

4. An accurate boundary survey of the property, with bearings and distances, referenced to survey lines and established subdivisions or developments, and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Street, alley and lot lines in adjacent subdivisions or developments shall be shown in dashed lines. The bearing system used for the plat shall be shown.
5. Location of proposed lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points. The plat shall be marked with a notation indicating formal offers of dedication.
6. The location of building lines on front and side streets and the location of utility easements.
7. The accurate location, material, and size of all monuments approved by the City Engineer. For all subdivisions or developments, global positioning systems (GPS) shall be used to establish the location of a minimum of two corners of the subdivision. The establishing of the location of one additional monument by GPS may be required for each additional twenty acres or fraction thereof for developments that are larger than twenty acres. These monuments shall be tied vertically and horizontally to the City's existing GPS coordinate system. All GPS coordinates shall be determined such that the maximum error does not exceed 0.05 feet. Elevations and the location of all other subdivision corner monuments shall be established to at least third order accuracy.
8. The following certificates shall be placed on the plat in a manner that will allow them to be clearly visible on the Final Plat.

RECOMMENDED FOR APPROVAL BY THE PLANNING AND
ZONING COMMISSION OF LADONIA, TEXAS, on the _____ day of,
20____.

ATTEST:

Chairman

City Secretary

APPROVED BY THE CITY COUNCIL OF LADONIA, TEXAS, on the
_____ day of _____, 20____.

ATTEST:

Mayor

City Secretary

B. Accompanying Documents

1. An instrument of dedication shall be provided that is signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations and/or easements, if any, to be imposed and reserved in connection with the addition. Easements shall be provided for all landscaped areas, open space areas, public trails, utilities and drainage ways, whether within the platted area or off site, that will allow but not require the City to maintain these areas.
2. A certificate of dedication shall be provided incorporating irrevocable offers of dedication to the public of all streets, public highways, alleys, parks, easements, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property. The certificate of dedication shall incorporate the standard easement language of the City of Ladonia as jointly prepared by the City Attorney and the City Engineer. All deed restrictions that are to be filed with the plat shall be submitted with the final plat.
3. A tax certificate showing that all taxes then due have been paid on the property shall be provided.
4. Certification shall be provided by a surveyor, duly licensed by the State of Texas, that the plat represents a survey he made, and that all the necessary survey monuments are correctly shown thereon, in accordance with section 5.1(E).
5. Three (3) sets of final construction plans shall be provided. Unless a public improvement agreement has been executed in accordance with section 4.1, the final subdivision plat also shall be accompanied by one Mylar reproducible and electronic set of "record drawings" prepared in accordance with Section 4.3 and meeting the City of Ladonia Engineering Design Manual of the construction plans for all water, sanitary sewer, drainage and paving facilities and any other public improvements required to serve the subdivision.
6. A certified grading plan prepared by a registered professional land surveyor showing finished grade elevations and demonstrating that the completed grading is consistent with the approved grading plan shall be provided.
7. If a public improvement agreement is proposed in lieu of construction of public facilities, a complete draft of the public improvement agreement prepared in accordance with Section 4.1 of these regulations, together with a

security authorized in Section 4.1 in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer, shall be provided. The agreement shall include a provision that the property owner shall comply with all terms of the final subdivision plat approved by the Council.

8. A plat fee, together with other authorized fees applicable to the development, in an amount as set by the City Council.
- C. Format for Documents. Unless otherwise specified, all documents shall be submitted in both printed and electronic versions as required by § 3.6.2.

3.7.4 Staff Review and Distribution

- A. Determination of Completeness. The Planning and Zoning Administrator or his designee shall determine whether the final subdivision plat application is complete within ten (10) working days of the date the application is submitted. The Administrator shall provide the applicant with written notification of his determination. If the application is incomplete, the Administrator shall return the application to the applicant with an explanation of additional items or documents that must be provided before the application can be considered complete. If the application is complete, the Administrator shall file the application with the Commission for decision and place the application on the agenda of a regularly scheduled or specially called meeting of the Commission.
- B. Distribution for Review. Final subdivision plats and other required documents shall be distributed by the Planning and Zoning Administrator to the following:
 1. Planning and Zoning Commission (7 printed copies). Electronic copies are not required.
 2. City Council (6 printed copies). Electronic copies are not required.
 3. Planning and Zoning Administrator (6 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 4. City Engineer (2 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 5. Ladonia Independent School District (1 printed copy)
 6. City Planner/consultant (1 printed copy and 1 electronic copy)
- C. Report. A written reports containing recommendations on the proposed final subdivision plat shall be prepared by the City Engineer, and City Planner, incorporating the comments of the Planning and Zoning Administrator and other

officials. The reports of the City Engineer shall be submitted to the Planning and Zoning Commission prior to the Commission's review of the plat application. Any fee for reviewing the proposed plat application by the City Engineer shall be charged to the applicant.

3.7.5 Standards for Approval.

Neither the Commission nor the Council shall recommend approval of or approve a final subdivision plat unless the following standards have been met:

- A. The plat substantially conforms to the preliminary subdivision plat, if a preliminary subdivision plat was required, including master plat requirements for phasing and provision of adequate public facilities.
- B. The plat satisfies conditions attached to approval of the preliminary subdivision plat.
- C. Required public improvements have been constructed and accepted or a public improvement agreement has been accepted by the City providing for the subsequent completion of improvements.
- D. The plat conforms to approved zoning applications for the land subject to the final subdivision plat and any conditions attached thereto.
- E. The plat meets all other requirements of these subdivision and property development regulations.
- F. Payment of all fees has been made.

3.7.6 Approval Procedures

- A. Action by Commission. The Commission shall consider and take action on the final subdivision plat application at a regularly scheduled or specially called meeting. Following review of the application, the Commission shall recommend approval or denial of the application. In denying the application, the Commission may identify conditions that, if satisfied, would lead to approval of the application. The action of the Planning and Zoning Commission shall be noted on two (2) copies of the final subdivision plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the applicant and the other retained in the files of the City staff. A notation of the action taken on each final subdivision plat application and requisite reasons therefore shall be entered in the minutes of the Planning and Zoning Commission.
- B. Processing of Plat Following Commission Action. Following action by the Commission recommending approval or denial of the final subdivision plat application, the Planning and Zoning Administrator shall place the application on the agenda of a regularly scheduled or specially called meeting of the City Council for

review. The final subdivision plat application, together with the recommendations established by the Planning and Zoning Commission, shall be forwarded to the City Council for its consideration. Seven (7) additional copies of the final subdivision application shall be submitted to the City Council through the Planning and Zoning Administrator not less than fifteen (15) days prior to the City Council meeting at which the plat is to be considered. The applicant's failure to have a representative at the meeting shall be grounds for disapproval of the application.

- C. Withdrawal of Plat. Following a recommendation of denial of the final subdivision plat application by the Commission, the applicant may elect within five (5) working days of the Commission's action to withdraw the plat application in order to prepare amendments or modifications responsive to the Commission's recommendation. Written notice of withdrawal shall be sent to the Planning and Zoning Administrator within such period. In such event, the Planning and Zoning Administrator shall not schedule the plat application for consideration by the City Council. Upon resubmission of the modified final subdivision plat application, the plat shall be considered by the Commission as a new application.
- D. Council Action. After review of the final subdivision plat application, all staff reports, the Commission's recommendations and the record of proceedings before the Commission, and following consideration of all materials presented at the public meeting, the City Council shall approve, deny or deny subject to reconsideration the final subdivision plat application. In denying the application subject to reconsideration, the Council shall identify conditions that, if satisfied, would lead to approval of the application. The action of the Council shall be noted on two (2) copies of the final plat. One (1) copy shall be returned to the applicant and the other retained in the City files. Notation of the action taken on the final subdivision plat application and the requisite reasons therefore shall be entered in the minutes of the Council.

3.7.7 Effect of Council Action

- A. Effect of Approval. Approval of a final subdivision plat application by the City Council shall serve as certification that the plat complies with these subdivision and property development regulations. Approval of the application also shall authorize the mayor to execute any public improvement agreement submitted with the application. The owner shall be notified in writing that the final subdivision plat has been approved.
- B. Right to Record. An approved and signed final plat may be filed with the County as a record of the subdivision of land, and the dedication of rights-of-way, easements and other covenants and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

- C. Denial With Reconsideration. Denial of a final subdivision plat application by the City Council subject to reconsideration shall authorize the applicant to file a modified application with the City Council without prior review by the Commission. In such event, the official filing date shall be the date on which the Planning and Zoning Administrator certifies that the modified final subdivision plat application is complete.
- D. Denial Without Reconsideration. Denial of a final subdivision plat application by the City Council without recourse to reconsideration shall require the applicant to prepare a new application in accordance with the requirements and subject to the procedures of this Section 3.7, provided that such application is finally approved prior to expiration of the approved preliminary subdivision plat.

3.7.8 Signing and Recording of Final Plat

- A. When a public improvement agreement and security are required, the Mayor and the City Engineer shall endorse approval on the final plat after the agreement and security have been approved by the Council, and all the conditions pertaining to the final plat have been satisfied.
- B. When installation of public improvements is required prior to approval of the final plat, the Mayor and Engineer shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.
- C. It shall be the responsibility of the Planning and Zoning Administrator to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the Planning and Zoning Administrator shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten (10) working days of its receipt. One (1) copy of the recorded final plat will be forwarded to the property owner by the Planning and Zoning Administrator.
- D. A developer or subdivider, at his/her option, may obtain approval of a portion or a section of a subdivision provided he/she meets all the requirements of this article with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the Final Plat thereof is approved by the City Council in sections, each Final Plat of each section is to carry the name of the entire subdivisions, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

3.8 Petition for Hardship Exception.

- A. Petition for Exception. The applicant for a subdivision application or the owner of the property subject thereto may petition the City Council for exception of any standard of this Subdivision Ordinance or the imposition of a condition related thereto, where the petitioner alleges that unreasonable hardships will result from strict compliance with such standard or condition.
- B. Procedures. A petition for an exception shall be submitted in writing to the Planning and Zoning Administrator (or his designee) by the petitioner at the time the subdivision application is filed for the consideration by the Planning and Zoning Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner. The City staff shall prepare a report evaluating the request for exception and make its recommendation to the Commission. The Commission shall make its recommendation and the City Council shall finally act on the petition for an exception in conjunction with the action taken by each on the subdivision application.
- C. Criteria for Approval. The City Council, following recommendation by the Planning and Zoning Commission, may grant or conditionally grant the exception only upon finding that:
 - 1. Granting the exception will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;
 - 2. The conditions upon which the request for a exception is based are unique to the property for which the exception is sought, and are not applicable generally to other property;
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the standard is strictly applied;
 - 4. The exception will not result in variation of the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, Water and Wastewater Master Plans, or other adopted plans; and.
 - 5. The exception is not contrary to the intent and purpose of these subdivision regulations.
- D. Conditions. In approving a exception, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.

3.9 Petition for Relief

- A. Petition for Relief. The applicant for a subdivision application or the owner of the property subject thereto may petition the City Council for relief from the application of any provision of this Subdivision Ordinance that requires dedication of an interest in land for rights-of-way or construction of capital improvements in order to provide adequate water, wastewater, roadway or drainage facilities to serve the proposed subdivision, or the imposition of a condition related thereto. The petition must allege that application of the provision or the imposition of conditions relating to the provision and requiring such dedication of land or construction of capital improvements is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, roadway or drainage facilities system, as the case may be, or does not reasonably benefit the proposed development. The petition may also allege that the application of the provision or the imposition of conditions relating to the provision deprives the applicant or the property owner of the economically viable use of the land, or of a vested property right.
1. Prior to decision by the Commission on a subdivision application subject to this section, an applicant who proposes to challenge the application of a provision that requires dedication of an interest in land for rights-of-way or construction of capital improvements to serve the proposed subdivision, or the imposition of conditions related thereto, shall file a notice of intent to appeal such determination to the City Council. Approval of such subdivision application by the Commission shall include a condition that approval is subject to the Council's decision on the petition for relief.
 2. If a petition for a exception from the requirements of this Subdivision Ordinance pursuant to Section 3.10 has been filed by the petitioner, the petition for relief may be submitted in conjunction with the Council's review of such request.
 3. If the subdivision application otherwise may be finally decided by an administrative officer or the Commission, the petition for relief shall be submitted by the petitioner within ten (10) days of receiving the staff report applying the requirement or imposing the condition.
- B. Study required. The applicant or property owner shall provide a study in support of the petition for relief that includes the following information:
1. Total capacity of the City's water, wastewater, roadway or drainage facilities system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the subdivision application is part of a phased development

project, such information also shall be provided for the entire development proposed, including any phases already developed.

2. Total capacity to be supplied to the City's water, wastewater, roadway or drainage facilities system by the proposed dedication of an interest in land for rights-of-way or construction of capital improvements. If the subdivision application is part of a phased development project, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
3. The study supplied by the petitioner shall be evaluated by City staff, who shall make its recommendation to the City Council based upon the information contained in the study and any additional information related to the petition produced by the staff. In evaluating the petition, the staff shall take into account the maximum amount of any impact fees to be assessed against the development, as well as any traffic impact, drainage or other adequate facilities studies evaluating the impacts of the development or similar developments on the City's water, wastewater, roadway or drainage facilities systems.

C. Action on Petition. The City Council shall consider the petition and determine whether the application of the provision requiring dedication of an interest in land for rights-of-way or construction of capital improvements in order to provide adequate water, wastewater, roadway or drainage facilities to serve the proposed subdivision, or the imposition of a condition related thereto, is roughly proportional to the nature and extent of the impacts created by the proposed development on such public facilities systems, and reasonably benefits the development. In making such determination, the City Council shall consider the evidence submitted by the applicant or property owner and the staff's recommendation. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of the economically viable use of the land or of a vested property right, the Council also shall resolve such issues. Following such determinations, the Council may take any of the following actions:

1. Deny the petition for relief, and impose the requirement or condition; or
2. Deny the petition for relief, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on community water, wastewater, roadway or drainage facilities, and either deny the subdivision application or require that additional dedications of rights-of-way for or improvements to such facilities systems be made as a condition of approval of the application; or
3. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or

4. Grant the petition for relief, and direct that the City participate in the costs of acquiring right-of-way for or constructing such facility pursuant to standard participation policies.

3.10 Amended Plats, Replats, Resubdivision and Vacation of Plats

3.10.1 Replats Without Vacation

Replat of a subdivision, or a portion thereof, may be recorded and shall be deemed controlling over the preceding plat of the subdivision without vacation of that plat when:

- A. The replat has been signed and acknowledged by only the owners of the property being replatted; and
- B. The replat does not attempt to amend or remove any covenants, easements or restrictions contained in the preceding plat; and
- C. The replat, following public hearing, is approved in accordance with the procedures and standards applicable to the preceding plat under this Chapter.

3.10.2 Filing Time

Filing time for replats shall be governed by § 3.2.

3.10.3 Special Replat Requirements

- A. Circumstances. The following additional requirements for approval shall apply, in any replatting of a subdivision or development, without vacating the preceding plat, if any of the proposed area to be replatted was, within the immediate preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restrictions to residential use for not more than two (2) residential units per lot:
- B. Notice. Notice of public hearings shall be given in advance, in the following manner:
 1. Publication before the 15th day before the date of the public hearing in the official newspaper of the City of Ladonia.
 2. Written notice of such public hearing, together with a copy of protest provisions, forwarded by the Council to owners of lots (as the ownerships appear on the last approved ad valorem tax roll of the City) that are in the original subdivision and that are within 200 feet of the lots to be replatted before the 15th day before the date of public hearing. Such notice may be served by depositing the same, properly addressed and postage prepaid, in a postal depository within the City or at the post office in Ladonia.

- C. Protest. Where the proposed replat requires an exception, upon written petition signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, and which petition is filed prior to the close of the public hearing, approval of the replat shall require the affirmative vote of at least three-fourths (3/4) of the members of the Council present at the hearing. In computing percentages of ownership, each lot in such subdivision shall be considered equal to all other lots, regardless of size or number of owners, and the owners of each lot shall be entitled to cast only one (1) vote per lot. In computing the percentage of land area under this section, the area of streets and alleys shall be included.
- D. Provided, however, compliance with subsection C shall not be required for approval of a replatting or resubdividing of a portion of a prior plat, if all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage other than for single- or duplex-family residential usage, by notation on the last legally recorded plat or in the legally recorded restriction applicable to such plat.

3.10.4 Amending Plats

- A. The Council may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary, and which is for one or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:
1. To correct an error in any course or distance shown on the preceding plat;
 2. To add any course or distance that was omitted on the preceding plat;
 3. To correct an error in the description of the real property shown on the preceding plat;
 4. To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;
 5. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the preceding plat;
 6. To correct any other type of scrivener or clerical error or omission as previously approved by the City Planning and Zoning Commission or Council; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the amending plat, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; and
 - b. Increase the number of lots.
 10. To replat one or more lots fronting on an existing street where the owner or owners of all such lots join in the application for the amending plat, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions;
 - b. Increase the number of lots; and
 - c. Create or require the creation of a new street or make necessary the extension of municipal facilities.
- B. Procedures. Amending plats may be approved by the Council by a majority vote at a regularly or specially scheduled public meeting without notice, public hearing or approval of other lot owners.

3.10.5 Plat Vacation

- A. By Property Owner. The property owner of the tract covered by a plat may vacate, upon the approval of the Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- B. By All Lot Owners. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- C. Criteria. The Council shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety and welfare. As a

condition of vacation of the plat, the Council may direct the petitioners to prepare a revised final plat in accordance with these regulations.

- D. Effect of Action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Council.
- E. Government Initiated Plat Vacation.
1. General Conditions. The Council, on its motion, may vacate the plat of an approved subdivision or development when:
 - a. No lots within the approved final plat have been sold within five (5) years from the date that the plat was signed by the Chairman of the Mayor
 - b. The property owner has breached a public improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor;
 - c. The plat has been of record for more than five (5) years and the Council determines that the further sale of lots within the subdivision or development presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
 2. Procedure. Upon any motion of the Council to vacate the plat of any previously approved subdivision or development, in whole or in part, the Council shall publish notice in the City's official newspaper and provide personal notice to all property owners within the subdivision or development and shall also provide notice to the Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or development plat. The Council shall approve the vacation only if the criteria in Section 3.12.5(C) are satisfied.
 3. Record of Notice. If the Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the Council adopts a resolution vacating a plat in part, it shall cause a revised final plat to be recorded, which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

3.11 Engineering Inspection Fee

- A. A construction fee equal to three percent (3.0%) of the cost of the construction (as determined by the City's consulting engineer), including water, sewer, paving, and drainage facilities, shall be paid to the City prior to the construction of any facilities. Subdivider shall submit to the City's consulting engineer an estimate of construction costs. The City's consulting engineer shall either approve or disapprove the estimate and send a copy of said approval or disapproval to subdivider and City. If the estimate is disapproved, the City's consulting engineer shall consult with subdivider and attempt to negotiate an acceptable estimate. If such negotiations are unsuccessful, the subdivider may appeal to the City Council to resolve the dispute. Construction shall not begin until the City's consulting engineer has approved the estimate or in the alternative the City Council has approved the estimate.
- B. The City shall hold twenty-five percent (25%) of the subdividers inspection fee in an escrow account.
- C. The subdivider shall submit to City documentation showing actual cost of construction when construction is completed. If actual cost is less than the original estimate, the City shall refund the appropriate amount. If the actual construction cost is greater than the original estimate, subdivider shall pay to the City the appropriate amount, based on three (3.0%) of actual costs.