



OFFICE USE ONLY

Date received: _____ Fee: \$ _____
P&Z Public Hearing date: _____
Date to send cert. letters: _____
Date to publish: _____
Proof of taxes paid: _____ date verified: _____

**VILLAGE OF JONES CREEK
RE-ZONE/RE-PLAT APPLICATION**

Name(s) of Property Owner: _____

Current Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Business Phone: _____ Cell: _____

Name of Applicant: _____
(If different than Property Owner)

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Business Phone: _____ Cell: _____

Address/Location of Property to be Re-zoned/Re-plat: _____

Legal Description: _____
Metes & Bounds Lot(s) Block Subdivision

ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO

Current Zoning: _____ Current Use: _____

Proposed Zoning: _____ Proposed Use: _____

Application Fee will be determined by City Secretary/Administrator (must be submitted with application)

(C) Any person filing an application seeking to have the Council approve the opening and construction of a new street or the reconstructing, maintenance, or improvement of an existing street shall pay to the Village Secretary/Administrator a fee of \$10 at the time of filing the same. (Ord. 28, passed 4-25-1972; Ord. 136, passed 6-18-1981)

PLAT REGULATIONS

150.20 CONTENTS OF PLATS.

Every proposed plat submitted for approval and acceptance shall show thereon the following:

- (A) The name of the proposed subdivision or resubdivision;
- (B) North point, scale (which must be 100 feet equals one inch or greater), and date of preparation;
- (C) The names and addresses of the owners and subdividers;
- (D) A depiction of the boundary lines of the subdivision or resubdivision with accurate distances and bearings in metes and bounds;
- (E) A statement of the total acreage included within the proposed subdivision or resubdivision;
- (F) The name and certificate of the registered professional engineer or licensed land surveyor who prepared and is responsible for the plat;
- (G) The name of all streets and the classification as to type of all easements, the boundary lines of all streets and easements, together with accurate distances and bearings, and the exact location and width thereof;
- (H) True bearings and distances to the nearest corner of the original survey of land in the county of which the tract being subdivided or resubdivided is a part;
- (I) True bearings and distances to the beginning point of the original corporate limits of the village as reflected in the field notes thereof recorded in Volume 1046, beginning at page 625 of the Deed Records of the county;
- (J) The names of adjacent existing subdivisions or resubdivisions and the names of the record owners of all unsubdivided land adjacent to the proposed subdivision or resubdivision;
- (K) At some point thereon, a small key map showing the location of the proposed subdivision or

resubdivision with reference to the original corporate limits of the village, as shown on the map thereof, duly recorded in Volume 1046, beginning at page 632 of the Deed Records of the county;

(L) All lot and block numbers, or other designations thereof, and all boundary lines of lots and blocks with accurate dimensions in feet and with bearings and angles to street lines;

(M) Setback building lines, if setback buildings lines are included in any restrictive covenants which have been or will be recorded;

(N) Location and description of all monuments;

(O) The length of all arcs, radii, internal angles, points of curvature, and length of bearing of the tangents and contours with intervals of five-tenths feet or less, referred to sea level datum, if required;

(P) All parts or parcels of the proposed subdivision or resubdivision which have been or will be dedicated to the use of the public or reserved to the use of the property owners of the proposed subdivision or resubdivision;

(Q) Certification of approval by the majority of the Commissioners comprising the Commission and by the Mayor and a majority of the Aldermen comprising the Council; and

(R) Such other matters as may reasonably be required by the Council for the enforcement of this chapter.

(Ord. 28, passed 4-25-1972; Ord. 136, passed 6-18-1981)

' 150.21 DATA REQUIRED TO ACCOMPANY PLAT.

Any proposed plat of a proposed subdivision or resubdivision filed pursuant to the provisions of this chapter shall, unless the same appears on the face thereof, be accompanied by the following data:

(A) If the proposed plat constitutes a resubdivision, a copy of the plat of the subdivision being divided;

(B) Certificate of a registered professional engineer licensed to do business in the state to which his or her signature, professional title, license number, and seal are affixed stating that he or she has examined the proposed plat and compared it on the ground with the proposed subdivision or resubdivision, and that he or she certifies that in such proposed subdivision or resubdivisions the lots, blocks, streets, and easements shown thereon have been laid out and in fact exist on the ground as shown on such proposed plat and that all of the streets therein have been built to and, as of the date of such certificate, satisfy the minimum street specifications set forth in ' 150.26;

(C) Certificate of ownership and dedication of all streets, parks, playgrounds, and other public areas to the public use forever, executed by all persons owning an interest in the property being subdivided or resubdivided, signed and acknowledged in the manner prescribed by the laws of the state

for conveyances of real property;

(D) Certificate of ownership of any lienholders of any liens against the property being subdivided or resubdivided subordinating their liens to all public streets, parks, playgrounds, and other public areas shown on the proposed plat, any data accompanying the same, to be dedicated for public use and purpose, signed and acknowledged in the manner prescribed by the laws of the state for conveyances of real property;

(E) Waiver of claim for damages occasioned by the establishment of grades or alterations of the surface of any portion of the streets in the proposed subdivision or resubdivision, signed and acknowledged in the manner prescribed by the laws of the state for conveyances of real property;

(F) Restrictive covenants, if any, which are then or which are intended by the owners and subdividers of the land included in the proposed plat to be placed of record, signed and acknowledged in the manner prescribed by the laws of the state for conveyances of real property. If such covenants are already recorded but additional restrictions are intended to be recorded, both documents shall accompany the proposed plat;

(G) Certificate showing that all ad valorem taxes due to the state, or any political subdivision thereof, in which the proposed subdivision or resubdivision is situated have been paid, that there are no delinquent taxes against such property, and setting out any assessments or other such lawful charges against such property or, if there be none, then so stating;

(H) Six true copies or prints of the plat, suitable for reproduction, with copies of the other data required by this section attached to each;

(I) Certificate of ownership and approval from owners of all easements which are or which will be located on or under the ground and which is or will be crossed by any other easement or any street within the proposed subdivision or resubdivision, signed and acknowledged in the manner prescribed by the laws of the state for conveyances of real property; and

(J) Such other data as may reasonably be required by the Council for the enforcement of this chapter.
(Ord. 28, passed 4-25-1972)

' 150.22 PROCEDURE FOR APPROVAL.

(A) Any person desiring to have a proposed plat of a proposed subdivision or resubdivision, to which this chapter is applicable, approved by the Council shall file the original of the same with the Village Secretary/Administrator and shall, at the time of filing, pay the prescribed fee required by ' 150.07.

(B) No proposed plat of a proposed subdivision or resubdivision shall be regarded as properly filed

until the original thereof has been delivered to the Secretary/Administrator, together with any data required to be attached thereto by this chapter, and until payment in full of the prescribed fee has been received by the Secretary/Administrator.

(C) When a proposed plat has been properly filed, the Secretary/Administrator shall note on the reverse side thereof the date of filing and shall sign the same officially. Thereafter, the Secretary/Administrator shall notify the Mayor and the Chairperson of the Commission of the filing of the same and shall deliver to each Commissioner one of the six copies or prints, together with the copies of the data attached thereto, which were filed with the original of the proposed plat.

(D) (1) The Commission shall act to approve or disapprove such plat within 30 days from the filing date. If the Commission does not disapprove the final plat within 30 days from the filing date, such plat shall be deemed to have been approved by the Commission.

(2) If the Commission has acted to approve on such plat or within 30 days from the filing date if no action is taken, the Chairperson of the Commission shall deliver to the Mayor and the Aldermen one each of the six copies or prints, together with the copies of the data attached thereto, which were filed with the original of the proposed plat. Within 30 days after the approval of the plat by the Commission or within 30 days after such plat is deemed approved by the Commission by reason of non-action, the Council shall act to approve or disapprove it.

(3) If such plat be not disapproved by the Council within such additional 30-day period, it shall be deemed to have been approved by the Council. The Secretary/Administrator shall send written notice of the date, time, and place of the meetings of the Commission and Council at which such plat is to be considered to the person who filed the same, directed to him or her at the address given to the Secretary/Administrator at the time of filing. Proof that such notice, directed to such person at such address was deposited in the U.S. Mail, first class postage prepaid, shall constitute prima facie evidence that the same was timely received by such person.

(E) At each meeting, a reasonable length of time shall be given to every Commissioner or Alderman, as the case may be, or any other interested person appearing either in person or by agent or attorney, within which to introduce any evidence or make any statement in favor of or against the approval and acceptance of the proposed plat under consideration.

(F) In order to be approved and entitled to acceptance, a proposed plat must receive the favorable vote of a majority of both the Commissioners and Aldermen present and voting at the meetings at which such plat is considered; otherwise, it shall be regarded as disapproved.

(G) A certificate showing the filing dates hereunder and the failure to take action thereon within the period herein prescribed shall, on demand, be issued by the Commission and Council, as the case may be, and said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

(H) If the plat is approved, the Commission and Council shall indicate such finding by certificate endorsed thereon, signed by a majority of the Commissioners and by the Mayor and a majority of the

Aldermen.

(I) The Secretary/Administrator shall, on behalf of the Commission and Council, keep a record of all applications for the approval of plats and the action or non-action of the Commission and Council with respect thereto; and upon demand of the owners of any land affected, the Commissioners and Aldermen shall certify their reasons for any action taken in the matter.

(J) The standard to be used by the Commission and Council in approving and accepting or in rejecting any proposed plat shall be whether or not the same satisfies all of the requirements of this chapter except those, if any, with respect to which the Commission and Council grants a variance as provided in ' 150.06; whether or not such proposed subdivision or resubdivision and the streets, easements, lots, and other matters depicted on such plat are laid out on the ground as shown therein; and whether or not the streets as laid out and constructed satisfy the minimum street specifications set forth in ' 150.26.

(Ord. 28, passed 4-25-1972; Ord. 136, passed 6-18-1981)

' 150.23 PROCEDURE FOR VACATING PLATS.

(A) Any person desiring to obtain the approval of the Commission and Council to the vacating of a plat or replat of any subdivision or resubdivision within the area described in ' 150.05 shall file the original and six copies of an application requesting approval of such action with the Village Secretary/Administrator, together with the fee required by ' 150.07(B). Such application must be signed by the owners of all of the land within the subdivision or resubdivision in question and the original must be acknowledged by each of them in the manner prescribed by the laws of the state for conveyances of real property.

(B) The actions required to be taken by the Commission, Council, and the Village Secretary/Administrator, with respect to the filing, approval, or disapproval of proposed plats, shall apply to applications for approval of a vacating of the plat of any subdivision or resubdivision. Thus, such application shall not be regarded as properly filed until the required fee has been paid to the Secretary/Administrator.

(Ord. 28, passed 4-25-1972; Ord. 136, passed 6-18-1981)

' 150.24 CONSTRUCTING STREETS; EXCEPTIONS.

(A) *Application.* Any person desiring to open and construct a new street or to reconstruct, maintain, or improve an existing street in the area described in ' 150.05 shall file proposed plans and specifications for such work with the Village Secretary/Administrator and shall, at the time of filing, pay to the Secretary/Administrator in full the fee required by ' 150.07(C).

(B) *Action on applications.*

Jones Creek - Land Usage

(1) The Secretary/Administrator shall note the date of filing thereon and affix his or her official signature thereto and shall immediately notify the Mayor of all such plans and specifications filed with him or her. The Mayor shall place the consideration thereof on the agenda for the next regular meeting of the Council or for a special meeting thereof. Notice of the time, place, and date of such meeting shall be given to the person who filed such plans and specifications in the same manner and with the same effect as notices required to be given to persons filing proposed plats of subdivisions or resubdivisions under ' 150.22(D).

(2) At such meeting, any Aldermen and all interested persons, their agents or attorneys, shall be given a reasonable time in which to offer evidence and to speak for or against the approval of such application. In order to be approved, the application must receive a favorable vote of a majority of the Aldermen present and voting at such meeting. At the same time, the Council shall determine the time within which such work shall be completed.

(3) If, after hearing the evidence introduced and the statements made at such meeting, the Council determines by a majority vote of the Aldermen present and voting that the minimum street specifications in ' 150.26 should be altered to meet the requirements of a particular location, the term of such alteration shall be entered in the minutes of such meeting and a certified copy of such terms shall be prepared by the Secretary/Administrator under his or her official signature and the seal of the village and mailed to the person who filed the plans and specifications under the rules and with the same effect as the notice of such meeting.

(C) *Effect of approval.* Upon approval of such plans and specifications by the Council, the person on whose behalf the application was filed shall be authorized to commence the opening and construction of a new street or the reconstruction, maintenance, or improvement of an existing street, provided such work, when completed, results in the satisfaction of the minimum street specifications in ' 150.26 and the alteration thereof, if any, made by the Council at the time such plans and specifications were approved. Provided, however, such authority shall cease unless such work is completed within the time specified by the Council at the time of its approval of such plans and specifications, or at a later date to which such authority is extended by a majority vote of the Aldermen of the Council present and voting at a subsequent regular or special meeting thereof on the written request of the person who filed the plans and specifications and entered in the minutes of such meeting.

(D) *Exceptions.* The provisions of this section shall not apply in the following instances:

(1) Where the opening and construction of a new street or the reconstruction, maintenance, or improvement of an existing street is done by any person pursuant to a municipal maintenance agreement or any other agreement between the village and the state=s Highway Department;

(2) Where the opening and construction of a new street or the reconstruction, maintenance, or improvement of an existing street is done by any person employed by and acting for the county=s Road and Bridge Department when it has been requested to do such work by the Council; and

(3) Where the opening and construction of a new street or the reconstruction, maintenance, or improvement of an existing street is done by any person pursuant to a plat of a proposed subdivision or resubdivision which has been approved and accepted by the Council pursuant to the terms of this chapter prior to the commencement of such work.

(Ord. 28, passed 4-25-1972)

' 150.25 PROHIBITED ACTS.

(A) From and after the effective date of this chapter, it shall be unlawful for any person to lay out a subdivision or resubdivision on any tract or parcel of land situated in the area described in ' 150.05 or to aid, abet, or assist another person in any manner in the laying out of such subdivision or resubdivision of such land, unless the laying out of such subdivision or resubdivision is done pursuant to a plat of a proposed subdivision or resubdivision which has been approved and accepted by the Commission and Council pursuant to the terms of this chapter prior to such subdivision or resubdivision.

(B) Division (A) above shall not apply to any person who commits the acts therein proscribed if a proposed plat of such subdivision or resubdivision is filed with the Village Secretary/Administrator for approval and acceptance pursuant to the terms of this chapter within six months following the date of such acts.

(C) From and after the effective date of this chapter, it shall be unlawful for any person to grant, sell, or convey any tract or parcel of land situated in the area described in ' 150.05 or to aid, abet, or assist another person in any manner in granting, selling, or conveying such land, where the effect of granting, selling, or conveying the same is to subdivide or resubdivide such and a plat of such resulting subdivision or resubdivision has not theretofore been filed with and approved by the Council in the manner prescribed by the terms of this chapter.

(D) From and after the effective date of this chapter, it shall be unlawful for any person to open and construct a new street or to reconstruct, maintain, or improve an existing street within the area described in ' 150.05, or to aid, abet, or assist another person in any manner in opening and constructing a new street or in reconstructing, maintaining, or improving an existing street, unless the approval of the Council for such work has previously been obtained pursuant to the terms of this chapter.

(E) Division (D) above shall not apply to any of the instances enumerated in ' 150.24(D).

(F) Each day during which a violation of any of the acts defined in divisions (A), (C), or (D) above occurs and each day during which any condition which has resulted from any such acts is allowed to continue by the person who caused or aided, abetted, or assisted in any manner in causing the same shall be a separate offense and punished as such.

(Ord. 28, passed 4-25-1972; Ord. 29, passed 6-20-1972; Ord. 136, passed 6-18-1981) Penalty, see ' 150.99

150.26 MINIMUM STREET SPECIFICATIONS.**(A) Surfacing material.**

(1) Initial construction of road surface shall consist of either:

(a) Pugmill mixed sand stabilized shell with a minimum compacted depth of eight inches;

or

(b) Limestone (Texas Highway Department Specifications) with a minimum compacted depth of six inches.

(2) After initial construction of road surface, it shall be surfaced with hot mix asphaltic concrete to a minimum thickness of one and one-half inches.

(B) Drainage.

(1) Ditches excavated to neat lines and grades, with outfall ditches where needed to adequately drain street and street ditches.

(2) Suitable and adequate drainage structures must be provided under all roads where required.

(C) Alterations. These specifications may be altered by the Council to meet the requirements of a particular location.

(Ord. 28, passed 4-25-1972; Ord. 29, passed 6-20-1972)

