

ORDINANCE NO. 2020-1

AN ORDINANCE PROVIDING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND WITHIN THE CITY OF WELLS, TEXAS AND WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; CONTAINING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

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WHEREAS, Chapter 212, Texas Local Government Code, authorizes cities of the State of Texas to promulgate rules and regulations governing plats and the subdivision of land in order to protect and promote the health, safety and general welfare of the community; and

WHEREAS, the City Council hereby finds and determines that the establishment of rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

WHEREAS a public hearing before the City Council was held on the 17th day of February 2020 at which hearing all persons desiring to be heard were heard concerning adoption of the rules and regulations governing plats and the subdivision of land as contained herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WELLS, TEXAS:

PART I. GENERAL PROVISIONS

Section 1.01. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 1.02. Application and Authority. This Ordinance shall apply to all subdivisions of land within the City of Wells, Texas, and within the City's extraterritorial jurisdiction.

The City Council of the City of Wells, Texas shall have the power and authority to approve plats for subdivisions within the corporate limits of the City and for a distance surrounding the corporate limits of the City within the extraterritorial jurisdiction of the City, as authorized by Chapter 212 of the Texas Local Government Code.

Section 1.03. Definitions. For the purposes of this Ordinance, the following terms, phrases, and words, shall have the meanings ascribed thereto. When not inconsistent with the context, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and words used in the plural number shall include the singular number. Any office referred to herein by title shall include the person employed or appointed for that position or his or her duly authorized representative. Terms, phrases, or words not expressly defined herein are to be considered in accordance with customary usage.

- a. **Alley.** A minor unimproved public right-of-way, not intended to provide the primary means of access to abutting lots.
- b. **Applicant.** The property owner, subdivider, or developer or designated agent of the property owner, subdivider or developer who applies for a subdivision plat in order to divider or propose to divide land so as to constitute a subdivision under the provisions of this ordinance.
- c. **Block.** An identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.
- d. **City Council.** The duly elected governing body of the City of Wells, Texas.
- e. **City.** The City of Wells, Texas, a municipal corporation located within Cherokee County, Texas, operating and existing as a General Law city pursuant to the laws of the State of Texas.
- f. **City Building Official.** The person authorized by the City as the City's Building Official, or his duly authorized representative.

- g. Collector Street.** A collector street primarily provides circulation within neighborhoods to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- h. Dead-end Street.** A street, other than a cul-de-sac, with only one outlet.
- i. Development.** New construction or the enlargement of any exterior dimension of any building, structure or improvement.
- j. Easement.** An area intended for restricted use on private property upon which a person or public or private entity may remove and keep removed all or part of buildings, fences, trees, shrubs, and other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of their respective utility, drainage, access, or other authorized systems or facilities located within any such easement.
- k. Final Plat.** A complete map showing the divisions of a piece of land, taking into account the general plan of the municipality and its current and future streets, roads, alleys, and public utilities, and prepared in conformity with the provisions of this Ordinance and in a manner suitable for recording with the County Clerk of Cherokee County, Texas.
- l. Lot.** A physically undivided tract or parcel of land having frontage on a public street or approved private street and which is, or in the future may be, offered for sale, conveyance, transfer or improvements, which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.
- m. Major thoroughfare.** A street designed for faster, heavier traffic and which is intended to serve as a traffic artery for a network of roadways
- n. Person.** Any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.
- o. Street.** A public right-of-way, however, designated, that provides access to adjacent land.
- p. Subdivision.** The division of any lot, tract or parcel of land by plat, map or description into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any

dedication and the laying out or realignment of new streets, or other public or private access ways, and easements with or without the designation of lots, shall constitute a subdivision. Subdivision shall also include the re-subdivision and re-platting of land or lots that are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

- q. Subdivider or Developer.** The terms “subdivider” and “developer” are synonymous for the purposes herein and shall include any persons, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this Ordinance.
- r. Title Certificate.** A certificate prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed in the State of Texas describing all encumbrances of record that affect the property, together with all deeds recorded from and after the effective date of this Ordinance. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than thirty days prior to submission of same to the Commission.

Section 1.04. Special Provisions.

1.04.01. Plat Approval Required.

It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City of Wells, Texas, or within the City’s extraterritorial jurisdiction, unless and until a plat of such subdivision has been approved in accordance with the terms of this Ordinance. Unless and until a plat, plan or re-plat of a subdivision shall have been approved in the manner provided herein by the City Council, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein. In addition, it shall be unlawful for any official of the City to issue any permit for such improvements, or any aspect thereof,

or to serve or connect said land, or any part thereof, with any public utility which may be owned, controlled, or distributed by the City. Provided further, it shall be unlawful for any person or public or private entity to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility unless and until a final plat of such subdivision has been approved and recorded in accordance herewith.

1.04.02. Improvements Required.

All of the improvements required under these regulations, and improvements which, in the judgment of the City Council, are necessary for the adequate provision of streets, drainage, utilities, municipal services, and facilities to the subdivision, shall be constructed at the sole expense of the property owner, Subdivider or Developer.

1.04.03. Recorded Plan Required.

The City shall not permit the repair, maintenance, installation or provision of public utility services within a subdivision for which a plat has not been approved and filed of record and in which the standards contained herein or referred to herein have not been complied with in full.

PART II. PROCEDURE FOR SUBMISSION OF PLATS

Section 2.02. Application for Plat Approval. Any person desiring approval of a plat shall first file, in triplicate, an Application For Plat Approval. Forms for such applications shall be kept on file with the City Secretary and shall be in a form approved by the City Council.

2.02.01. Submittal Date and Time.

All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the City Secretary not later than one o'clock (1:00) p.m. seven (7) days prior to the next regular City Council. meeting.

2.02.02. Copies Required.

The applicant shall provide ten (10) twenty-four inch by thirty-six inch (24" x 36") paper prints from the original drawing of the plat reproduced on white paper with blue or black lines.

2.02.03. Filing Fees.

An Application For Plat Approval shall be accompanied by a nonrefundable application fee tendered by certified check made payable to the "City of Wells, Texas," in the amounts adopted, and from time to time amended, by the City Council and on file with the City Secretary of the City.

2.02.04. Encumbrances Information.

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

2.02.05. Notice to Utilities

Evidence of notice to all utility companies which provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the plat to be filed within the City.

Section 2.03. Form and Content of Plats. All plats submitted to the City Council shall be in the form and contain fully all information required hereunder:

- (a) The name of the current record owner of the property and the owner's address. If the record owner is a company or corporation, the name of the responsible individual of such company or corporation, such as the president or principal officer;
- (b) The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within Cherokee County, Texas;

- (c) The metes and bounds legal description of the property proposed to be subdivided including the name of the County, survey, and abstract number;
- (d) The plat boundaries, drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings;
- (e) The total acreage and total number of lots, blocks, and reserves;
- (f) The name of the person or firm who prepared the plat, and the date on which the plat was prepared;
- (g) The intended use of all lots within the subdivision shall be identified on the plat;
- (h) The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests;
- (i) A scale vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, watercourses, and similar features in all directions from the subdivision to a distance not less than one-half (1/2) mile. The scale of the vicinity map shall be to legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;
- (j) The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines, and other restricted uses;
- (k) The location and approximate width of existing and proposed watercourses, ravines, and drainage easements, topographical elevations, and the boundaries of designated flood zones, as provided in the then-latest edition of the Federal Insurance Rate Map. All information required herein shall be certified by a Registered Professional Land Surveyor or a Registered Professional Engineer;
- (l) The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "Unrestricted Reserve." "Restricted Reserves" shall be indicated on

the plat and shall be designated as single-family residential, utility, church, park or recreational, or school;

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

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

(o) A letter from the utility provider(s) addressed to the City Council stating that it has examined the plat being submitted and whether it will certify approval of the easements shown thereon for such utilities, including water and sanitary sewer services, on the plat if submitted in the same form, and, further, whether such utility provider will provide utilities and such water and sanitary sewer services to the lots indicated thereon.

Section 2.04. City Council Action. The City Council shall review each plat submitted and shall approve, approve with conditions, or disapprove a plat within 30 days after the date the plat is filed.

Approval. A plat or re-plat shall be approved if it satisfies all applicable regulations.

Automatic Approval. A plat or re-plat is automatically approved by the City Council unless it is disapproved within 30 days after the date it is filed. The 30-day period may be extended for another 30 days upon the written request of the Applicant and the approval of City Council.

Approval with Conditions. Approval with Conditions means the City Council's approval of the plat or re-plat is subject to the Applicant's satisfaction of certain specified pre-requisites deemed necessary to meet the requirements of this Ordinance.

Disapproval. The City Council shall disapprove any plat if the City Council determines that it fails to comply with the policies, standards, or requirements contained in this Ordinance or other rules or regulations that have been adopted by the City Council governing plats and/or the subdivision or land.

2.04.01 Approval Procedure : Conditional Approval or Disapproval Requirements.

If a plat or re-plat is approved with conditions or disapproved, the City Council shall provide the Applicant a written statement of the conditions for the conditional approval or reasons for the disapproval, clearly state each specific condition for the conditional approval or reason for disapproval, and include a citation to the law or regulation that is the basis for the conditional approval or disapproval.

2.04.02 Applicant Response to Conditional Approval or Disapproval.

After the conditional approval or disapproval of a plat, the Applicant shall submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval.

2.04.03 City Council Decision. City Council shall review the Applicant's written response and shall approve the previously conditionally approved or disapproved plat or re-plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

Section 2.04.04. Expiration of Plat Approval. All plat approvals granted by the City Council and the conditions thereon, if any, shall be valid for a period of six (6) months from the date on which the approval was granted. The City Council may, upon receipt of a written request from the property owner, subdivider or developer, or his authorized agent, prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed an additional six (6) months. The maximum term for approval of any final plat granted by the City Council that has not been duly recorded shall not exceed a total of twelve (12) months from the date on which final plat approval was granted by the City Council.

PART III. DESIGN STANDARDS

Section 3.01. No plat or re-plat shall be approved by the City Council, and no permit shall be issued for the construction of any improvement intended for public use, or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City unless any such improvements shall comply with the following standards and specifications.

Section 3.02. Compliance with City Ordinances. All improvements required by this Ordinance shall conform with this Ordinance, or any other Ordinance or regulation of the City of Wells applicable thereto.

Section 3.03. Public Streets -- General Arrangement and Layout. The street system pattern proposed within any subdivision shall comply with design standards of this Section and shall:

- (a) provide for adequate vehicular access to all properties within the subdivision plat boundaries;
- (b) provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
- (c) provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services personnel; and
- (d) provide for a sufficient number of streets to accommodate the traffic demands generated by new development.

Section 3.04. Streets -- Specific Standards.

3.04.01. Location and Alignment.

The location and alignment of streets established within a subdivision or development plat shall be designed in conformance with the standards listed in Section 3.03 herein.

3.04.02. Right-of-Way Width, Widening.

The width of the right-of-way for any street shall be at least sixty feet (60'). In those instances where a subdivision plat is located adjacent to an existing public street with a right-of-way width less than sixty feet (60'), sufficient additional right-of-way shall be dedicated within the subdivision plat boundary to accommodate the development of the street to a total right-of-way width of not less than sixty feet (60'). Notwithstanding the foregoing, the City Council may, on written application, in its discretion authorize a street right-of-way width of not less than fifty feet (50') where such street cannot reasonably be made to continue or extend onto an existing, approved, proposed, or possible future

street, is so located that logically it could not be extended to connect with an existing, approved, or proposed street, and there is not a likelihood that it would inhibit the ability of the City to provide emergency services from fire, police, medical, or other rescue personnel.

3.04.03. Lots. All lots shown on the plat shall abut a public street or a private street that shall meet all requirements herein for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building. Adequate off-street parking shall be provided for each lot.

3.04.04. Curves and Intersections. Curves along streets shall have a centerline radius of not less than forty feet (40'), except that the centerline radius on a reverse curve shall not be less than three hundred feet (300'). Reverse curves should be separated by a tangent distance of not less than fifty feet (50'). The angle of street intersections shall not vary more than ten degrees (10°) from the perpendicular. Where acute angle intersections are approved a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner shall be provided.

3.04.05. Cul-de-Sac Right-of-Way Radii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than fifty feet (50').

3.04.06. Dead-end Streets. Dead-end streets shall not be approved except in those instances where the street is terminated by a circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property.

3.04.07. Street Signs. The developer shall be responsible for the installation of all required street signs and traffic lights.

Section 3.05. Street Paving. All public or private streets as provided herein shall be constructed in accordance with the applicable Cherokee County standards. ”

Section 3.06. Street Names. All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

3.06.01. New Streets. New street names shall not duplicate existing street names located within Cherokee County, Texas, other than extensions of existing streets;

3.06.02. Extensions of Existing Streets. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name;

3.06.03. Suffixes. Street name suffixes such as court, circle, and loop should be designated on streets that are cul-de-sacs or in a configuration of a loop street;

3.06.04. Prefixes. Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located; and

3.06.05. Alphabetical and numerical street names. Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

3.06.06. Street Name Change. No street name once designated may be changed except by City ordinance.

Section 3.07. Major Thoroughfares

A. Location and Alignment

1. The location and alignment of designated major thoroughfares shall be in conformance with the applicable thoroughfare plans of Cherokee County.

2. Any proposals which constitute a change in the location or the alignment of any planned or designated major thoroughfare must be approved by City Council.

B. Right-of-Way

1. The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than 100 feet, nor more than 120 feet.

2. Where the subdivision is located adjacent to an existing designated major thoroughfare having a right-of-way width of less than 100 feet,

sufficient additional right-of-way must be dedicated, within the subdivision boundaries, to provide for the development of the major thoroughfare to a total right-of-way width of not less than 100 feet, nor more than 120 feet.

3. Where open ditch drainage is planned, the minimum right-of-way width required for a designated major thoroughfare shall be not less than of 100 feet or sufficient width to accommodate the approved roadway pavement and attendant drainage facilities, whichever is greater.

4. Right-of-way intersections with other public street right-of-ways should be at right angles. Deviations of up to ten (10) degrees may be approved by the Cherokee County Engineer.

5. The right-of-way line at intersections shall have a minimum radius of 30 feet.

6. A right-of-way corner cutback of 25 feet may be substituted for the 30-foot radius.

C. Roadway Curves and Intersections.

1. Major thoroughfare horizontal curves shall have a centerline radius of 2,000 feet or more.

2. Reverse horizontal curves shall be separated by tangent distance of not less than 100 feet.

3. Intersections with other public streets should be at right angles. Deviations of up to ten (10) degrees may be approved by the Cherokee County Engineer.

4. Curb or pavement return radius of 30 feet shall be provided.

5. Layout of medians including openings shall comply with the applicable guidelines for subdivision streets, as adopted by Cherokee County.

D. Minimum Concrete Pavement shall be eight (8) inches.

Section 3.08 Major Collector Streets. MAJOR COLLECTOR STREET: A public street that consist of two or more lanes, divided or undivided roadway that is used as a collector for residential streets and originates and terminates outside of the subdivision boundaries.

A. Location and alignment

1. The extension of existing roads and streets shall be aligned with the existing roads and streets without offsets.

B. Right-of-Way

1. The minimum right-of-way to be dedicated for a major collector street not designated as a major thoroughfare shall not be less than 70 feet or of sufficient width to accommodate the design roadway and associated drainage facilities if an open ditch section is proposed, whichever is greater.

2. Where a subdivision is located adjacent to an existing public street, and the street is not designated as a major thoroughfare, and has a right-of-way width less than 70 feet, sufficient additional right-of-way must be dedicated, within the subdivision boundary, to provide for the development of the adjacent street to a total right-of-way width of not less than 70 feet.

3. The right-of-way width shall not be less than the width existing outside of the plat boundary.

4. Proposed horizontal curves for the right-of-way line of major collector streets shall have a minimum centerline radius of 850 feet.

5. The right-of-way line at intersections shall have a minimum radius of 30 feet.

6. A right-of-way corner cutback of 25 feet may be used as a substitute for the 30-foot radius.

C. Roadway Curves and Intersection.

1. The maximum horizontal curve radius shall not be less than 850 feet, measured at the centerline of the roadway.

2. The curb or pavement return radius shall not be less than 30 feet.

D. Minimum Concrete Pavement shall be seven (7) inches.

Section 3..09. Minor Collector Street. MINOR COLLECTOR STREET. A public street that consist of two or more lanes, undivided or divided roadway that is used as a collector for residential streets and originates within and terminates outside of the subdivision boundaries.

- A. Location and Alignment
 - 1. The alignment of minor collector streets proposed to be dedicated and established within a subdivision shall be aligned with existing roadway without offsets.
 - 2. The block length of minor collector streets shall not exceed 1400 feet.
- B. Right-of-Way Width
 - 1. The width of the right-of-way to be dedicated for any minor collector street not designated as a major thoroughfare shall not be less than 60 feet, or of sufficient width for the roadway section and the associated drainage if an open ditch section is proposed whichever is greater.
 - 2. Intersecting right-of-way lines shall have a minimum radius of 30 feet.
 - 3. A right-of-way corner cutback of 25 feet may be substituted for the 30-foot radius.
 - 4. The radii of the right-of-way line at the end of curb and gutter streets terminated with circular cul-de-sac turnarounds shall be a minimum of 50 feet.
 - 5. The radii of the right-of-way line at the end of open drainage (ditch sections) local streets terminated with circular cul-de-sac shall be not less than 60 feet.
- C. Curves and Intersections
 - 1. Horizontal curves in minor collector streets shall have a minimum centerline radius of 850 feet.
 - 2. Intersections of local streets shall be at right angles. Deviations of up to ten (10) degrees may be approved by the Cherokee County Engineer.
 - 3. Curb or pavement returns shall have a minimum radius of 30 feet
- D. Minimum Concrete Pavement shall be seven (7) inches.

Section 3.10. Residential Streets. Residential Street: A public street that consists of a two-lane undivided roadway primarily used by local single-family residents and originates and terminates within the subdivision boundaries.

A. Location and Alignment

1. The alignment of minor collector streets proposed to be dedicated and established within a subdivision shall be aligned with existing roadway without offsets.

2. The block length of a residential street shall not exceed 1400 feet.

B. Right-of-Way Width

1. The width of the right-of-way to be dedicated for any residential street shall not be less than 60 feet or of sufficient width for the roadway section and the associated drainage if an open ditch section is proposed.

2. A fifty (50) foot street right-of-way width may be allowed where the following requirements are met:

a. The street shall be paved with a 28 foot wide back to curb and gutter section.

b. The street shall serve detached single-family homes only.

c. The right-of-way shall be used for street paving, storm sewer and water lines only. Any additional utilities will require a separate utility easement or wider street right-of-way.

3. Intersecting right-of-way lines shall have a minimum radius of 25 feet.

4. A right-of-way corner cutback of 15 feet may be substituted for the 25-foot radius.

5. The radii of the right-of-way line at the end of curb and gutter streets terminated with circular cul-de-sac turnarounds shall be a minimum of 50 feet.

6. The radii of the right-of-way line at the end of open drainage (ditch sections) local streets terminated with circular cul-de-sac shall be 60 feet.

C. Curves and Intersections.

1. Horizontal curves in residential streets may have any centerline radius, except that the centerline radii on reverse curves shall not be less than 300 feet.
 2. Intersections of residential streets shall be at right angles. Deviation of up to ten (10) degrees may be approved by the Cherokee County Engineer.
 3. A curb or pavement return radius of at least 25 feet shall be provided.
- D. Minimum Concrete Pavement shall be six (6) inches.

Section 3.11 Other Street Requirements

- A. Dead-end Streets
1. Dead-end streets are not acceptable unless the street is terminated by a circular cul-de-sac turnaround.
 2. A dead-end street with a permanent circular cul-de-sac turnaround shall not exceed 800 feet.
- B. Stub streets
1. Stub streets shall be terminated with a temporary cul-de-sac until the street is extended into the adjacent development or properties.
 2. Stub streets shall not exceed 800 feet.
- C. Loop Streets
1. A loop street shall have a block length of less than 1,000 feet.
- D. A residential street shall not be longer than 1,400 feet.

Section 3.12. Sidewalks

- A. Sidewalks shall be built or caused to be built within all road right-of-ways dedicated to the public.
- B. Subdivisions with all lots being one (1) acre or larger in size shall be exempt from this requirement.
- C. All sidewalks shall be constructed in accordance with the applicable Cherokee County/design standards.

Section 3.13 Private Streets

A. A subdivision utilizing private streets must meet the following requirements:

1. The roads must meet all Cherokee County road standards.
2. The subdivision plat and restrictions must contain a statement that the City and Cherokee County will not accept or maintain the roads unless they meet the City and County standards in effect on the date of acceptance;
3. The subdivision plat must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance;
4. The plat must contain a requirement that every deed contain notice to the grantee that all streets are private, that the owners will be perpetually liable for maintenance, that the county may not accept it for maintenance, and that the quality of the roads may affect access by public services such as police, fire, solid waste collection, and EMS;
5. All arterial and major collector streets required by this Ordinance must be dedicated to the public and constructed to Cherokee County standards.

Section 3.14. One-Foot Reserves. In those instances where a public street is established by a plat submitted to the City Council and such public street forms a stub street onto adjacent unplatted acreage, or where such public street lies along and parallel with the subdivision boundary and is adjacent to unplatted acreage, a one-foot wide reserve shall be established within the street right-of-way at its "dead-end" terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unplatted acreage, to prevent access to such public street from the adjacent unsubdivided acreage, unless and until the City Council has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the

following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

“One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes.”

Section 3.15. Partial or Half Streets. Partial or half streets may be dedicated in those instances where the City Council determines that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City Council shall not approve a partial or half street dedication within a subdivision dedicating less than a fifty-foot right-of-way width on a designated major thoroughfare or less than a thirty-foot right-of-way width on any other type public street. Appropriate notations and the one-foot reserve dedication in fee as provided in Section 3.07 shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided pursuant to a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Ordinance.

Section 3.16. Easements.

3.16.01. Utility Easements. Utility easements, both above and below grade, are those easements established by plat or separate instrument which are designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, telegraph, cable television, and sanitary sewer services.

3.16.02. Location. Utility easements shall be provided along the rear of all lots except when the City Council determines that such location is not feasible for the orderly development of the subdivision. Utility easements located along the outer boundaries of a plat shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted or where

additional easement width is dedicated by separate instrument by the owner of said adjacent tract. In such cases, one-half (1/2) of the required easement width shall be dedicated within the platted boundary with the other one-half (1/2) provided outside the platted boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.

3.16.03. Widths. All utility easements established within any subdivision plat shall be not less than ten feet (10') in width.

3.16.04. Limitations. All utility easements shall be limited to surface and below-grade easements provided that aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

3.16.05. Drainage Easements. All drainage easements shall be located and dedicated to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with City's regulations governing storm drainage and/or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3.16.06. Existing Easements, Fee Strips. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of

such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify his refusal to define such easement to the City Council, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines must be established fifteen feet (15') from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

3.16.07. Establishment of Special Use Utility or Drainage Easements. A special use utility, private street drainage or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the City Council that these facilities cannot or should not be accommodated within a general-purpose public utility or drainage easement or public street right-of-way. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general-purpose utility easements and public streets established within the plat boundary. Nothing herein, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

Section 3.17. Federal Flood Insurance Program. Each plat shall have depicted thereon applicable boundaries of any flood zones as provided in the latest edition of the Federal Insurance Rate Maps.

Section 3.18. Building Setback Requirements. No plat of any subdivision shall be approved unless building setback lines are established therein in accordance with applicable City requirements.

Section 3.19. Reserve Tracts. Reserve tracts are those individual parcels of land created within a platted subdivision which are not divided into residential lots but are established to accommodate some specific purpose such as a private recreational facility, school or church site, or site for utility facilities and other activities and land uses for which division into lots is not suitable or appropriate. Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the City, these reserve tracts are often established as "unrestricted reserves" that allows maximum flexibility in the determination of the ultimate use planned for such properties.

3.19.01. Public Street Access. Reserves established on any subdivision plat shall have frontage on and be immediately adjacent to at least one public street, with such frontage being not less than fifty feet (50') in width.

3.19.02. Identification and Designation. All reserves shall be labeled and identified on the plat, and a description of the use intended for such reserve, if known, shall be noted. If the use of the reserve is not restricted for any specific use, the reserve shall be identified and noted as being "unrestricted." All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves that shall be shown within each reserve boundary.

Section 3.20. Lots. General Provisions. The purpose of this Section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

3.20.01. General Lot Design, Arrangement, Layout. The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the following basic criteria:

(a). That the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any residential dwelling unit constructed thereon.

(b). That the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of vehicles can be parked on the lot without encroachment within any adjacent public or private street right-of-way.

3.20.02. Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

3.20.03. Key or Flag Shaped Lots. For the purposes hereof, a key or flag-shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag on a flag pole, a key, or some other lot shape of comparable irregularity. Key or flag-shaped lots shall be prohibited.

3.20.04. Street Access Limitations. Rear and side vehicular driveway access from lots to adjacent streets designated as major thoroughfares or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restriction shall be noted directly upon the plat and adjacent to the lots in question.

3.20.05. Lot and Block Identification. All blocks established in any subdivision shall be designated by number with said numbers being consecutive within the whole subdivision plat. Lots established within said blocks shall also be numbered with said numbers being consecutive within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

Section 3.21. Minimum Lot Sizes. General Provisions. Lot sizes shall comply with minimum requirements set forth in the Cherokee County construction standards.

Section 3.22. Utilities. Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, to the greatest extent practicable. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below ground level. All utility installations shall comply with the Cherokee County construction standards.

Section 3.23. Drainage. Drainage facilities shall be designed and constructed in accordance with the applicable "Cherokee County construction. standards."

Section 3.24. Sanitary Sewer. Sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Texas Commission on Environmental Quality. Each lot within a proposed subdivision shall be connected to the sanitary sewer system of the City. No septic tank system shall be permitted within any newly platted subdivision.

Section 3.25. Water. Facilities for the provision of potable water to all areas of the proposed subdivision shall be designed and constructed in accordance with the applicable standards of the Texas Commission on Environmental Quality Each lot within a proposed subdivision shall be connected to the potable water distribution system available to residents of the City.

Section 3.26. Monuments and Markers.

3.26.01. Concrete Monuments. Concrete monuments, six inches (6") in diameter and twenty-four inches (24") long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter inch (1/4") in diameter embedded three inches (3") in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than twelve inches (12") below the finish ground level.

3.26.02. Lot Markers. Lot markers shall be five-eighths inch (5/8") or greater reinforcing bar, twenty-four inches (24") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

3.26.03. Bench Marks. Where no benchmark is established or can be found within three hundred feet (300') of the boundary of the subdivision, such benchmark shall be established to U.S. Coast and Geodetic Survey datum. The benchmark shall be established upon a permanent structure, or maybe set as a monument and shall be readily accessible and identifiable on the ground.

PART IV. SPECIAL PROVISIONS

Section 4.01. Dedication Statements and Certificates. All dedication statements and certificates shall be made a part of the final plat drawing and shall include, but not be limited to, the statements, the general form, and content of which are provided as examples in Appendix A of this Ordinance, which are incorporated herein and made a part hereof for all purposes.

Section 4.02. Restrictive Covenants. An executed and notarized copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted. In the public interest, the City Council shall require that such restrictive covenants, if any, be filed simultaneously with the final plat and be executed by all parties executing the final plat other than the City. The City shall file for recording with the County Clerk of Cherokee County, Texas, the original copy of such restrictive covenants, if any, concurrently with the filing of the plat. A certified copy of the original restrictions, if any, shall be retained by the City.

Section 4.03. Construction Plans. Construction plan and profile sheets for all subdivision improvements, public or private, shall be submitted with the Application for Plat Approval. All such plans and profile sheets shall be signed and sealed by a Texas Registered Professional Engineer. The approval of the Plat shall be contingent upon approval of construction plans by the City. Further, the approval of a Plat shall be contingent upon the construction of such improvements in accordance with such approved construction plans. Construction plans shall be submitted in accordance with applicable City requirements.

Section 4.04. Inspection of Construction. The City Building Official or his designee is authorized to inspect any and all phases of the construction of improvements for each subdivision. The subdivider, or his contractor, shall maintain daily contact with the City Building Official during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered without written approval of the City Building Official. No flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said written approval, and no concrete shall be poured or asphaltic surface applied to the base, without said written approval. The City Building Official may at any time cause any

construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this Ordinance or the standards and specifications as hereinbefore provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a Registered Professional Engineer who shall be in "responsible charge" of all phases of the design and construction of the required public improvements.

Section 4.05. Guarantee of Performance. No subdivision plat shall be filed of record with the County Clerk of Cherokee County, Texas, and no building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the City to the owner or any other person with the respect to any property in any subdivision until the earlier of:

(a) Such time as the subdivider or developer of such subdivision has complied with all provisions of this Ordinance and such conditions of the City Council applied to the final plat regarding installation of all required improvements and for which required improvements the subdivider or developer has received acceptance by City Council, or

(b) Such time as an escrow deposit sufficient to pay for one hundred twenty percent (120%) of the estimated cost of such improvements as determined by the City Council computed on a private commercial rate basis has been made with the City Secretary accompanied by an agreement by the subdivider or developer authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the subdivider or developer fail or refuse to install the required improvements within the time stated in such written agreement. Such deposit may be used by the subdivider or developer as progress payments as the work progresses upon written certification by the City's agent or representative that work for which payment is sought has been completed and that sufficient funds remain in the escrow account to complete the work. Any and all funds remaining from any such escrow deposit upon completion of the work and acceptance thereof by City Council shall be promptly released by the City to the depositor; or

(c) Such time as the subdivider or developer files a corporate surety bond with the City Secretary executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to one hundred twenty percent (120%) of the cost of installation of all required improvements as determined by the City's agent or representative computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond, which time shall be fixed by the City Council.

Section 4.06. Maintenance of Dedicated Improvements. Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Council, after inspection and recommendation by the City Building Official or Representative, shall have accepted same by resolution expressing such acceptance. The subdivider or developer shall maintain all such improvements for a period of one (1) year following such acceptance by City Council; however, such one (1) year of required maintenance shall not begin until there has been filed with the City Secretary either a maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to one hundred percent (100%) of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such one (1) year period, or a cash bond, in an amount equal to one hundred percent (100%) of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such one (1) year period.

Section 4.07. Penalty. Any person violating any provision of this Ordinance within the corporate limits of the City of Wells, Texas, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not exceeding two thousand dollars (\$2,000.00). Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.


Section 4.08. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wells, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, and ADOPTED this 17th day of February, 2020



Mayor

ATTEST:



City Secretary