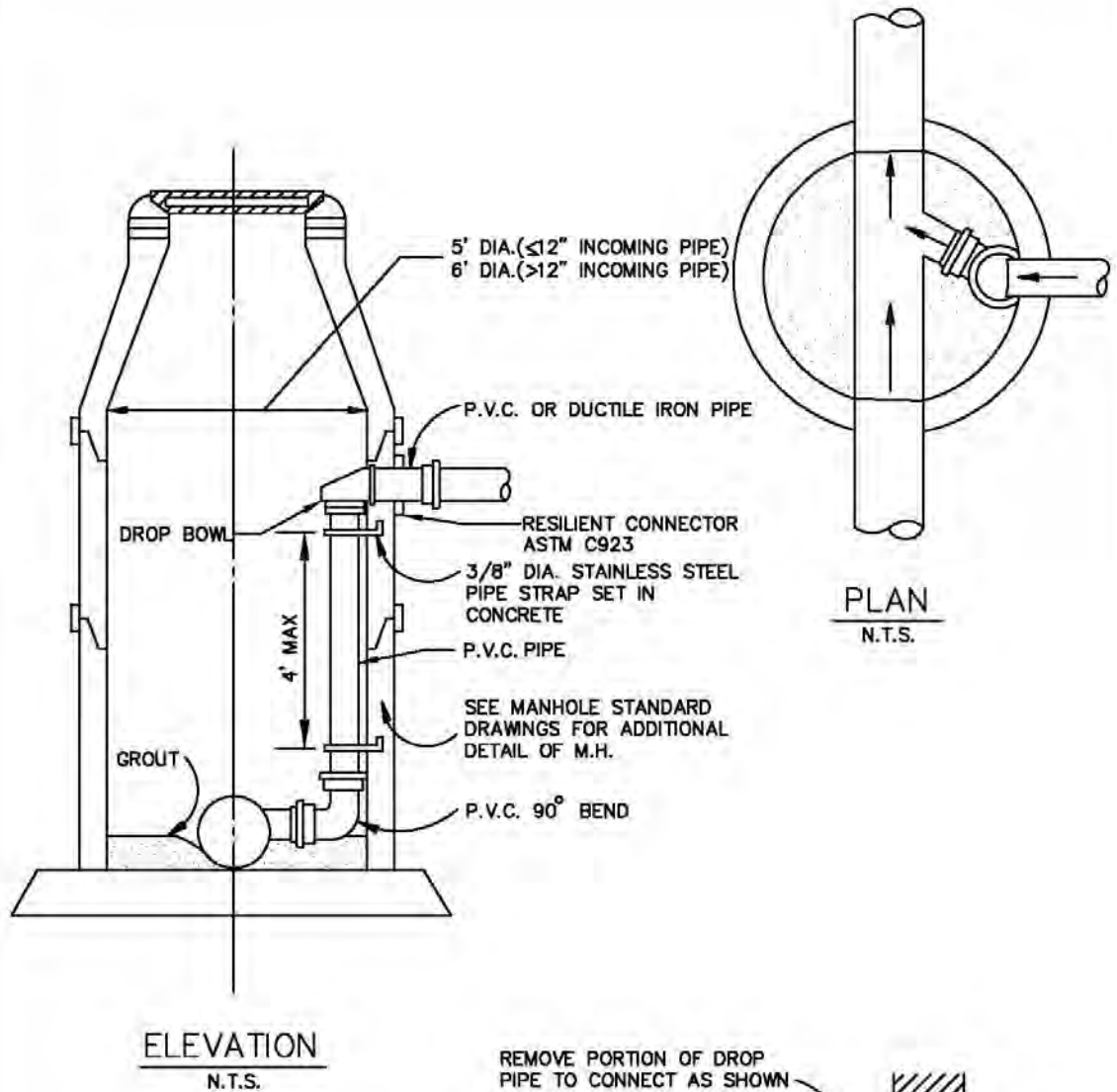
WASTEWATER MANHOLE
VENTED



STANDARD SPECIFICATION REFERENCE
502.1

DATE
AUG '23

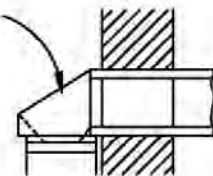
STANDARD DRAWING NO.
5060



NOTE:

1. FLOW LINE OF SURCHARGE LINE NORMALLY PLACED AT TOP OF EXISTING WASTEWATER LINE UNLESS NOTED OTHERWISE ON PLANS.
2. MAXIMUM SPACING OF 4' ON PIPE STRAPS. 2 STRAPS MINIMUM. ALL STRAP PARTS SHALL BE STAINLESS STEEL.

REMOVE PORTION OF DROP
PIPE TO CONNECT AS SHOWN



WEIR DETAIL
N.T.S.

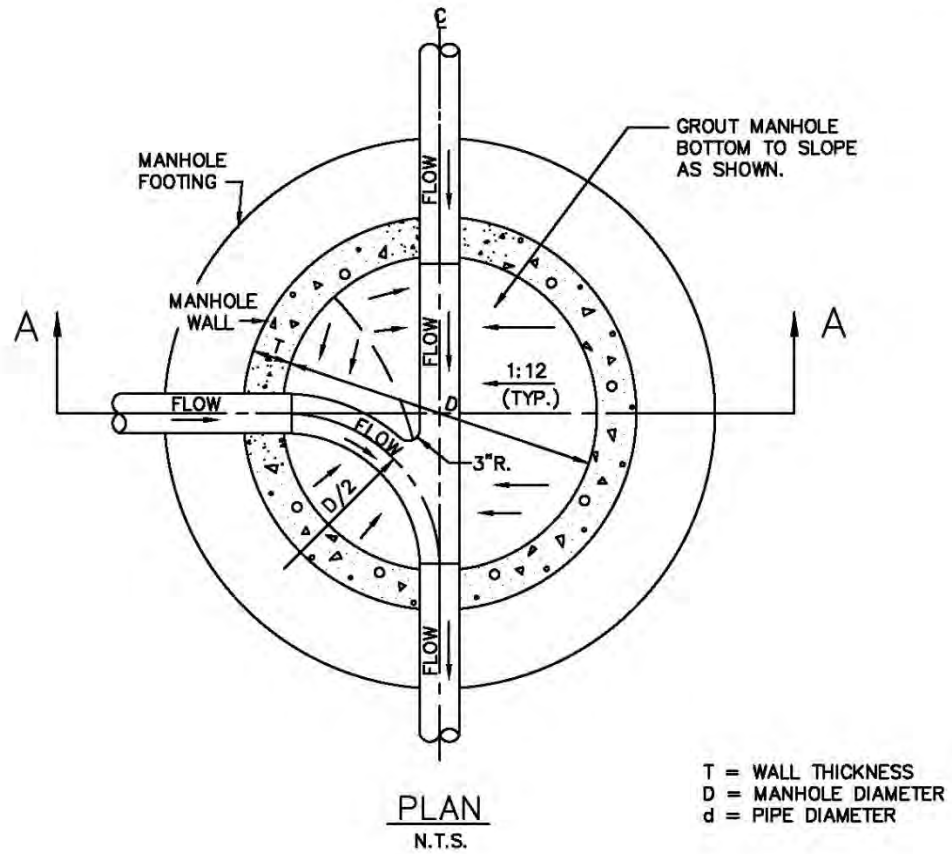
WASTEWATER MANHOLE
INSIDE DROP CONNECTION



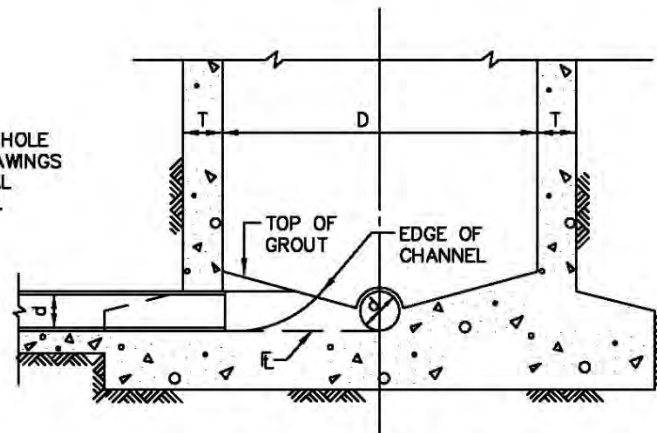
STANDARD SPECIFICATION REFERENCE
502.1

DATE
AUG '23

STANDARD DRAWING NO.
5080



NOTE:
REFER TO MANHOLE
STANDARD DRAWINGS
FOR ADDITIONAL
DETAIL OF M.H.



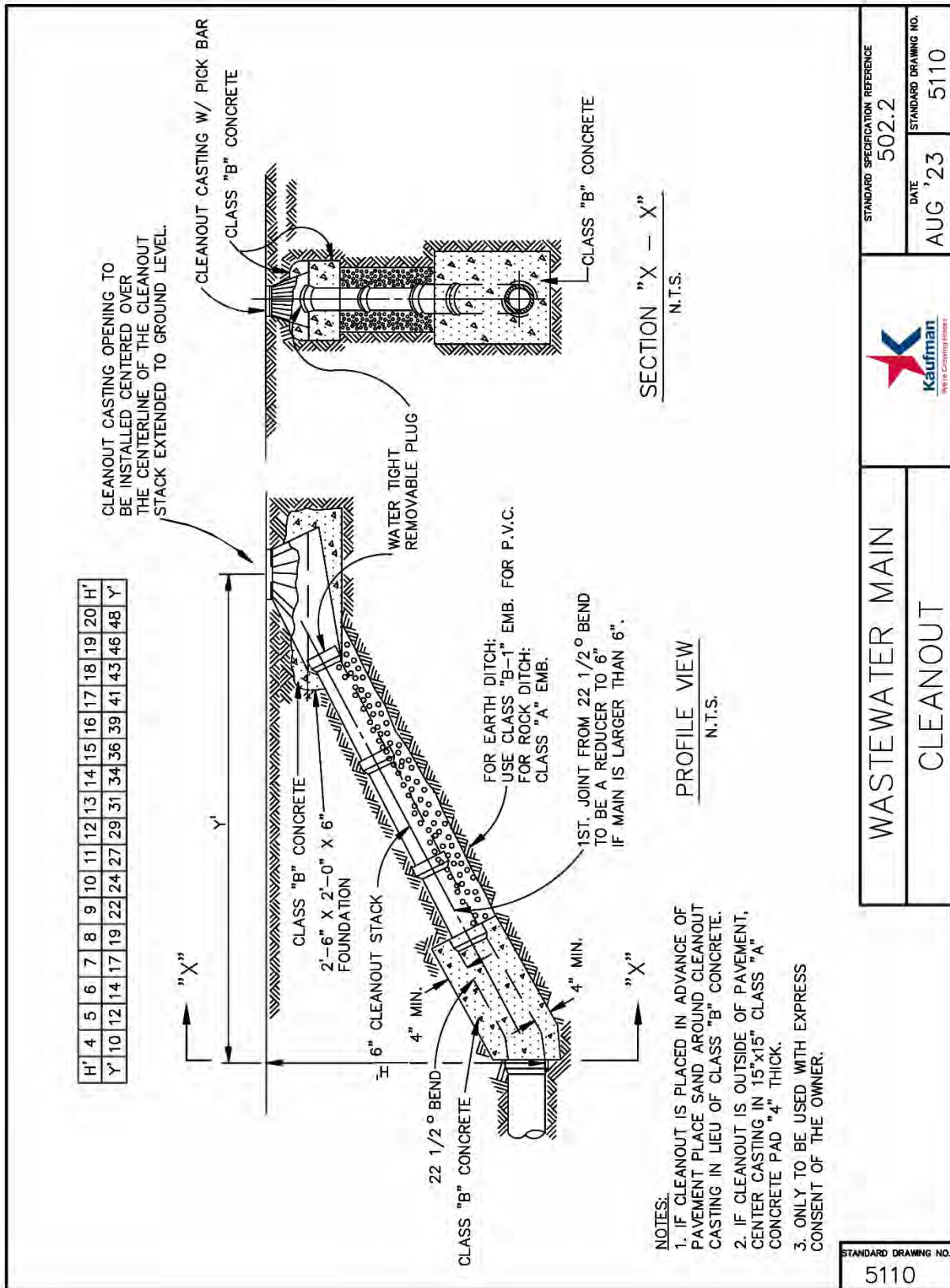
WASTEWATER MANHOLE
INVERT DETAIL



STANDARD SPECIFICATION REFERENCE
502.1

DATE
AUG '23

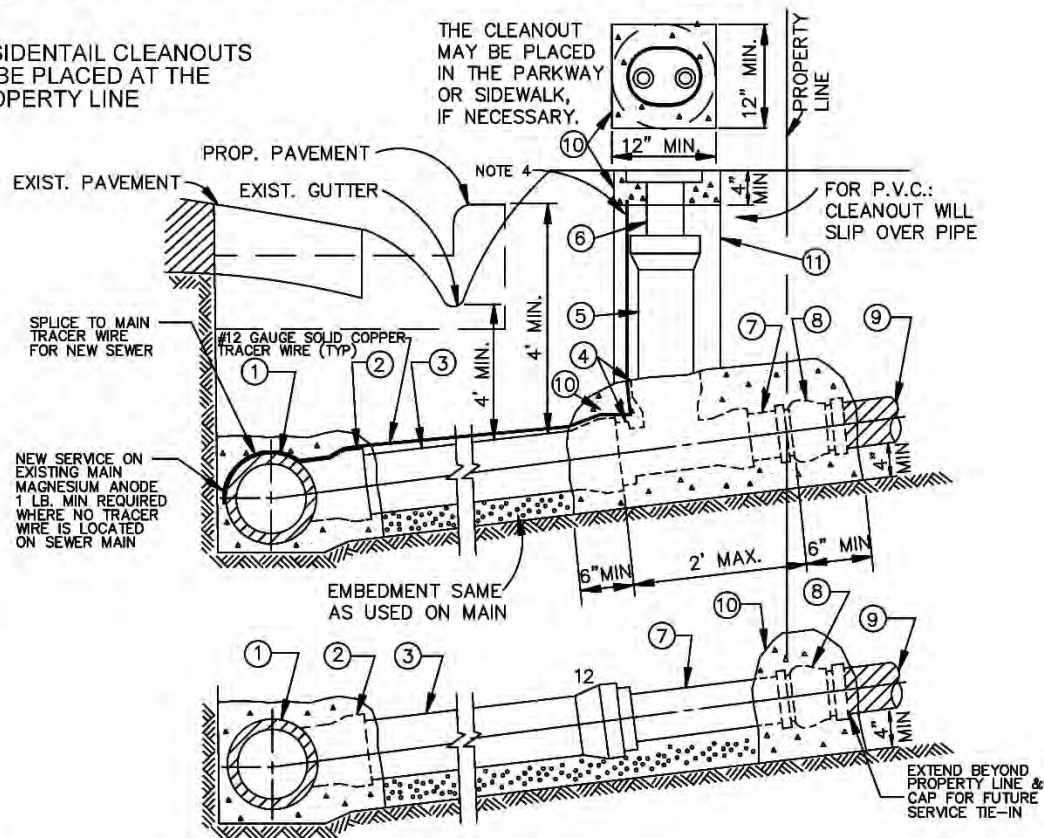
STANDARD DRAWING NO.
5090



KEY:

- | | |
|---------------------------------------|---|
| ① WASTEWATER MAIN | ⑦ 4" WASTEWATER PIPE (LENGTH VARIES) |
| ② 4" WYE | ⑧ ADAPTOR |
| ③ 4" WASTEWATER LAT. (LENGTH VARIES) | ⑨ BUILDING SEWER LAT. |
| ④ 4" X 4" WYE AS REQ'D. BY OWNER. | ⑩ CLASS "B" CONCRETE |
| ⑤ 4" STACK (LENGTH VARIES) | ⑪ COMPACTED AS SPECIFIED, OR INUNDATED SAND |
| ⑥ 4" WASTEWATER LAT. CLEANOUT CASTING | 12. 6" x 4" REDUCER |

**RESIDENTIAL CLEANOUTS
TO BE PLACED AT THE
PROPERTY LINE**



NOTES:

- CLEANOUT CASTING TO BE FURNISHED AND PLACED PER SPECIAL CONDITIONS, IN VEHICLE TRAFFIC AREAS AND FOR COMMERCIAL MAINLINE LATERALS, WASTEWATER CLEANOUT SHALL BE OF CAST IRON.
- SLOPE OF LATERAL TO BE 2% MIN., UNLESS INSTRUCTED OTHERWISE BY OWNER.
- THE WASTEWATER LATERAL SHALL BE CONNECTED TO BUILDING LATERAL AND CONSTRUCTED IN SUCH MANNER AS TO CLEAR EXISTING UTILITIES AND PROPOSED FACILITIES SUCH AS STORM SEWER MAINS, PAVING, SIDEWALKS, RETAINING WALLS, ETC. VERTICAL BENDS (22.5' MAX.) MAY BE USED IF APPROVED BY OWNER.
- EXTEND TRACER WIRE TO JUST ABOVE CLEANOUT PLUG, PROVIDE 24' NEATLY COILED WIRE IN BOX
- THE MAINLINE LATERAL CONNECTION TO THE PRIVATE BUILDING LATERAL SHALL BE AS CLOSE TO THE PROPERTY LINE AS POSSIBLE.
- INSTALL 4" STOPPER OR CAP AT PROPERTY LINE IF BUILDING LATERAL DOES NOT EXIST.
- SUBSTITUTE 4" FOR 6" FITTINGS IF PLANS OR SPEC. COND. CALL FOR 4" LATERAL DOES NOT EXIST.
- THE CLEANOUT STACK & CASTING MAY BE PLACED IN THE PARKWAY, VEHICLE TRAFFIC AREAS, OR SIDEWALK, IF NECESSARY.
- FOR 6" SERVICES OR LARGER, INSTALL A MANHOLE.
- MINIMUM 9' SEPARATION FROM WATER SERVICE.

**WASTEWATER LATERALS
WITH CLEANOUT**



STANDARD SPECIFICATION REFERENCE

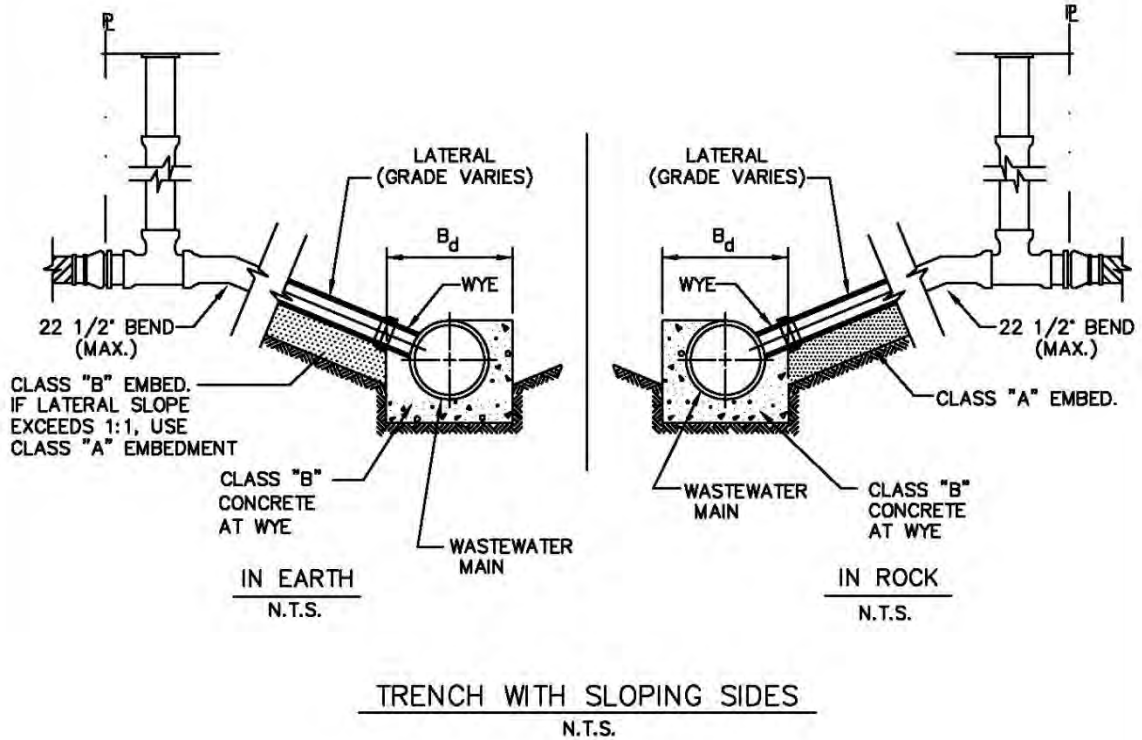
502.10

DATE

AUG '23

STANDARD DRAWING NO.

5120



NOTES:

1. WYE SHALL BE SUPPORTED AS SHOWN FOR WYE CONNECTION SUPPORT.
2. LATERALS ARE TO CLEAR ALL EXISTING UTILITIES. 11 1/4" OR 22 1/2" BEND, ONLY, MAY BE REQUIRED.

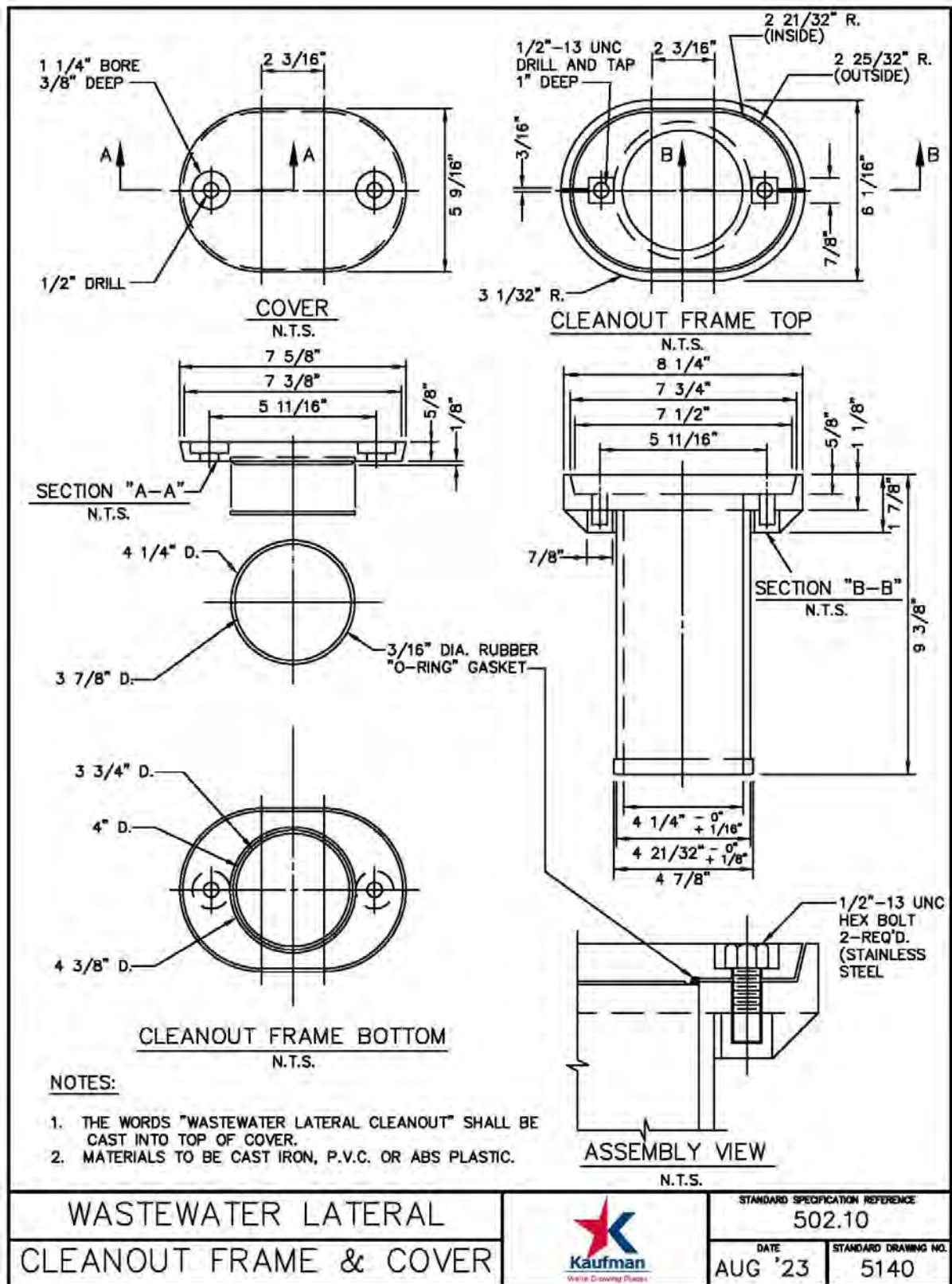
WASTEWATER LATERAL CONNECTIONS
IN EARTH & IN ROCK

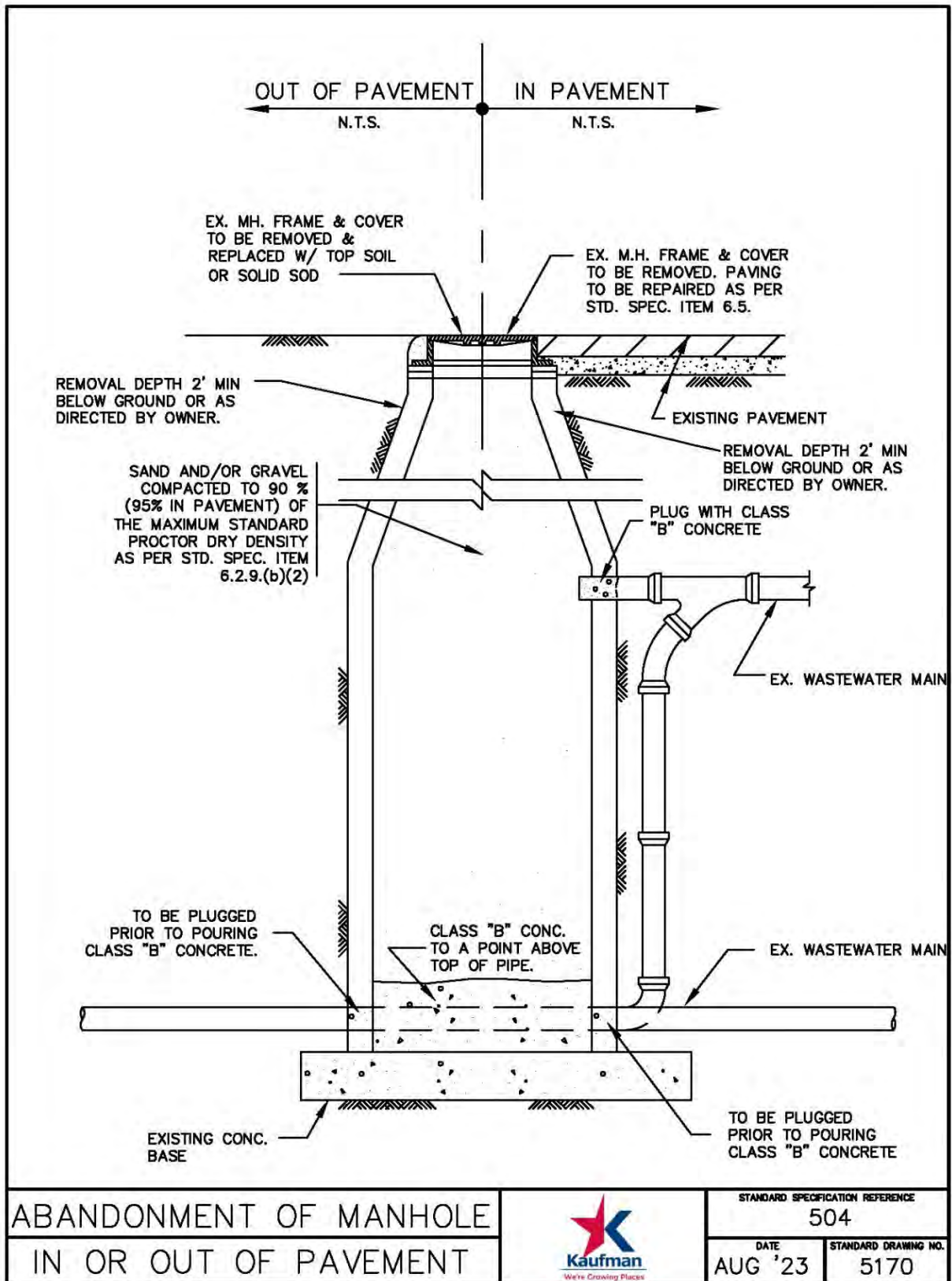


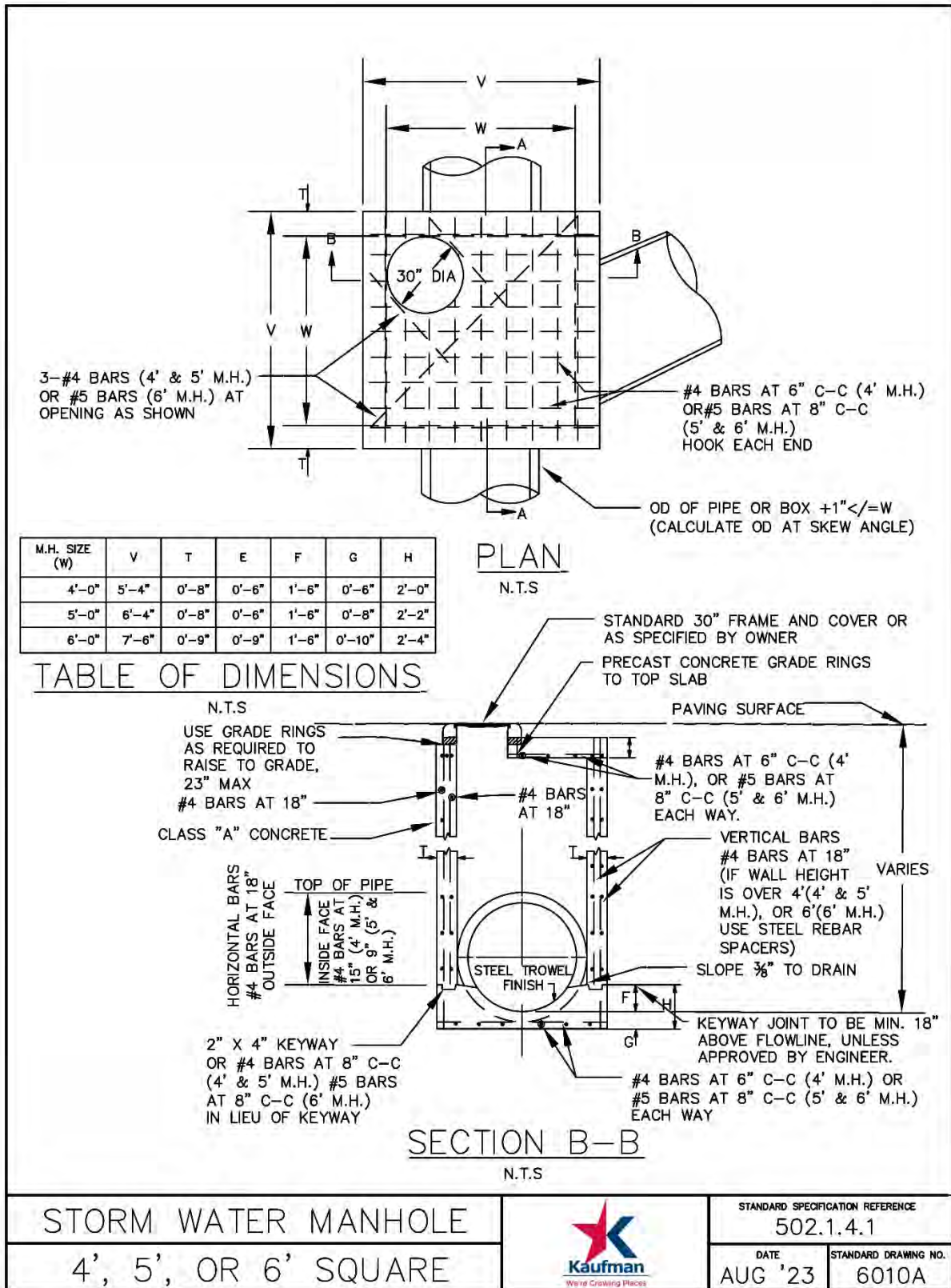
STANDARD SPECIFICATION REFERENCE
502.10

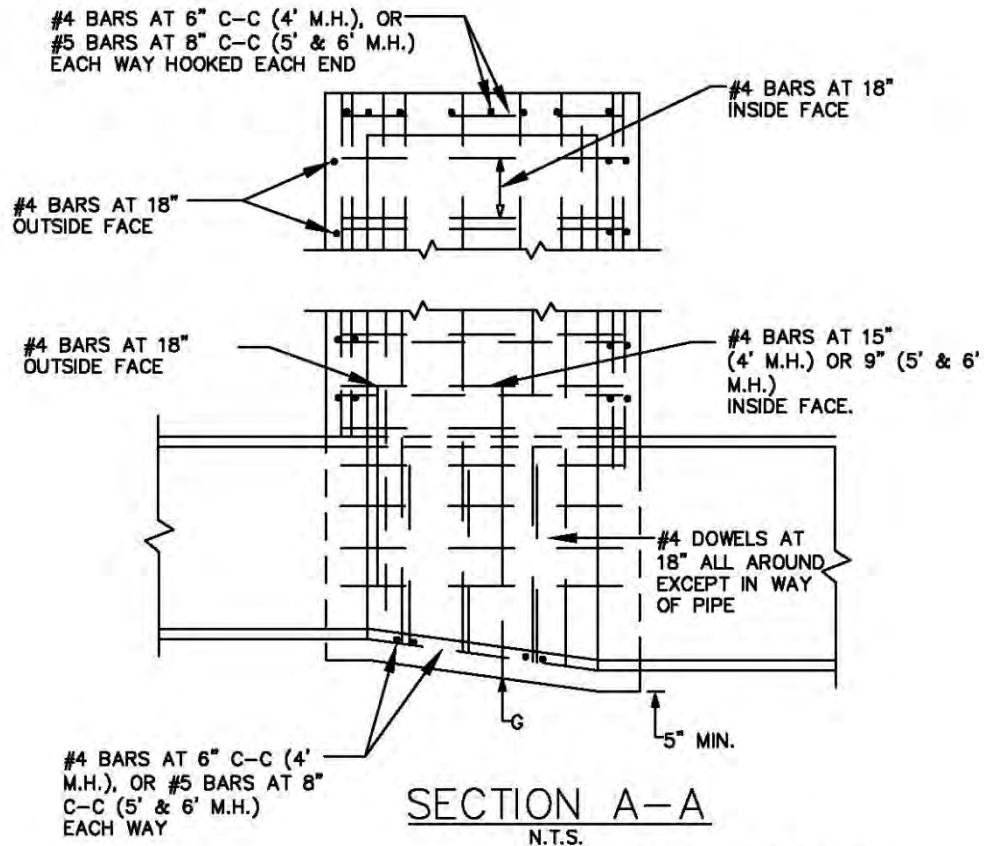
DATE
AUG '23

STANDARD DRAWING NO.
5130

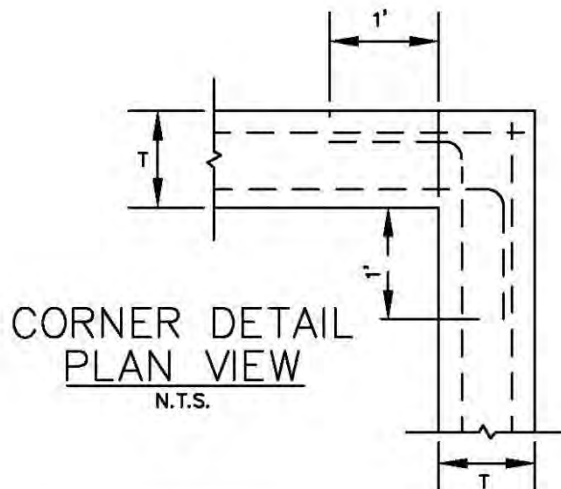








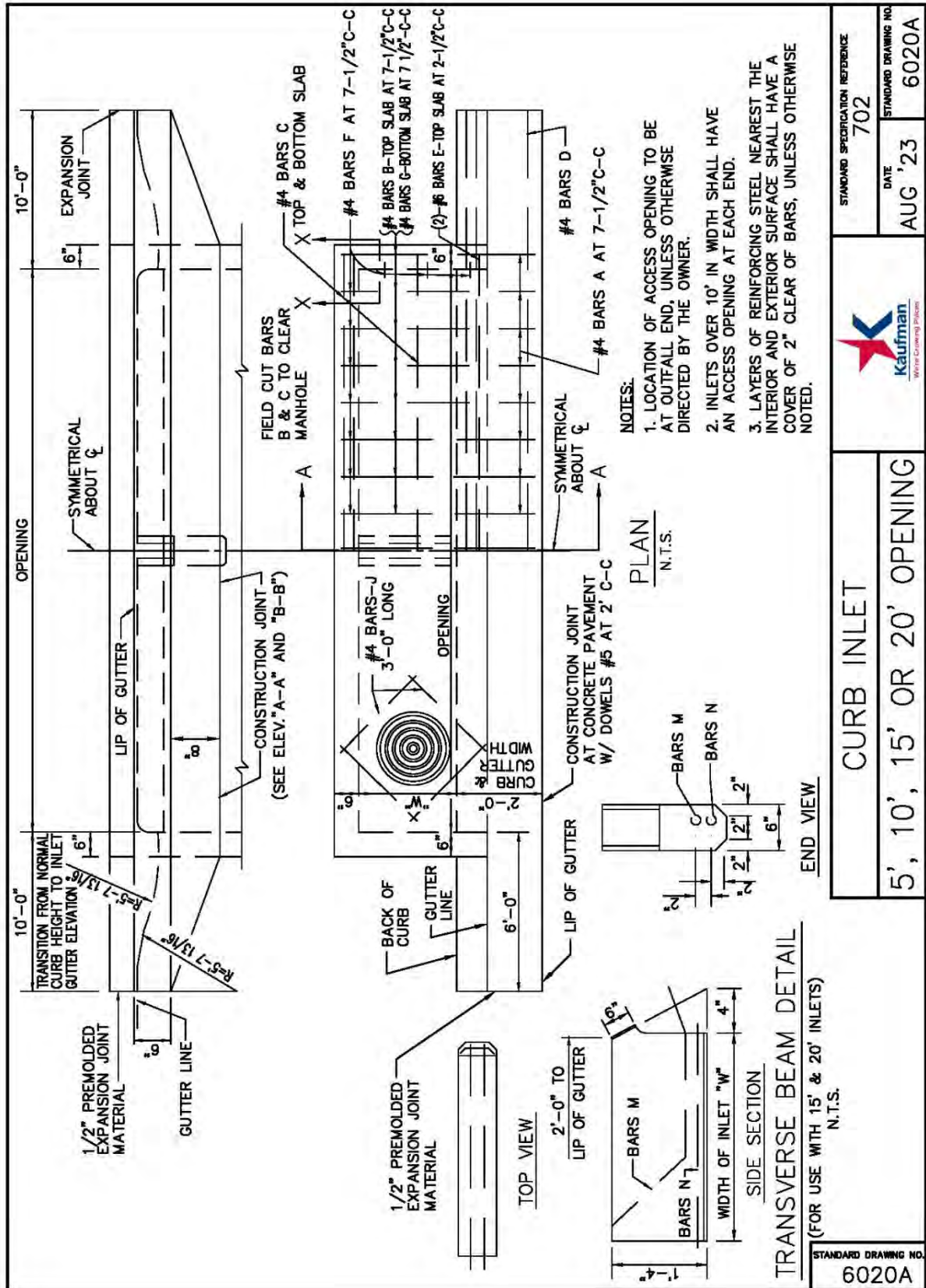
*REFERENCE TABLE 6010A

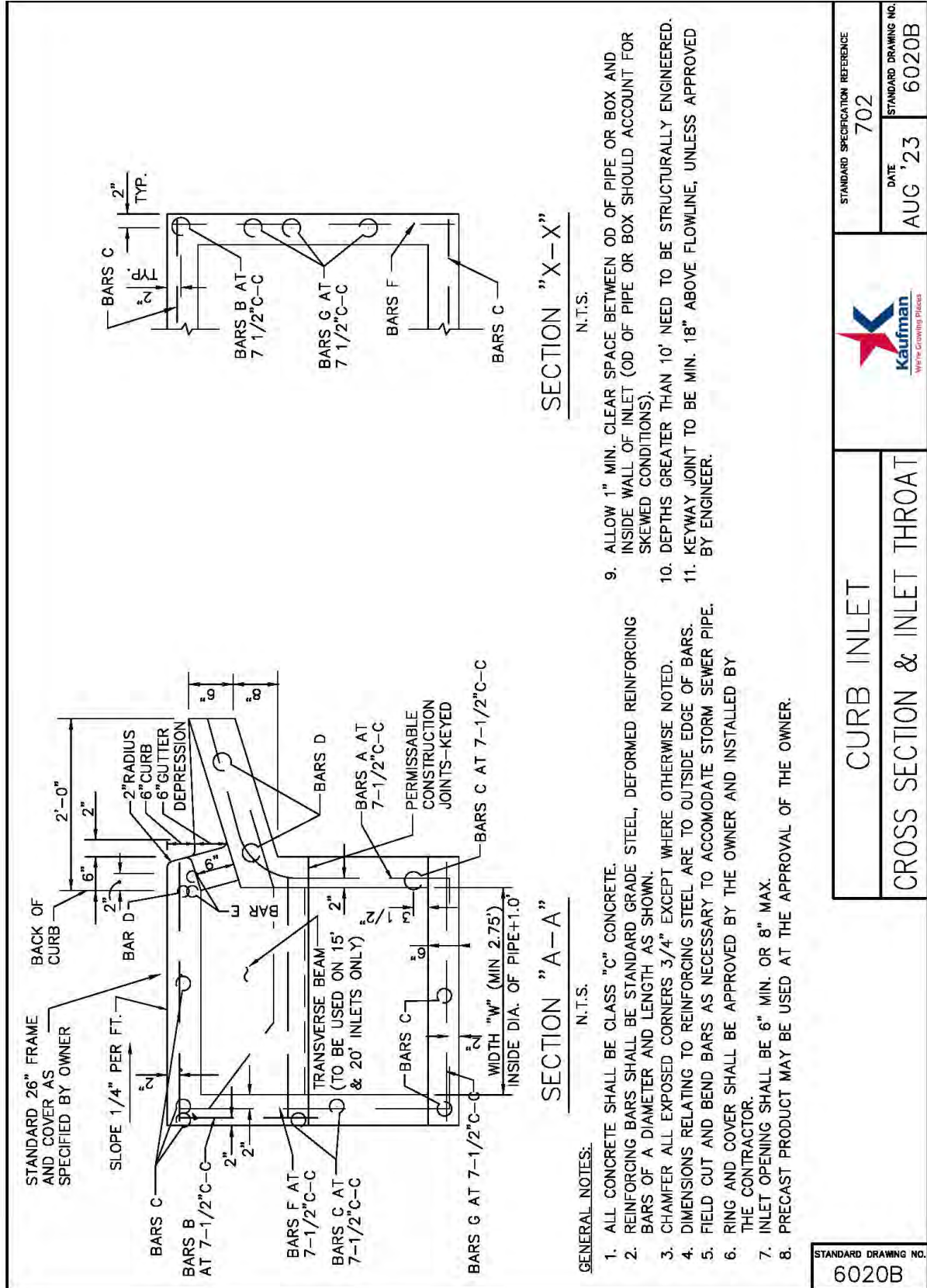


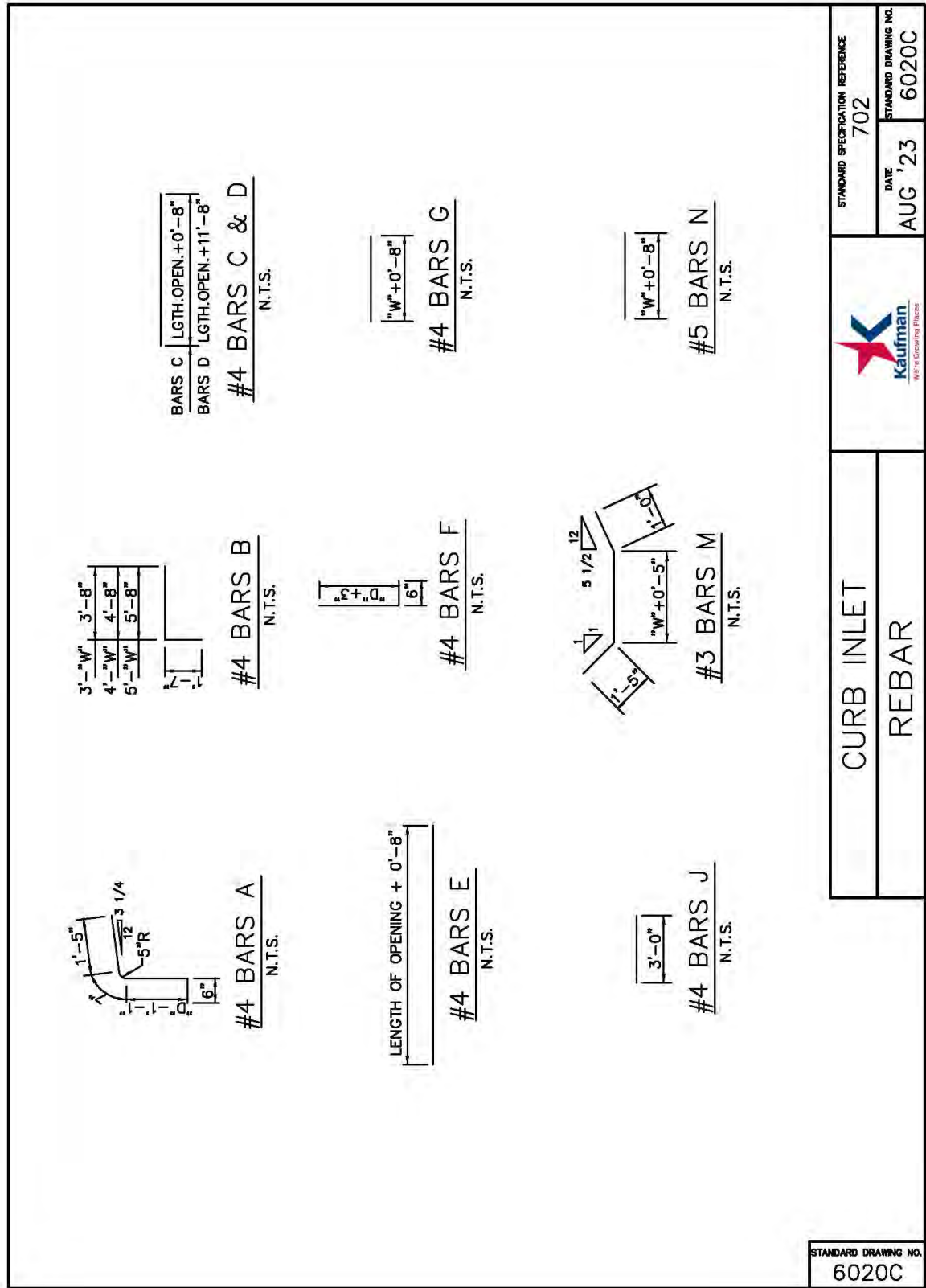
NOTES:

1. SLOPE INVERT OF MANHOLE AS INDICATED ON PLAN-PROFILE SHEET.
2. LAYERS OF REINFORCING STEEL NEAREST THE INTERIOR AND EXTERIOR SURFACE SHALL HAVE A COVER OF 2" CLEAR OF BARS, UNLESS OTHERWISE NOTED.
3. CONCRETE SHALL BE CLASS "C".
4. PRECAST PRODUCTS MAY BE USED AT THE APPROVAL OF THE OWNER.

STORM WATER MANHOLE		STANDARD SPECIFICATION REFERENCE 502.1.4.1	
4', 5', OR 6' SQUARE		DATE AUG '23	STANDARD DRAWING NO. 6010B







BILL OF REINFORCING STEEL										STANDARD SPECIFICATION REFERENCE									
DEPTH "D"	ALL WIDTHS AND LENGTHS		OPENING LENGTH "L" = 5ft			OPENING LENGTH "L" = 10ft			OPENING LENGTH "L" = 15 ft			OPENING LENGTH "L" = 20 ft			DATE				
			Widths "W"			Widths "W"			Widths "W"			Widths "W"			STANDARD DRAWING NO.				
			3ft	4ft	5ft	3ft	4ft	5ft	3ft	4ft	5ft	3ft	4ft	5ft	6020D				
	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	702				
	C	D	E	J	F	A	B	G	F	F	F	F	F	F	AUG '23				
3'-6"	17	3	2	4	20	24	28	10	10	20	28	32	36	18	6020D				
3'-9"	18	"	"	"	"	"	"	20	"	"	28	"	"	"	6020D				
4'-0"	19	"	"	"	"	"	"	24	"	"	32	"	"	"	6020D				
4'-3"	19	"	"	"	"	"	"	24	"	"	32	"	"	"	6020D				
4'-6"	21	"	"	"	"	"	"	26	"	"	34	"	"	"	6020D				
4'-9"	21	"	"	"	"	"	"	26	"	"	34	"	"	"	6020D				
5'-0"	21	"	"	"	"	"	"	26	"	"	34	"	"	"	6020D				
5'-3"	23	"	"	"	"	"	"	28	"	"	36	"	"	"	6020D				
5'-6"	23	"	"	"	"	"	"	28	"	"	36	"	"	"	6020D				
5'-9"	25	"	"	"	"	"	"	30	"	"	38	"	"	"	6020D				
6'-0"	25	"	"	"	"	"	"	30	"	"	38	"	"	"	6020D				
6'-3"	26	"	"	"	"	"	"	30	"	"	38	"	"	"	6020D				
6'-6"	27	"	"	"	"	"	"	32	"	"	40	"	"	"	6020D				
6'-9"	27	"	"	"	"	"	"	32	"	"	40	"	"	"	6020D				
7'-0"	29	"	"	"	"	"	"	34	"	"	42	"	"	"	6020D				
7'-3"	29	"	"	"	"	"	"	34	"	"	42	"	"	"	6020D				
7'-6"	30	"	"	"	"	"	"	34	"	"	42	"	"	"	6020D				
7'-9"	31	"	"	"	"	"	"	36	"	"	44	"	"	"	6020D				
8'-0"	31	"	"	"	"	"	"	36	"	"	44	"	"	"	6020D				
8'-3"	32	"	"	"	"	"	"	36	"	"	44	"	"	"	6020D				
8'-6"	33	"	"	"	"	"	"	38	"	"	46	"	"	"	6020D				
8'-9"	34	"	"	"	"	"	"	38	"	"	46	"	"	"	6020D				
9'-0"	35	"	"	"	"	"	"	40	"	"	48	"	"	"	6020D				
9'-3"	36	"	"	"	"	"	"	40	"	"	48	"	"	"	6020D				
9'-6"	37	"	"	"	"	"	"	42	"	"	50	"	"	"	6020D				
10'-0"	38	"	"	"	"	"	"	42	"	"	50	"	"	"	6020D				

NOTES:

- FOR CONVENIENCE, DEPTHS OF INLETS SHOWN IN ABOVE TABLES ARE IN INCREMENTS OF 3 INCHES BUT ANY DEPTHS OTHER THAN THOSE SHOWN ABOVE MAY BE USED WHEREVER DEEMED NECESSARY. QUANTITIES FOR OTHER DEPTHS FALLING WITHIN THE LIMITS OF THE TABLE MAY BE FOUND BY INTERPOLATION.
- DEPTHS GREATER THAN 10' NEED TO BE STRUCTURALLY ENGINEERED.

CURB INLET										STANDARD SPECIFICATION REFERENCE									
BILL OF REINFORCING STEEL										702									
										DATE									
										AUG '23									
										STANDARD DRAWING NO.									
										6020D									

DEPTH "D"	SUMMARY OF QUANTITIES FOR CURB INLETS											
	5'-0" OPENING				10'-0" OPENING				15'-0" OPENING			
	WIDTH 3'-0"	CONC STEEL C.Y.	CONC STEEL LBS.	WIDTH 4'-0"	CONC STEEL C.Y.	CONC STEEL LBS.	WIDTH 5'-0"	CONC STEEL C.Y.	CONC STEEL LBS.	WIDTH 6'-0"	CONC STEEL C.Y.	CONC STEEL LBS.
3'-6"	2.62	3.06	3.28	3.39	3.73	4.12	4.78	5.36	5.79	6.40	7.21	7.75
3'-9"	2.70	3.09	3.04	3.41	3.39	3.73	4.25	4.94	5.34	5.87	6.58	7.41
4'-0"	2.78	3.28	3.14	3.64	3.49	3.99	4.38	5.18	5.49	6.05	6.77	7.76
4'-3"	2.87	3.34	3.23	3.70	3.59	4.06	4.51	5.26	5.64	6.19	6.95	7.87
4'-6"	2.95	3.56	3.32	3.94	3.69	4.31	4.64	5.56	5.20	6.07	7.14	8.30
4'-9"	3.03	3.61	3.41	4.10	3.79	4.38	4.77	5.66	5.34	6.16	7.32	8.41
5'-0"	3.12	3.67	3.51	4.16	3.90	4.45	4.90	5.74	5.47	6.24	7.51	8.53
5'-3"	3.20	3.83	3.60	4.24	4.00	4.65	5.03	6.00	5.61	6.52	7.69	8.80
5'-6"	3.28	3.89	3.69	4.30	4.10	4.72	5.16	6.08	5.75	6.61	7.88	9.01
5'-9"	3.37	4.05	3.78	4.51	4.20	4.95	5.29	6.35	5.89	6.90	8.07	9.40
6'-0"	3.45	4.15	3.88	4.60	4.30	5.04	5.42	6.46	6.03	7.02	8.25	9.54
6'-3"	3.53	4.25	3.97	4.70	4.41	5.15	5.55	6.61	6.17	7.18	8.44	9.75
6'-6"	3.62	4.37	4.06	4.86	4.51	5.32	5.68	6.81	6.31	7.39	8.62	10.05
6'-9"	3.70	4.41	4.15	4.90	4.61	5.37	5.81	6.88	6.45	7.77	8.95	10.15
7'-0"	3.78	4.60	4.25	5.10	4.71	5.60	5.94	7.16	6.59	7.77	9.01	10.31
7'-3"	3.86	4.65	4.34	5.16	4.81	5.67	6.07	7.24	6.72	7.85	9.18	10.65
7'-6"	3.95	4.77	4.43	5.29	4.91	5.70	6.20	7.42	6.86	8.04	9.36	10.89
7'-9"	4.03	4.91	4.53	5.44	5.02	5.97	6.33	7.62	7.00	8.26	9.55	11.16
8'-0"	4.12	4.96	4.62	5.50	5.12	6.04	6.46	7.70	7.14	8.34	9.73	11.29
8'-3"	4.20	5.04	4.71	5.59	5.22	6.13	6.59	7.84	7.28	8.49	9.92	11.49
8'-6"	4.28	5.19	4.80	5.76	5.32	6.32	6.71	8.04	7.42	8.71	10.10	11.76
8'-9"	4.37	5.28	4.90	5.86	5.42	6.43	6.84	8.19	7.56	8.86	10.29	11.99
9'-0"	4.45	5.45	4.99	6.05	5.53	6.64	6.97	8.42	7.70	9.12	10.47	12.31
9'-3"	4.53	5.64	5.08	6.14	5.63	6.74	7.10	8.58	7.84	9.29	10.66	12.52
9'-6"	4.62	5.68	5.17	6.30	5.73	6.92	7.23	8.78	7.97	9.50	10.84	12.80
10'-0"	4.78	5.82	5.36	6.45	5.93	7.08	7.49	9.00	8.11	9.74	11.21	13.12

NOTE:

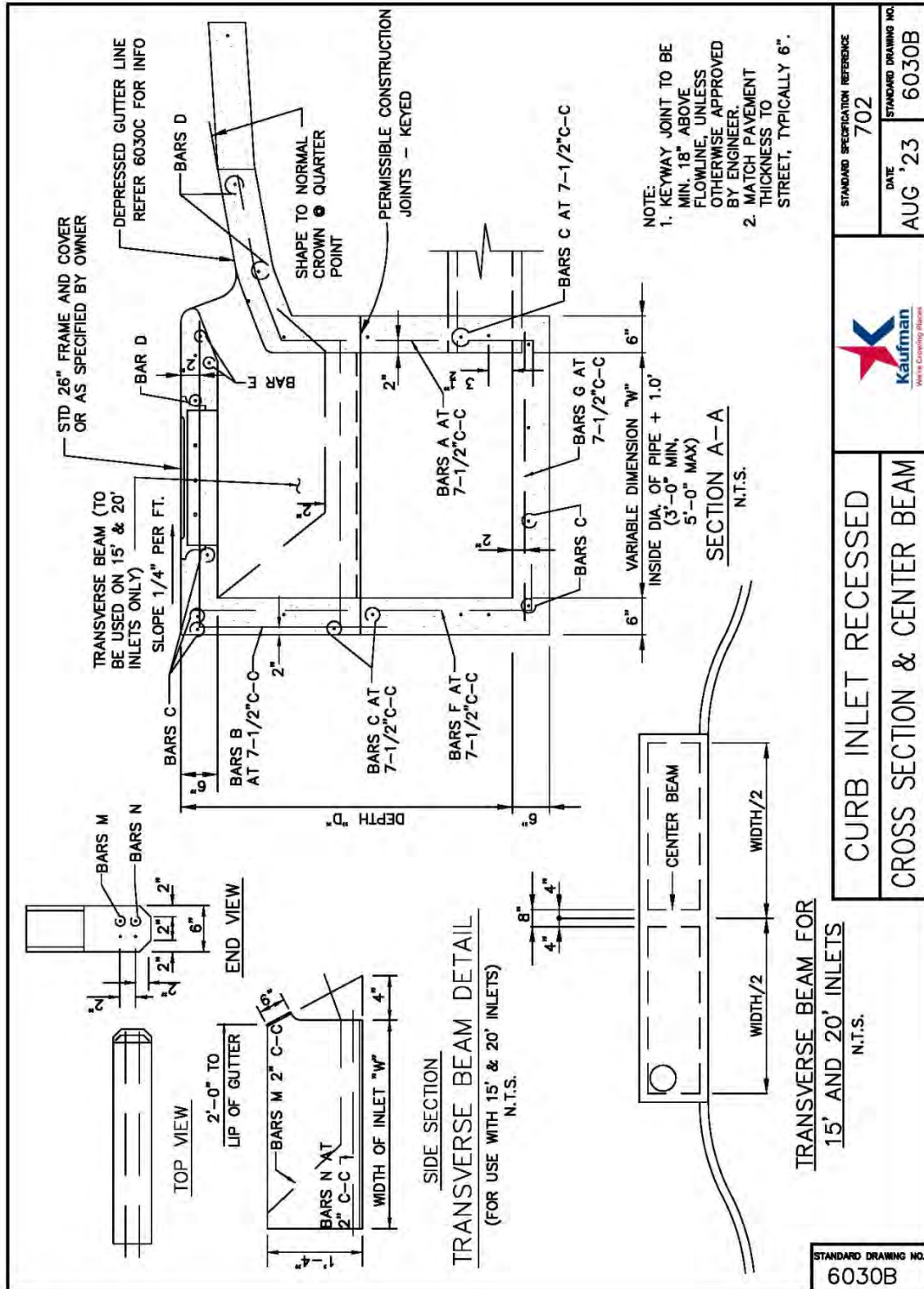
- FOR CONVENIENCE, DEPTHS OF INLETS SHOWN IN ABOVE TABLES ARE IN INCREMENTS OF 3 INCHES BUT ANY DEPTHS OTHER THAN THOSE SHOWN ABOVE MAY BE USED WHEREVER DEEMED NECESSARY. QUANTITIES FOR OTHER DEPTHS FALLING WITHIN THE LIMITS OF THE TABLE MAY BE FOUND BY INTERPOLATION.
- DEPTHS GREATER THAN 10' NEED TO BE STRUCTURALLY ENGINEERED.

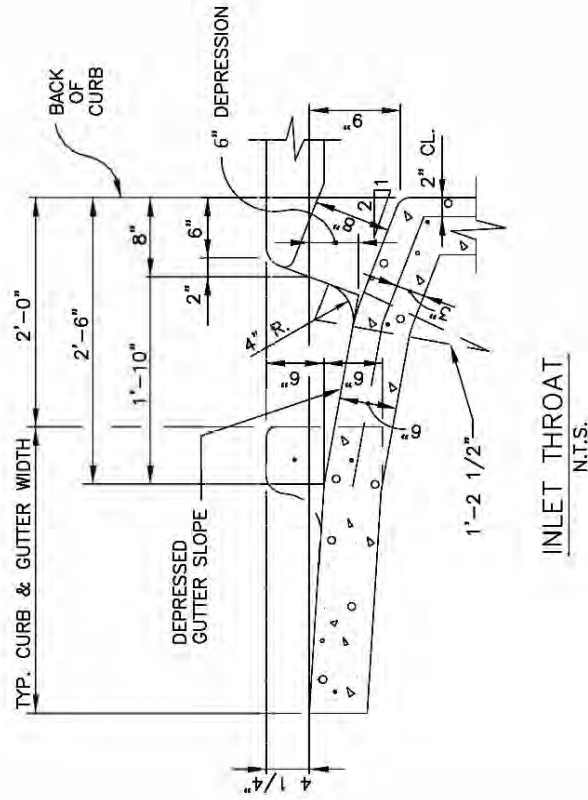
STANDARD DRAWING NO.
6020E



CURB INLET
SUMMARY OF QUANTITIES

STANDARD SPECIFICATION REFERENCE
702
DATE
AUG '23
STANDARD DRAWING NO.
6020E





STANDARD SPECIFICATION REFERENCE
702

DATE
AUG '23

STANDARD DRAWING NO.
6030C



CURB INLET RECESSED

INLET THROAT

STANDARD DRAWING NO.
6030C

GENERAL NOTES:

1. ALL REINFORCING STEEL SHALL BE GRADE 60. DEFORMED REINFORCING BARS AT A DIAMETER & LENGTH AS SHOWN.
2. ALL CONCRETE SHALL BE CLASS "C". ALL EXPOSED CORNERS SHALL BE CHAMFERED 3/4".
3. ALL REINFORCING STEEL SHALL HAVE A MINIMUM COVER OF 2" CLEAR OF THE BARS.
4. 10'-0" OF EXISTING CURB AND GUTTER UPSTREAM AND 10'-0" OF EXISTING CURB AND GUTTER DOWNSTREAM SHALL BE REMOVED AND REPOURED INTEGRALLY WITH EACH INLET.
5. ALL BACK FILLING SHALL BE PERFORMED BY MECHANICAL TAMPING TO 95% STANDARD PROCTOR DENSITY.
6. PRECAST PRODUCTS MAY BE USED AT THE APPROVAL OF THE OWNER.
7. ALLOW 1" MIN. CLEAR SPACE BETWEEN OD OF PIPE OR BOX AND INSIDE WALL OF INLET (OD OF PIPE OR BOX SHOULD ACCOUNT FOR SKEWED CONDITIONS).
8. FIELD CUT & BEND BARS AS NECESSARY TO ACCOMMODATE STORM SEWER PIPE.
9. RING & COVER SHALL BE APPROVED BY THE OWNER AND INSTALLED BT CONTRACTOR.
10. WHEN POURING INVERTS, THE BOTTOM SHALL BE SLOPED NO MORE THAN 1/4"/FT TOWARD PIPE.
11. INLET OPENING SHALL BE 6" MIN OR 8" MAX.
12. 10 FT. MAX DEPTH.

STANDARD DRAWING NO.
6030D

CURB INLET RECESSED

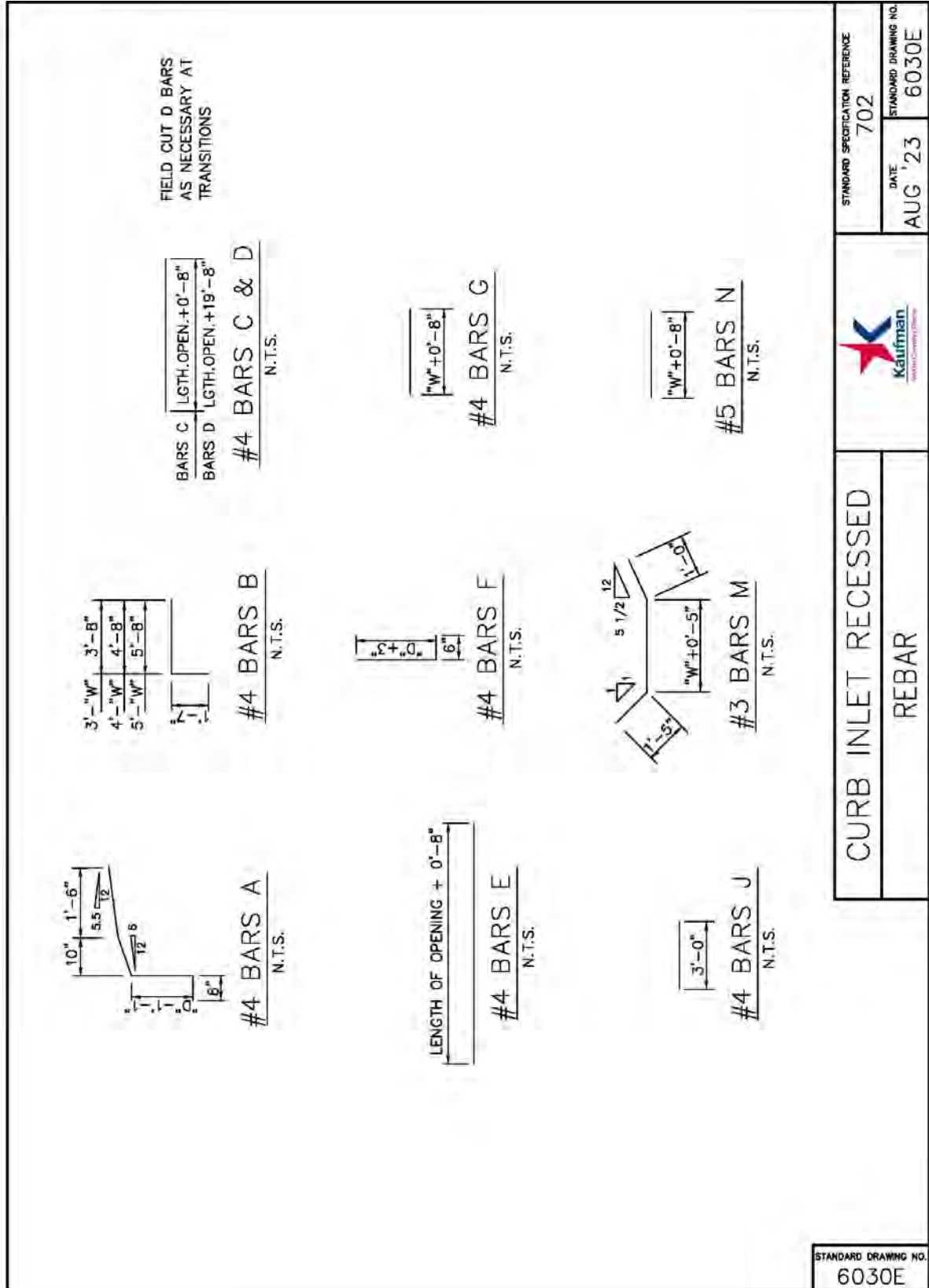
GENERAL NOTES



STANDARD SPECIFICATION REFERENCE
702

DATE
AUG '23

STANDARD DRAWING NO.
6030D



BILL OF REINFORCING STEEL

DEPTH "D"	ALL WIDTHS AND LENGTHS		OPENING LENGTH "L" = 5ft			OPENING LENGTH "L" = 10ft			OPENING LENGTH "L" = 15 ft			OPENING LENGTH "L" = 20 ft		
			Widths "W"			Widths "W"			Widths "W"			Widths "W"		
			3ft	4ft	5ft	3ft	4ft	5ft	3ft	4ft	5ft	3ft	4ft	5ft
	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS	BARS
	C	D	E	J	F	A	B	G	F	F	F	A	B	G
3'-6"	17	3	2	4	20	24	28	10	20	28	36	40	44	48
3'-9"	18	"	"	"	"	"	"	"	28	"	"	"	"	"
4'-0"	19	"	"	"	"	"	"	"	32	"	"	"	"	"
4'-3"	19	"	"	"	"	"	"	"	32	"	"	"	"	"
4'-6"	21	"	"	"	"	"	"	"	34	"	"	"	"	"
4'-9"	21	"	"	"	"	"	"	"	34	"	"	"	"	"
5'-0"	21	"	"	"	"	"	"	"	34	"	"	"	"	"
5'-3"	23	"	"	"	"	"	"	"	36	"	"	"	"	"
5'-6"	23	"	"	"	"	"	"	"	36	"	"	"	"	"
5'-9"	25	"	"	"	"	"	"	"	38	"	"	"	"	"
6'-0"	25	"	"	"	"	"	"	"	38	"	"	"	"	"
6'-3"	26	"	"	"	"	"	"	"	38	"	"	"	"	"
6'-6"	27	"	"	"	"	"	"	"	40	"	"	"	"	"
6'-9"	27	"	"	"	"	"	"	"	40	"	"	"	"	"
7'-0"	29	"	"	"	"	"	"	"	42	"	"	"	"	"
7'-3"	29	"	"	"	"	"	"	"	42	"	"	"	"	"
7'-6"	30	"	"	"	"	"	"	"	42	"	"	"	"	"
7'-9"	31	"	"	"	"	"	"	"	44	"	"	"	"	"
8'-0"	31	"	"	"	"	"	"	"	44	"	"	"	"	"
8'-3"	32	"	"	"	"	"	"	"	44	"	"	"	"	"
8'-6"	33	"	"	"	"	"	"	"	46	"	"	"	"	"
8'-9"	34	"	"	"	"	"	"	"	46	"	"	"	"	"
9'-0"	35	"	"	"	"	"	"	"	48	"	"	"	"	"
9'-3"	36	"	"	"	"	"	"	"	48	"	"	"	"	"
9'-6"	37	"	"	"	"	"	"	"	50	"	"	"	"	"
10'-0"	38	"	"	"	"	"	"	"	50	"	"	"	"	"

NOTE:

- FOR CONVENIENCE, DEPTHS OF INLETS SHOWN IN ABOVE TABLES ARE IN INCREMENTS OF 3 INCHES BUT ANY DEPTHS OTHER THAN THOSE SHOWN ABOVE MAY BE USED WHEREVER DEEMED NECESSARY. QUANTITIES FOR OTHER DEPTHS FALLING WITHIN THE LIMITS OF THE TABLE MAY BE FOUND BY INTERPOLATION.
- DEPTHS GREATER THAN 10' NEED TO BE STRUCTURALLY ENGINEERED.

CURB INLET RECESSED BILL OF REINFORCING STEEL		STANDARD SPECIFICATION REFERENCE 702
	STANDARD DRAWING NO. 6030F	DATE AUG '23

DEPTH "D"	SUMMARY OF QUANTITIES FOR CURB INLETS											
	5'-0" OPENING				10'-0" OPENING				15'-0" OPENING			
	WIDTH 3'-0"	WIDTH 4'-0"	WIDTH 5'-0"	WIDTH 6'-0"	WIDTH 3'-0"	WIDTH 4'-0"	WIDTH 5'-0"	WIDTH 6'-0"	WIDTH 3'-0"	WIDTH 4'-0"	WIDTH 5'-0"	WIDTH 6'-0"
	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.	CONC STEEL C.Y. LBS.
3'-6"	2.87 324 3.23 367	3.59 390 4.41 496	4.54 512 5.09 556	5.64 601 6.12 706	6.86 764 7.60 862	8.37 927 8.59 997	9.55 1073 10.51 1149	11.49 1280 12.85 1427	13.24 1471 14.71 1617	15.57 1764 17.64 1910	20.10 2256 22.56 2502	25.02 2838 28.38 3184
3'-9"	2.96 333 3.32 367	3.69 401 4.54 512	5.09 556 5.64 601	6.12 706 6.86 764	7.60 862 8.37 927	8.59 997 9.55 1073	10.51 1149 11.49 1280	12.85 1427 14.71 1617	15.57 1764 17.64 1910	20.10 2256 22.56 2502	25.02 2838 28.38 3184	31.84 3520 35.20 3866
4'-0"	3.04 353 3.42 390	3.79 428 4.66 537	5.23 585 5.79 633	6.29 737 7.04 799	7.79 861 8.59 923	9.23 1008 10.08 1083	10.83 1168 11.68 1243	12.43 1328 13.28 1403	14.03 1488 14.88 1563	15.63 1648 16.48 1723	17.23 1808 18.08 1883	18.83 1968 19.68 2043
4'-3"	3.12 358 3.51 396	3.89 434 4.79 545	5.37 594 5.94 643	6.47 748 7.23 811	7.99 873 8.73 937	9.37 1022 10.22 1107	11.07 1192 11.92 1277	12.77 1362 13.62 1447	14.47 1532 15.32 1617	16.17 1702 17.02 1787	17.87 1872 18.72 1957	19.57 2042 20.42 2127
4'-6"	3.21 376 3.60 417	4.00 457 4.92 573	5.51 624 6.09 675	6.64 786 7.41 850	8.18 915 8.92 979	9.79 1064 10.64 1149	11.49 1234 12.34 1319	13.19 1404 14.04 1489	14.89 1574 15.74 1659	16.59 1744 17.44 1829	18.29 1914 19.14 1999	19.99 2084 20.84 2169
4'-9"	3.29 382 3.69 423	4.10 464 5.05 581	5.65 633 6.24 684	6.82 796 7.60 862	8.37 927 8.59 997	9.55 1073 10.51 1149	11.49 1280 12.85 1427	13.24 1471 14.71 1617	15.57 1764 17.64 1910	20.10 2256 22.56 2502	25.02 2838 28.38 3184	31.84 3520 35.20 3866
5'-0"	3.37 387 3.79 429	4.20 471 5.18 589	5.79 641 6.38 693	7.00 807 7.78 873	8.57 939 8.81 1011	9.78 1087 10.73 1168	11.68 1277 12.77 1362	13.62 1471 14.71 1556	15.56 1665 16.65 1750	17.50 1859 18.59 1944	19.44 2053 20.53 2138	21.38 2247 22.47 2332
5'-3"	3.46 406 3.88 450	4.30 493 5.31 617	5.92 671 6.53 725	7.17 845 7.97 912	8.76 980 9.03 1057	10.02 1136 10.94 1242	11.96 1324 12.85 1427	14.71 1617 15.63 1723	17.23 1865 18.15 1961	19.61 2103 20.53 2199	21.99 2337 22.91 2433	24.33 2571 25.23 2667
5'-6"	3.54 411 3.97 456	4.40 500 5.44 625	6.06 680 6.68 735	7.35 855 8.15 924	8.96 992 9.25 1071	10.25 1159 11.17 1276	12.20 1361 13.15 1471	14.71 1617 15.63 1723	17.23 1865 18.15 1961	19.61 2103 20.53 2199	21.99 2337 22.91 2433	24.33 2571 25.23 2667
5'-9"	3.62 429 4.06 476	4.50 523 5.57 653	6.20 710 6.83 767	7.52 893 8.34 963	9.15 1034 9.48 1118	10.48 1199 11.48 1280	12.80 1427 13.71 1508	15.08 1654 15.99 1744	17.44 1889 18.35 1974	19.74 2119 20.65 2204	22.04 2349 22.95 2434	24.34 2579 25.25 2664
6'-0"	3.71 435 4.16 482	4.61 530 5.70 661	6.34 719 6.98 776	7.70 903 8.53 975	9.35 1046 9.70 1131	10.71 1213 11.71 1294	12.94 1440 13.85 1525	15.25 1671 16.15 1756	17.56 1901 18.47 1986	19.86 2131 20.77 2216	22.16 2361 23.07 2446	24.46 2591 25.37 2676
6'-3"	3.79 444 4.25 492	4.71 540 5.83 676	6.48 735 7.12 793	7.88 925 8.71 997	9.54 1069 10.48 1154	11.54 1254 12.54 1354	13.54 1454 14.54 1554	15.54 1654 16.54 1754	17.54 1854 18.54 1954	19.54 2054 20.54 2154	21.54 2254 22.54 2354	23.54 2454 24.54 2554
6'-6"	3.87 459 4.34 509	4.81 559 5.96 697	6.62 757 7.27 818	8.05 952 8.90 1026	9.74 1100 10.14 1191	11.17 1276 12.20 1361	13.61 1508 14.54 1589	15.89 1736 16.77 1821	18.21 1968 19.10 2053	20.53 2200 21.42 2285	22.85 2432 23.74 2517	25.17 2664 26.06 2749
6'-9"	3.96 464 4.43 515	4.91 566 6.09 705	6.76 766 7.42 827	8.23 962 9.08 1037	9.93 1112 10.36 1205	11.40 1290 12.44 1375	13.75 1522 14.65 1607	16.07 1754 16.97 1839	18.39 1986 19.29 2071	20.71 2218 21.61 2303	23.03 2450 23.93 2535	25.35 2682 26.25 2767
7'-0"	4.04 482 4.53 536	5.01 589 6.22 733	6.90 796 7.57 859	8.40 1000 9.27 1077	10.12 1154 10.59 1252	11.64 1339 12.68 1427	14.27 1594 15.15 1679	16.79 1844 17.67 1929	19.29 2094 20.17 2179	21.79 2344 22.67 2429	24.29 2594 25.17 2679	26.79 2834 27.67 2919
7'-3"	4.12 488 4.62 542	5.12 595 6.35 741	7.04 805 7.72 869	8.58 1010 9.45 1088	10.32 1166 10.81 1265	11.87 1353 12.92 1442	14.42 1607 15.30 1692	16.92 1857 17.79 1944	19.44 2109 20.32 2194	21.94 2359 22.82 2444	24.44 2609 25.32 2694	26.94 2859 27.82 2944
7'-6"	4.21 497 4.71 552	5.22 606 6.48 756	7.17 821 7.87 895	8.76 1032 9.64 1110	10.51 1189 11.03 1293	12.10 1382 13.15 1471	14.71 1636 15.59 1721	17.21 1886 18.09 1971	19.71 2136 20.59 2221	22.21 2386 23.09 2471	24.71 2636 25.59 2721	27.21 2886 28.09 2971
7'-9"	4.29 512 4.80 568	5.32 625 6.61 777	7.31 843 8.01 910	8.93 1059 9.82 1139	10.71 1219 11.25 1326	12.33 1417 13.40 1508	15.08 1663 15.96 1754	17.54 1909 18.42 1994	19.94 2149 20.82 2234	22.34 2389 23.22 2474	24.74 2629 25.62 2714	27.14 2869 28.02 2954
8'-0"	4.37 517 4.90 574	5.42 632 6.74 785	7.45 852 8.16 919	9.11 1069 10.01 1150	10.90 1231 11.48 1339	12.56 1431 13.64 1522	15.22 1687 16.10 1767	17.67 1922 18.55 1999	19.99 2154 20.87 2239	22.39 2394 23.27 2479	24.79 2629 25.67 2714	27.14 2869 28.02 2954
8'-3"	4.46 526 4.99 584	5.52 642 6.87 800	7.59 868 8.31 936	9.28 1091 10.19 1173	11.10 1254 11.70 1367	12.79 1459 13.88 1551	15.51 1716 16.39 1801	18.01 1956 18.89 2041	20.41 2196 21.29 2281	22.81 2436 23.69 2521	25.21 2676 26.09 2761	27.61 2916 28.49 3001
8'-6"	4.54 541 5.08 601	5.63 661 7.00 820	7.73 891 8.46 961	9.45 1118 10.38 1201	11.29 1285 11.92 1399	13.02 1494 14.12 1588	15.88 1743 16.76 1828	18.28 1983 19.16 2068	20.68 2223 21.56 2308	23.08 2463 23.96 2548	25.48 2703 26.36 2788	27.88 2943 28.76 3028
8'-9"	4.62 550 5.17 611	5.73 672 7.13 836	7.87 907 8.61 978	9.64 1139 10.56 1224	11.49 1308 12.14 1427	13.26 1522 14.36 1617	16.17 1772 17.05 1857	18.57 2012 19.45 2097	20.97 2252 21.85 2337	23.37 2492 24.25 2577	25.77 2732 26.65 2817	28.17 2972 29.05 3057
9'-0"	4.71 565 5.27 628	5.83 691 7.26 856	8.01 929 8.75 1002	9.81 1166 10.75 1252	11.68 1339 12.36 1460	13.49 1557 14.60 1654	16.54 1809 17.42 1894	18.94 2049 19.82 2134	21.34 2289 22.22 2374	23.74 2529 24.62 2614	26.14 2769 27.02 2854	28.54 3009 29.42 3094
9'-3"	4.79 574 5.36 638	5.93 701 7.39 872	8.15 945 8.90 1019	9.99 1187 10.93 1275	11.87 1362 12.59 1487	13.72 1585 14.85 1683	16.83 1838 17.71 1923	19.23 2078 20.11 2163	21.63 2318 22.51 2403	24.03 2558 24.91 2643	26.43 2798 27.31 2883	28.83 3038 29.71 3123
9'-6"	4.87 588 5.45 654	6.03 720 7.52 892	8.29 968 9.05 1044	10.16 1214 11.12 1303	12.07 1393 12.81 1520	13.95 1620 15.09 1720	17.20 1875 18.63 1968	19.68 2123 20.56 2218	22.18 2373 23.06 2468	24.68 2623 25.56 2718	27.18 2873 28.06 2968	29.68 3123 30.56 3218
10'-0"	5.04 603 5.64 670	6.24 738 7.78 916	8.56 993 9.35 1070	10.51 1246 11.49 1337	12.46 1428 13.25 1581	14.41 1662 15.57 1764	17.64 1919 18.80 2083	20.83 2238 21.71 2323	23.23 2478 24.11 2563	25.63 2718 26.51 2803	28.03 2958 28.91 3043	30.43 3198 31.31 3283

NOTE:

— FOR CONVENIENCE, DEPTHS OF INLETS SHOWN IN ABOVE TABLES ARE IN INCREMENTS OF 3 INCHES BUT ANY DEPTHS OTHER THAN THOSE SHOWN ABOVE MAY BE USED WHEREVER DEEMED NECESSARY. QUANTITIES FOR OTHER DEPTHS FALLING WITHIN THE LIMITS OF THE TABLE MAY BE FOUND BY INTERPOLATION.
— DEPTHS GREATER THAN 10' NEED TO BE STRUCTURALLY ENGINEERED.

STANDARD DRAWING NO.
6030G



CURB INLET RECESSED

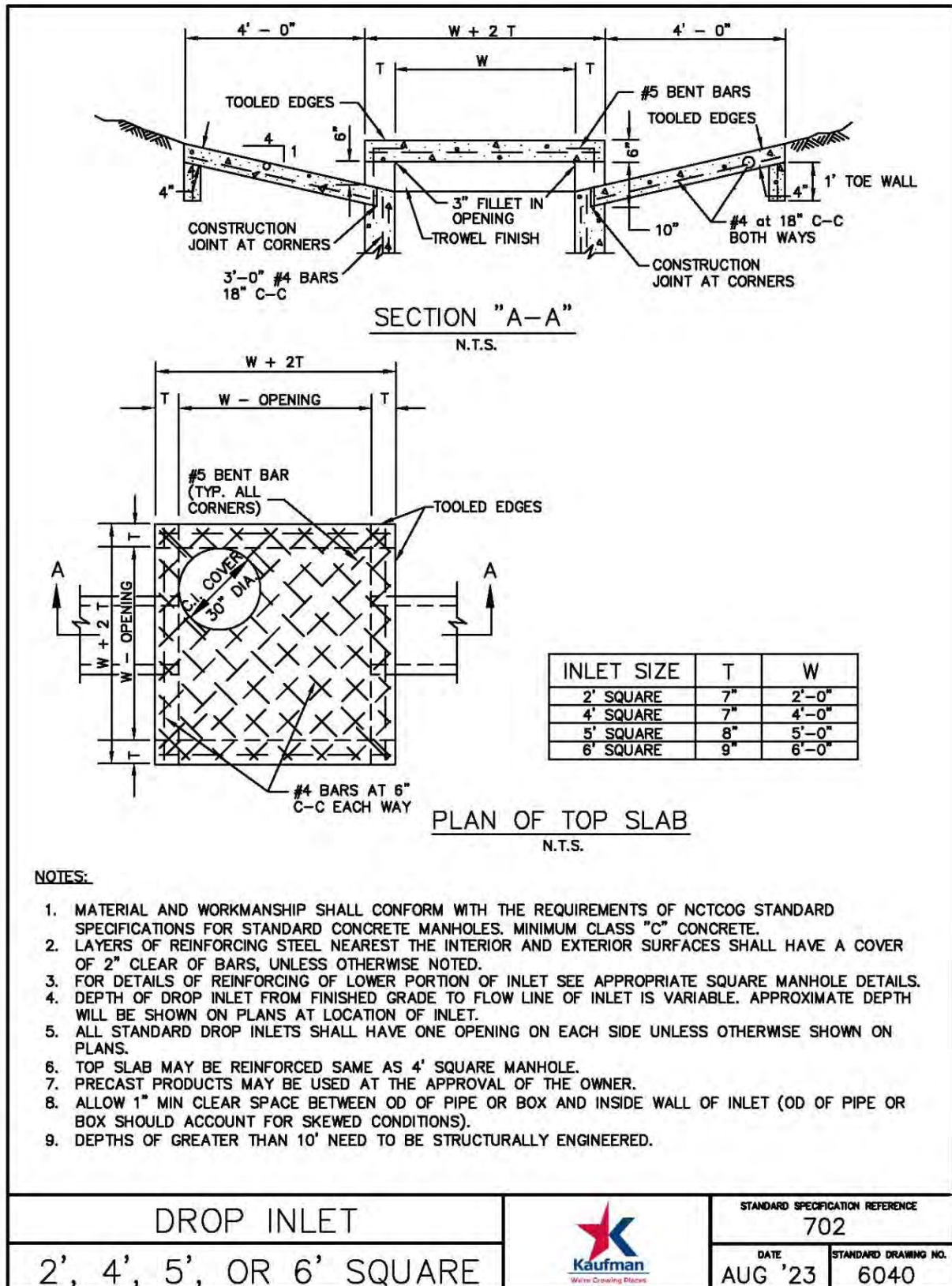
SUMMARY OF QUANTITIES

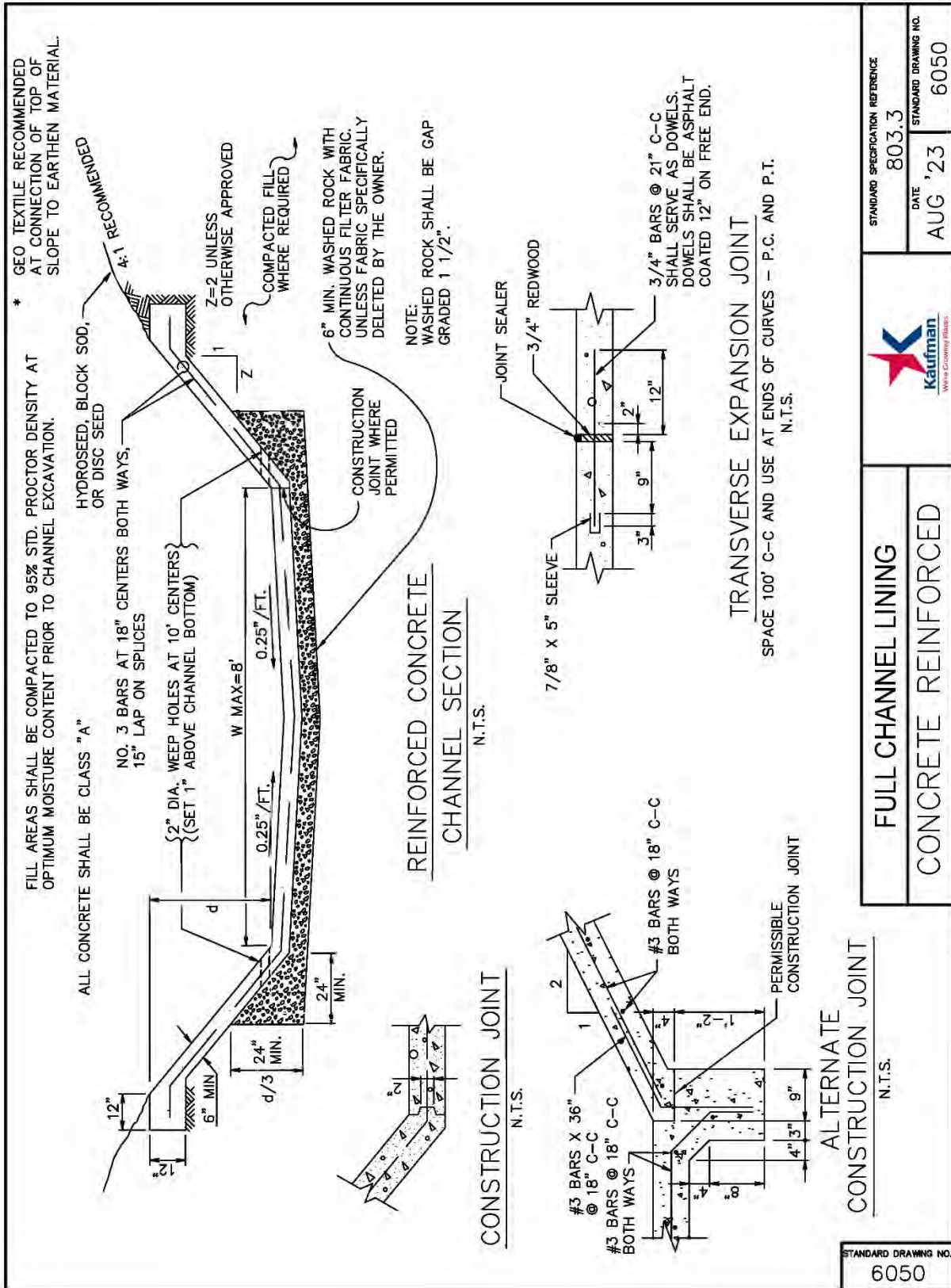
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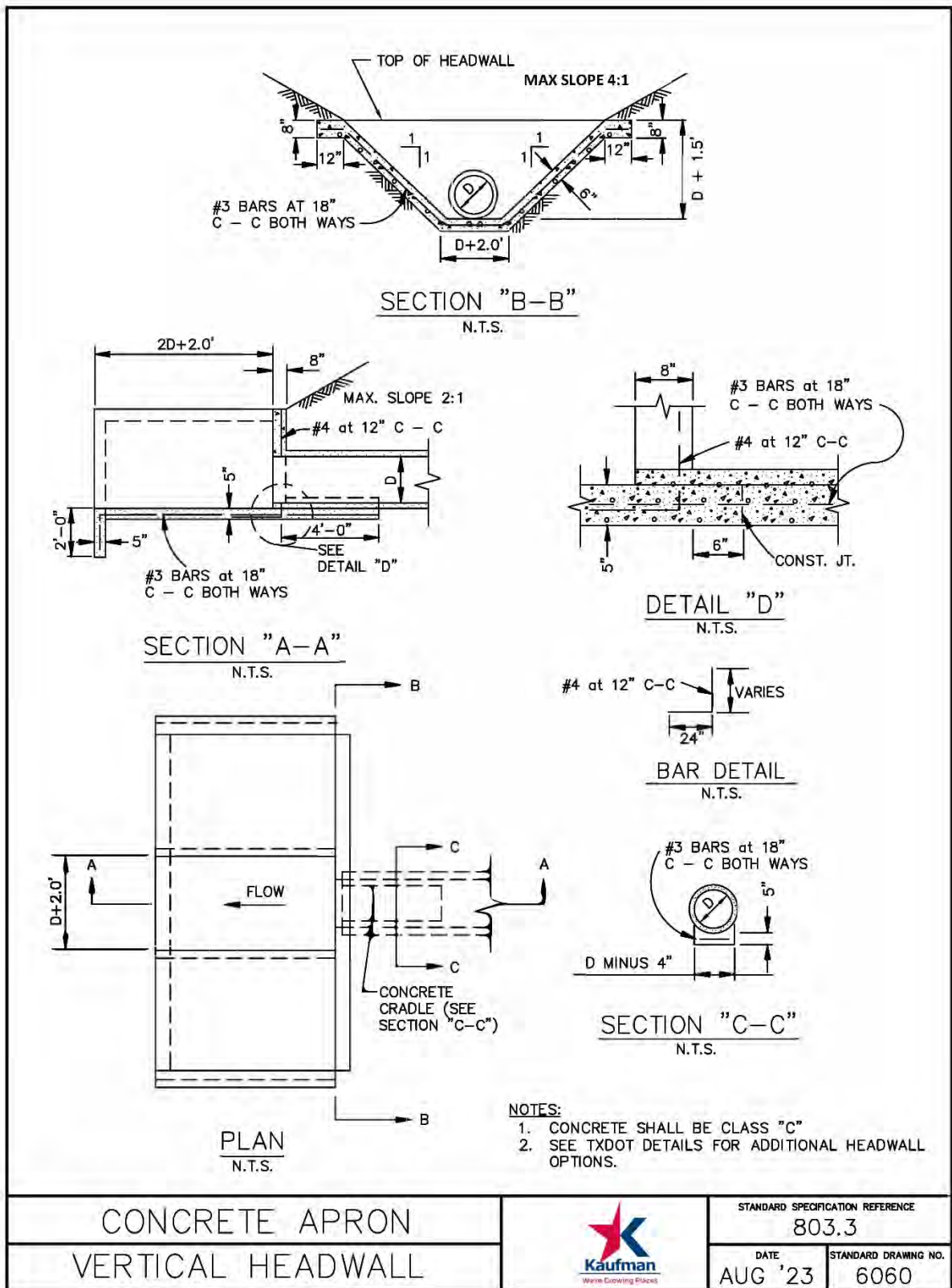
702

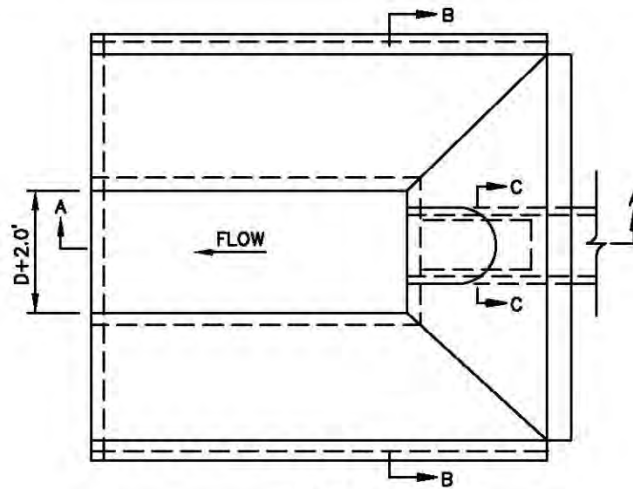
STANDARD DRAWING NO.

DATE
AUG '23
STANDARD DRAWING NO.
6030G

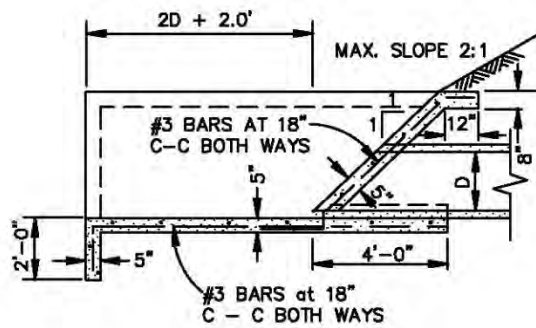




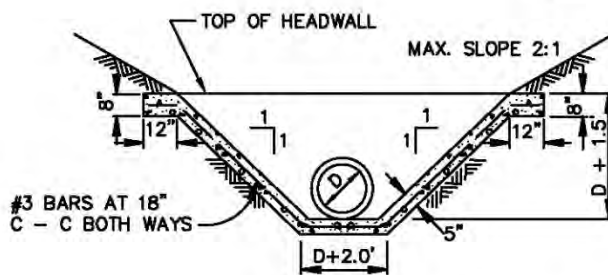




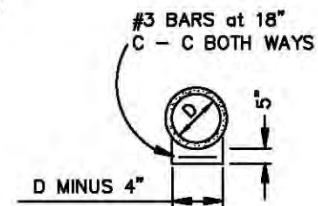
PLAN
N.T.S.



SECTION A-A
N.T.S.



SECTION B-B
N.T.S.



SECTION C-C
N.T.S.

NOTES:

1. CONCRETE SHALL BE CLASS "A".
2. WHEN SITE IT NOT APPLICABLE, SEE TXDOT

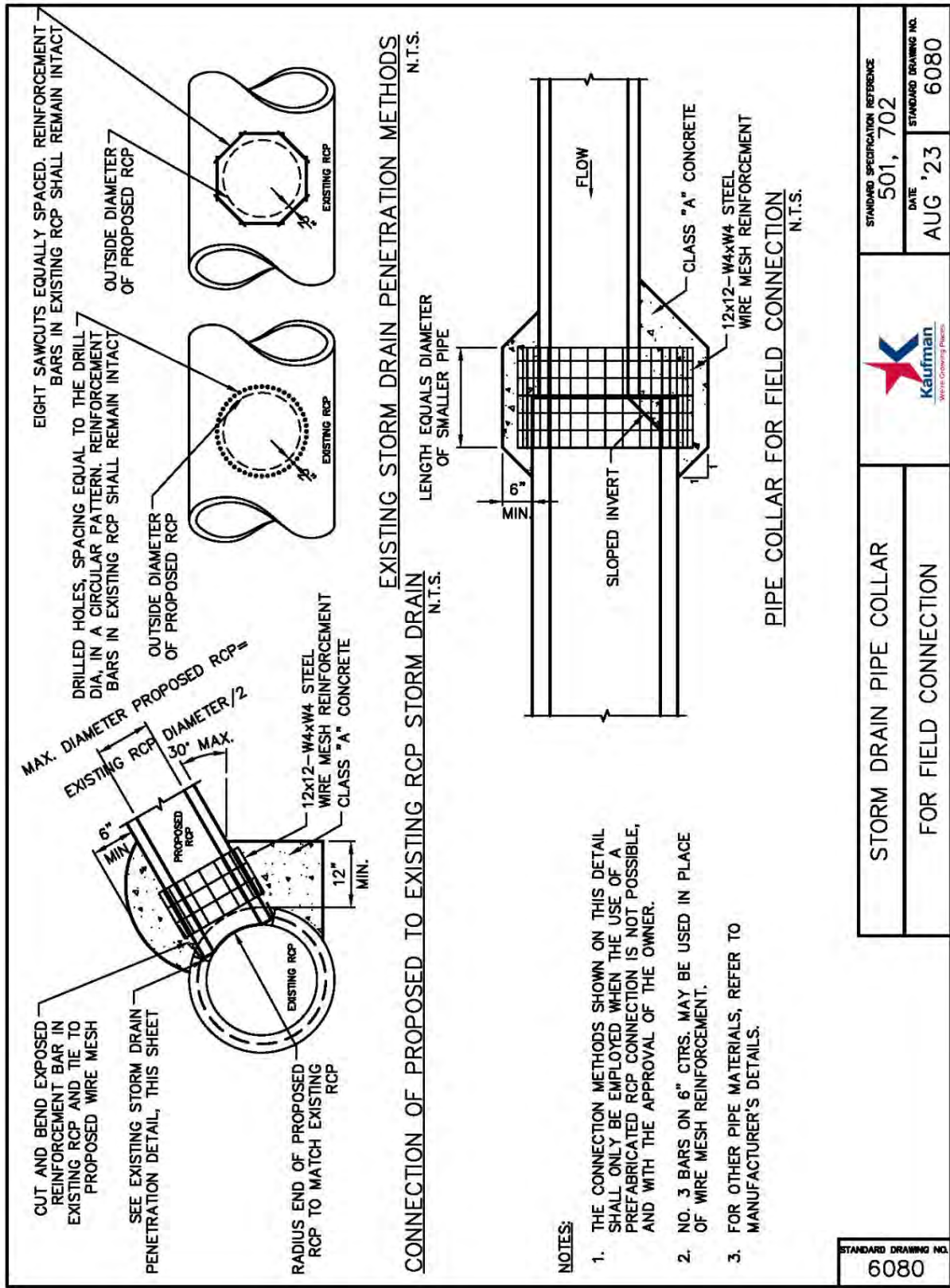
CONCRETE APRON
SLOPING HEADWALL

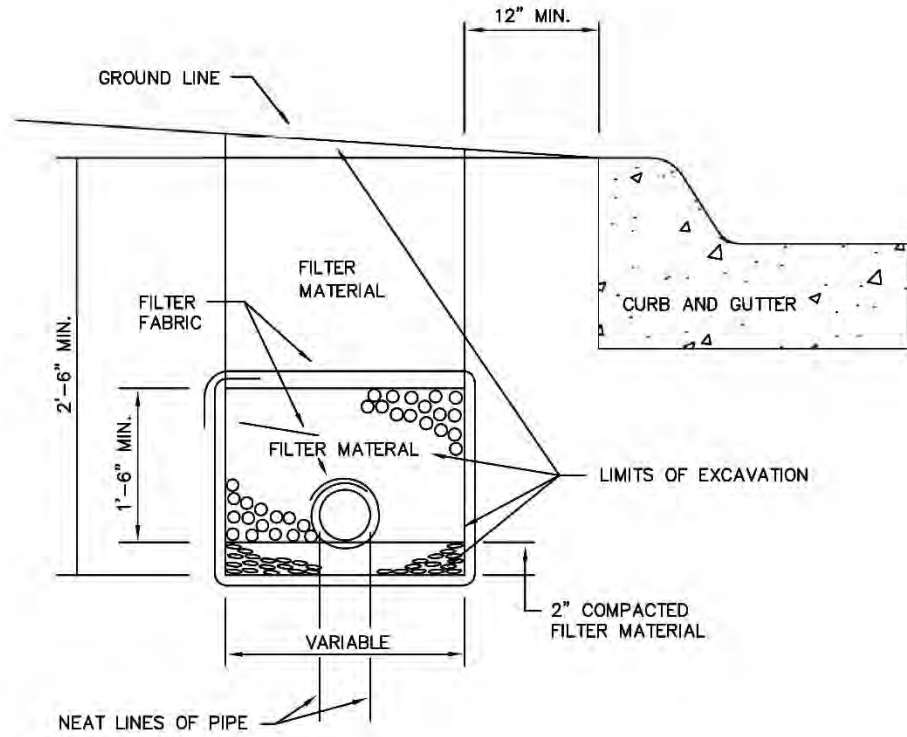


STANDARD SPECIFICATION REFERENCE
803.3

DATE
AUG '23

STANDARD DRAWING NO.
6070





SECTION
N.T.S.

LIMITS OF EXCAVATION

DEPTH OF TRENCH (FT.)	DIST. IN FT. OUTSIDE NEAT LINES OF PIPE SUBDRAIN
0 TO 6	1.00
6 TO 10	1.50
10 TO 15	2.00
OVER 15	2.50

FILTER MATERIAL SPECIFICATIONS

SIEVE SIZE	PERCENTAGE RETAINED ON SIEVE	
	TYPE A	TYPE B
1 1/2	—	0 - 10
3/4	0 - 10	20 - 40
3/8	15 - 35	—
NO. 4	35 - 55	40 - 60

TYPES OF PIPE ACCEPTABLE
FOR USE AS SUBDRAIN

1. PERFORATED PVC PIPE.
2. PERFORATED POLYETHYLENE PIPE.

MATERIAL FINER THAN NO. 4 SIEVE

4	—
20	35 - 65
50	75 - 100

SUBDRAINS
PAVEMENT SUBGRADE



STANDARD SPECIFICATION REFERENCE
301

DATE
AUG '23

STANDARD DRAWING NO.
6090



Meeting
Date: 4/22/2024

Date: 04/09/2024

Item #: b.

**Dept.: Development
Services**

Ordinance
SUBJECT:
Public Hearing

BACKGROUND:

Author:

Reviewed:
Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation:

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐



Meeting
Date: 4/22/2024

Date: 02/16/2024

Item #: 18.

Dept.: Administration

Resolution

SUBJECT:

Conduct a Public Hearing on the advisability of Public Improvements and Creation of the Kaufman Public Improvement District No. 6 ("PID No. 6") within the City of Kaufman, pursuant to Chapter 372 of the Texas Local Government Code on an approximate 41 acres of land which is situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, located in the corporate limits of the City of Kaufman, Kaufman County, Texas, City of Kaufman and identified as the Enclave at Kings Fort development and Consider and take appropriate action on Resolution R-13-24, a resolution of the City Council of the City of Kaufman, Texas, creating PID No. 6 pursuant to a by petition filed by Enclave at Kings Fort, Inc., a Delaware Corporation, requesting creation of PID No. 6; and providing an effective date. (The Enclave at Kings Fort)

BACKGROUND:

On February 22, 2024, staff received a petition for the creation of a Public Improvement District from Enclave at Kings Fort, Inc. (The Enclave). At the March 18th Regular City Council meeting, the Council set up a public hearing for the petition for the April 22nd Regular City Council meeting. This property is an approximate 41-acre tract of land generally located on the east side of Tabor Parkway, approximately 1,300 feet south of Kings Fort Parkway and 850 feet north of Dillard Lane, and is identified as the Enclave Development. This development is a single-family residential development of approximately 215 lots and 6 common area lots.

Author:

Mike Holder, City Manager

Reviewed:

Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of Resolution R-13-24 as presented.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐

RESOLUTION NO. R-13-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AUTHORIZING AND CREATING A PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY OF KAUFMAN PUBLIC IMPROVEMENT DISTRICT NO. 6); PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE. (THE ENCLAVE)

WHEREAS, the City of Kaufman, Texas (the "*City*"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "*Act*"), to create a public improvement district ("*PID*") within its corporate limits; and

WHEREAS, the City received a petition from Enclave at Kings Fort, Inc., a Delaware corporation, the owner of approximately 41 acres within the corporate limits of the City (the "*Petitioner*"), submitted and filed with the City Secretary of the City a petition (the "*Petition*") requesting the establishment of a PID (the "*District*") within the corporate limits of the City, such District to include the property described by metes and bounds in Exhibit "A" and depicted in Exhibit "B" (the "*Property*"), each attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City (the "*City Council*") received the Petition which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the District that is liable for assessment, and as such, the Petition complies with the Act; and

WHEREAS, on March 18, 2024, the City Council accepted the Petition and called a public hearing for April 22, 2024, on the creation of the District and the advisability of the improvements; and

WHEREAS, notice of the hearing was published in a newspaper of general circulation in the City in which the District is to be located on March 21, 2024; and,

WHEREAS, on March 19, 2024, notice to the owners of property within the proposed District was sent by first-class mail to the owners of 100% of the property subject to assessment under the proposed District containing the information required by the Act such that such owners had actual knowledge of the public hearing to be held on April 22, 2024; and

WHEREAS, on April 22, 2024, the City Council held such public hearing on the creation of the District and heard any comments or objections thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. That the findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. That the Petition submitted to the City by the Petitioner was filed with the City Secretary and complies with the Act.

SECTION 3. That pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and any evidence and testimony presented at the public hearing on April 22, 2024, hereby finds and declares:

(a) *Advisability of the Proposed Improvements.* It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.

(b) *General Nature of the Authorized Improvements.* The general nature of the proposed public improvements (collectively, the “Authorized Improvements”): (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction and improvement of water, wastewater and drainage improvements and facilities (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the District as approved by the City; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vi) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vi) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

(c) *Estimated Costs of the Authorized Improvements and Apportionment of Costs.* The estimated cost to design, acquire, and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs, and eligible costs incurred in the establishment, administration, and operation of the PID is \$20,000,000 plus the annual cost of operation and maintenance and supplemental services, if any. The City will pay no costs of the Authorized Improvements or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

- (d) *Boundaries of the District.* Approximately 41 acres of land situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, located in the corporate limits of the City of Kaufman, Kaufman County, Texas. Such Property being identified as The Enclave Development. A metes and bounds description is available for inspection at the offices of the City Secretary at the location described above.
- (e) *Proposed Method of Assessment:* The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.
- (f) *Proposed Apportionment of Costs Between the City and the District:* The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the District and from other sources of funds available to the Petitioners.
- (g) *Management of the District.* The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) *Advisory Board.* The District shall be managed without the creation of an advisory body.

SECTION 4. That a Public Improvement District to be known as “City of Kaufman Public Improvement District No. 6” is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

SECTION 5. That notice of this Resolution authorizing the District shall be given by publishing such notice once in a newspaper of general circulation in the City in which the District is to be located. Effective upon the publication of such notice, the District shall be established.

SECTION 6. That City staff is directed to cause to be prepared a Service and Assessment Plan for the District and to present it to the City Council for review and approval.

SECTION 7. That this Resolution shall take effect immediately from and after its passage and publication as required by law.

DULY RESOLVED by the City Council of the City of Kaufman, Texas, on the _____ day of _____, 2024.

Jeff Jordan
Mayor

ATTEST:

Jessie Hanks
City Secretary

APPROVED AS TO FORM:

Patricia A. Adams
City Attorney

STATE OF TEXAS §

COUNTY OF KAUFMAN §

Before me, the undersigned authority, on this day personally appeared Jeff Jordan, Mayor of the City of Kaufman, Texas, known to me to be such persons who signed the above and acknowledged to me that such persons executed the above and foregoing Resolution in my presence for the purposes stated therein.

Given under my hand and seal of office this
_____.

Notary Public, State of Texas

[NOTARY STAMP]

EXHIBIT A

Property Description

EXHIBIT A

Metes and Bounds Description

BEING a tract of land situated in the D. FALCON SURVEY, ABSTRACT NO. 151, of Kaufman County, Texas, and being a tract of land conveyed to Kaufman175 LLC, as recorded in Volume 5939, Page 257, of the Deed Records of Kaufman County, Texas, as shown on this survey, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch yellow-capped iron rod found for corner, being the Southeast corner of said Kaufman175 tract, and being the Southern most West corner of a tract of land conveyed to JWS Land LTD, Volume 4238, Page 325, of the Deed Records of Kaufman County, Texas, and being on the North line of a tract of land conveyed to Georgetown KF, LTD, as recorded in Volume 5852, Page 104, of the Deed Records of Kaufman County, Texas;

THENCE South 88 degrees 28 minutes 26 seconds West, a distance of 917.72 feet, and being on the South line of said Kaufman175 tract;

THENCE South 88 degrees 44 minutes 47 seconds West, a distance of 1130.70 feet, to a point for corner, being the Northwest corner of a tract of land conveyed to Georgetown KF LTD, as recorded in Volume 5852, Page 104, of the Deed Records of Kaufman County, Texas;

THENCE North 10 degrees 45 minutes 20 seconds East, a distance of 966.60 feet, to a point for corner, said point being in a curve to the left having a radius of 761.00 feet;

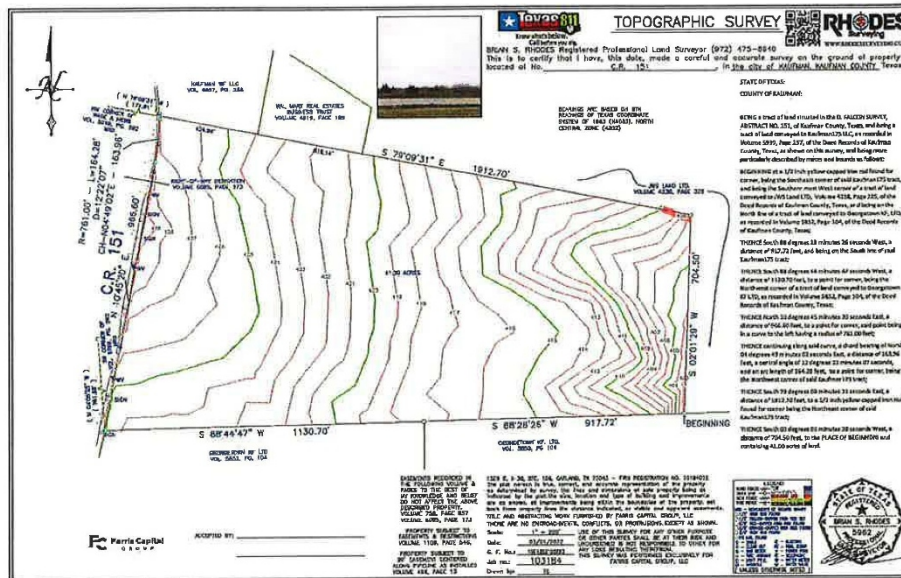
THENCE continuing along said curve, a chord bearing of North 04 degrees 49 minutes 02 seconds East, a distance of 163.96 feet, a central angle of 12 degrees 22 minutes 07 seconds, and an arc length of 164.28 feet, to a point for corner, being the Northwest corner of said Kaufman175 tract;

THENCE South 79 degrees 09 minutes 31 seconds East, a distance of 1912.70 feet, to a 1/2 inch yellow-capped iron rod found for corner being the Northeast corner of said Kaufman175 tract;

THENCE South 02 degrees 01 minutes 29 seconds West, a distance of 704.50 feet, to the PLACE OF BEGINNING and containing 41.00 acres of land.

EXHIBIT B PROPERTY DEPICTION

EXHIBIT B Property Depiction





Meeting
Date: 4/22/2024

Date: 03/26/2024

Item #: 19.

Dept.: Administration

Ordinance

SUBJECT:

Conduct a Public Hearing on the advisability of Public Improvements and Creation of the Kaufman Public Improvement District No. 5 ("PID No. 5") within the City of Kaufman, pursuant to Chapter 372 of the Texas Local Government Code on an approximate 73.09 acres of land which is situated in Thomas Beedy Survey, Abstract No. 21, Kaufman County, located in the extraterritorial jurisdiction of the City of Kaufman, Kaufman County, Texas, City of Kaufman and identified as the Trails development and Consider and take appropriate action on Resolution R-12-24, a resolution of the City Council of the City of Kaufman, Texas, creating PID No. 5 pursuant to a by petition filed by Tejas Wycliff Properties, LLC, a Texas limited liability company, requesting creation of PID No. 5; and providing an effective date. (The Trails)

BACKGROUND:

On March 2, 2024, staff received a petition for the creation of a Public Improvement District from Tejas Wycliff Properties, LLC - 2727 Kaufman Series (The Trails). At the March 18th Regular City Council meeting, the Council set up a public hearing for the petition for the April 22nd Regular City Council meeting. This property is an approximate 73.09-acre tract of land in the City's Extra-Territorial Jurisdiction (ETJ), generally located on the west side of Farm-to-Market Road 2727, approximately 1,200 feet south of County Road 143 and 2,600 feet north of Summerville Drive, and is identified as the Trails Development. This development is a single-family residential development of approximately 250 lots.

Author:
Mike Holder, City Manager

Reviewed:
Mike Holder, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends approval of Resolution R-12-24 as presented.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☐	☒	☒

RESOLUTION NO. R-12-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AUTHORIZING AND CREATING A PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY OF KAUFMAN PUBLIC IMPROVEMENT DISTRICT NO. 5); PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE. ("THE TRAILS")

WHEREAS, the City of Kaufman, Texas (the "*City*"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "*Act*"), to create a public improvement district ("*PID*") within its corporate limits; and

WHEREAS, the City received a petition from Tejas Wycliff Properties, LLC, a Texas limited liability company, the owner of approximately 73.09 acres located in the extraterritorial jurisdiction of the City (the "*Petitioner*"), submitted and filed with the City Secretary of the City a petition (the "*Petition*") requesting the establishment of a PID (the "*District*") located in the extraterritorial jurisdiction of the City, such District to include the property described by metes and bounds in Exhibit "A" and depicted in Exhibit "B" (the "*Property*"), each attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City (the "*City Council*") received the Petition which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the District that is liable for assessment, and as such, the Petition complies with the Act; and

WHEREAS, on March 18, 2024, the City Council accepted the Petition and called a public hearing for April 22, 2024, on the creation of the District and the advisability of the improvements; and

WHEREAS, notice of the hearing was published in a newspaper of general circulation in the City in which the District is to be located on March 21, 2024; and,

WHEREAS, on March 19, 2024, notice to the owners of property within the proposed District was sent by first-class mail to the owners of 100% of the property subject to assessment under the proposed District containing the information required by the Act such that such owners had actual knowledge of the public hearing to be held on April 22, 2024; and

WHEREAS, on April 22, 2024, the City Council held such public hearing on the creation of the District and heard any comments or objections thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. That the findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. That the Petition submitted to the City by the Petitioner was filed with the City Secretary and complies with the Act.

SECTION 3. That pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and any evidence and testimony presented at the public hearing on April 22, 2024, hereby finds and declares:

(a) *Advisability of the Proposed Improvements.* It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.

(b) *General Nature of the Authorized Improvements.* The general nature of the proposed public improvements (collectively, the “Authorized Improvements”): (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction and improvement of water, wastewater and drainage improvements and facilities (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the District as approved by the City; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vi) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vi) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

(c) *Estimated Costs of the Authorized Improvements and Apportionment of Costs.* The estimated cost to design, acquire, and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs, and eligible costs incurred in the establishment, administration, and operation of the PID is \$17,000,000 plus the annual cost of operation and maintenance and supplemental services, if any. The City will pay no costs of the Authorized Improvements or operation and

maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

- (d) *Boundaries of the District.* Approximately 73.09 acres of land situated in the Thomas Beedy Survey, Abstract No. 21, Kaufman County, located in the extraterritorial jurisdiction of the City of Kaufman, Kaufman County, Texas. Such Property being identified as The Trails Development. **A metes and bounds description is available for inspection at the offices of the City Secretary at the location described above.**
- (e) *Proposed Method of Assessment:* The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.
- (f) *Proposed Apportionment of Costs Between the City and the District:* The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the District and from other sources of funds available to the Petitioners.
- (g) *Management of the District.* The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) *Advisory Board.* The District shall be managed without the creation of an advisory body.

SECTION 4. That a Public Improvement District to be known as “**City of Kaufman Public Improvement District No. 5**” (The Trails) is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Ordinance, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

SECTION 5. That notice of this Ordinance authorizing the District shall be given by publishing such notice once in a newspaper of general circulation in the City in which the District is to be located. Effective upon the publication of such notice, the District shall be established.

SECTION 6. That City staff is directed to cause to be prepared a Service and Assessment Plan for the District and to present it to the City Council for review and approval.

SECTION 7. That this Resolution shall take effect immediately from and after its passage and publication as required by law.

DULY RESOLVED by the City Council of the City of Kaufman, Texas, on the _____ day of _____, 2024.

Jeff Jordan
Mayor

ATTEST:

Jessie Hanks
City Secretary

APPROVED AS TO FORM:

Patricia A. Adams
City Attorney

STATE OF TEXAS §

COUNTY OF KAUFMAN §

Before me, the undersigned authority, on this day personally appeared Jeff Jordan, Mayor of the City of Kaufman, Texas, known to me to be such persons who signed the above and acknowledged to me that such persons executed the above and foregoing Resolution in my presence for the purposes stated therein.

Given under my hand and seal of office this
_____.

Notary Public, State of Texas

[NOTARY STAMP]

EXHIBIT A

Property Description

EXHIBIT A

Metes and Bounds Description

BEING 73.09 ACRES OF LAND LOCATED IN THE THOMAS BEEDY SURVEY, ABSTRACT NO. 21, KAUFMAN COUNTY, TEXAS AND BEING PART OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 2583, PAGE 440, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS AND ALL OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 6568, PAGE 353, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2 INCH IRON ROD AT THE SOUTH CORNER OF SAID 138.451 ACRE TRACT RECORDED IN VOLUME 2583, PAGE 440, AT THE EAST CORNER OF THE DAVID NALLS TRACT RECORDED IN VOLUME 3395, PAGE 289 AND IN THE NORTHWEST R.O.W. OF FARM TO MARKET 2727;

THENCE NORTH 47 DEGREES 11 MINUTES 43 SECONDS WEST, 1346.01 FEET TO A FOUND CAPPED 1/2 INCH IRON ROD;

THENCE SOUTH 44 DEGREES 07 MINUTES 47 SECONDS WEST, 517.35 FEET TO A FOUND 3/8 INCH IRON ROD;

THENCE NORTH 47 DEGREES 09 MINUTES 56 SECOND WEST, 1463.96 FEET TO A 8 INCH POST FOR CORNER;

THENCE NORTH 43 DEGREES 56 MINUTES 17 SECONDS EAST, 1617.61 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 46 DEGREES 32 MINUTES 43 SECONDS EAST, 381.18 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 43 DEGREES 27 MINUTES 17 SECONDS WEST, 257.00 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 46 DEGREES 32 MINUTES 43 SECONDS EAST, 2429.02 FEET TO A SET 1/2 INCH IRON ROD IN THE NORTHWEST RIGHT OF WAY OF F.M. 2727;

THENCE SOUTH 44 DEGREES 00 MINUTES 57 SECONDS WEST, 812.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 73.09 ACRES OF LAND.

EXHIBIT B

Property Depiction



DISCUSSION ITEMS REPORT (DIR)

Project Title	Department	Agenda Date	Entered Date	Status/Notes	Strategy Map
Thoroughfare Plan Update	Development Serv	TBD	10/23/2018	In Progress	2,5
Bldg Standards Commission Ordinance	Development Serv	9/1/2019	10/23/2018	BSC to review	4
South Pointe	Development Serv		2/3/2021	Ground breaking occurred 10/22	2,3,4
Subdivision Ordinance Update	Development Serv	1/27/2020	10/23/2018	Joint Work Session 12/11/23	5
Fire Department Facility Improvements	Admin/Public Safety			Drainage improvements completed/Doors Painted	1,2,5
City Lakes Emer Action Plan	Public Works	TBD	8/7/2019		5
Film Friendly Designation	Admin/KEDC	TBD	9/1/2023	Working w/ Chamber of Commerce	2,3
Washington Street Utility Relocation	Admin/PW	TBD	10/1/2019	SUE forwarded to TxDOT	2,5
TPW Grant for City Lake Park	Parks & Rec	TBD	12/10/2019	TPWD Grant Awarded	4,5
Comprehensive Plan	Admin		8/26/2020	Need to update plan/Exploring Grant Opportunities	2,3,4,5
Street Maintenance Program	Public Works		1/29/2021	Budget Approved, Phase 1 & 2 complete. Start Phase 3.	2,4,5
Storm Drainage Projects	Public Works		1/29/2021	Phase 2 Under Construction	2,4,5
North & South Water Tower Rehab	Public Works		1/29/2021	South Tower Rehab Completed	4,5
Crestview/Royal Reconstruction	Public Works		9/1/2023	Bid in April 24	5
Connector Road	Admin		4/29/2021	County has project under design	2,3,5
Phillip's Drainage	Public Works		9/1/2023	Bid April 24	5
Northeast Utility Project	Admin/PW		9/17/2021	Developer's agreements approved	1,2,3,4,5
City Lakes Park/Lower Lake Improvements	Admin/PW		9/23/2021	Working on Cost Estimate and Scope	4
E. 1st North	Public Works		9/1/2023	Discussing Scope of Project	5
Kings Fort Park	PW/Admin		7/27/2022	TPWD Grant Awarded	3,4,5
Hike & Bike Trail	Admin		7/27/2022	Master Concept Plan & First Segment complete	3,4,5
Arts Council	Admin	TBD	3/15/2023	Public Private Partnership	3,4
City Hall Front Plaza	Admin	TBD	5/15/2023	CM Contingency	4,5
HWY 34 Property	Admin		1/30/2024	Need Demo Quote	4
Becker-Jiba Water Contract	Admin		1/30/2024	Apr-24	3,5
TxDOT Property	Admin/EDC		1/30/2024	Closing scheduled for April 2024	2,5

DISCUSSION ITEMS REPORT (DIR)

COMPLETED

Project Title	Project Lead	Agenda Date	Entered Date	Status/Notes	
PID Creation Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete	
TIRZ Creation Ordinance Amendment	Dev Svc/Admin	11/13/2018	10/24/2018	Complete	
TIRZ Project Reprioritization Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete	
Home Improvement Incentive Program	Development Serv	11/13/2018	10/23/2018	Complete	
Budget Book Submission to GFOA	Finance		10/23/2018	Complete	
Interlocal Agreement w/County for PID	Finance		10/30/2018	PID Assessment for Georgetown in 2020	
WWTP Priority Project List	Public Works	11/13/2018	10/23/2018	Mark Hill - Consultant	
2600 Commerce Way Permit Ready	Development Serv	NA	11/6/2018	Complete Permit Issued 11/26/2018	
600 N Nash KC Street Barn Permit Issued	Development Serv	NA	11/6/2018	Complete Finaled 01/04/2019	
Rev Ch 22 & 46 7500SF F Sprinkler Req	Development Serv	11/28/2019 02/25/201	1/21/2019	Complete 02/25/2019	
Realtor PID Training	Admin	NA		Complete 4/23/2019	
Fee Schedule Update	Development Serv		6/4/2019	Approved by Council	
Bureau Veritas Contract Update	Development Serv		6/4/2019	Approved by Council	
Park Master Plan Update	Parks & Rec	8/5/2019	10/23/2018	Approved by Council	
34/243 Signal Installation	Public Works		10/23/2018	Complete	
HR Coordinator	Admin		12/17/2018	Admin/HR Assistant Full-Time Sept. 30	
Agenda Software Installation/Training	Admin		10/23/2018	Complete	
5 Year CIP	Admin	11/25/2019	11/25/2019	Work Session 12/16/19	
Water & Street Impact Fee Update	Development Serv		6/10/2019	Council approved 12/16/19	
Intern Program	HR	TBD	12/10/2019	Policy to Council 3/30/20	3,5
WWTP Finance Application	Finance	11/13/2018	10/23/2018	GTUA Approval	5
PD/FD Safety Equipment Grant	Public Safety	TBD	3/3/2020	Application Submitted	1
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council/Incorporated into 5 Year CIP	5
Traffic Signal 1388@34 ByPass	Admin		1/28/2020	Final Construction Underway	1
Solid Waste RFP	Admin	TBD	5/18/2020	Contract Finalized and Approved	4,5
PD Body Camera Grant	PD	4/27/2020	5/19/2020	Grant not awarded	1,5
Civic Center	Admin	7/22/2019		Accepted 01/25/21	2,3
Phase II - Street Bond	Public Works	10/28/2019	10/23/2018	Accepted 01/25/21	5
TxDOT Turnback	Admin	12/17/2018	11/6/2018	Accepted 01/25/21	2,3,5
City Lakes Park Fence	Public Works		1/26/2021	Complete	
Building Official	Development Serv		12/10/2020	Hired	
54-Acre Development	Development Serv	5/18/2020	10/23/2018	PD to Council 05/18/2020	2,3,4
Building Code Update	Development Serv	10/28/2019	6/4/2019	Approved O-28-19	5
Park Dedication Ordinance	Development Serv	1/25/2021	10/23/2018	PH continued to 2/22/2021	4,5
Police Department Server	PD		1/29/2021	Ordered thru TSM	1,5
Tree Mitigation Ordinance	Development Serv		2/24/2021	Approved	4,5
Kaufman Lake	Admin/PW		1/8/2019	Sold April 2021	2,4,5
Downtown Parking	Admin		1/16/2019	2 Hour Parking Signs going up	2
Fire Engine Replacement	FD	1/25/2021	1/25/2021	Lease Approved	1,5
Greenlight City/EDC Marketing	Admin/EDC		6/16/2020	Greenlight Retainer	1,2
Kaufman Square Speakers	Admin/PW	TBD	10/22/2019	Installation Complete	2,3
Fire Department 5 Year Plan	FD		8/26/2020	Presented at Council Retreat 4/2021	2,5
TIRZ #2	Admin		8/6/2020	PPFP Approved 082420	2,3,4
Tabor Parkway Expansion	PW/Admin			Complete	2,3,5
IT Services RFP	Admin		1/6/2022	Contract award 2/28/22	1,5
Marlow Development	Development Serv	4/22/2019	10/23/2018	Construction Underway	2
Recodification of City Ordinances	Admin	11/13/2018	10/23/2018	Franklin Review	5
Kaufman Estates	PW/Admin	10/28/2019		No Action	5
Sports Complex Parking Lot Paving	PW/Admin	4/25/2022	4/26/2022	Completed	4
Digital Gateway Signage	Admin	TBD	8/17/2020	Could not get an approved site	2,3
Former Senior Center Demo	Development Serv		11/8/2021	Property sold and closed 12/29/22	4
Sports Complex Football Fields/Lighting/S	PW/Admin		9/23/2022	Complete	3,4
High Speed Internet	Admin			Suddenlink live/CIP installing	2,3,5
COVID - 19	Admin/Public Safety	TBD	3/11/2020	Action Plan in Place	4,5
Splash Pad	Parks & Rec	TBD	10/23/2018	Completed	2,3,4
Body Cameras	PD		2/2/2021	Completed	1,3,5
Shannon Park Updates	Admin/PW	4/26/2021	4/26/2021	Completed	3,4,5
AMI	Admin/PW		4/29/2021	Installation complete	4,5
Website Update	Admin		1/26/2021	Planning Phase- kick off meeting on 1/30/2023	2,3
City Hall Front Plaza	Admin	TBD	5/15/2023	CM Contingency	4,5



DATE: April 4, 2024

TO: Kaufman County

FROM: Teresa Elliott; Project Manager

RE: March 2024 Ridership Report

Demand Reponse	September	October	November	December	January	February	March	April	May	June	July	August	YTD
Total Trips	3,005	3,226	2,993	2,489	2,448	2,647	2,458						19,266
Days of Service	20	22	20	19	20	20	20						141
Avg. Daily Trips	150	147	150	131	122	132	123						137
Elderly & Disabled Trips	2,541	2,731	2,495	2,078	2,013	2,160	2,010						16,028
E&D Percentage	85%	85%	83%	83%	82%	82%	82%						83%

Trips By City	September	October	November	December	January	February	March	April	May	June	July	August	YTD
Crandall	33	45	38	43	39	48	58						304
Forney	767	880	886	685	664	798	711						5,391
Kaufman	465	407	355	287	304	391	406						2,615
Kemp	12	8	7	17	20	22	14						100
Mabank	22	21	13	16	16	19	18						125
Scurry	35	35	35	22	7	9	10						153
Terrell	1671	1830	1659	1419	1398	1360	1241						10578

STARNow	September	October	November	December	January	February	March	April	May	June	July	August	YTD
Total Trips	634	641	575	658	749	828	854						4,939
Days of Service	20	22	20	19	20	20	20						141
Avg. Daily Trips	32	29	29	35	37	41	43						35
Median Wait Time (mins)	52.42	29.00	23.70	24.59	22.35	18.47	28.31						28.41

Total Requested Boardings ⓘ 1124 Completed Boardings ⓘ 854 Avg. Boardings Per Service Hr. ⓘ 1.16 Boarding Cancellations ⓘ 270 Boarding Cancellations (No-Show) ⓘ 35 Cancellation Percentage ⓘ 24.02 % Cancellation Percentage (No Show) ⓘ 3.11 % Total Requests ⓘ 1024

Completed Requests ⓘ 784 No Drivers Available Requests ⓘ 0 Request Cancellations ⓘ 240 Request Cancellations (No Show) ⓘ 31 Avg. # of Requests per Rider ⓘ 6.67 Avg. Travel Duration ⓘ 12.73 min Avg. Travel Distance ⓘ 3.72 mi Mean Wait Time ⓘ 44.35 min Median Wait Time ⓘ 28.31 min

Bookings from Admin Panel ⓘ 59.02 % Bookings from Rider Mobile App ⓘ 40.98 % Bookings from Rider Web ⓘ 0 % Flag Down Bookings ⓘ 0 % Bookings from IVR ⓘ 0 % Avg. # Riders per Request ⓘ 1.09

STARNow Trips By City	September	October	November	December	January	February	March	April	May	June	July	August	YTD
Terrell	634	641	575	562	571	611	592						4,186

CITY OF KAUFMAN

Compliance Report

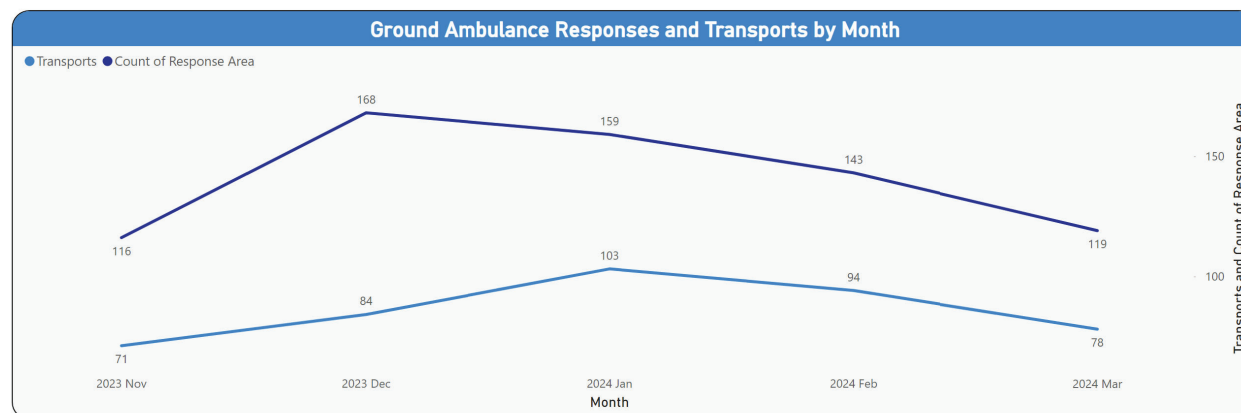
March 2024



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CITY OF KAUFMAN

RESPONSE AND TRANSPORT TRENDS



At 103, 2024 Jan had the highest Transports and was 45.07% higher than 2023 Nov, which had the lowest Transports at 71.

Transports and total Count of Response Area are positively correlated with each other.

2023 Dec accounted for 23.83% of Count of Response Area.

Count of Response Area and Transports diverged the most when the Month was 2023 Dec, when Count of Response Area were 84 higher than Transports.

CITY OF KAUFMAN

COMPLIANCE

Monthly Compliance					
911 Response Plan	Responses	Transports	Exceptions	Compliance %	Transport %
City of KaufmanP1	27	21	1	96%	78%
City of KaufmanP2	73	42	6	92%	58%
City of KaufmanP3	19	15	1	95%	79%
Total	119	78	8	93%	66%

Monthly Compliance					
911 Response Plan	Responses	Transports	Exceptions	Transport %	
City of KaufmanNA	167	159	159	95%	
City of KaufmanRW1-Scene	7	4	4	57%	
Total	174	163	163	94%	

Average Response Time
00:06:...
Average Response Time

CITY OF KAUFMAN

DESTINATION AND NON-TRANSPORT REVIEW

Destination		
Dropoff Fac	Transports	Cumulative %
Baylor Scott & White - Dallas (DBMC)	6	7.89%
Baylor Scott & White - Lake Pointe Rowlett (ROWL)	1	3.33%
Baylor Scott & White - Sunnyvale (SUNV)	8	11.27%
Childrens Medical Ctr (DCMC)	5	6.49%
Dallas Regional Medical Center (MDR1)	3	6.67%
Methodist Dallas Medical Center (DMMC)	2	7.69%
Texas Health Dallas (DPMC)	4	5.06%
Texas Health Kaufman (KAUF)	50	62.50%
UT Health - Tyler (TETM)	1	1.28%
Total	80	100.00%

Non Transports		
Cancel Reason	Responses	Cum Response %
AMA Refused Treatment or Transport	14	48.28%
Canceled After Arrival	4	14.29%
Cancelled by FD	7	28.00%
Cancelled by LE	3	13.04%
Dead at Scene	1	5.88%
Total	29	100.00%

CITY OF KAUFMAN

FRACTILE RESPONSE TIME

Fractile Time		
Response Time (Seconds) (bins)	Responses	Cum Response %
0	22	21.36%
60	5	4.81%
120	12	10.43%
180	20	16.95%
240	13	11.71%
300	12	10.71%
360	13	10.92%
420	4	4.04%
480	2	2.13%
540	4	4.00%
660	2	1.71%
720	2	2.20%
780	1	0.88%
840	1	4.76%
900	1	0.94%
960	2	4.65%
1020	1	2.86%
Total	119	100.00%



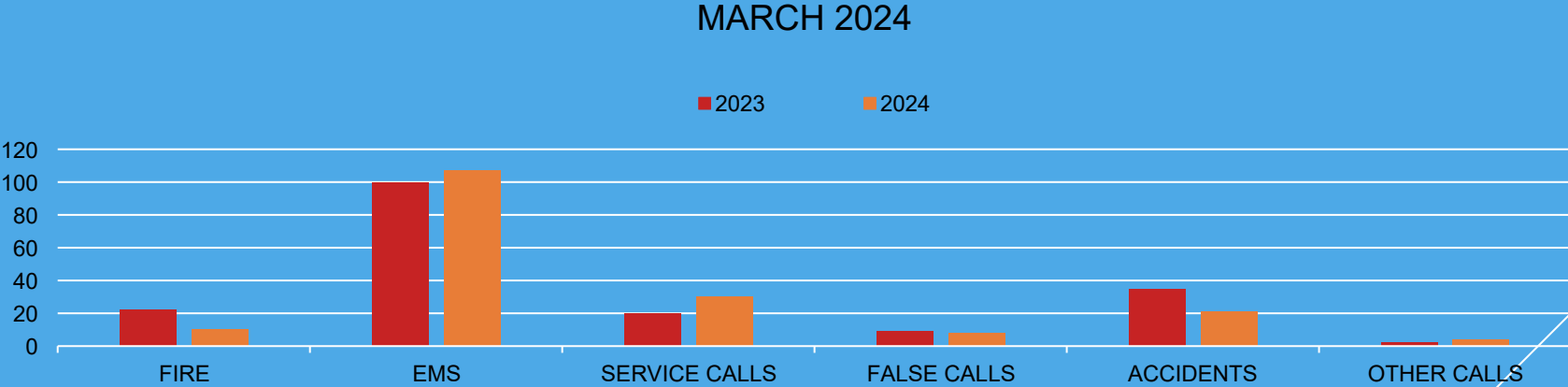
KAUFMAN FIRE DEPARTMENT MONTHLY DASHBOARD REPORT MARCH 2024



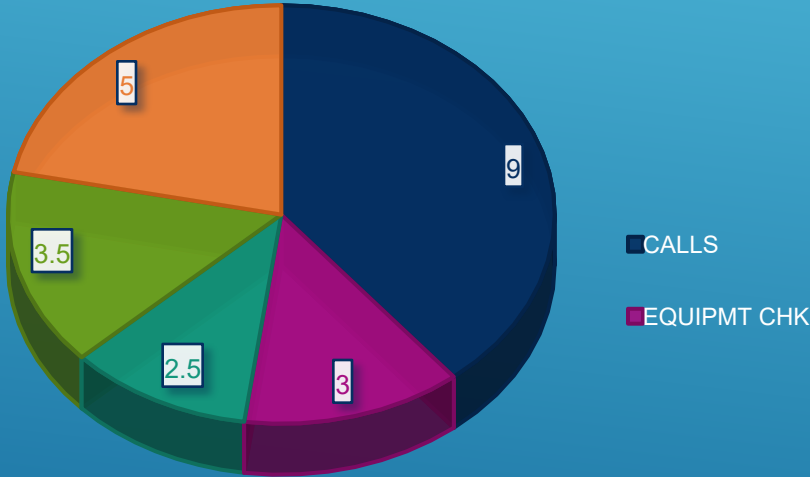
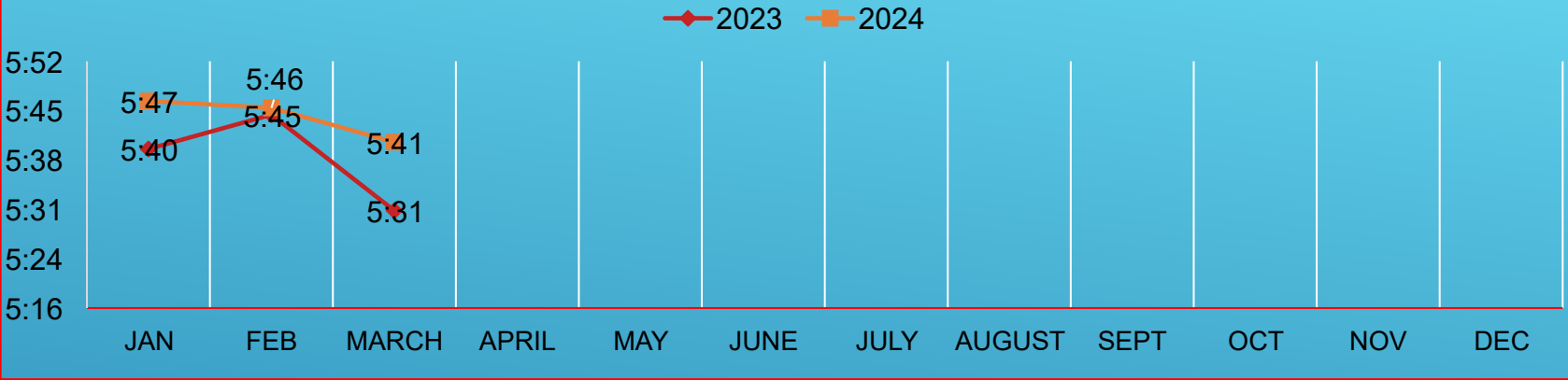
KAUFMAN FIRE DEPARTMENT
MONTHLY DASHBOARD REPORT
MARCH 2024



	2023 MAR	2024 MAR	MONTHLY INCREASE / DECREASE %	FISCAL YTD OCT. 22 TO MARCH 23	FISCAL YTD OCT. 23 TO MARCH 24	FISCAL YTD INCREASE DECREASE %
FIRE CALLS	14	27	51%	99	109	10%
RESCUE & EMERGENCY MEDICAL SERVICES	120	82	-66%	632	607	-4%
HAZARDOUS CONDITIONS	9	14	56%	96	93	-3%
SERVICE /INSP/ GOOD INTENT CALLS	11	45	30%	91	163	44%
FALSE ALARMS & FALSE CALLS	14	5	64%	58	47	-23%
ACCIDENTS	29	28	0%	198	171	-16%
OTHER INCIDENTS	9	10	1%	35	38	8%
TOTAL CALLS	206	211	3%	1209	1228	2%



MONTHLY RESPONSE TIMES



SHIFT HOURLY UTILIZATION 43 %

NFPA NATIONAL STANDARDS 25% TO 30% MAXIMUM

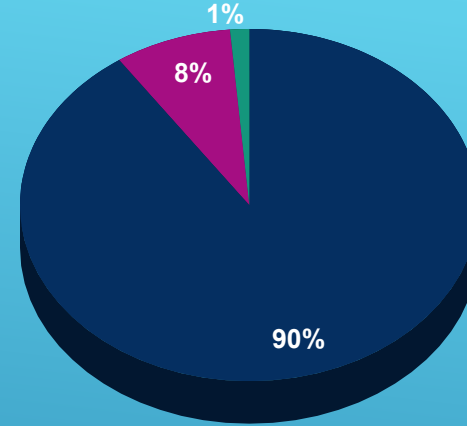
MARCH PREVENTION REVIEW

4 DEVELOPMENT PLANS REVIEWED

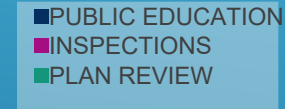
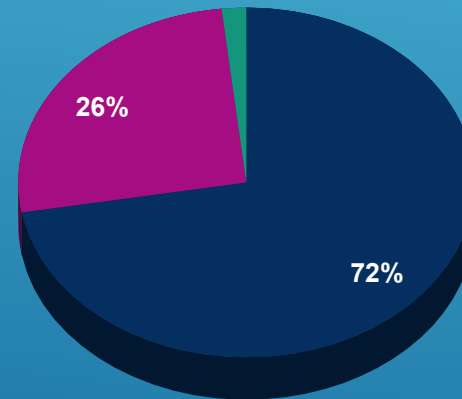
CONDUCTED 45 FIRE SAFETY
INSPECTIONS

CONDUCTED FIRE PREVENTION
PRESENTATIONS FOR 125 KIDS AND
CITIZENS

YEARLY 2023



MARCH 2024



0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



PERSONNEL CONTINUING EDUCATION

FIRE

FIRE PROTECTION SYSTEMS (SPRINKLERS AND ALARM SYSTEMS)



EMS

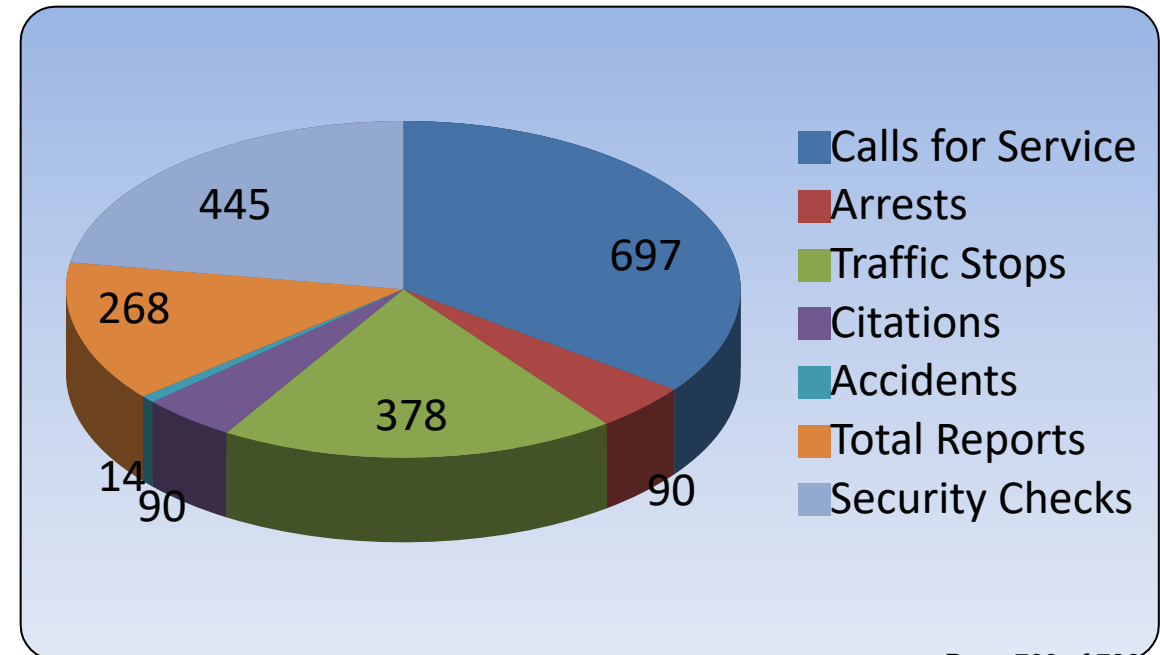
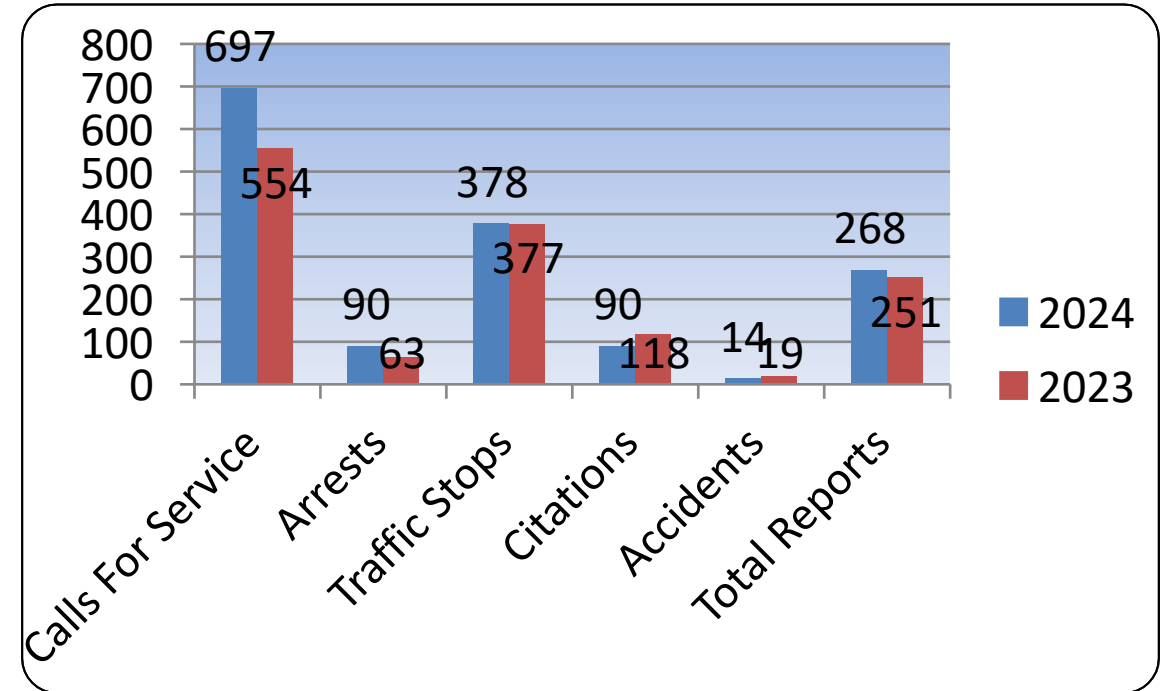
CARDIAC RHYTHMS AND EKG STRIPS, HEART ISSUES

KAUFMAN POLICE DEPARTMENT

PATROL ACTIVITY MARCH 2024

March 2024, Kaufman Police Department's Patrol Division Activity:

- **697** Calls For Service, Including Accidents
- **14** Traffic Accidents
- Completed **445** Homes, Parks, & Business Checks
- Completed **378** Traffic Stops
- Completed **71** Offense Reports
- Completed **197** Incident Reports
- Completed **268** Reports
- Made **90** Arrests
- Average monthly response time to calls is **5:39** minutes.



Community Engagement March 2024



Social Media Posts 15, Facebook Followers 13K.

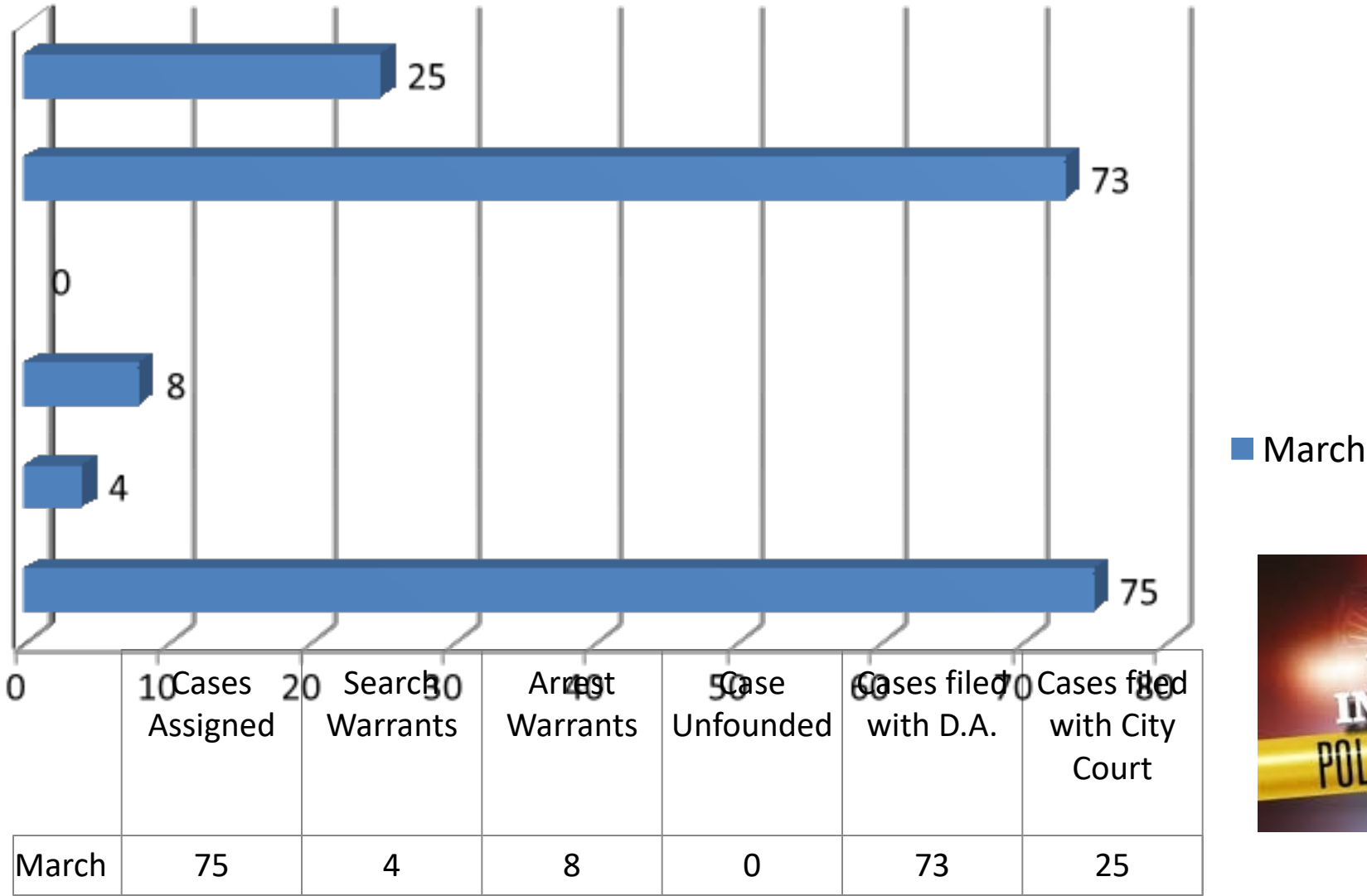
Events attended by Kaufman Police Department employees:

- Chief Edwards attended the Lions Club meetings.
- Chief Edwards assisted Mesquite Police Department with interview boards for their vacant Assistant Chief position.
- Chief Edwards and Captain Leftwich attended the North Texas Council Of Governments Regional Police Academy graduation.

Training:

- Kaufman Police Department Captain Leftwich and Sergeant Black attended Kaufman College.
- Captain Leftwich recertified as an NAPD driving instructor.
- Chief Edwards and Captain Leftwich met with Tyler Technologies regarding the Brazos Ticket Writing Software.
- Sergeant Wagner attended De-Escalation training at Kaufman County Sheriff Office.
- Captain Leftwich taught ALERRT (active shooter training) where Sergeant Rice and Sergeant Turner attended.
- Sergeant Stastny completed The Dark Web training online.
- Chief Edwards attended the Texas Police Chiefs Conference in Galveston, TX.

Kaufman Criminal Investigations Division
March 2024





Year to Date Comparison Report

Printed On: 04/09/2024

Page 1 of 3

Beginning Date: 01/01/2024

Ending Date: 03/31/2024

Offenses Known to Police

Agency: KAUFMAN PD

Classification of Offenses	Offenses Reported	Offenses Cleared	Projected Rate/1000	Last YTD Reported	Percent Change
Animal Cruelty, Total	0	0	0.00	0	-
Arson, Total	0	0	0.00	0	-
Assault Offenses, Total	23	18	2.57	11	109.09%
Aggravated Assault	6	5	0.67	2	200.00%
Intimidation	0	0	0.00	0	-
Simple Assault	17	13	1.90	9	88.89%
Bribery, Total	0	0	0.00	0	-
Burglary/Breaking and Entering, Total	7	1	0.78	4	75.00%
Counterfeiting/Forgery, Total	1	1	0.11	1	0.00%
Destruction/Damage/Vandalism of Property, Total	14	3	1.57	15	-6.67%
Drug/Narcotic Offenses, Total	86	86	9.63	77	11.69%
Drug Equipment Violations	23	23	2.57	21	9.52%
Drug/Narcotic Violations	63	63	7.05	56	12.50%
Embezzlement, Total	0	0	0.00	7	-100.00%
Extortion/Blackmail, Total	0	0	0.00	0	-
Fraud Offenses, Total	4	4	0.45	4	0.00%
False Pretense/Swindle/Confidence Game	2	2	0.22	0	-
Credit Card/Automatic Teller Machine Fraud	0	0	0.00	1	-100.00%
Welfare Fraud	0	0	0.00	0	-
Wire Fraud	0	0	0.00	0	-
Hacking/Computer Invasion	0	0	0.00	0	-
Identity Theft	0	0	0.00	0	-
Impersonation	2	2	0.22	3	-33.33%
Gambling Offenses, Total	0	0	0.00	0	-
Betting/Wagering	0	0	0.00	0	-
Operating/Promoting/Assisting Gambling	0	0	0.00	0	-
Sports Tampering	0	0	0.00	0	-



Year to Date Comparison Report

Printed On: 04/09/2024

Page 2 of 3

Beginning Date: 01/01/2024

Ending Date: 03/31/2024

Offenses Known to Police

Agency: KAUFMAN PD

Classification of Offenses	Offenses Reported	Offenses Cleared	Projected Rate/1000	Last YTD Reported	Percent Change
Gambling Equipment Violations	0	0	0.00	0	-
Homicide Offenses, Total	1	0	0.11	0	-
Murder and Nonnegligent Manslaughter	1	0	0.11	0	-
Negligent Manslaughter	0	0	0.00	0	-
Human Trafficking, Total	0	0	0.00	0	-
Human Trafficking, Commercial Sex Acts	0	0	0.00	0	-
Human Trafficking, Involuntary Servitude	0	0	0.00	0	-
Kidnapping/Abduction, Total	0	0	0.00	0	-
Larceny/Theft Offenses, Total	39	22	4.36	38	2.63%
Motor Vehicle Theft, Total	3	0	0.34	8	-62.50%
Pornography/Obscene Material, Total	0	0	0.00	0	-
Prostitution Offenses, Total	0	0	0.00	0	-
Assisting or Promoting Prostitution	0	0	0.00	0	-
Prostitution	0	0	0.00	0	-
Purchasing Prostitution	0	0	0.00	0	-
Robbery, Total	0	0	0.00	0	-
Sex Offenses, Total	1	0	0.11	3	-66.67%
Fondling	0	0	0.00	3	-100.00%
Rape	1	0	0.11	0	-
Sexual Assault with an Object	0	0	0.00	0	-
Sodomy	0	0	0.00	0	-
Sex Offenses, Non-Forcible, Total	0	0	0.00	0	-
Statutory Rape	0	0	0.00	0	-
Incest	0	0	0.00	0	-
Stolen Property Offenses, Total	2	2	0.22	1	100.00%
Weapons Law Violations, Total	11	10	1.23	5	120.00%
Group A Offense, Total	192	147	21.49	174	10.34%



Year to Date Comparison Report

Printed On: 04/09/2024

Page 3 of 3

Beginning Date: 01/01/2024 Ending Date: 03/31/2024

Offenses Known to Police

Agency: KAUFMAN PD

Classification of Offenses	Offenses Reported	Offenses Cleared	Projected Rate/1000	Last YTD Reported	Percent Change
Crimes Against Person, Total	25	18	2.80	14	78.57%
Crimes Against Property, Total	70	33	7.83	78	-10.26%
Crimes Against Society, Total	97	96	10.86	82	18.29%
Officers Killed or Assaulted YTD	0			0	-

March 2024, Kaufman Code Compliance Located or Responded To-

- Total Violations – 106
- Cases Opened/First Notice Sent – 63
- Second Notice of Violation Sent – 2
- Cases Sent To Court – 3
- Cases Closed – 49
- Current Active Cases - 56



KAUFMAN POLICE DEPARTMENT
ANIMAL SERVICES REPORT MARCH 2024

March 2024, Kaufman Animal Services Responded To-

- Calls For Service - 85
- Follow-up Calls - 7
- Warnings Issued – 12
- Citations Issued – 3
- Traps Set – 0

Animals Captured

On Calls – 17

On View – 0

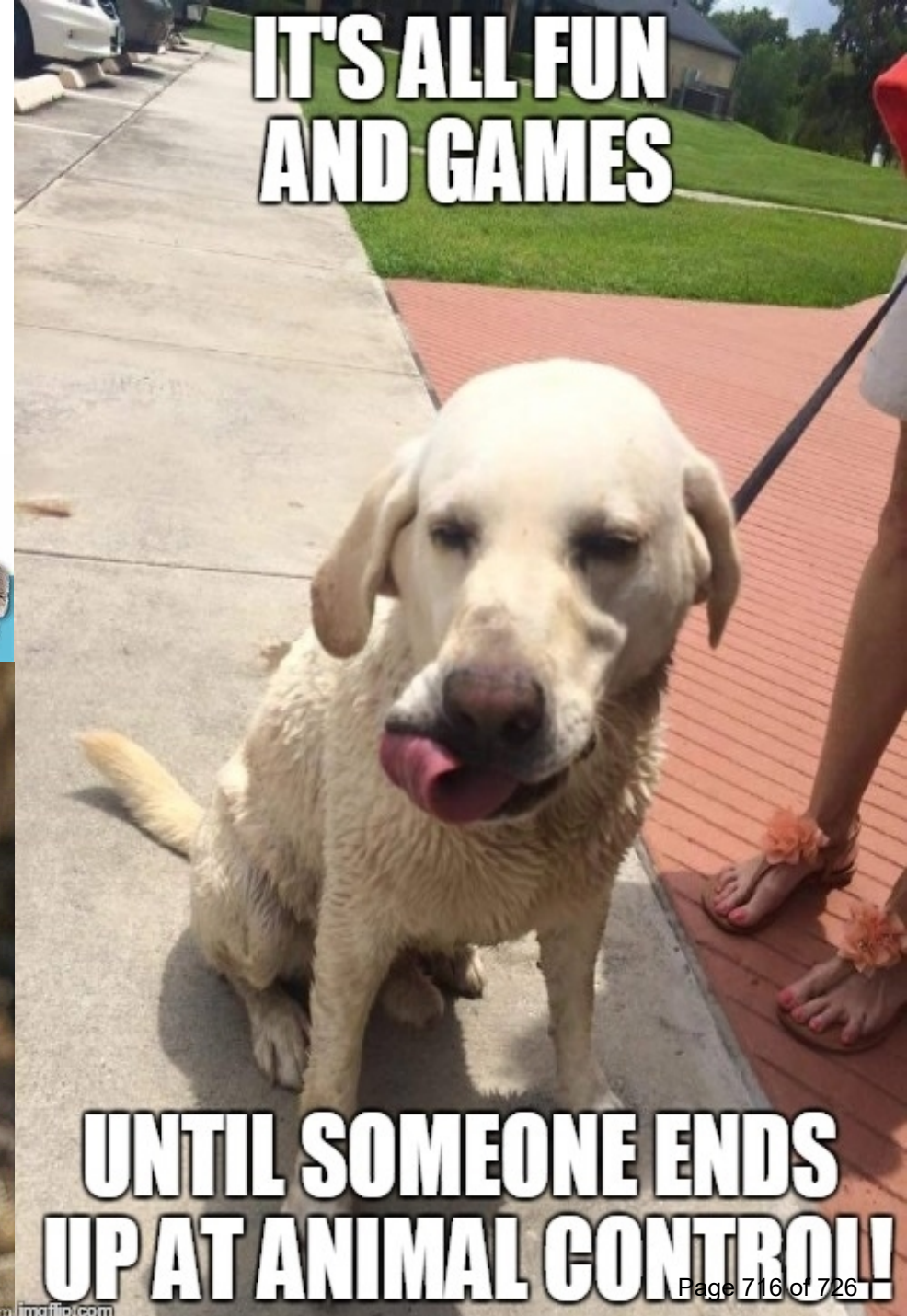
Animals Turned Over

To Owner – 4

To Humane Society – 10

Dead Animals Recovered: - 1

Non-Domestic Animals Captured – 0





Development Services
March Monthly Report
Permits Issued: 3/01/2024 - 3/31/2024

Permit Title	Project Address	Credential Contacts	Date Started	Valuation	Project SF
Commercial Building Tenant Finish Out	112 N Washington St.	James Dwayne Baumgartner 3D Mechanical Plumbing (General Contractor)	03/15/2024	\$250,000	4930
Commercial Minor Addition, Remodel or Repair	3900 Five Points Dr.	Garrett Kirkconnell RPM xConstruction (General Contractor)	03/01/2024	\$90,000	0
Commercial Minor Addition, Remodel or Repair	113 W Mulberry St.	Jason Raiburn (General Contractor)	03/05/2024	\$8,900	0
Commercial Minor Addition, Remodel or Repair	850 Ed Hall Dr.	Melissa Baber Aire Dynamics (Mechanical Contractor), Melissa Baber Aire	03/07/2024	\$1,500,000	3048
Commercial Minor Addition, Remodel or Repair	850 Ed Hall Dr.	Melissa Baber Aire Dynamics (Mechanical Contractor), Melissa Baber Aire	03/07/2024	\$500,000	1588
Commercial Minor Addition, Remodel or Repair	1400 S Washington St.	Elsa Lopez Fernandez Illusions Roofing (General Contractor), Hussain Ali	03/22/2024	\$45,000	1200
Commercial New Building Permit	820 Kings Fort Pkwy.		03/06/2024	\$3,791,625	50555
Electrical Permit	505 E Elmo St.	Anita Rose Homeowner (Home Owner)	03/04/2024	\$500	0
Electrical Permit	105 W 2nd North St.	Eduardo Delarosa Enoch Electric LLC dba Team Enoch (Electrical Contractor)	03/06/2024	\$500	0
Electrical Permit (Web Based)	1712 Rand Rd.	Clint Taylor Lumpys Electric LLC (Electrical Contractor)	03/05/2024	\$2,600	0
Electrical Permit (Web Based)	406 E Mulberry St.	Sean Vacar Bacon Plumbing (Electrical Contractor)	03/06/2024	\$7,546	0
Electrical Permit (Web Based)	802 S Wilson St.	Marco Chavez TriSMART Solar (Electrical Contractor)	03/07/2024	\$19,633	0
Electrical Permit (Web Based)	2000 Willowcrest Dr.	Charles Wallace Tri State Water, Power and Air (Electrical Contractor)	03/08/2024	\$17,598	0
Electrical Permit (Web Based)	607 N Clay St.	Marco Chavez TriSMART Solar (Electrical Contractor)	03/13/2024	\$64,422	0
Fence Permit	1606 Austin Dr.	Harbinder Malhi (General Contractor)	03/13/2024	\$200	0
Fire Alarm, Fire Lane, Fire Sprinkler, Fire Suppression (Vent)	3900 Five Points Dr.	James Crusier Cope Equities (Applicant), Ryan Stephenson Dallas Underg	03/14/2024	\$34,280	0
Fire Alarm, Fire Lane, Fire Sprinkler, Fire Suppression (Vent)	65 Oak Creek Dr.	Hugh Johnson Automatic Sprinkler of Texas (Fire Alarm Systems)	03/20/2024	\$1,500	0
Foundation Repair	500 S Washington St.	Luis Alvarez Tom's Discount Foundation Repair (Foundation Contractor)	03/20/2024	\$10,000	0
Irrigation Permit	600 S Houston St.	Randell Murrah Murrah Landscaping and Irrigation (Irrigation Contractor)	03/08/2024	\$2,500	0
Mechanical Permit	1714 Ola Rd.	Robert Smith Accurate Home Services (Mechanical Contractor)	03/13/2024	\$13,094	0
Plumbing Permit	1433 Crestview Dr.	Justin Tyra Liberty drains (Plumbing Contractor)	03/12/2024	\$12,500	0
Plumbing Permit	402 E Temple	Steve Harris Harris Plumbing (Plumbing Contractor)	03/19/2024	\$500	0
Plumbing Permit	1505 Highglen Trl.	Justin Tyra Liberty drains (Plumbing Contractor)	03/28/2024	\$1,600	0
Plumbing Permit	305 N Wilson St.	Tracy Storey Celina Plumbing Co., LLC (Plumbing Contractor)	03/28/2024	\$5,000	0
Residential Accessory Buildings/Carport Permit	1898 Sandy Knoll Dr.		03/12/2024	\$4,000	72
Residential Accessory Buildings/Carport Permit	5905 CO RD 166	Stacy Tucker Lifeorce/Texwin/Winslows (General Contractor)	03/26/2024	\$3,000	440
Residential Addition, Remodel or Repair	1602 Overlook Dr.	Ron Hatch Home Depot U.S.A. (General Contractor)	03/05/2024	\$0	0
Residential Addition, Remodel or Repair	500 2nd St.	Guadalupe Amaya Villa (Home Owner)	03/07/2024	\$0	0
Residential Addition, Remodel or Repair	909 Crestview Dr.	James Mathis Ardent Partners III Inc (General Contractor)	03/12/2024	\$0	0
Residential Addition, Remodel or Repair	1403 S Dallas St.	Acencion Torres Torres Construction (General Contractor), Charles DeLu	03/15/2024	\$0	0
Residential New Permit	3620 Jordan Way	James Stinebaugh Premier Plumbers of Texas (Plumbing Contractor), Jo	03/06/2024	\$441,000	3088
Residential New Permit	3622 Jordan Way	James Stinebaugh Premier Plumbers of Texas (Plumbing Contractor), Jo	03/06/2024	\$445,000	2974
Residential New Permit	500 Melody Cir.	Jose Urbina J&D Framing LLC (General Contractor), Luis Bonilla Air Texas	03/25/2024	\$120,000	1641
Roof (Repair or Replace)	607 N Clay St.	Israel Bautista González Israel Bautista roofing (General Contractor)	03/14/2024	\$10,000	0
Roof (Repair or Replace)	1001 S Wilson St.	Victor Ruiz Texas Hammer Roofing (General Contractor)	03/20/2024	\$6,000	0
Sign Permit	3458 E Hwy 175	Brett James Texas Signs (Sign Contractor)	03/28/2024	\$1,500	0
Solar Panel Permit	503 Phillips Cir.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/06/2024	\$19,910	0
Solar Panel Permit	802 S Wilson St.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/07/2024	\$19,633	0
Solar Panel Permit	606 W Grove St.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/11/2024	\$30,780	0
Solar Panel Permit	1413 Cedar Knoll Dr.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/11/2024	\$25,033	0
Solar Panel Permit	607 N Clay St.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/13/2024	\$64,422	0
Solar Panel Permit	1700 Rand Rd.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/14/2024	\$73,143	0
Solar Panel Permit	1205 E 1st North St.	Marco Chavez TriSMART Solar (Electrical Contractor), Marco Chavez TriS	03/26/2024	\$65,771	0
Solar Panel Permit	1302 Melody Cir.	Steven Thompson Fastrac Energy Services (Electrical Contractor)	03/28/2024	\$65,000	0
Swimming Pool / Spa	1540 Nottingham Dr.	Juan Mireles Mireles Electric (Electrical Contractor), Sandra Nassar Pool	03/05/2024	\$92,000	0

April 2024						
◀ March					May ▶	
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Planning & Zoning Meeting	3	4	5	6
7	8 Kaufman Sol Fest	9 KEDC	10	11	12	13
14	15	16	17	18 Parks & Rec Meeting	19	20
21	22 Regular City Council Meeting	23	24	25	26	27
28	29 City Council Retreat	30 City Council Retreat				

May 2024						
◀ April						June ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 Chamber Golf Tournament	7 Planning & Zoning Meeting	8	9	10	11
12	13	14 KEDC	15	16 Parks & Rec Meeting	17	18
19	20 Regular City Council Meeting	21	22	23	24	25
26	27 City Hall Closed- Memorial Day	28	29	30	31	

June 2024						
◀ May						July ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Planning & Zoning Meeting	5	6	7	8
9	10	11 KEDC	12	13	14	15
16	17	18	19	20 Parks & Rec Meeting	21	22
23	24 Regular City Council Meeting	25	26	27	28	29 Red White & BOOM Event
30						

July 2024						
◀ June						August ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Planning & Zoning Meeting	3	4 City Hall Closed- Independ. Day	5	6
7	8	9 KEDC	10	11	12	13
14	15	16	17	18 Parks & Rec Meeting	19	20
21	22 Regular City Council Meeting	23	24	25	26	27
28	29	30	31			

August 2024						
◀ July						September ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Budget Workshop & Special City Council Meeting	6 Planning & Zoning Meeting	7	8	9	10
11	12	13 KEDC	14	15 Parks & Rec Meeting	16	17
18	19	20	21	22	23	24
25	26 Regular City Council Meeting	27	28	29	30	31

September 2024						
◀ August					October ▶	
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 City Hall Closed- Labor Day	3 Planning & Zoning Meeting	4	5	6	7
8	9	10 KEDC	11	12	13	14
15	16	17	18	19 Parks & Rec Meeting	20	21
22	23 Regular City Council Meeting	24	25	26	27	28
29	30					

October 2024						
◀ September						November ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Planning & Zoning Meeting	2	3	4	5
6	7	8 KEDC	9	10	11	12
13	14 City Hall Closed- Columbus Day	15	16	17 Parks & Rec Meeting	18	19
20	21	22	23	24	25	26
27	28 Regular City Council Meeting	29	30	31		

November 2024						
◀ October					December ▶	
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 Planning & Zoning Meeting	6	7	8	9
10	11 City Hall Closed- Veteran's Day	12 KEDC	13	14	15	16
17	18	19	20	21 Parks & Rec Meeting	22	23
24	25 Regular City Council Meeting	26	27	28 City Hall Closed- Thanksgiving Day	29 City Hall Closed- Thanksgiving Day	30

December 2024						
◀ November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Planning & Zoning Meeting	4	5	6	7
8	9	10 KEDC	11	12	13	14
15	16 Regular City Council Meeting	17	18	19 Parks & Rec Meeting	20	21
22	23	24 City Hall Closed- Christmas	25 City Hall Closed- Christmas	26	27	28
29	30	31				