

CITY OF WOODCREEK

ORDINANCE No. 85-12D

AN ORDINANCE AMENDING ARTICLE 4.0, SECTION 4.4. ADOPTED BY ORDINANCE NO. 85-12B REGULATING THE SUBDIVISION OF LAND TO AMEND THE DRAINAGE FACILITIES REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Woodcreek ("City Council") adopted that Subdivision Ordinance on April 12, 1995, as amended ("Subdivision Ordinance"); and

WHEREAS, the City Council finds that the Subdivision Ordinance should be amended to update the drainage facility requirements; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Woodcreek to amend the Subdivision Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Subsection 4.4.2 of the City of Woodcreek Subdivision Ordinance is deleted in its entirety and replaced with subsection 4.4.2 to read as follows:

4.4.2 Stormwater Drainage Facilities

a. General Policies

(1) Stormwater drainage improvements shall be provided for the subdivision.

Stormwater drainage improvements must not adversely affect abutting properties. Stormwater drainage facilities shall be designed in compliance and in accordance with this subsection 4.4.2 and generally recognized accepted engineering practices.

- (2) All stormwater drainage facilities shall be designed to intercept and transport the projected runoff from a twenty-five year (25-year) frequency storm. In addition, those flows greater than a 25-year frequency up to and including a one hundred year (100-year) frequency storm shall be contained within the right-of-way of public streets and drainage easements.
- (3) Projected runoff rates for the design and analysis of stormwater drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area and shall apply to any and all references to flood plain, flows, design frequencies or any other quantitative hydraulic description.
- (4) The requirements provided in this subsection 4.4.2 shall not relieve the owner of responsibility under state law to adjacent and downstream property owners.

b. Stormwater Drainage Facilities

Except as stated herein, all development establishing impervious cover or otherwise modifying an existing site shall incorporate on-site drainage facilities to prevent any increase in the peak rate of runoff from the two (2), ten (10) and twenty-five (25) year frequency storm. The city engineer may modify this requirement under either of the following circumstances:

- (1) An approved off-site storage is provided by the Developer for the required regulation of peak flows; or
- (2) Sealed engineering data and calculations are presented which fully describe, explain and justify recommended alternatives.

c. Computation and Plans

- (1) Plans for proposed drainage facilities shall be submitted to the city engineer for acceptance prior to construction.
- (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include, but is not limited to, a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data.
- (3) Certification shall be submitted by an engineer that the plans and computations

are in compliance with the requirements of this subsection 4.4.2.

d. Subdivision Plats

- (1) Final plats for subdivisions shall show the limits of the 100-year floodplain for all waterways draining fifty (50) or more acres by hatch marking said floodplain on the plat.
- (2) The final plat of any proposed residential subdivision shall provide public right-of-way, drainage easements or separate lots dedicated for such purposes to cover at a minimum the 100-year floodplain areas, drainage channels, pipe systems, and any other related drainage facilities. All other final plats shall provide drainage easements or separate lots dedicated for such purposes to cover at a minimum the 25-year floodplain areas, drainage channels, pipe systems and any other related drainage facilities.
- (3) The final plat shall establish minimum finished floor elevations for all lots at two feet (2') above the 100-year floodplain elevation.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage as provided for by law.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was

given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 6th day of March 2007, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK

by: Morris Haggerton
Mayor Morris Haggerton

ATTEST:

Peg Wolfe
Peg Wolfe, City Administrator

APPROVED AS TO FORM:
Alan J. Bojorquez, City Attorney

ORDINANCE NO. 85-12C
CITY OF WOODCREEK

AN ORDINANCE AMENDING 85-12A ADOPTING ARTICLES 974a AND 970a REVISED CIVIL STATUTES OF TEXAS; REGULATING THE SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION ESTABLISHING SUBDIVISION DESIGN STANDARDS; PROVIDING FOR IMPROVEMENTS TO BE MADE BY THE SUBDIVIDER AND PRESCRIBING THE SPECIFICATIONS OF SUCH IMPROVEMENTS, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PLATS AND SETTING FORTH THE PROCEDURES TO BE FOLLOWED IN APPLYING THESE RULES, REGULATIONS AND STANDARDS IN ORDER TO EFFICIENTLY SUBDIVIDE THE LAND WHILE PRESERVING THE HEALTH AND INTEREST OF THE PUBLIC; PROVIDING FOR ENFORCEMENT; PROVIDING A SAVING CLAUSE; PROVIDING FOR INTERPRETATION OF CONFLICTING ORDINANCES; PROVIDING THE REQUIREMENTS FOR VARIANCES; SETTING FORTH SPECIFICATIONS; PROVIDING FOR A PENALTY NOT EXCEEDING *TWO THOUSAND (\$2,000.00) DOLLARS* FOR EACH VIOLATION;

- WHEREAS: The City of Woodcreek has established standards and specifications for construction of water works, streets and curbs, lot sizes and dimensions; wastewater facilities; and
- WHEREAS: Articles 974a and 970a of the Revised Civil Statutes of Texas empower the City to enact subdivision rules and regulations and provide for its administration, enforcement, and amendment; and
- WHEREAS: the City has deemed it necessary to provide such rules and regulations for the purpose of efficiently subdividing land while protecting the health, safety, and general welfare of the community; and
- WHEREAS: the Council is empowered with the authority to formulate such rules and regulations by Articles 974a and 970a, and the Council has favorably received and voted on these rules, recommending that this Ordinance be adopted;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOODCREEK, TEXAS, AS FOLLOWS:

ARTICLE 1.0 GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

This Ordinance, along with its amendments, shall be known as "Subdivision Ordinance" of the City of Woodcreek, Texas.

SECTION 1.2 JURISDICTION

No person shall create a subdivision of land within the corporate limits of the City of Woodcreek, Texas, or within the Town's extraterritorial jurisdiction, without complying with the provisions of the Ordinance. All plats and subdivision of any land shall conform to the rules and regulations herein set forth.

SECTION 1.3 INTERPRETATION AND PURPOSE

In their interpretation and application, the provisions of this Ordinance shall be deemed to be minimal in nature, and whenever the principles, standards or requirements of any other Ordinances of the City of Woodcreek which are higher or more restrictive, the latter shall control. The purpose of this Ordinance is to achieve orderly development through land subdivision; to provide for adequate municipal services and safe streets; and to protect and promote the health, safety and general welfare.

SECTION 1.4 ADOPTION OF LEGISLATIVE GRANT OF POWER

This Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly Chapters 231-- Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Article 947a, Vernon's Annotated

Texas Civil Statutes) and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Article 970a VATCS).

SECTION 1.5 CONFORMANCE TO GENERAL PLAN

No plat or subdivision of land within the City of Woodcreek, and within its extraterritorial jurisdiction as determined by Article 974a Vernon's Texas Civil Statutes, and Article 970a, Vernon's Texas Civil Statutes, shall be approved unless the plat conforms to a general plan of said city and its roads, streets, alleys, easements, parks, and public utility facilities, including those which have been or may be laid out and to a general plan for the extension of said City and of its roads, streets, alleys, easements and public highways, regard being had for access to public utilities.

SECTION 1.6 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words used in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is directory.

1.6.1 Building Line means line beyond which buildings must be set back from the boundaries.

1.6.2 City refers to the City of Woodcreek, Texas.

1.6.3 City Engineer shall be the City Engineer of the City of Woodcreek or such registered professional engineer employed or designated by the City of Woodcreek to provide professional

engineering services for and in behalf of the City.

1.6.4 Council shall refer to the Council of the City of Woodcreek, Texas.

1.6.5 City of Woodcreek Standards refer to the standards for streets, drainage, water and sewer facilities and appurtenant structures, and such additional standards as may be adopted by the Council, and which may be amended from time to time, and are hereby referred to.

1.6.6 The General Plan means the official map of the City of Woodcreek as may be adopted and amended by the Council.

1.6.7 Cul-De-Sac is a street having but one outlet to another street, and terminated on the opposite end by a vehicular turn around.

1.6.8 Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or other approved facility and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

1.6.9 (RESERVED)

1.6.10 Plat means the map, drawing, or chart on which a subdivider's plan of a subdivision is presented, which he submits for approval, and all copies of it.

1.6.11 Approved Plat is a plat of a subdivision which has been approved in accordance with the requirements of these regulations and which has been filed for record with the Hays County Clerk and with the City Secretary.

1.6.12 Public Street or Alley is any public right of way owned or controlled by the City, County, or State and maintained by same for use of vehicular traffic.

1.6.12.1 Major Street means a principal traffic artery, more or less continuous across the City, which is intended to connect remote parts of the City or areas adjacent thereto, and act as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare, including all existing and proposed major streets as designated by the Council.

1.6.12.2 Collector Street means a street collecting traffic from other streets and serving as the most direct route to a major street or highway adjacent to a subdivision.

1.6.12.3 Minor Street refers to a street intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential district. This minor street may also be referred to as a "local" street in other documents.

1.6.12.4 Marginal Access Street is a street that is parallel to a major street or highway and intended to serve the local traffic in a residential area while shielding the area from the major street.

1.6.13 Subdivider or Developer are synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope, and purview of this Ordinance.

1.6.14 Subdivision shall mean the division of any lot, tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development situated within the corporate limits or within the extraterritorial jurisdiction. It also includes vacating and resubdivision of land or lots.

1.6.15 Surveyor is a Registered Public Surveyor, as authorized by the State Statutes to practice the profession of surveying.

1.6.16 Utility Easement means an interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

1.7 (RESERVED)

1.8 (RESERVED)

SECTION 1.9 ENFORCEMENT

In addition to any other remedy provided by law, the City and its officers have the right to enjoin any violation of this Ordinance by injunction issued by a court of competent jurisdiction.

SECTION 1.10 SPECIAL PROVISIONS

1.10.1 That it shall be unlawful for the Hays County Clerk to receive or record any such plan, plat or replat, unless and until the same shall have been approved by the Council (Section 3, Article 974a, Vernon's Texas Civil Statutes) and duly authenticated by the Mayor.]

1.10.2 No permit shall be issued by the City or Hays County for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.

1.10.3 No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.

1.10.4 The City shall not repair, maintain, install or provide any streets or public services in any subdivision for which a final plat has not been approved and filed for record, or for any tract which is not a lot in a recorded subdivision.

1.10.5 No public utility shall sell or supply water, sewer, electric, or telephone service to any subdivision for which a final plat has not been approved and filed for record, or to any tract which is not a lot in a recorded subdivision.

1.10.6 If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the Council of the City shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provision of paragraphs 1.10.1 through 1.10.5 of this Section will apply to the subdivision and the lots herein, the City Secretary shall, when directed by the Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of Hays County. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of Hays County stating that paragraphs 1.10.1 through 1.10.5 no longer apply.

1.10.7 Provided, however, that the provision of this Section shall not be construed to prohibit the issuance of permits, repair and maintenance of public streets, and the furnishing of utility services to lots in a subdivision which had been filed for record with Hays County prior to the adoption of this Ordinance by the City of Woodcreek.

SECTION 1.11 LEGAL PROVISIONS

1.11.1 Conflicting Ordinances. If any other City Ordinances are in conflict with this Ordinance, the most stringent rules will apply. Nothing will be permitted under the provisions of this Ordinance that is in violation with another valid Ordinance of the City.

1.11.2 Severability Clause. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the Ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

1.11.3 In behalf of the City, the City Attorney shall, when directed by the Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City or within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.

SECTION 1.12 VARIANCE

1.12.1 The Council may authorize a variance from this Ordinance when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Council shall prescribe only

vicinity

conditions that it deems necessary or desirable to the public interest. In making their findings, the Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. All requests for variances must be submitted in writing and shall cite the specific section of this Ordinance from which a variance is requested and the justification upon which the request is based. No variance shall be granted unless the Council find:

1.12.1.1 That there are special circumstances or conditions affecting the land involved such that the strict application of this Ordinance would deprive the applicant of the reasonable use of this land.

1.12.1.2 That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

1.12.1.3 That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

1.12.3 Such findings of the Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted.

Variances may be granted only when in harmony with the general purpose and intent of the Ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary

hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. NO VARIANCE SHALL BE GRANTED TO THE REQUIREMENTS FOR STREET PAVING, WATER, SEWER, AND DRAINAGE FACILITIES.

SECTION 1.13 COMPLIANCE

No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in Article 3.0, Design Standards, and in other applicable ordinances of the City. Until such policies and procedures have been complied with by the subdivider and the plat approved by the Council as herein required, no building, water, septic system, plumbing or electrical permit shall be issued by the City as to any property in the subdivision.

1.13.1 (RESERVED).

1.13.2 Serving Subdivisions with Utilities. Unless and until a subdivision plat has been submitted and received final approval, and the subdivider has constructed or provided a performance bond or other acceptable guarantee for the Ordinance required streets, curbs, paving, utilities and drainage facilities therein, in the manner provided by this Ordinance, it shall be unlawful for any public utility to sell or supply water, sewer, electric or telephone service to any tract of land in the City or its extraterritorial jurisdiction.

SECTION 1.14 DEDICATION AND MAINTENANCE OF STREETS

It shall be unlawful for the City through any officer, contractor, or employee to maintain the streets in a subdivision unless the streets are dedicated to the City and until such streets have been constructed to the specifications of the City, the required utilities and drainage

facilities have been installed, and such improvements have been accepted in writing by action of the Council. Private streets may be platted in which case they shall remain the property of the subdivider and/or subsequent owners. In the event the subdivider proposes to use private streets, a property owners' association or other responsible entity must be formed which has the authority and financial capability to properly maintain the streets. The subdivider shall be responsible for creation of this entity and shall prepare restrictive covenants which require all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets. The election of the subdivider to provide private streets, and the approval of the City of private streets, shall in no way diminish the obligation of the subdivider to comply with all other requirements of this Ordinance with respect to standards of construction for streets, required plans specifications, contract documents, and performance guarantees.

ARTICLE 2.0 PROCEDURE

SECTION 2.1 PRE-APPLICATION MEETING

Prior to the preparation of the preliminary plat, the subdivider may seek the advice of the Council in interpreting the Ordinance. This step does not require formal application, fee, or filing of any plat with the City Secretary. At such a meeting the Council will be able to make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. The pre-application meeting is elective on the part of the subdivider. In the event the subdivider elects to have a pre-application meeting the subdivider shall contact

the City Secretary and ask to be placed on the agenda of the next meeting of the City Council and make such oral and graphic presentations on the proposed subdivisions as he deems appropriate and request any clarification or interpretation of the Ordinance.

SECTION 2.2 PRELIMINARY PLAT

Action by the Planning and Zoning Commission and City Council. All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission may:

- a. Recommend approval of the plat application; or
- b. Recommend approval of the application subject to certain conditions; or
- c. Vote to deny the plat application within thirty (30) calendar days following the official submission date, unless the applicant has submitted a written waiver of the 30-day review/approval time

City Council shall consider the recommendation of the Planning and Zoning Commission and, if the application is in complete conformance with all other pertinent regulations of the City, then City Council shall take action to approve or disapprove the application.

The City Council shall take action on the plat within thirty (30) calendar days following action by the Planning and Zoning Commission. Affirmation of, or minor modifications to, the recommendation of the Planning and Zoning Commission shall require a simple majority vote of the City Councilmembers present and voting.

2.2.1 General- Prior to filing a final subdivision plat for approval, the subdivider shall prepare a preliminary plat and submit twelve (12) copies to the City Secretary, at least two (2) weeks prior to the meeting of the Council at which it is to be considered. Subdividers may not file a final subdivision plat for action until a preliminary plat has been submitted to and approved by the Council. Upon approval of the preliminary plat the subdivider may proceed with preparation of a final plat and such other plans and documents as may be required by this Ordinance.

2.2.2 Overall Preliminary Layout Plat or Larger Tract- Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which he intends to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a layout of the entire area, showing the tentative layout of street, blocks, and drainage for such area. The overall layout, if approved by the Council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional plats of subsequent units of such subdivision must be submitted for preliminary plat approval, and shall conform to such approved overall layout, unless changed by the Council.

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2.2.3 Specifications- A preliminary plat of any proposed subdivision shall be drawn on sheets a maximum size of 24" wide by 36" long and drawn to a scale of 100 feet to one inch. In cases of large developments which would exceed the dimensions of the sheet of 100 foot scale, preliminary plats may be 200 feet to one inch in scale, and shall show the following information:

2.2.3.1 The date, scale and north point, a key plan showing location of the tract; the title and block which the plat is to be recorded, and the names of the owner and engineer, land planner, landscape architect, architect or surveyor or other person preparing the plat.

2.2.3.2 The existing boundary lines and acreage of the land to be subdivided, and property lines and names of owners of adjacent properties.

2.2.3.3 The location of the center line of existing water courses, railroads, and other similar drainage and transportation features, and the location and sizes of existing streets, easements, alleys, lots and public area on or adjoining any part of the land.

2.2.3.4 Topographical information approximately equivalent to five foot contour lines based on United States Geological Survey datum, which shall be specified on the plat.

2.2.3.5 The location, size, and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts.

2.2.3.6 The locations, width and dimensions of proposed streets, alleys, easements, parks, and other public spaces, sites for all private use, lot and block numbers, lot lines, and building lines.

2.2.3.7 The route of any existing or proposed utility lines, including location of fire hydrants.

2.2.3.8 Description, by metes and bounds, of the subdivision.

2.2.3.9 Primary control points or descriptions, and ties to such control points to which dimensions, angles, bearings, block numbers and similar data shall be referred.

2.2.3.10 Proposed street names.

2.2.3.11 Front building setback lines on all lots and sites. Side yard setback lines at street intersections.

2.2.3.12 Location of City limits boundary if they traverse the subdivision, or are contiguous to such boundary.

2.2.3.13 Vicinity sketch or map at a scale of not more than 1" = 10' shall show existing subdivisions, street, easements, rights of way, parks and public facilities in the vicinity, and the general drainage plan.

2.2.4 Processing of Preliminary Plat- The Council shall check the preliminary plat as to its conformity to the general plan and to this Ordinance. The Council will act on the preliminary plat approving, disapproving, or approving with conditions. If conditional approval is given, the conditions shall be recorded in the minutes of the meeting.

2.2.5 Approval of the preliminary plat as such shall not constitute final acceptance or approval of the subdivision. When a preliminary plat has been approved by the Council, the final plat, as defined in this Ordinance, shall be submitted within six (6) months thereafter; otherwise, approval of the preliminary plat shall terminate unless the time for filing of the plat is extended by the Council at the written request of the subdivider.

SECTION 2.3 FINAL PLAT

2.3.1 Filing Procedures- Upon approval of the preliminary plat, the subdivider shall file a final subdivision plat and other supporting documents required by this Ordinance with the City Secretary. The filing of the final plat shall not be deemed complete until all supporting documents required by this Ordinance have been filed. When all documents have been filed and the filing fee as provided herein have been paid, the City Secretary shall provide the subdivider a receipt indicating the effective date upon which all required documents were filed. The Council shall act upon the final plat within thirty (30) days of the effective filing date. A filing fee of fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot for single family residential lots and twenty-five dollars (\$25.00) per acre for non-single family lots shall be charged for the area subdivided.

2.3.2 Specifications- The final plat shall be drawn in black ink upon film, linen, tracing cloth or other permanent tracing material 18" wide and 24" long to a scale of 100 feet to one inch, and shall include the following information:

2.3.2.1 Date, subdivision title, scale and north point.

2.3.2.2 The names of the adjoining subdivisions or the names of the adjoining property owners, together with the respective plat or deed references.

2.3.2.3 Final contour data at intervals not more than two feet for land with an average slope of up to two per cent and not more than five foot intervals for land with an average slope of greater than two percent.

2.3.2.4 The lines and names of all proposed streets or other right-of-way or easements (including a statement of the purpose for which such easements are dedicated), and other open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision.

2.3.2.5 Lot and block numbers of property.

2.3.2.6 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the property lines of curved streets and curved property lines.

2.3.2.7 Surveyor's Certificate as follows:

State of Texas |
County of Hays |

I hereby certify that the proper engineering consideration has been given to this plat to the matters of streets, lots and drainage layout, and that no part of this plat is in an area which has been identified as a Special Flood Hazard on the FIA Map for Hays County except as indicated on the plat.

To the best of my knowledge this plat conforms to the requirements of the Subdivision Ordinance of the City of Woodcreek, except for those variances granted by the Council.

Registered Professional Engineer

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

2.3.2.11 Owner's dedication as follows:

(INDIVIDUAL)

State of Texas |
County of Hays | KNOW ALL MEN BY THESE PRESENTS:

That I, _____, owner of _____
(owner's name) (deeded)

_____ acres of land out of the _____
(acreage) (original survey)

Hays County, Texas, as conveyed to me by deed dated _____, and recorded in Volume _____, Page _____.

Hays County Deed Records, DO HEREBY GUARANTEE

_____ acres of land out of the _____
(subdivision acreage) (original survey)

(REPEAT FOR EACH ORIGINAL SURVEY WITHIN THE SUBDIVISION) to

be known as the _____ in
(subdivision name)

accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or owners of the property shown hereon for private streets) the use of the streets and easements shown hereon.

WITNESS MY HAND, this ____ day of _____,
A.D., 19__

(Owner's Name)

Before me, the undersigned authority, on this day personally appeared

_____, known to me to be the person whose
(Owner's name)

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 the _____ day of _____, A.D., 19__

NOTARY PUBLIC in and for the State of Texas

O R

(CORPORATION)

STATE OF TEXAS |

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS |

That, _____ corporation organized and existing
(corporation name)

under the laws of the State of Texas, with its home address at

_____, owners of _____ acres of land
(address, city, state) (deeded acreage)

out of the _____, Hays County, Texas, as
(original survey)

conveyed to it by deed dated _____, and recorded in Volume _____,
Page _____, Hays County Deed Records, DOES HEREBY SUBDIVIDE
_____ acres of land out of the
(subdivision acreage)

_____ (REPEAT FOR EACH ORIGINAL SURVEY
(original survey)

WITHIN THE SUBDIVISION) to be known as the _____,
(subdivision name)

in accordance with the plat shown hereon, subject to any and all
easements or restrictions heretofore granted, and does hereby
dedicate to the public (or owners of the property shown hereon for
private streets) the use of the streets and easements shown
hereon.

IN WITNESS WHEREOF the said _____ has caused
(corporation name)

these presents to be executed by its, _____,
(corporate title)

_____, thereunto duly authorized this the _____ day of
(name)

_____, A.D., 19_____

(Corporate Name)

(Attest)

State of Texas |
County of Hays |

Before me, the undersigned authority, on this day personally
appeared _____, known to me to be the person
(name)

whose name is subscribed to the foregoing instrument as
_____, of _____, and
(name) (corporate name)

acknowledged to me that he executed the same for the purposes
and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 19_____.

NOTARY PUBLIC in and for the State of Texas

2.3.2.12 Certification of City Approval as follows:

This plat of has been submitted _____ to and
(name of subdivision)
considered by the Council of the City of Woodcreek and is hereby
approved.

Dated this _____ day of _____ A.D., 19_____.

By: _____
Mayor

Attest: _____
City Secretary

2.3.2.13 Certification of recording as follows:

State of Texas |

County of Hays |

I, LYDELL B. CLAYTON, COUNTY CLERK OF HAYS COUNTY, TEXAS, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the _____ day of _____, A.D. 19_____, at _____ o'clock ____ M., A.D. in the plat records of Hays County, Texas, in Book _____, Page_____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D., 19_____.

2.3.2.14 If the subdivision is not to be served immediately by a sewage collecting system connected to a treatment plant or to a public sewer system, a restriction prohibiting occupancy of any lot until a septic tank has been licensed by Hays County shall be noted on the final plat.

2.3.3 Supporting Documents- In addition to the final plat, three (3) sets of the following documents must be filed with the City Secretary.

2.3.3.1 Construction plans, specifications and contract documents for water, sewer, street, and drainage improvements, along with a cost estimate for such facilities prepared by the subdivider's engineer.

2.3.3.2 Copies of letters of approval from Texas Health Department for the water and sewer improvements.

2.3.3.3 Letters of Certification from the utility companies which will be furnishing water, sewer, electric, and telephone service to the subdivision. The required form for these Letters of Certification are included as EXHIBITS A-1 through A-4.

2.3.3.4 Where the subdivider proposes to use private streets, copies of the executed documents creating the entity authorized and responsible for maintaining the private streets and the original executed restrictive covenants requiring all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets. The restrictive covenant will be filed in the Deed Records of Hays County by the City Secretary contemporaneously with the recording of the final subdivision plat.

2.3.3.5 Where sewage treatment is to be provided by individual septic tank and tile fields or adsorption beds, the subdivider shall furnish a report prepared by a registered Professional Engineer licensed by the State of Texas. Such report shall include a statement as to whether or not, in the engineer's professional opinion, all lots in the subdivision can be adequately served by septic tank and tile field or adsorption bed installations without causing a public health hazard or nuisance. The report shall be based in part on the results of percolation tests, the number and location of which are to be determined by the Engineers.

2.3.3.6 A certificate from the City Treasurer and from the appropriate official of other taxing agencies within whose jurisdiction the proposed subdivision lies to the effect that all ad

valorem taxes currently due have been paid on the land included within the subdivision.

2.3.3.7 When improvements including streets, drainage, water and wastewater facilities are required, the subdivider shall execute a Performance Agreement in the form of EXHIBIT B-1 of this Ordinance, and file the same with the City Secretary.

2.3.4 Processing of Final Plat

2.3.4.1 When the City Secretary determines that all final plat filing requirements have been met, the City will review the final plat and all required supporting documents for compliance with this Ordinance and any other applicable ordinances of the City. Action will be taken by the Council within thirty (30) days of the effective filing date to either approve or disapprove the final plat. If no action is taken to approve or disapprove the final plat within such thirty (30) day period, then the final plat shall be deemed to be approved. If the plat is not approved the City shall indicate the applicable section or sections of this Ordinance with which the plat and supporting documents are in non-compliance.

2.3.4.2 Within a period of two (2) years after the plat has been approved, and if the subdivider has constructed and has had accepted, by the City, all required street, drainage, water, and wastewater improvements, the Mayor shall direct the City Secretary to cause the final plat to be recorded in the deed and plat records of Hays County. No plat will be filed, however, without a written request from the subdivider along with a check payable to the City of Woodcreek for the amount of the recording fee.

2.3.4.3 At the request of the subdivider the final plat may be recorded prior to completion of the required street drainage, water and wastewater improvements by the Subdivider providing an acceptable guarantee of performance. The guarantee of performance shall be in the form of EXHIBIT C-1, or C-2, or C-3 of this Ordinance. The Mayor will then direct the City Secretary to cause the plat and the Performance Agreement (EXHIBIT B-1 to this Ordinance) to be recorded in the deed and plat records of Hays County. Upon completion of the required street, drainage, water and wastewater improvements and acceptance by the City, an instrument, in the form of EXHIBIT B-2 to the Ordinance releasing the subdivider from the requirements of the Performance Agreement, shall be filed by the City Secretary in the deed and plat records of Hays County. At the time of filing the guarantee of performance referred to above, the subdivider shall make a written request that the plat be recorded and tender a check in the amount required to pay the recording fee for the plat, the Performance Agreement, and the release of the Performance Agreement.

2.3.4.4 In the event an approved plat has not been recorded in one of the manners described above within two (2) years of approval, said approval of such plat shall expire. Thereafter, should the subdivider desire to resubmit the plat, it shall be submitted in the same manner as a previously unsubmitted plat.

2.3.5 Processing of Vacating and Resubdivision Plats

2.3.5.1 Vacating, resubdivision, amending, and correction plats shall be processed as provided for by the State Law, and shall meet all the requirements of this Ordinance.

ARTICLE 3.0 DESIGN STANDARDS

SECTION 3.1 GENERAL DESIGN PRINCIPLES AND OBJECTIVES

3.1.1 Conformity with the General Plan- All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities, as well as the other provisions of this and other ordinances and codes of the City of Woodcreek.

3.1.2 Provision for Future Subdivision- If a tract is subdivided into parcels larger than five (5) acres, such parcels shall be arranged to allow logical further subdivision and the opening of future streets.

3.1.3 Standards for Site Improvements- All streets, alleys, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this Section and to the then current policies, specifications, and regulations of the City of Woodcreek, or other approved agencies responsible for design, construction methods and standards.

SECTION 3.2 STREETS

3.2.1 Street Layout- The arrangement, extent, character, width, grade and location of all streets shall conform to the general plan of the City. Minor residential streets shall provide adequate circulation within the neighborhood and yet discourage through traffic. The street layout shall be arranged to achieve the most desirable development of the entire neighborhood unit with appropriate

consideration of creeks, drainage channels, wooded areas, and other topographical features which lend themselves to special treatment.

3.2.2 Relation to Adjoining Streets- Where appropriate to the neighborhood pattern, existing streets in adjoining areas shall be continued and tied into the street layout. The width and alignment of such streets shall be as approved by the Council.

3.2.3 Projection of Streets- When adjoining areas are not yet subdivided, the arrangement of streets shall provide for the proper projection of streets into the adjoining unsubdivided areas as well as will be required to complete the neighborhood pattern or conform to the general plan.

3.2.4 Block Lengths- In general, block lengths shall not exceed eighteen hundred (1800) feet or be less than five hundred (500) feet.

3.2.5 Partial or Half Streets- In the case of minor streets, no new half streets shall be platted. Where the proposed subdivision abuts upon an existing half street, the remaining half of the street shall be platted.

3.2.6 Dead-End Streets and Cul-De-Sacs

3.2.6.1 Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with Section 3.1.2 or when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.

3.2.6.2 Cul-de-sac streets in general shall not exceed eight hundred (800) feet in length and shall have a turnaround right-of-way of not less than one hundred (100) feet in diameter with a minimum pavement of eighty (80) feet in diameter.

3.2.7 Alignment- The alignment of all major and secondary streets shall conform to the general plan of the City.

3.2.8 Intersections- All intersections of streets shall be at approximately ninety (90) degrees.

3.2.9 Right of Way and Pavement Widths- All street and pavement widths shall conform to the general plan and Exhibits D-1, D-2, and D-3 of this Ordinance, but in no case shall the right way widths be less than the following:

3.2.9.1 Major streets- As approved by the Council.

3.2.9.2 Collector streets- Sixty (60) feet.

3.2.9.3 Minor streets- Fifty (50) feet if curbs are required by this Ordinance or used, sixty five (65) feet otherwise.

3.2.10 Street Names- Names of new streets shall not duplicate the names of existing streets within the community unless the new street is a continuation of or part of a future continuation of such existing street. Street names shall be chosen to avoid similarity or confusion with existing street names. Names of all new streets shall be subject to approval by the Council, and be coordinated on an area wide basis with the U. S. Postal Service. Street addresses should also be coordinated with present existing addresses.

3.2.11 Other Minimum Improvements- Street signs will be installed at each street intersection and shall conform to the existing signs in the City.

3.2.12 Construction Standards- All streets shall be constructed in accordance with Specifications for Paving and Drainage Improvements of Hays County, Texas, and Exhibits D-1, D-2, and D-3.

3.2.13 Reserve- A provisional one-foot reserve shall not be allowed along the side or end of streets dedicated to the public that abut property not subdivided in a recorded plat.

3.2.14 Temporary Right of Way- When deemed necessary by the Council, temporary right of way shall be provided for certain uses or locations, such as the provisions of turnarounds on projected streets. Such temporary right of way shall revert to the abutting property owners when no longer required for its original purpose.

SECTION 3.3 EASEMENTS

3.3.1 Utility Easements- Easements shall be provided for installation of utilities, as required by the utility companies providing service to the subdivision.

3.3.2 Drainage Easements- Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and of sufficient width to accommodate a 100-year return frequency storm, as determined by HUD Flood Hazard Boundary Maps or other appropriate federal agencies.

SECTION 3.4 SINGLE FAMILY RESIDENTIAL LOTS

3.4.1 General Layout- The shape and orientation of lots shall be appropriate to the topographic features of the site. Side lot lines shall be substantially at right angles to straight streets and radial to curved streets. Corner lots shall have sufficient width to provide appropriate building setbacks from and orientation to both streets. Each lot shall front on a platted public or private street.

3.4.2 Lot Area and Dimensions- The area, depth and width of lots shall be appropriate for the existing neighborhood and for the type of development and use contemplated.

3.4.2.1 Where individual septic tank and tile fields or absorption beds are used and water service from a State approved public water supply is not available, the minimum lot size shall be one (1) acre. The average width of each lot in such case shall be one hundred fifty (150) feet.

3.4.2.2 Where individual septic tanks and tile fields or absorption beds are used and where water service from a State approved public water supply is furnished, the minimum lot area shall be twenty thousand (20,000) square feet. The average width of each lot in such case shall be one hundred (100) feet.

3.4.2.3 Where wastewater facilities connected to a State approved wastewater treatment plant are provided and water service from a State approved public water supply is furnished, the minimum lot area shall be twelve thousand (12,000) square feet and the average width of each lot shall be eighty (80) feet.

3.4.3 Building Setback Lines- Minimum front setback lines and side setback lines at street intersections shall be shown on the plat and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider. In no event shall the front building setback be less than twenty-five (25) feet, and the side building setback at street intersections shall not be less than fifteen (15) feet

SECTION 3.5. LOTS OTHER THAN SINGLE FAMILY RESIDENTIAL AND
SINGLE FAMILY RESIDENTIAL LOTS SMALLER THAN 12,000
SQUARE FEET

3.5.1 General- The minimum lot area, dimensions, building setbacks, and side yard requirements for other than single family residential use, and for lots smaller than twelve thousand (12,000) square feet, will be considered on an individual basis based on the ability of the existing and proposed street system to handle the traffic generated, availability of water and wastewater service, capability of providing adequate fire protection, and provision of off-street parking facilities. The subdivider shall submit a site plan showing building location, building separation, off-street parking, and such other details as may be required to adequately evaluate the proposed subdivision.

ARTICLE 4.0 REQUIRED IMPROVEMENTS

SECTION 4.1 STREET AND DRAINAGE IMPROVEMENTS

All streets, whether public or private, shall be constructed according to the Specification for Paving and Drainage Improvements of Hays County, Texas. Three (3) complete sets of plans, specifications and contract documents for all street and drainage improvements and the engineer's cost estimate shall be submitted with the final subdivision plat. The plans shall show such features as typical roadway sections, plan and profile or other satisfactory description of the proposed improvements, and the location, size, length, slope and hydrological and hydraulic calculations for culverts and other drainage facilities.

4.1.1 Inspection of Street and Drainage Improvements- The City's authorized representative shall from time to time inspect the construction of street and drainage improvements for compliance with the standards governing the same and the approved plans, specifications, and contract documents. Inspection by the City's

water system improvements along with evidence of approval of the same by the Texas Department of Health, along with the engineer's cost estimate for these facilities. In addition to Texas Department of Health requirements, the minimum water line size shall be six (6) inches in diameter for residential areas and eight (8) inches in diameter in commercial areas. National Standard type, three-way fire hydrants with a minimum of five (5) inch valve opening must be provided so that every lot is within five hundred (500) feet of a fire hydrant. All subdivisions of land within the corporate limits of the City of Woodcreek regardless of lot size shall have water service from a State approved central water system and meet the requirement for main size and fire hydrants as set out above; provided that this sentence shall not apply to the City's extraterritorial jurisdiction.

SECTION 4.3 WASTEWATER SYSTEMS

All single family residential lots less than twenty thousand (20,000) square feet in area and all non-single family residential lots must be served by a wastewater system connected to a State approved wastewater treatment plant. The subdivider shall furnish three (3) complete sets of plans, specifications, and contract documents for all wastewater system improvements along with evidence of approval of the same by the Texas Department of Health and the engineer's cost estimate of these facilities.

SECTION 4.4 DRAINAGE

4.4.1 General- No lot in any subdivision which falls within the 100 year flood plain as determined by appropriate federal agencies shall be approved unless the affected area is delineated on the plat and a

restriction prohibiting buildings or septic tank installations in the area so designated is incorporated on the plat. The minimum lot area requirements of this Ordinance must be met exclusive of any part of the lot which is located in the 100 year flood plain.

4.4.2 Facilities Required- All necessary storm drainage facilities including enclosed storm sewers, bridges, culverts, and water course improvements to carry off storm water from a 25 year return frequency storm within the subdivision and integrate such subdivision drainage with the overall drainage system, shall be provided.

4.4.3 (R E S E R V E D)

ARTICLE 5.0 (OTHER PROVISIONS)

SECTION 5.1 PENALTY FOR VIOLATION

Anyone violating any provision of this Ordinance within the corporate limits of the City of Woodcreek, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed *two thousand (\$2,000.00) dollars*. Each day that such a violation continues shall be deemed a separate offense, and be punishable as such. Prosecution or conviction under this Section shall not be a bar to other remedies of relief for violation of this Ordinance.

SECTION 5.2 EXTRATERRITORIAL APPLICABILITY

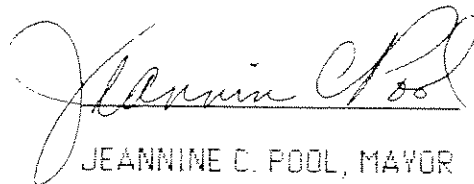
The requirements of this Ordinance are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of the City of Woodcreek as provided for in the Municipal Annexation Act enacted by the 56th Texas Legislature. Any violation of this

Ordinance within the area under extraterritorial jurisdiction of the City of Woodcreek shall not constitute a misdemeanor under this Ordinance, nor shall any fine provided for in this Ordinance be applicable to a violation within such extraterritorial jurisdiction. The City Council may take whatever action deemed necessary and proper, and may direct the City Attorney to institute action in District Court to enjoin violation of any provisions of this Ordinance within the area of the City's extraterritorial jurisdiction.

SECTION 5.3 EFFECTIVE DATE

This Ordinance, and all additional parts that may follow, shall go into effect upon passage and approval of the City Council.

PASSED AND APPROVED THIS 12th DAY OF April, 1995.


JEANNINE C. POOL, MAYOR

ATTEST:

Signature on Original on file at City Hall

SHIRLEY BYRUM, CITY SECRETARY

ORIGINAL ORDINANCE NO. 85-12 PASSED AND APPROVED MAY 30, 1985.

AMENDED ORD. NO. 85-12A PASSED AND APPROVED MARCH 10, 1986

Amended Ord 85-12B passed June 27, 2006

12C passed March 6, 2007

EXHIBITS

- A-1 Letter of Certification - Wastewater
- A-2 Letter of Certification - Water
- A-3 Letter of Certification - Electric
- A-4 Letter of Certification - Telephone
- B-1 Performance Agreement
- B-2 Release of Performance Agreement
- C-1 Performance Bond
- C-2 Trust Agreement
- C-3 Letter of Credit
- D-1 Type 1 Street - Curb and HMAC Pavement - Required for lots other than Single Family Residential and for Single Family Residential Lots Smaller than 12,000 Square Feet
- D-2 Type 2 Street - HMAC Pavement - Minimum Requirement for Single Family Residential Lots from 12,000 Square Feet to One Acre
- D-3 Type 3 Street - Two Course Surface Treatment Pavement - Minimum Requirement for Single Family Residential Lots One Acre or More

LETTER OF CERTIFICATION - WASTEWATER

SUBDIVISION PLAT: _____
 SUBDIVIDER: _____

 UTILITY COMPANY: _____

TO THE TOWN OF WOODCREEK, TEXAS

With respect to the application by the Subdivider for approval of the above captioned subdivision plat, the undersigned Utility makes the following certifications to the Town of Woodcreek:

1. This Utility currently has a Certificate of Convenience and Necessity to provide wastewater collection and treatment service to the proposed subdivision.

2. The Subdivider has made satisfactory financial arrangements for extension of wastewater collection and treatment service for the proposed subdivision, and we agree to provide said service.

3. This utility has adequate capacity in its wastewater treatment plant facilities to provide service to the proposed subdivision, and is in compliance with its State Wastewater Discharge permit, Rules and Regulations of the Texas Water Development Board and applicable State laws.

4. We have reviewed the proposed final plat and find that adequate utility easements have been provided for our proposed facilities.

BY: _____

TITLE _____

DATE: _____

State of Texas }
County of Hays }

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 as _____ of _____ and acknowledged to me that he, being duly authorized, did execute the same in such capacity as the act and deed of said _____ for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 19 ____.

NOTARY PUBLIC in and for the State of Texas

My Commission Expires _____

LETTER OF CERTIFICATION - WATER

SUBDIVISION PLAT: _____
 SUBDIVIDER: _____

 UTILITY COMPANY: _____

TO THE TOWN OF WOODCREEK, TEXAS

With respect to the application by the Subdivider for approval of the above captioned subdivision plat, the undersigned Utility makes the following certifications to the Town of Woodcreek:

1. This Utility currently has a Certificate of Convenience and Necessity to provide water service to the proposed subdivision.
2. The Subdivider has made satisfactory financial arrangements for extension of water service for the proposed subdivision, and we agree to provide said service.
3. The Utility has an adequate source of water and central plant capacity to provide service to the subject property, and is in compliance with the Texas Department Health Rules and Regulations for Public Water Supply and applicable State laws.
4. We have reviewed the proposed final plat and find that adequate utility easements have been provided for our proposed facilities.

BY: _____

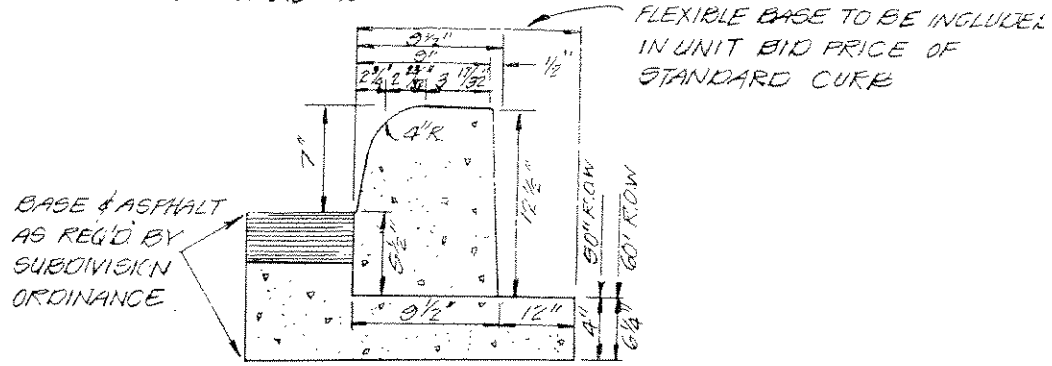
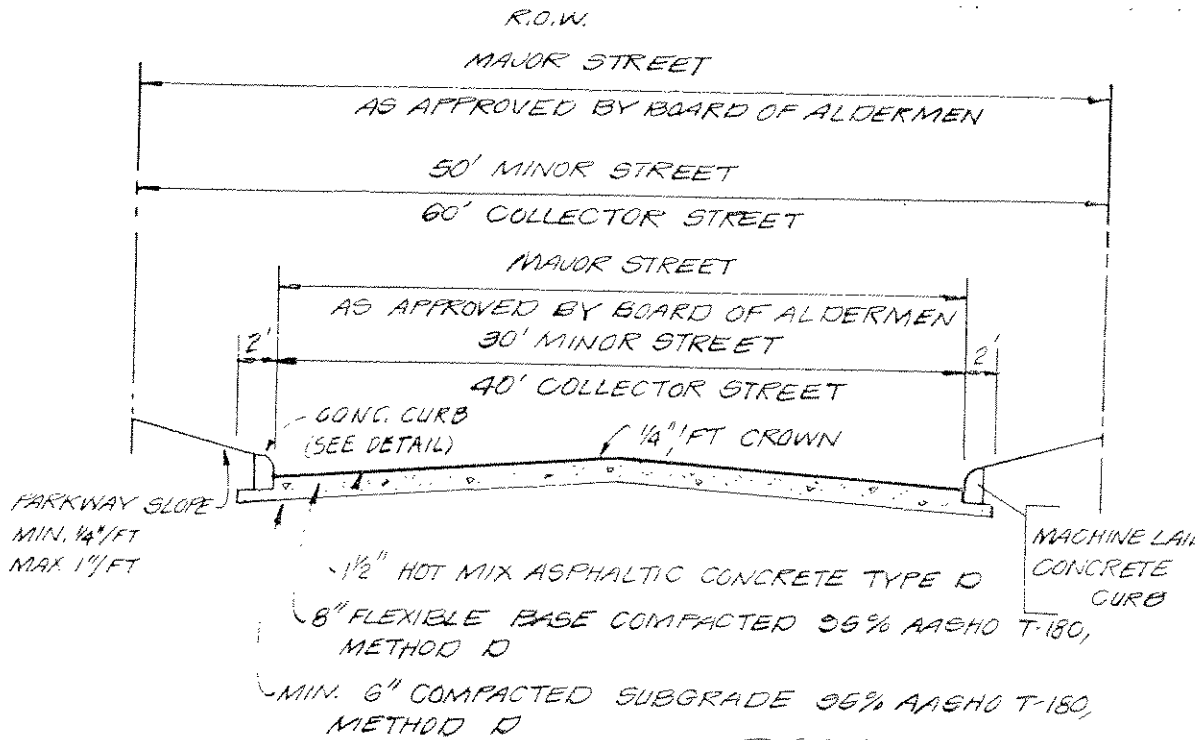
 TITLE _____
 DATE: _____

State of Texas ↓
 County of Hays ↓

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 as _____ of _____ and acknowledged to me that he, being duly authorized, did execute the same in such capacity as the act and deed of said _____ for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 19____.

 NOTARY PUBLIC in and for the State of Texas
 My Commission Expires _____



STANDARD CURB DETAIL

NOTE:

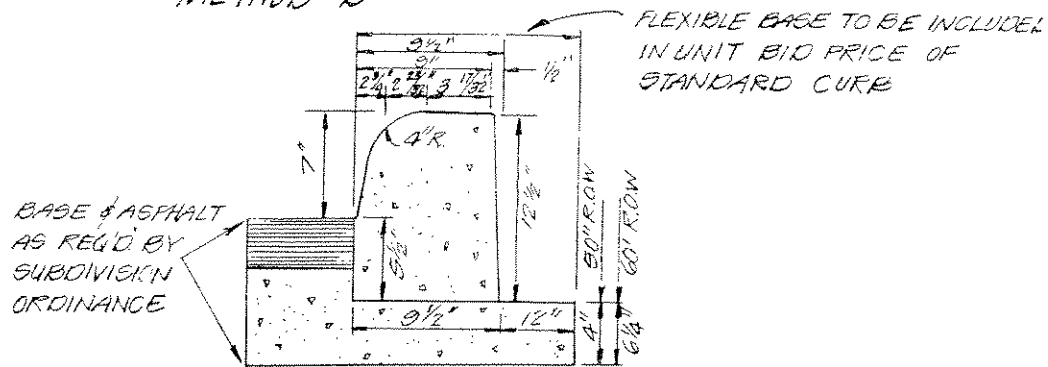
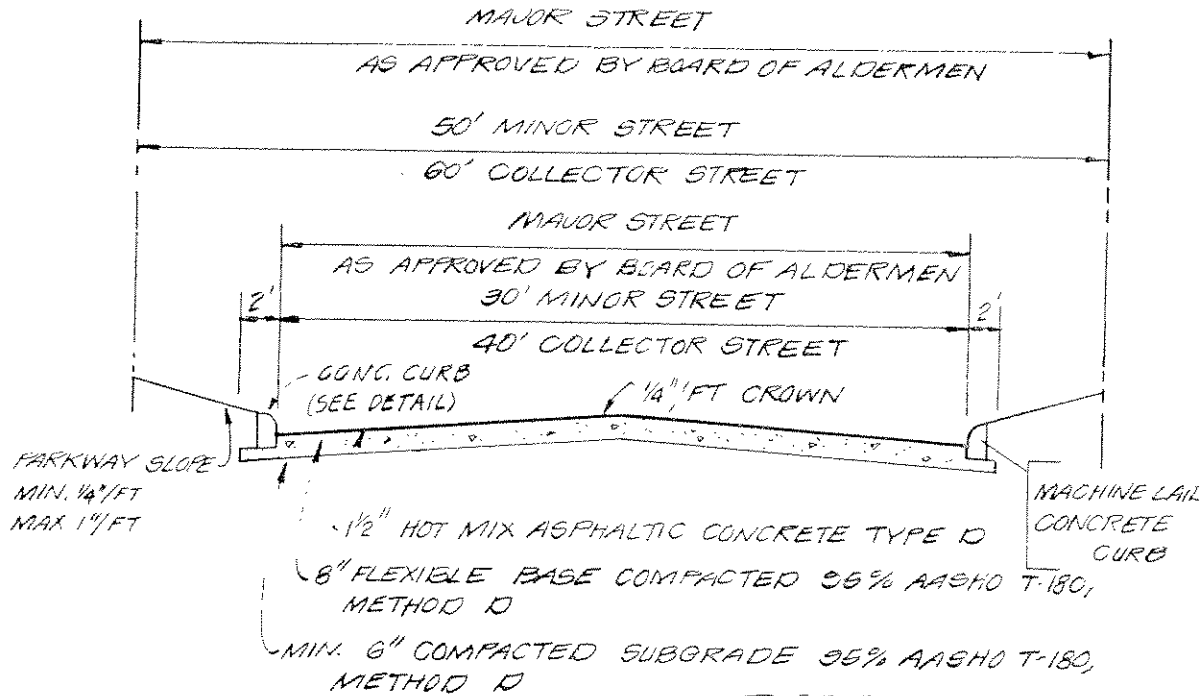
ALL MATERIALS, METHODS OF CONSTRUCTION and TESTING REQUIREMENTS SHALL COMPLY WITH THE SPECIFICATIONS FOR PAVING and DRAINAGE IMPROVEMENTS OF HAYS COUNTY, TEXAS. WHERE THESE SPECIFICATIONS REFER TO THE COMMISSIONER THEY SHALL BE CONSTRUED TO MEAN THE AUTHORIZED REPRESENTATIVE OF THE TOWN OF WOODCREEK.

STANDARD STREET-TYPE 1

REQUIRED FOR LOTS OTHER THAN SINGLE FAMILY RESIDENTIAL and FOR SINGLE FAMILY RESIDENTIAL LOTS SMALLER THAN 12,000 SQUARE FEET.

TOWN OF WOODCREEK, TEXAS

R.O.W.



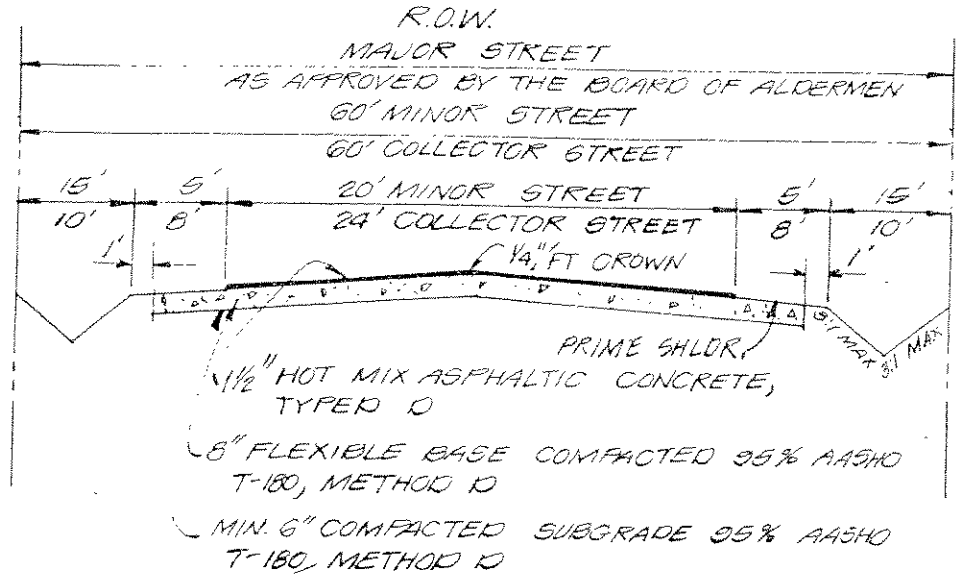
STANDARD CURB DETAIL

NOTE:

ALL MATERIALS, METHODS OF CONSTRUCTION and TESTING REQUIREMENTS SHALL COMPLY WITH THE SPECIFICATIONS FOR PAVING and DRAINAGE IMPROVEMENTS OF HAYS COUNTY, TEXAS. WHERE THESE SPECIFICATIONS REFER TO THE COMMISSIONER THEY SHALL BE CONSTRUED TO MEAN THE AUTHORIZED REPRESENTATIVE OF THE TOWN OF WOODCREEK.

STANDARD STREET-TYPE 1

REQUIRED FOR LOTS OTHER THAN SINGLE FAMILY RESIDENTIAL and FOR SINGLE FAMILY RESIDENTIAL LOTS SMALLER THAN 12,000 SQUARE FEET.

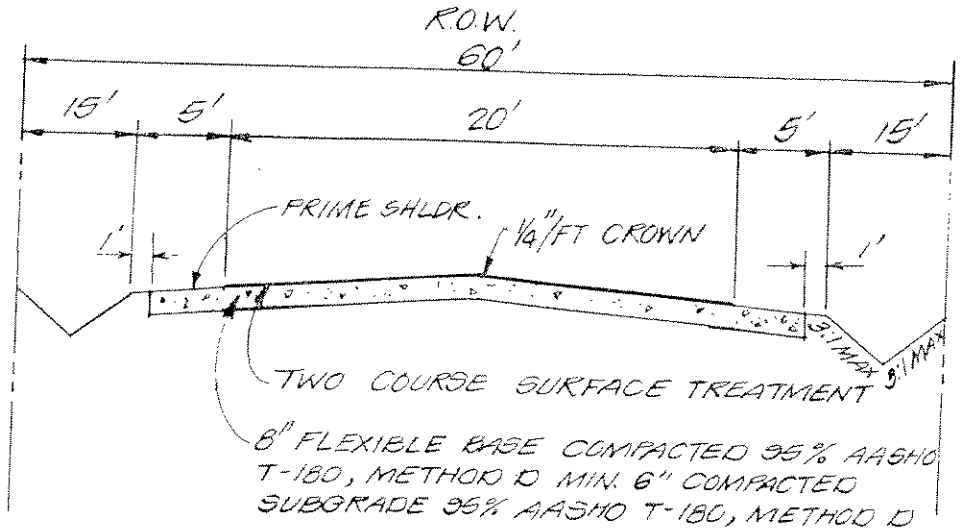


NOTE: ALL MATERIALS, METHODS OF CONSTRUCTION and TESTING REQUIREMENTS SHALL COMPLY WITH THE SPECIFICATIONS FOR PAVING and DRAINAGE IMPROVEMENTS OF HAYS COUNTY, TEXAS. WHERE THESE SPECIFICATIONS REFER TO THE COMMISSIONER THEY SHALL BE CONSTRUED TO MEAN THE AUTHORIZED REPRESENTATIVE OF THE TOWN OF WOODCREEK.

STANDARD STREET TYPE - 2

MINIMUM REQUIREMENT FOR SINGLE FAMILY RESIDENTIAL LOTS FROM 12,000 SQUARE FEET TO ONE ACRE.

TOWN OF WOODCREEK, TEXAS



NOTE: ALL MATERIALS, METHODS OF CONSTRUCTION and TESTING REQUIREMENTS SHALL COMPLY WITH THE SPECIFICATIONS FOR PAVING and DRAINAGE IMPROVEMENTS OF HAYS COUNTY, TEXAS. WHERE THESE SPECIFICATIONS REFER TO THE COMMISSIONER THEY SHALL BE CONSTRUED TO MEAN THE AUTHORIZED REPRESENTATIVE OF THE TOWN OF WOODCREEK.

STANDARD STREET TYPE 3

MINIMUM REQUIREMENT FOR SINGLE FAMILY RESIDENTIAL LOTS ONE ACRE OR MORE.

TOWN OF WOODCREEK, TEXAS

LETTER OF CERTIFICATION - ELECTRIC

SUBDIVISION PLAT: _____
SUBDIVIDER: _____

UTILITY COMPANY: _____

TO THE TOWN OF WOODCREEK, TEXAS

With respect to the application by the Subdivider for approval of the above captioned subdivision plat, the undersigned Utility makes the following certifications to the Town of Woodcreek:

1. This Utility currently has a Certificate of Convenience and Necessity to provide electric service to the proposed subdivision.
2. The Subdivider has made satisfactory financial arrangements for extension of electric service for the proposed subdivision, and we agree to provide said service.
3. We have reviewed the proposed final plat and find that adequate utility easements have been provided for our proposed facilities.

BY: _____

TITLE _____

DATE: _____

State of Texas ↓
County of Hays ↓

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 as _____ of _____ and acknowledged to me that he, being duly authorized, did execute the same in such capacity as the act and deed of said _____ for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 19____.

NOTARY PUBLIC in and for the State of Texas

My Commission Expires _____

LETTER OF CERTIFICATION - TELEPHONE

SUBDIVISION PLAT: _____
SUBDIVIDER: _____

UTILITY COMPANY: _____

TO THE TOWN OF WOODCREEK, TEXAS

With respect to the application by the Subdivider for approval of the above captioned subdivision plat, the undersigned Utility makes the following certifications to the Town of Woodcreek:

1. This Utility currently has a Certificate of Convenience and Necessity to provide telephone service to the proposed subdivision.

2. The Subdivider has made satisfactory financial arrangements for extension of telephone service for the proposed subdivision, and we agree to provide said service.

3. We have reviewed the proposed final plat and find that adequate utility easements have been provided for our proposed facilities.

BY: _____

TITLE _____

DATE: _____

State of Texas |

County of Hays |

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 as _____ of _____ and acknowledged to me that he, being duly authorized, did execute the same in such capacity as the act and deed of said _____ for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 19____.

NOTARY PUBLIC in and for the State of Texas

My Commission Expires _____

PERFORMANCE AGREEMENT

I, _____, as _____, do hereby agree that if the proposed plat of _____, filed by me is approved by the Town of Woodcreek, Texas, the Mayor may retain said plat in his possession without recording same for a maximum period of two (2) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the Town of Woodcreek, or until I have filed with the City Clerk of the Town of Woodcreek one of the following forms guaranteeing that all such improvements will be constructed within two (2) years of the date of plat approval. The form of the guarantee of performance shall be one of the following:

1. A performance bond, meeting the requirements set out in Exhibit C-1 of this Ordinance, in an amount equal to the cost estimate, as approved by the Town, of the uncompleted and unaccepted site improvements.

2. A trust agreement, meeting the requirements and which will be, substantially, in the form set out in Exhibit C-2 of this Ordinance, in an amount equal to the cost estimate, as approved by the Town, of the uncompleted and unaccepted site improvements.

3. Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the City Secretary.

4. An irrevocable letter of credit, meeting the requirements which will be, substantially, in the form set out in Exhibit C-3 to this Ordinance, in an amount equal to the cost estimate, as approved by the Town of the uncompleted and unaccepted site improvements.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as _____, or any part thereof, shall be liable to the Town of Woodcreek that all site improvements will be completed and accepted by the Town within the time provided herein; except, however, that should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Town, it being expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the City Secretary at the end of each period of such delay.

I further fully understand and agree that, at the end of one year from the date of plat approval, the Town shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any existing performance guarantee. Should the Town conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, it shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the Town within thirty (30) days of the request for same, I understand and agree that the Town shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have a principal or subsidiary interest. Such a plat, once it has been approved by the Board of Aldermen, may be recorded only in the manner prescribed in the Subdivision Ordinance.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the Town shall refuse to accept a performance guarantee, under any form, which is related to the plat of a subdivision in which I have a principal or subsidiary interest.

In any event, I agree that approval of said plat shall expire after two (2) years from date of approval unless I have either completed all site improvements and have had same accepted by the Town or provided an appropriate performance guarantee.

EXECUTED THIS ____ DAY OF _____, 19__.

SUBDIVIDER

BY: _____

Title: _____

State of Texas |

County of Hays |

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 as _____ of _____ and acknowledged to me that he, being duly authorized, did execute the same in such capacity as the act and deed of said _____ for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 19__.

NOTARY PUBLIC in and for the State of Texas

My Commission Expires _____

RELEASE OF OBLIGATIONS UNDER PERFORMANCE AGREEMENT

DATED _____, FOR _____ SUBDIVISION

STATE OF TEXAS |
COUNTY OF HAYS |

KNOW ALL MEN BY THESE PRESENTS:

That the Town of Woodcreek, a municipal corporation, by _____, its Mayor, does hereby release _____, his heirs, and assigns, successors, or subsequent purchasers having any right, title or interest in the property described as _____, from any and all obligations incurred under the performance agreement executed _____, concerning the construction of site improvements on the property known as _____.

EXECUTED THIS ____ DAY OF _____, 19__.

TOWN OF WOODCREEK

ATTEST:

TITLE _____

TITLE _____

PERFORMANCE BOND

STATE OF TEXAS |
 |
COUNTY OF HAYS |

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, the undersigned subdivider as principal, and _____, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the Town of Woodcreek, a municipal corporation of the County of Hays and State of Texas, in the full and just sum of \$ _____, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presented.

Whereas, the principal had petitioned the Board of Aldermen of the Town of Woodcreek for permission to develop a subdivision within the jurisdiction of the Town of Woodcreek which is shown on a subdivision plat entitled _____ and which is more particularly described as follows, to wit:

; and

Whereas, said subdivision plat was approved by the Board of Aldermen on _____; and

Whereas, the Town of Woodcreek Subdivision Ordinance requires that the site improvements set out below be completed by the subdivider in conformance with the standards established by said regulations within two (2) years from the date on which the plat was approved:

; and

Whereas, the aforesaid regulations require that an approved subdivision plat may not be filed for record in the office of the County Clerk until such site improvements have been completed and have been accepted by the Town of Woodcreek, or until there is provided to the Town of Woodcreek a guarantee of performance that such site improvements will have been completed and will have been accepted by the Town within two (2) years of the date on which the plat was approved; and

Whereas, the undersigned subdivider has elected to provide to the Town of Woodcreek such a guarantee of performance as a condition precedent to the filing of the plat of the subdivision hereinabove described for record in the office of the County Clerk;

Now therefore, the condition of this obligation is such that if the principal shall, on or before the _____ day of _____, 19____, construct or cause to be constructed the above mentioned improvements in accordance with the requirements of the Town of Woodcreek Subdivision Ordinance, this this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

In testimony whereof, witness our hand and seal this _____ day of _____, A.D., 19____.

SURETY

SUBDIVIDER AND PRINCIPAL

BY: _____

BY: _____

TITLE: _____

TITLE: _____

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 19____.

TOWN OF WOODCREEK

BY: _____

TITLE: _____

APPROVED AS TO FORM: _____
CITY ATTORNEY

TRUST AGREEMENT

This agreement is between _____, subdivider, _____, trustee, and the Town of Woodcreek.

Subdivider has deposited (or herewith deposits) subject to the order of subdivider and trustee jointly as provided in this agreement in the (name and location of bank, trust company or qualified escrow agent) _____, Texas, the sum of \$ _____ for the purpose of constructing sitne improvements in _____ Subdivision in Hays County, Texas, for the benefit of the public represented by the Town of Woodcreek more particularly described as follows:

Type of Site Improvement (Gas & Electric lines not included)	Estimated Cost
Streets	\$ _____
Storm Drainage	\$ _____
Sanitary Sewers	\$ _____
Water	\$ _____
Other (specify)	\$ _____
TOTAL	\$ _____

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees shall provide the Mayor with a statement of such expenditures in said subdivision (by type of site improvements) within five (5) days of their authorization.

Subdivider shall within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. Said affidavit shall be submitted substantially in the following form:

Affidavit

State of Texas |
County of Hays |

Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared _____, who, being by me first duly sworn upon his oath deposes and says:

I, _____, subdivider of the _____, under date(s) of _____, 19____, withdrew the sum(s) of \$ _____ from the trust account heretofore deposited with _____, trustee, and created for such use and purpose, and expended said funds so withdrawn on prescribed site improvements to said _____ subdivision as follows:

<u>Subdivisions</u>		
Site Improvement	Amount	% of Completion
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by _____, 19____.

Notary Public in and for the State of Texas

Until this affidavit is accomplished, no further withdrawals shall be made from said trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefor from the Mayor so to do.

Subdivider agrees to construct all site improvements within two (2) years from the date of plat approval.

Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the Town of Woodcreek for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the Mayor or his duly authorized representative, it is hereby understood that payment to the Town shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.

In testimony whereof witness our hand and seal this _____ day of _____
A.D., 19____.

SUBDIVIDER

ATTEST:
BY: _____
TITLE: _____

BY: _____
TITLE: _____

TRUSTEE

ATTEST:

TITLE: _____

BY: _____
TITLE: _____

TOWN OF WOODCREEK

ATTEST:
BY: _____
TITLE: _____

BY: _____
TITLE: _____

APPROVED AS TO FORM: _____
TITLE: _____

IRREVOCABLE LETTER OF CREDIT NO. _____

 (NAME OF BANK, TRUST COMPANY OR AGENT)

To: Town of Woodcreek
 P. O. Box 1570
 Wimberley, Texas 78676

Date: _____

Amount: _____

Gentlemen:

At the request of _____, subdivider, and for the account of _____, company/corporation, we hereby open in favor of the Town of Woodcreek our irrevocable letter of credit for sum or sums not exceeding \$ _____ available by your demand on us and documents specified below:

A signed statement by the Mayor certifying that the funds drawn under this letter of credit are needed to pay for the completion of all or any of the following improvements:

<u>Type of Site Improvement</u> (Gas & Electric lines not included)	<u>Estimated Cost</u>
Streets	\$ _____
Storm Drainage	\$ _____
Sanitary Sewers	\$ _____
Water	\$ _____
Other (specify)	\$ _____
TOTAL	\$ _____

in connection with _____ (subdivision and unit #) and further that _____ (subdivider) has failed to complete the work stated. Such demands will be honored if presented at this office on or before two (2) years and ninety (90) days from the date of plat approval, such date being _____, 19____.

_____ (Bank, trust company or agent) will provide written notification to the Town of Woodcreek, P. O. Box 1570, Wimberley, Texas 78676, ninety (90) days prior to the expiration of this letter of credit as advice of the pending expiration.

BANK, TRUST COMPANY, QUALIFIED ESCROW AGENT

ATTEST:

TITLE: _____

BY: _____

TITLE: _____

DATE OF EXECUTION: _____

TOWN OF WOODCREEK

BY: _____

TITLE: _____

ATTEST:

TITLE: _____

DATE OF EXECUTION: _____

SUBDIVIDER

ATTEST:

BY: _____

TITLE: _____

BY: _____

TITLE: _____

DATE OF EXECUTION: _____

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PAGE 01

SPECIFICATIONS
FOR
PAVING AND DRAINAGE IMPROVEMENTS
— HAYS COUNTY, TEXAS

City of Woodlawn, TX

EXCAVATION AND SUBGRADE PREPARATION

1.01 DESCRIPTION The work to be performed under this specification will consist of excavation and grading necessary for the preparation of the road-bed subgrade ~~and roadside and drainage ditches~~ and shall include the removal and satisfactory disposal of all trees, shrubs, brush, rock and other debris within the right-of-way being cleared.

1.02 CONSTRUCTION METHODS After the site of the work has been properly cleared, the excavation and grading may proceed in conformity with the plans and specifications, and as directed by the Road Director.

When required by the plans and specifications, selected materials from the excavation shall be utilized to improve the road-bed, in which case the work shall be performed in such manner and sequence that suitable materials may be selected, removed separately and deposited in the roadway within the limits and to the required elevations.

If unsuitable subgrade material is encountered, this material shall be excavated to a depth as required by the Road Director and suitable material from the project used to construct the roadbed.

Care shall be exercised so as not to disturb the natural ground below the compacted subgrade limits except for the construction of structures, or when so ordered by the Road Director.

1.02 The finished grades, slopes and edges of the excavation shall be backfilled where necessary, using select materials thoroughly compacted and dressed off uniformly in a neat and workmanlike manner.

The Contractor shall at all times make ample provisions for completely and readily draining the subgrades and excavation.

1.03 EMBANKMENT Embankments or fills shall be constructed at the locations and to the lines and grades indicated on the drawings, or as established. Materials placed in fills shall be free from all vegetable matter, trash and frozen materials, and stone having a maximum dimension greater than six inches. Fills shall be formed of excavated materials placed in successive layers of such widths and lengths as are suited to the sprinkling and compaction method utilized. Embankments shall be constructed in layers not exceeding six inches in thickness after compaction. The Contractor shall add moisture to or shall dry by aeration, each layer as may be necessary to meet the requirements of this specification for compaction. The addition of moisture to or drying by aeration of, each layer, shall be accompanied with thorough mixing so as to bring all material in each layer to a uniform moisture content. Compaction shall be accomplished with tamping rollers, discs, and pneumatic rollers of approved design. Tamping rollers shall be used except for the final rolling of the completed fill which shall be accomplished by rubber-tired rollers. The rollers, unless otherwise directed, shall be operated at a speed between two and three miles per hour. All soft areas that develop under construction operations shall be scarified, aerated or moistened as required, and compacted to the full depth required to obtain the

specified density for each layer. Portions of embankments which are too near adjacent walls, pavements or other fixed objects to permit use of the above specified rolling equipment for compacting, and other portions which the roller cannot reach for any reason, shall be thoroughly compacted by tamping in two-inch layers with mechanical tampers or other equipment as approved by the Road Director. The degree of compaction for such portions of the embankments shall be equivalent to that obtained by sprinkling and rolling as specified for other respective portions of the embankment. Any damage to adjacent walls, pavements or other fixed objects, shall be replaced or repaired at the expense of the Contractor.

1.03 All ~~road~~^{STREET} subgrade and embankments shall be compacted to a minimum density of ninety-five percent (95%) AASHO T-99, Method D.

1.04 MAINTENANCE OF THE FINISHED SUBGRADE. The finished subgrade shall be maintained to the proper grade, cross section and density by the Contractor until subbase or base material is placed thereon. All such maintenance, including recompacting necessary as a result of precipitation or excessive drying out, shall be the responsibility of the Contractor. All construction traffic shall be uniformly distributed over the subgrade.

1.05 INSPECTION Prior to the installation of the base material, the compacted subgrade shall be inspected by the Road Director. The owner or his agent shall notify the Road Director or his agent twenty-four (24) hours prior to the time when the inspection is needed.

FLEXIBLE BASE

2.01 DESCRIPTION This item shall consist of a foundation course for the asphaltic concrete or other paving, and shall be composed of crushed limestone material constructed as herein specified in one or more courses in conformity with the typical sections shown on the plans and to the lines and grades established.

2.02 MATERIALS The flexible base shall be constructed of crushed limestone material from an approved source. The material shall consist of durable stone particles mixed with an approved binding material, meeting the following requirements:

Retained on 1 3/4" sieve	5% to 10%
Retained on #4 sieve	30% to 75%
Retained on #40 sieve	80% to 85%

The material passing the #40 sieve shall be known as "soil binder" and shall meet the following requirements:

- Liquid limit shall not exceed 40
- Plasticity index shall not exceed 12

The base material proposed to be used shall be tested by an approved soils testing laboratory and the results of the test shall be submitted to the Road Director prior to use of the material.

2.03 CONSTRUCTION METHODS The base material shall be placed on the prepared subgrade in uniform courses with the compacted thickness to be no more than 7 inches ⁶

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There shall be a ~~base~~ crown of two and one half inches 2.5" in the center of street, it will be shut in with a level and ~~grade~~ ~~staked~~ ~~used~~. before ~~base~~ is laid down the nor less than 3 inches. Material deposited on the subgrade shall be spread and shaped the same day unless otherwise directed by the ~~Road~~ Director.

Danette W. Check.

The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Through this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformance with the typical sections shown on the plans and to the established lines and grades. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, and reshaping and recompacting by sprinkling and rolling. Material excavated in preparation of the subgrade may be utilized in the construction of adjacent shoulders and slopes or otherwise disposed of as directed, and any additional material required for the completion of the shoulders and slopes shall be secured from approved sources designated by the Road Director.

Each course of base shall be compacted to a minimum density of 100 percent (100%), according to TxDot Test Method Tex-113-E.

After final compaction, a field density test shall be required at intervals no less than 300 feet, at locations representative of the entire road base. Intermediate points will be tested if required by the Road Director. The cost of these tests shall be borne by the Subdivider.

2.04 THICKNESS CONTROL The thickness of the compacted flexible base may vary from a maximum of 1/2 inches less than specified to a maximum of 1 inch more than specified. Deviations not within this tolerance shall be corrected.

2.05 MINIMUM STANDARDS FOR PRIVATE ROADS BASE REQUIREMENT

Roads that are intended to be privately maintained may be constructed of compacted flexible base material with a minimum width as shown on Table 7.3. The base course shall have a thickness of not less than six inches (6") after compaction for streets constructed on subgrade material with a Plasticity Index less than thirty (30). The base course shall have a thickness of not less than eight inches (8") after compaction for streets constructed on subgrade material with a Plasticity Index greater than thirty (30), but less than forty-five (45). In the event that the Plasticity Index of the subgrade exceeds forty-five (45), the flexible base course shall not be less than 10 inches (10" thick after compaction.

2.06 INSPECTION Prior to the installation of the paving, the compacted base material shall be inspected by the Road Director. The Owner or his agent shall notify the Road Director or his agent twenty-four (24) hours prior to the time when the inspection is needed.

TWO COURSE SURFACE TREATMENT

3.01 DESCRIPTION This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate constructed on the prepared base course as herein specified and in accordance with the details shown on the plans. All specifications in this Item shall be in conformance with the Texas Highway Department Standard Specifications for Construction of Highways, Streets, and Bridges, herein referred to as TxDot 1993 Highway Standards.

Two course surface treatment shall not be applied when the air temperature is below 60oF, or when it is anticipated that the air temperature will fall below 50oF within the (10) days following application. Air temperature shall be taken in the shade and away from

artificial heat. Asphaltic material shall not be placed when general weather conditions, in the opinion of the Road Director, are not suitable.

3.02 MATERIALS

Aggregate:

Aggregates are to be composed of sound and durable particles of gravel, crushed gravel, crushed stone, crushed slag, or natural limestone rock asphalt. These materials shall contain not more than one percent (1%) by weight of organic matter other than native bitumen, clays, loam or pebbles coated therewith and shall not contain more than five percent (5%) by weight of any combination of slate, shale, or soft particles of sandstone when tested in accordance with Test Method TEX-217-F. The per cent of wear on natural limestone rock asphalt as determined by Test Method TEX-410-A shall be made on that portion of the material retained on the No. 4 sieve, having naturally impregnated asphalt content of less than one percent (1%).

When tested by Test Method TEX-200-F the percent by weight shall be as follows:

CLASS B: Grade 3	TYPE B Retained on 3/4" sieves	0
	Retained on 5/8" sieves	0-2
	Retained on 1/2" sieves	20-25
	Retained on 3/8" sieves	85-100
	Retained on 1/4" sieves	95-100
	Retained on No. 10 sieves	99-100

Application Rate - Min 1 cy covers 80 sy, (1:80), max 1 cy covers 100 sy, (1:100).

Grade 4	Retained on 5/8" sieves	0
	Retained on 1/2" sieves	0-2
	Retained on 3/8" sieves	20-35
	Retained on No. 4 sieves	95-100
	Retained on No. 10 sieves	99-100

Application Rate-Min. 1 cy covers 90 sy, (1:90), max 1 cy covers 110 sy, (1:110).

Asphaltic Materials:

Asphaltic materials shall be AC-5 Asphaltic Cement or HFRS-2 High Float Anionic Emulsion as specified by item 300 of TxDot 1993 Standard Specifications. Application temperature for AC-5 shall be between 275oF - 325oF and for HFRS-2 shall be between 110oF - 150oF. Rate of application shall be 0.35 - 0.45 gallons per square yard for the first course and 0.25-0.35 gallons per square yard for the second course. HFRS-2, if used, shall be applied at the upper end of these application rates.

3.03 CONSTRUCTION METHODS The area to be treated shall be cleaned of dirt, dust, or other deleterious matter by sweeping or other approved methods. If it is found

necessary by the Road Director, the surface shall be lightly sprinkled just prior to the first application of asphaltic material.

Asphaltic material of the type and grade shown on the plans for the first course shall be applied on the clean surface by an approved type of self-propelled pressure distributor so operated as to distribute the material in the quantity specified, evenly and smoothly, under a pressure necessary for proper distribution. The Contractor shall provide all necessary facilities for determining the temperature of the asphaltic material in all of the heating equipment and in the distributor, for determining the rate at which it is applied, and for securing uniformity at the junction of two distributor loads. The distributor shall have been recently calibrated and the Road Director shall be furnished an accurate and satisfactory record of such calibration. After beginning work, should the yield of the asphalt material appear to be in error, the distributor shall be recalibrated in a manner satisfactory to the Road Director before proceeding with the work.

Asphaltic material for each course may be applied for the full width of the surface treatment in one application, unless the width exceeds twenty-six feet (26'). No traffic or hauling will be permitted over the freshly applied asphaltic material until immediate covering is assured.

Aggregate, of the type and grade shown on the plans for the first course, shall be immediately and uniformly applied and spread by an approved self-propelled continuous feed aggregate spreader, unless otherwise shown on the plans or authorized by the Road Director in writing. The aggregate shall be applied at the approximate rates indicated on the plans and as directed by the Road Director. The Contractor shall be responsible for the maintenance of the surface of the first course until the second course is applied.

The entire surface shall be broomed, bladed or raked as required by the road Director and shall be thoroughly rolled with power rollers; self-propelled type, weighing not less than 6 tons nor more than 12 tons. All wheels shall be flat.

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

Rollers shall be maintained in good repair and operating condition and shall be approved by the Road Director.

The second course shall consist of asphaltic material and aggregate of the type and grade indicated on the plans for the second course. The asphaltic material and aggregate for this second course shall be applied and covered in the manner specified for the first application. The surface shall then be broomed, bladed or raked as required by the Road Director and thoroughly rolled as specified for the first course. Asphaltic materials and aggregates for both courses shall be applied at the approximate rates indicated on the plans and as directed by the Road Director.

The Contractor shall be responsible for the maintenance of the surface until the work is accepted by the Road Director.

The Contractor shall be responsible for the proper preparation of all stockpile area before aggregates are placed thereon, including leveling and cleaning of debris necessary for the protection of the aggregate to prevent any contamination thereof.

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All storage tanks, piping, retorts, booster tanks and distributors used in storing or handling asphaltic materials shall be kept clean and in good operating condition at all times and they shall be operated in such manner that there will be no contamination of the asphaltic material with foreign material. It shall be the responsibility of the Contractor to provide and maintain in good working order a recording thermometer at the storage heating utility at all times.

The Road Director will select the temperature of application based on the temperature-viscosity relationship that will permit application of the asphalt within the limits recommended in the Item, "Asphalt's Oils, Emulsions." The recommended range for the viscosity of the asphalt is 50 seconds to 80 seconds, Saybolt Furol. The Contractor shall apply the asphalt at a temperature within 15oF of the temperature selected.

HOT ASPHALTIC CONCRETE PAVEMENT

4.01 DESCRIPTION This item shall consist of a surface course to be composed of a compacted mixture of aggregate and asphaltic material to be constructed on the previously completed base as (herein specified) and in accordance with the details shown on the plans. All specifications in this item are in accordance with the TxDot 1993 Standard Specifications for Construction of Highways, Streets, Bridges, herein referred to as TxDot 1993 Standard Specifications.

4.02 MATERIALS Pavement shall meet the requirements of the TxDot 1993 Standard Specifications for Item 340, Hot Mix Asphaltic Concrete Pavement (Class A), Type "D" as follows:

Type "D" (Fine Graded Surface Course):

	Per Cent by Weight
Passing 1/2" Sieve	100
Passing 3/8" Sieve	95 to 100
Passing 3/8" sieve, Retained on No. 4 Sieve	20 to 50
TOTAL REMAINING ON NO. 10 SIEVE	50 to 70
Passing No. 10 sieve, Retained on No. 40 Sieve	0 to 30
Passing No. 40 sieve, retained on No. 80 Sieve	4 to 25
Passing No. 80 sieve, retained on No. 200 Sieve	3 to 25
Passing No. 200 Sieve	1 to 8

The asphaltic material shall form from 4.0 to 8.0 per cent of the mixture by weight unless specified otherwise on the plans.

Asphalt for the pavement mixture shall be asphalt cement (AC-5 or AC-10) which shall meet the requirements of the TxDot 1993 Standard Specifications, for item 300.

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The asphalt materials for tack coat shall meet the requirements for cut back asphalt, RC-250. Asphalt for prime coat shall be MC-30 or SS-1. All asphalt materials shall meet the requirements of TxDot 1993 Standard Specifications, Item 300.

The Coarse and Fine Aggregates shall meet the requirements of the TxDot 1993 Standard Specifications, Section 340.2.

4.03 CONSTRUCTION METHODS Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and the prime coat of MC-30 or tack coat of RC-2, or both, applied as directed with approved sprayer at the rate of 0.10 gallons minimum per square yard of surface.

The asphaltic concrete mixture, heated and prepared as specified, shall be hauled to the project in tight vehicles previously cleaned of all foreign material. The mixture shall be at a temperature of 200oF to 235oF when laid. The Road Director will determine the lowest temperature and a variance of 30oF upward will be allowed. It shall be spread into place with an approved mechanical finishing machine to the compacted depth shown on plans. Minimum thickness standard for Hot Mix Asphaltic Cement, if selected, to be not less than one and one-half inches (1 1/2") after compaction.

The finishing machine shall be of the screeding and/or tamping type.

While still hot, as soon as it will bear the roller without undue displacement or hair cracking, the surface shall first be compressed thoroughly and uniformly with acceptable power-driven three wheel or tandem rollers weighing ~~from 8 to 10 tons~~. Subsequent compression shall be obtained by starting at the sides and rolling longitudinally toward the center of the pavement, over-lapping on successive trips by at least one-half (1/2) of the width of the rear wheels. Alternate trips of the roller shall be slightly different in lengths. Rolling shall be continued until no further compression can be obtained and all roller marks are eliminated. To prevent adhesions of the surfacing mixture to the roller, the wheels shall be kept properly moistened with water, but excess of water will not be permitted. The final rolling shall be done with a tandem roller. A double coverage with an approved pneumatic roller shall be used on the asphaltic concrete surface after flat wheel and tandem rolling has been completed.

Along curbs, headers and similar structures, and at all places not accessible to the roller, the mixture shall be compacted thoroughly with a lightly oiled hand tamp.

The completed surface, when tested with a ten (10) foot straight-edge laid parallel to the centerline of the roadway, shall have a maximum ordinate measured from the face of the straight-edge not to exceed one-eighth (1/8) inch at any point.

Approved templates shall be furnished by the Contractor for checking subgrade and finished sections. The templates shall be of such strength and rigidity that if the support is transferred to the center there will not be a deflection of more than one-eighth inch (1/8").

4.04 EQUIPMENT Mixing plants that will not continuously produce a mixture meeting all the requirements of this specification will not be accepted.

Mixing plants may be either the weight-batching type or the continuous mixing type. Both types of plants shall be equipped with satisfactory conveyors, power units, aggregates handling equipment, hot aggregate screens and bins and dust collectors and shall consist of the following essential pieces of equipment.

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The Cold Aggregates Bin and the Proportioning Device, Dryer, Screens, Aggregate Weight Box and Batching Scales, Mixer, Asphalt Storage and Heating Devices, Asphalt Measuring Devices, and Truck Scales if used, shall be of the type to adequately supply materials within the tolerances set out in these specifications.

The aggregate shall be separated into at least three bins for Type 3 as specified herein. Bin No. 1 will contain aggregates of which 90 to 100 per cent by weight will pass the No. 10 sieve. Bin No. 2 will contain aggregates of which at least 85 per cent by weight will be of such size as to pass the 1/4 inch sieve and be retained on the No. 10 sieve. Bin No. 3 will contain aggregates of which 85 per cent by weight will be such size as to pass the 1/2 inch sieve and be retained on the No. 4 sieve.

4.05 TESTING The Contractor, at his expense, shall employ a commercial testing laboratory approved by the Road Director to conduct the required material checks and design the mix. During the production of the plant mix, the Contractor will provide, at his expense, continuous inspection and testing at the plant by a commercial testing laboratory approved by the Road Director. Minimum in place density should reach 90 percent (90%).

DRAINAGE FACILITIES

5.01 DESCRIPTION This item shall govern the furnishing of all drainage culvert pipe, concrete headwalls, and reflector post as shown on the Plans and herein specified, and installing the same as designated on the Plans or by the Road Director in conformity with the lines and grades given.

5.02 MATERIALS The culvert pipe shall be of size, length, and gauge as shown on the plans. Corrugated galvanized metal pipe shall be as specified by item 460 of the TxDot 1993 Standard Specifications. Reinforced concrete pipe shall be as specified by Item 464 of the same. All pipe shall be new and unused and shall not have been damaged by handling or shipping.

Reflector posts shall be 1 1/2 inch schedule 20, galvanized steel posts equipped with 3 inch amber reflectors. The length of the post shall be adequate to place the reflector assembly 48 inches above the centerline elevation of the street and anchor the post approximately 48 inches into the ground.

Concrete headwalls end/or rip-rap shall be constructed of 3000 psi, five sack, concrete meeting the requirements of Item 421 of TxDot 1993 Standard Specifications reinforced with deformed bars or wire mesh meeting the requirements of Item 440 of same. All headwalls and/or rip-rap shall be of the dimensions and in the locations shown on the plans.

5.03 CONSTRUCTION METHODS Culvert pipe shall be installed to the lines and grades shown on the Plan or as specified by the Road Director. The pipe shall be bedded along its complete length and the backfill around the pipe shall be compacted. The installation of all culvert pipes shall be in general conformance with the appropriate sections of the TxDot 1993 Standard Specifications. All culvert pipes located at street intersections shall be provided with reflector posts. The reflector post shall be equipped with one reflector facing in each direction of traffic flow. Reflector posts shall be provided on the ends of the concrete headwalls or rip-rap as shown on the Plans. The concrete headwalls or rip-rap shall be of the dimensions and at the locations shown on the plans. The headwalls shall be formed on their exposed surfaces, which shall be grouted and broom finished upon removal of the forms.

CHANNEL EXCAVATION

6.01 DESCRIPTION Channel Excavation shall consist of required excavation for all channels, the removal and proper utilization or disposal of all excavated materials, and constructing, shaping and finishing of all earthwork involved in conformity with the required lines, grades and typical cross sections and in accordance with the specifications and requirements herein outlined.

6.02 CLASSIFICATION All Channel Excavation will be Unclassified. Unclassified Channel Excavation shall include all materials encountered regardless of their nature or the manner in which they are removed.

6.03 CONSTRUCTION METHODS All suitable materials removed from the excavation shall be used, insofar as practicable, in the formation of embankments as required, or shall be otherwise utilized or satisfactorily disposed of as indicated on plans, or as directed, and completed work shall conform to the established alignment, grades and cross sections. During construction, the channel shall be kept drained, insofar as practicable, and the work shall be prosecuted in a neat and workmanlike manner.

Unsuitable channel excavation, or excavation in excess of that needed for construction, shall be known as "Waste" and shall become the property of the Contractor to be disposed of by him.

Channel Excavation shall include the removal and replacement of all fence lines crossing the channels and the installation of gates and water gaps as shown on the plans.

All channels and that area adjacent to them which has been disturbed by construction equipment shall be seeded with Bermuda grass at the rate of eight pounds per acre (8 lb/ac). Seeding shall conform to Item 164 of the TxDot 1993 Standard Specifications.

MISCELLANEOUS

7.01 SIGNAGE Street name signs, traffic control signs, speed limit signs, etc., shall all conform to the requirements of the TxDot 1993 Standard Specifications and the "Uniform Manual of Traffic Control Devices".

For all developments proposing new street construction, the developer's engineer shall provide - as part of the construction plans - a narrative statement in recordable format, to be recorded with the final plat, listing the type and location of all proposed signs for directing and controlling traffic.

7.02 COMPLETION CERTIFICATE At the time a final inspection and release of performance security is requested, the design engineer shall prove a complete set of "as-built" construction drawings and shall certify that all road and drainage construction has been completed in substantial accordance with previously approved plans and specifications, except as noted. No performance security will be released without this exhibit.

of Warranty