



CITY OF BELTON

**City Council Special Meeting Agenda
Monday, February 1, 2016 - 5:00 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Paul Sanderford.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Assistant City Manager/Police Chief Gene Ellis.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Councilmember Craig Pearson.

1. Call to order.
2. Hold a public hearing and consider a preliminary plat for Highland Estates, Phase III, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II.
3. Consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.
4. Consider a request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision.

The City Council will reconvene in the Smith Room for the following item:

Executive Session

5. Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, to conduct an evaluation of the City Manager's performance.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



CITY OF BELTON

OFFICE OF THE CITY MANAGER

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1. **Call to order.**
2. **Hold a public hearing and consider a preliminary plat for Highland Estates, Phase III, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II.**

Please see enclosed staff report from Director of Planning Erin Smith that was presented to the Planning & Zoning Commission (P&ZC) at its meeting on January 19, 2016. The P&ZC voted to recommend approval by a vote of 8-0. Conduct public hearing and recommend approval of preliminary plat with conditions.

3. **Consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.**

Please see enclosed staff report from Director of Planning Erin Smith that was presented to the Planning & Zoning Commission (P&ZC) at its meeting on January 19, 2016. The P&ZC voted to recommend approval by a vote of 8-0. Recommend approval of final plat with conditions.

4. **Consider a request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision.**

Please see enclosed staff report from Director of Planning Erin Smith that was presented to the Planning & Zoning Commission (P&ZC) at its meeting on January 19, 2016. The P&ZC voted to recommend approval by a vote of 8-0. Recommend approval of the request to extend the Preliminary Subdivision Plat validity to August 25, 2016.

The City Council will reconvene in the Smith Room for the following item:

Executive Session

5. **Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, to conduct an evaluation of the City Manager's performance.**

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

Staff Report – City Council Agenda Item



Date: February 1, 2016
Case No.: P-16-04
Request: Preliminary Plat
Applicant: Carothers

Agenda Item #2

Hold a public hearing and consider a preliminary plat for Highland Estates, Phase III, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I, and recently developed Highland Estates, Phase II.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 34-lot subdivision proposed for single family residential development.

Project Analysis and Discussion

This is a residential subdivision, containing 34 lots, proposed as Phase III of Highland Estates. Lacy Ridge Court will extend southeast and terminate in a cul-de-sac north of Sparta Road. Stillman Court will extend north from Lacy Ridge Court and terminate in a cul-de-sac. The size of the proposed lots is in conformance with the Single Family-2 Zoning District requirements in all respects.

According to the Subdivision Ordinance under Section 502, Street Standards and Policy, (F) Cul-de-Sacs and Dead-End Streets, the maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall be 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission. This subdivision is elevated high above Sparta Roadway, making it difficult to create a safe connection. The intersection for Mystic Mountain Lane is also close and Sparta Road is a collector, so the driveway entrances should be spaced at greater intervals. The applicant is requesting a variance to allow for a 1,241 feet cul-de-sac proposed as Lacy Ridge Court. Due to these issues, this appears to be a reasonable variance request. The Council-adopted 2009 International Fire Code states two points of ingress/egress is only required for subdivisions with 30 lots or larger. Jeff Booker, Fire Marshal, has reviewed the ingress/egress and concurs with this design and the single access, given the limited number of lots.

This subdivision is proposed to contain 34-lots; therefore, a dedication of 0.34 acres of parkland is required in conjunction with this plat request. Dawson Ranch, Phase VI is proposed to be a 23-lot subdivision and Highland Estates, Phase II, is a 33-lot subdivision. The developer is proposing to satisfy the 0.56 acre parkland requirement for these two subdivisions with the parkland dedication proposed with this plat. The developer is proposing to dedicate a total of 1.62 acres of parkland to the City shown as Tract A on the plat. The topography increases to 20%-100% slope in a strip extending from the northwest to the southeast to the north and south tract boundaries. The developer is proposing to grade the park to allow for safe pedestrian access from both subdivisions. In conjunction with construction plan review, the developer will submit a grading plan for the proposed park area. At that time, and in conjunction with final plat approval, staff will evaluate pedestrian accessibility to the park and determine if this proposal achieves the parkland dedication requirements.

Tract B is proposed as an expansion of the existing detention pond in Highland Estates, Phase I, to accommodate the additional drainage generated by this development. The Subdivision Ordinance requires the developer to construct and install a 5 feet wide sidewalk along the subdivision side of collector streets. Since Sparta Road is a major collector street, the developer is required to install a 5 feet wide sidewalk along the northern side of Sparta Road. Staff will evaluate the sidewalk location and make a recommendation in conjunction with final plat approval.

We have reviewed the plat and find it acceptable as a preliminary plat, subject to conditions contained in the letter to the applicant's engineer.

Recommendation

Recommend approval of the preliminary plat for Highland Estates, Phase III, a 15.165 acre tract of land, located northeast of the Sparta Road and Wheat Road intersection and north and west of the existing Highland Estates Subdivision, Phase I, subject to:

1. Cul-de-sac variance for street exceeding 600 feet (1,241 feet).
2. Single access for subdivision exceeding 30 lots (34 total lots).
3. Adequate grading plan and dual subdivision accessibility for proposed neighborhood park site.
4. Sparta Road sidewalk requirement.
5. City's Letter to Applicant's Engineer dated January 5, 2016

Attachments

Preliminary Plat Application
Preliminary Plat
Location Map
Parkland Exhibit
City's Letter to Applicant's Engineer dated January 5, 2016
P&ZC Minutes Excerpt

City of Belton
Request for Subdivision Plat
To the City Council and the
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

☒ Preliminary Subdivision

☐ Final Subdivision

☐ Administrative Plat

☐ Replat

☐ ETJ

☐ City Limits

Fees Due \$ 355.00

Date Received:

Date Due:

(All plans are to be returned to the Planning Department within 5 working days)

Applicant: CAROTHERS DEVELOPMENT, LLC.

Phone Number: (254) 939-5100

Mailing Address: 50 SOUTH WHEAT ROAD; BELTON, TX 76513

Email Address: jason@carotherstx.com

Owner: CAROTHERS DEVELOPMENT, LLC.

Phone Number: (254) 939-5100

Mailing Address: 50 SOUTH WHEAT ROAD; BELTON, TX 76513

Email Address: jason@carotherstx.com

Current Description of Property:

Lot:

Block:

Subdivision:

Acres: 15.23

Survey:

DOC. # 2013-00017851

Abstract Number: 860

Street Address:

OFF MYSTIC MOUNTAIN LANE

Frontage in Feet:

Depth in Feet:

Does Zoning comply with proposed use?

☐ Yes

☐ No

Current Zoning: SF-2

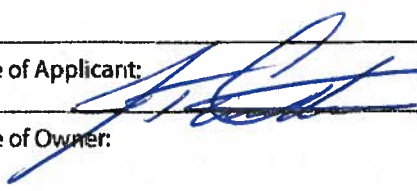
Name of Proposed subdivision: HIGHLAND ESTATES-PH. III

Number of Lots: 34

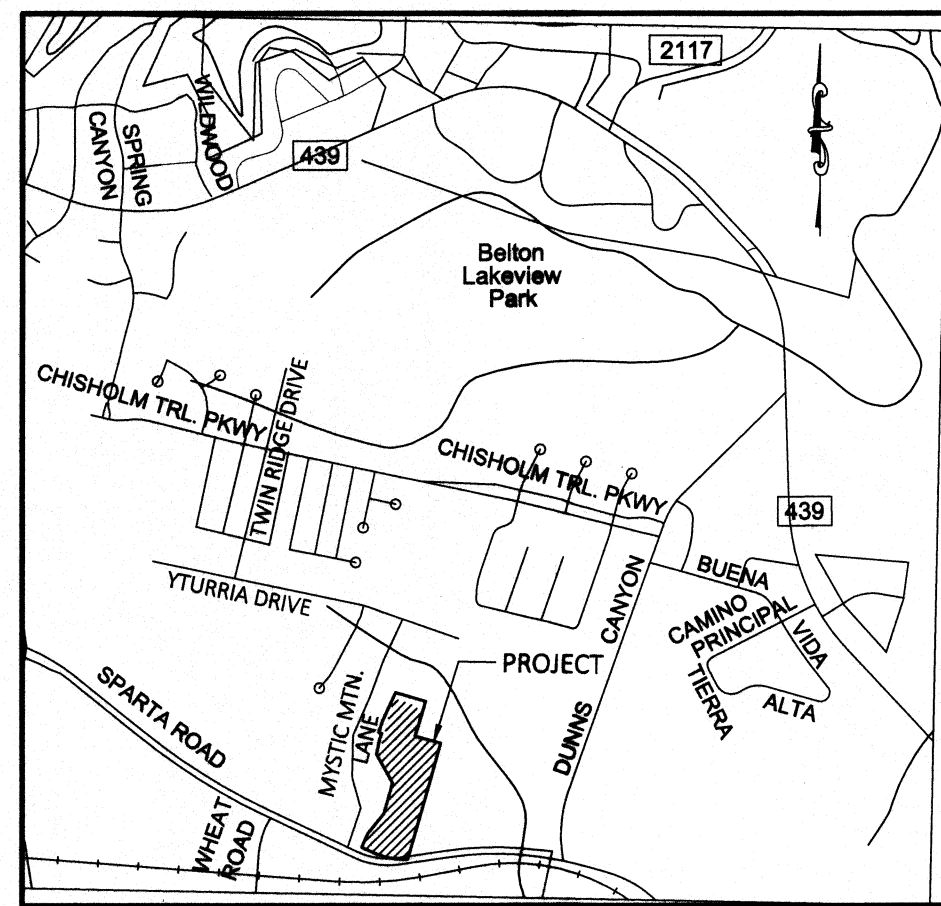
Fees \$ 355.00

Signature of Applicant: 

Date: 12/15/15

Signature of Owner: 

Date:



LOCATION MAP
NOT TO SCALE

PLAT NOTES:
NUMBER OF LOTS = 34
NUMBER OF BLOCKS = 2
NUMBER OF LETTER DESIGNATED TRACTS = 1
ACREAGE OF ROW DEDICATION = 1.809 ACRES
C.L. LENGTH OF LACY RIDGE COURT = 912.62 LF
C.L. LENGTH OF STILLMAN COURT = 331.35 LF
TOTAL AREA OF SUBDIVISION = 15.229 ACRES
LEWIS WALKER SURVEY, ABSTRACT NO. 860

EASEMENTS:
A 10.00' PUBLIC UTILITY EASEMENT ON THAT PORTION OF EACH LOT THAT IS CONTIGUOUS TO THE DEDICATED RIGHT-OF-WAY SHALL BE PART OF THIS PLAT. AN OFFSITE DRAINAGE EASEMENT IS PROVIDED BY SEPARATE INSTRUMENT.

BUILDING SETBACK AND EASEMENT NOTES FOR ALL LOTS (UNLESS OTHERWISE SPECIFIED) AND LEGEND:

25' TYP. FRONT BUILDING SETBACK (SYMBOL (A))

6' TYP. INTERIOR SIDE BUILDING SETBACK (SYMBOL (B))

20' TYP. REAR BUILDING SETBACK (SYMBOL (C))

10' TYP. RESIDENTIAL P.U.E. (SYMBOL (D))

FEMA INFORMATION:
THIS ADDITION IS WITHIN FEMA FIRM MAP 48027C0330E, DATED SEPT. 28, 2008. ALL AREAS OF THIS SUBDIVISION ARE IN "ZONE X: AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD; AREAS OF 0.1% ANNUAL CHANCE OF FLOOD WITH A DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

NOTE: THE FINISH FLOOR ELEV. OF EACH HOUSE SHALL BE A MINIMUM OF 1.0' ABOVE THE T.C. GRADE AT THE HIGHEST POINT ON THE FRONT CURB, OR THE OWNER MUST SUBMIT A LOT LAYOUT AND DRAINAGE PLAN SEALED BY A PROFESSIONAL ENGINEER TO OBTAIN A BUILDING PERMIT.

PROJECT MONUMENT & BENCHMARK HIGHLAND ESTATES-PHASE III:
CITY MONUMENT B-14, 597.69

CITY OF BELTON MONUMENT INFORMATION:
THIS PLAT IS REFERENCED TO THE CITY OF BELTON HORIZONTAL CONTROL SYSTEM MONUMENTS:
MONUMENT B-519 (NAD 83 TEXAS CENTRAL ZONE)
NORTHING 10375537.000
EASTING 3186352.122
ELEVATION 687.16
CONVERGENCE 1" 27" 52.13"
COMBINED SCALE FACTOR 0.9998832
MONUMENT B-18 (NAD 83 TEXAS CENTRAL ZONE)
NORTHING 10377045.608
EASTING 3181794.966
ELEVATION 723.48
CONVERGENCE 1" 27" 25.37"
COMBINED SCALE FACTOR 0.9998834
MONUMENT B-14 (NAD 83 TEXAS CENTRAL ZONE)
NORTHING 10370565.148
EASTING 3187511.267
ELEVATION 597.69
CONVERGENCE 1" 27" 58.24"
COMBINED SCALE FACTOR 0.9998829
THE BEARING BASIS IS THE LINE FROM MONUMENT B-18 TO MONUMENT B-519 WHICH BEARS N 71° 41' 00"W.
ALL DISTANCES ARE GRID.

DRAINAGE DISCLAIMER:
THE CITY OF BELTON IS NOT RESPONSIBLE FOR LOT-TO-LOT DRAINAGE AND DOES NOT REGULATE LOT-TO-LOT DRAINAGE.

APPROVED FOR PREPARATION OF FINAL PLAT

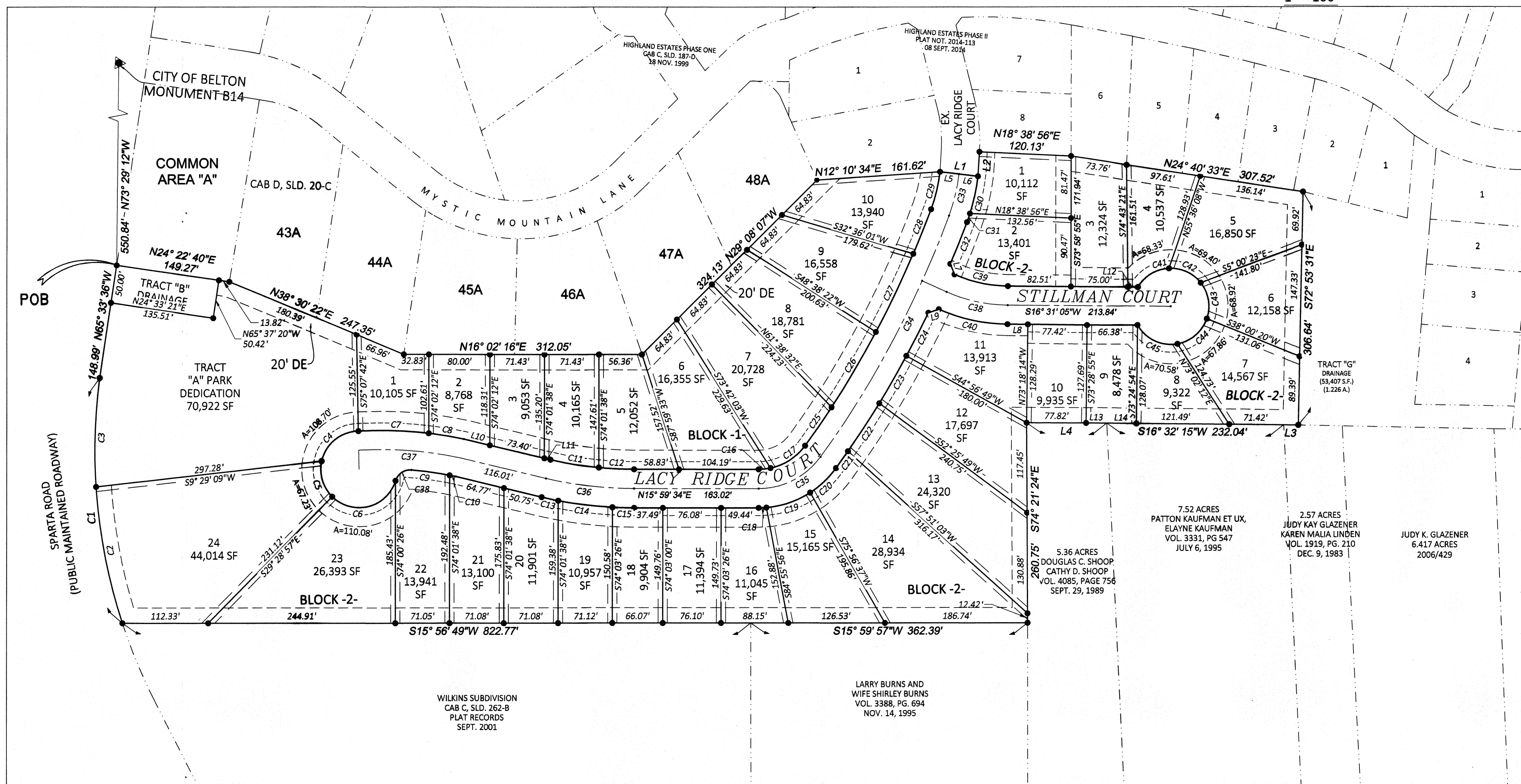
CHAIRMAN, PLANNING & ZONING COMMISSION DATE

TBPLS FIRM NO. 1013090

Sightline Surveying

5702 Southern Oaks
San Antonio, Texas 78261
Office (210) 286-9077 Fax (210) 568-4382
EMAIL: "rickshelley@gmail.com"

PRELIMINARY PLAT Highland Estates – Phase III Belton, Texas



BEING 15.23 ACRES OF LAND SITUATED IN THE LEWIS WALKER SURVEY
ABSTRACT NO. 860, BELL COUNTY, TEXAS

LEGEND

- COB Monument Found Unless Otherwise Noted
- MON Set With Cap "RPLS 4540"
- 1/2" Iron Rod Found With Cap "RPLS 4540" Unless Otherwise Noted
- Cross-tie Corner Post Found
- 1/2" Iron Rod Set With Cap "RPLS 4540" Set At All Lot Corners
- Record Information

Parcel Line Table

Line #	Length	Direction
L1	50.00	N22° 49' 16.41"E
L2	32.02	N70° 34' 49.15"W
L3	18.96	S17° 06' 43.88"W
L4	104.92	S16° 22' 15.03"W
L5	25.00	N22° 49' 16.41"E
L6	25.00	N22° 49' 01.87"E
L7	14.75	S84° 26' 30.09"W
L8	26.74	S16° 31' 05.40"W
L9	14.36	N2° 40' 32.19"W
L10	35.14	N29° 20' 25.34"E
L11	8.11	N29° 20' 25.34"E
L12	13.03	N16° 31' 05.40"E
L13	27.10	S16° 22' 17.33"W
L14	39.13	N16° 35' 12.62"E

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	323.68	716.20	25.89	N79° 23' 58"W	320.93
C2	181.31	716.20	14.50	S85° 05' 39"E	180.82
C3	142.37	716.20	11.39	S72° 08' 49"E	142.14
C4	66.90	50.00	76.66	S23° 26' 04"E	62.02
C5	50.39	50.00	57.74	N89° 22' 55"E	48.28
C6	102.41	50.00	117.35	N1° 51' 48"E	85.42
C7	92.44	525.00	10.09	S17° 45' 56"W	92.32
C8	46.45	525.00	5.07	S25° 20' 41"W	46.43
C9	50.71	475.00	6.12	S23° 49' 37"W	50.69
C10	8.24	475.00	0.99	S27° 22' 56"W	8.24
C11	64.48	475.00	7.78	N25° 27' 21"E	64.43
C12	46.22	475.00	5.57	N18° 46' 47"E	46.20
C13	22.21	525.00	2.42	N28° 07' 56"E	22.21
C14	71.63	525.00	7.82	N23° 00' 41"E	71.58
C15	28.61	525.00	3.12	N17° 32' 30"E	28.60
C16	15.67	75.00	11.97	N10° 00' 22"E	15.64
C17	55.16	75.00	42.14	N17° 02' 57"W	53.93
C18	10.12	125.00	4.64	N13° 40' 42"E	10.12
C19	61.23	125.00	28.06	N2° 40' 46"W	60.62
C20	46.70	125.00	21.41	N27° 24' 55"W	46.43
C21	26.87	1322.29	1.16	N38° 42' 03"W	26.87
C22	75.09	1322.29	3.25	N40° 54' 35"W	75.08
C23	71.09	1322.29	3.08	N44° 04' 36"W	71.08
C24	63.38	1322.29	2.75	N46° 59' 24"W	63.37
C25	61.07	1272.29	2.75	N39° 29' 38"W	61.06

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C26	113.97	1272.29	5.13	N43° 25' 59"W	113.93
C27	113.92	1272.29	5.13	N48° 33' 51"W	113.88
C28	63.28	1272.29	2.85	N52° 33' 16"W	63.28
C29	50.63	219.79	13.20	N60° 34' 45"W	50.52
C30	50.13	269.79	10.65	N61° 51' 20"W	50.06
C31	12.02	269.79	2.55	N55° 15' 21"W	12.02
C32	59.54	1322.29	2.58	N52° 41' 21"W	59.54
C33	56.39	244.79	13.20	N60° 34' 45"W	56.27
C34	359.12	1297.29	15.86	N46° 02' 56"W	357.97
C35	94.44	100.00	54.11	N11° 03' 48"W	90.97
C36	116.52	500.00	13.35	N22° 40' 07"E	116.25
C37	133.22	500.00	15.27	N20° 14' 47"E	132.82
C38	82.42	200.00	23.61	N28° 19' 28"E	81.84
C39	72.12	175.00	23.61	N28° 19' 28"E	71.61
C40	92.73	225.00	23.61	N28° 19' 28"E	92.07
C41	49.58	50.00	56.81	S15° 04' 39"E	47.57
C42	47.43	50.00	54.35	S40° 30' 15"W	45.67
C43	50.10	50.00	57.42	N83° 36' 40"W	48.03
C44	53.04	50.00	60.78	N24° 30' 40"W	50.59
C45	61.64	50.00	70.64	N41° 11' 59"E	57.81

Certificate of the Owner:

KNOW ALL MEN BY THESE PRESENTS,

That Carothers Development, L.L.C., being the sole Owner of the land shown in this plat and designated herein as HIGHLAND ESTATES-PHASE III, an Addition to the City of Belton, Bell County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the Public forever, all streets, parks, water courses, drains, easements, and public places as shown hereon, and conveys to the City of Belton, Texas for public use Tract A.

Carothers Development, L.L.C., L.L.C.
50 South Wheat Road
Belton, Texas 76513

THIS IS PROVIDED FOR REVIEW

Jason Carothers, President

STATE OF TEXAS &
COUNTY OF BELL &

This instrument was acknowledged before me on this ____ day of

2015 A.D. By Jason Carothers.

NOTARY PUBLIC STATE OF TEXAS

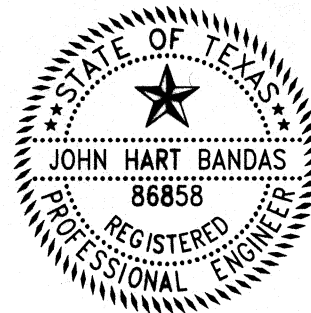
My Commission Expires

Certificate of the Registered Professional Engineer:

KNOW ALL MEN BY THESE PRESENTS,

That I, John Hart Bandas, Registered Professional Engineer, do hereby certify that I prepared all drainage calculations and designed all drains, streets, roads, and appurtenances in accordance with the Subdivision Regulations of the City of Belton, Texas.

John Hart Bandas, P.E.
Registered Professional Engineer
State of Texas #68658
Firm # F-3782



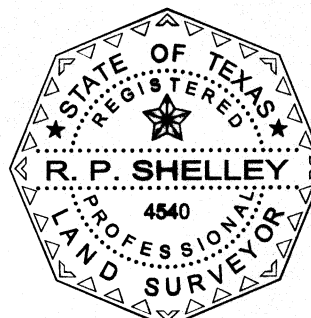
Certificate of the Registered Professional Land Surveyor:

KNOW ALL MEN BY THESE PRESENTS,

That I, R.P. Shelley, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Belton, Texas.

THIS PRELIMINARY PLAT IS RELEASED
FOR REVIEW AND SHALL NOT BE FILED
OR USED FOR REAL PROPERTY
TRANSACTIONS.

R.P. Shelley, RPLS No. 4540
Registered Professional Land Surveyor



Certificate of Approval by the Planning & Zoning Commission:

I hereby certify that the above and foregoing plat of HIGHLAND ESTATES-PHASE III, an Addition to the City of Belton, Texas was approved this ____ day of ____, 2015, by the Planning & Zoning Commission of the City of Belton, Texas.

THIS IS PROVIDED FOR REVIEW

Chairman

Secretary

Certificate of Approval by the City Council:

I hereby certify that the above and foregoing plat of HIGHLAND ESTATES-PHASE III, an Addition to the City of Belton, Texas was approved this ____ day of ____, 2015, by the City Council of the City of Belton, Texas.

Mayor

Secretary

Said addition shall be subject to all the Requirements of the Subdivision Ordinance of the City of Belton.

Witness my hand this ____ day of ____, 2015.

City Clerk

TAX CERTIFICATE

The Bell County Tax Appraisal District, the taxing authority for all entities in Bell County, Texas does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this ____ day of

_____, A.D. 2015

Bell County Tax Appraisal District

By: _____

FILED FOR RECORD this ____ day of ____, 2015, A.D. in CABINET ____, SLIDE ____, Plat Records of Bell County, Texas.

DEDICATION INSTRUMENT DOCUMENT NO. ____, Official Records of Bell County, Texas.

P-16-04 Highland Estates Phase III

PROPOSED PLAT:


Preliminary Plat
Highland Estates Phase III
15.23 Acres

PROPERTY OWNER:

CAROTHERS,
JT HOLDINGS LLC

Proposed Highland Estates Phase III

Legend

 P_16_04



0 175 350 700
Feet

For informational purposes only. Boundaries are approximate and not legally binding.

P-16-04 Highland Estates Phase III

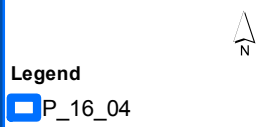
Proposed Highland Estates Phase III

PROPOSED PLAT:

Preliminary Plat
Highland Estates Phase III
15.23 Acres

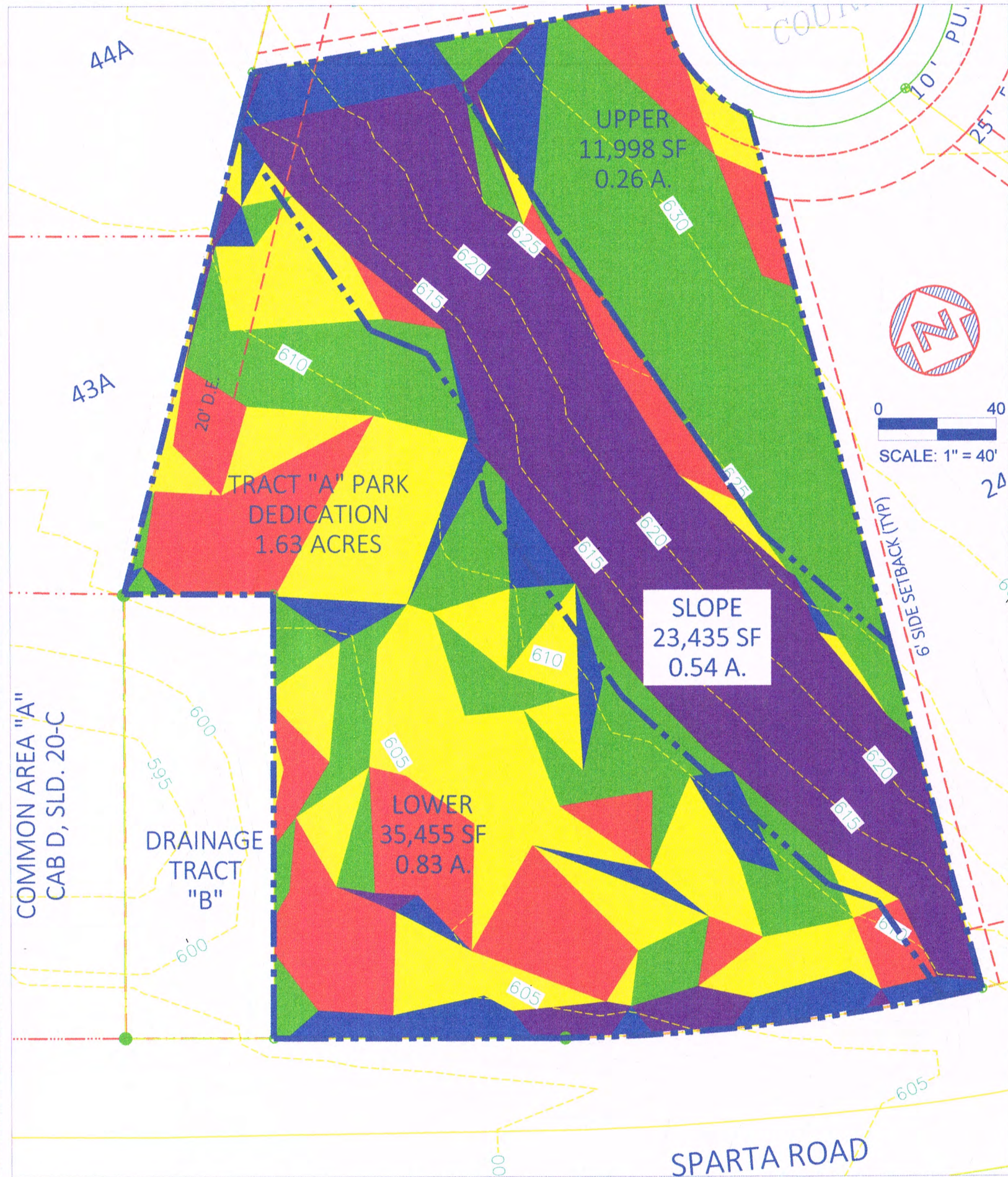
PROPERTY OWNER:

CAROTHERS,
JT HOLDINGS LLC



0 95 190 380
Feet

For informational purposes only. Boundaries are approximate and not legally binding.



Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	5.00%	11371.06	Red
2	5.00%	10.00%	15059.40	Yellow
3	10.00%	15.00%	20222.73	Green
4	15.00%	20.00%	5654.45	Blue
5	20.00%	100.00%	18575.00	Purple

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA	PERCENTAGE
1	0.00%	5.00%	11,371.06	16.04%
2	5.00%	10.00%	15,059.40	21.25%
3	10.00%	15.00%	20,222.73	28.53%
4	15.00%	20.00%	5,654.45	7.98%
5	20.00%	100.00%	18,575.00	26.21%
TOTAL			70,882.64	100.00%

517.06.C.1 Grade/Slope Requirements: 50 percent of the dedicated land area should not exceed twenty percent grade.

John Hart Bandas
01 / 07 / 16



DATE:	01/07/16
DRWN:	VJL
DESIGN:	JHB
CHKD:	JHB
PROJ #:	2980
SHT. #	
OF	X

BANDAS ENGINEERING CO.
CIVIL ENGINEERING FIRM # F-3782
415 COTTINGHAM DRIVE (254) 778-8728
TEMPLE, TEXAS 76504 FAX (254) 778-3940
www.bandasengineering.com john.bandas@bandasengineering.com

SLOPE EXHIBIT
PARKLAND EDUCATION
HIGHLAND
ESTATES-PHASE III

HIGHLAND ESTATES PH III
CAROTHERS DEVELOPMENT L.L.C.
CITY OF BELTON, TEXAS



City of Belton

Planning Department

January 5, 2016

Applicant: Carothers Development, LLC / Bandas Engineering Company

Date Submitted: 12-16-15

Project: Highland Estates Phase III, Preliminary Plat and Construction Plans

Location: 15.23 Acres, Lacy Ridge Court, Belton, Texas 76513

*****Please comment back in red under the comments submitted on this sheet.*****

Planning:

1. The parkland may not meet the Subdivision Ordinance Design Standard requirements that state 50% of the dedicated land area should not exceed 20% grade. Please submit a detailed park exhibit that includes contours and percentage of the area exceeding 50% grade. This 1.62 acre tract is intended to satisfy the parkland requirements for Highland Estates, Phase II; Dawson Ranch, Phase VI; and Highland Estates, Phase III, and must be evaluated in this regard. Need to discuss this matter as soon as possible.
2. Please relocate the street light between Lots 15 and 16 to Lots 18 and 19 to achieve an approximate 300 feet spacing.
3. Please submit restrictive covenants for staff review.
4. The cul-de-sac length exceeds the maximum length of 600 feet permitted in the Subdivision Ordinance and the Fire Code requires a second means of egress when there are more than 30 lots in a subdivision. Please submit a variance letter request for these items prior to the P&ZC and Council meetings.
5. Please state the type of oak trees (post oak or live oak) on the tree survey.
6. Sparta Road is classified on the Thoroughfare Plan as a major collector. A 5 feet wide sidewalk is required to be installed by the developer on the subdivision side (northern side) of Sparta Road.
7. Symbols A, B, C, and D are not shown on the preliminary plat. Please revise.
8. This plat appears to be a replat and will require a public hearing. The western side of this proposed subdivision includes a portion of Highland Estates, Phase I. See map below.



Public Works/KPA:

General

1. Please submit a geotechnical report.
2. Show all existing lights and utilities around the platted subdivision. Specifically, please show the street lights and fire hydrants along Mystic Mountain/Lacy Ridge.
3. The proposed sewer 'step system' should be owned and maintained by each homeowner. The check valve tank and pumps should also belong to the homeowner. The City will maintain the sewer force mains. The City cannot control what homeowners will put in their tank that may kill the bacteria and create a more frequent need for pumping. Also, there is no maintenance procedure, nor fees in place to take on this type of system, so the City will require that each homeowner own and maintain this 'step system.'
4. Please submit the plan and profiles of the utilities.
5. Sheet 4 is missing from the plan set.
6. Sheet 2 – Additional trees may need to be removed (i.e., #328) due to the location in the right-of-way where the utilities will be installed. Please review.
7. Please extend the 8" water across Stillman Court and set the fire hydrant on the 8" water main. Secure the 8" x 6" reducer to the tee with an anchor coupling secure the 6" gate valve to the reducer in the same manner.

Drainage

1. Please submit a drainage report.
2. Pre-Project contours need to be updated to present day contours. The topo used is not current (does not reflect the construction of Highland Estates Phase I).
3. Proposed contours need to be added to the Post-Project Drainage Map.
4. A portion of Pre-Project Drainage Area A6 appears to be Common Area "A", but it is not factored into the overall drainage. Please explain.
5. Post-Project Drainage Area A7 is street right-of-way. By the City of Belton Design Manual, a minimum time of concentration of 10 minutes should be used. Please change this from 15 minutes to 10 minutes.
6. Please provide the input data that was used for modeling the existing detention pond (i.e. Elevation-Area-Discharge Tables, Outlet Data, etc.).
7. Both Drainage Maps reference "Pre-Development" conditions; however one should reference "Post-Development" conditions. Please revise.
8. This detention pond discharges into Sparta Road ROW outside the Belton City limits. Please submit the plans to the Bell County Engineer for review of impacts to Bell County ROW due to drainage discharge from the pond and provide their comments to the City.
9. Page 1 Common Area A is an existing detention pond that is privately maintained. Tract B contains a portion of that detention pond. Who will be responsible for maintenance of Tract B?
10. Please provide documentation showing that Post-Project Drainage Area B1 was accounted for in the design of the Highland Estates, Phase II detention pond.
11. Please provide a hydrologic analysis showing the effects of the proposed development on the watershed to the east, Pre-Project Areas B1-B8 and Post-Project Areas B2-B8 (similar to what has been done regarding areas draining to the west).
12. Should a drainage easement be dedicated to convey stormwater from Lacy Ridge Court to Tract "B" drainage?
13. Should a drainage easement be dedicated on one side of Block 1, Lot 10 to provide drainage access/connectivity to Lacy Ridge Court? Flow arrows indicate drainage coming from Lacy Ridge Court along the boundary of Lot 10 to get to the proposed 20' drainage easement.

14. Provide detail of the connection between the proposed drainage channel and newly constructed detention pond.

Building Official:

No comments.

Fire Department:

Define location of fire hydrants.

Police Department:

No comments.

GIS:

1. Lacy Ridge Court should be **Lacy Ridge Drive** per Highland Estates Phase II. (Also, this should not be considered a cul-de-sac, as a cul-de-sac should only intersect **one** street)
2. The dedication states Highland Estates, Phase VI at the top of the page. Please change this to Phase III.

<p>Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.</p>
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Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, January 19, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Rae Schmuck, Frank Minosky, Mat Naegele, Brett Baggerly, Joel Berryman, Ben Pamplin, and Eloise Lundgren. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston, City Manager, Sam Listi and Director of Recreation and Events, Matt Bates. Commission member Jason Morgan was absent.

6. P-16-04 Hold a public hearing and consider a preliminary plat for Highland Estates, Phase II, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing. Mr. John Bandas, 415 Cottingham Drive, Temple, Texas, said he is the engineer for this project. He said they have put a lot of work into this and sought to obtain secondary access to this subdivision, but it's been impossible due to topography and different surrounding property ownership.

With no one else wishing to speak, Chair Holmes closed the public hearing.

City Manager, Sam Listi addressed the Commission. He said the Commission is reviewing two important subdivisions tonight that will set the tone for parkland serving this area for quite some time. Staff has looked at the plans very closely, Mr. Listi said, to ensure the parkland satisfies the Subdivision Ordinance requirements. The Subdivision Ordinance does require escrow funds or land, or some combination of those, to ensure parkland is provided for residents. Mr. Listi said while it would be nice to have a park there already for the subdivision, it is a function of the how the lots are developed incrementally. There's not enough money or land generated for parkland until there's been quite a bit of development. In this case the purpose is to serve the need for a park space for two different subdivisions. Mr. Listi said the City believes it can work with some grading. The City Manager, Director of Planning, and Director of Recreation and Events have walked the site and, as Ms. Smith has said, it is challenging, but they do believe it can work. Mr. Listi said they are working hard to ensure there is adequate parkland in the area. In terms of development and equipment, playground structures start in the \$20,000 to \$25,000 price range, mentioning the equipment going in at Beall Park was in this price range, so that is a future component of capital improvement that the City will have to do. If we can get the land and get it graded, we're much closer to our objective of trying to achieve it. It rarely occurs on the front-end of development, Mr. Listi said.

Chair Holmes asked if the dedication exceeds the requirement. Ms. Smith said the amount of acreage proposed for dedication is 1.60 acres and the requirement would be 0.90 acres of parkland

for the three subdivisions (Highland Estates, Phase II – 0.33 acres; Highland Estates, Phase III – 0.34 acres; and Dawson Ranch, Phase VI – 0.23 acres), so the developer is exceeding the parkland requirements by 0.70 acres.

Mr. Naegele made the motion to approve a preliminary plat for Highland Estates, Phase II, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II subject to the recommendations by City Staff as stated in the staff report. Mr. Pamplin seconded the motion. Item P-16-04 was unanimously passed 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: February 1, 2016
Case No.: P-16-05
Request: Final Plat
Applicant: Carothers

Agenda Item #3

Consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V, and west of the future Lake to Lake Road.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 23-lot subdivision proposed for single family residential development.

Project Analysis and Discussion

This is a residential subdivision, containing 23 lots, proposed as Phase VI of Dawson Ranch. Presidio Circle is a proposed cul-de-sac within this proposed subdivision that will extend south from Yturria Drive. A zoning change request to Single Family-2 was approved by Council on October 27, 2015. The size of the proposed lots is in conformance with the Single Family-2 Zoning District requirements in all respects. This subdivision will be served by City of Belton water and sewer. Drainage was initially proposed to be discharged off-site to a detention pond through a tract between Lots 15 and 16. City staff met with the applicant and recommended changing this tract to a drainage easement, similar to what was completed in Dawson Ranch, Phase III, between Lots 4 and 5. On October 20th, the developer's engineer, John Bandas submitted a revised preliminary plat that included an on-site detention pond behind Lots 11 and 12. The applicant has also revised the plat to include a 20 feet wide drainage easement between Lots 11 and 12, extending to the on-site detention pond.

According to the Subdivision Ordinance under Section 502, Street Standards and Policy, (F) Cul-de-Sacs and Dead-End Streets, the maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall be 600', except under unusual conditions with the approval of the Planning and Zoning Commission. The applicant is requesting a variance to allow for a 915' cul-de-sac. There are existing large lot residential properties to the west and south that prevent any reasonable opportunity for this developer to stub-out a street and decrease the length of the cul-de-sac; therefore, staff concurs with the request for a variance to allow a 915' cul-de-sac, and staff is recommending approval of the street length variance.

The Lake to Lake Road ROW directly abuts this proposed subdivision to the east. For several years, staff has been diligently obtaining right-of-way for this important north-south arterial

roadway. Lake to Lake Road will ultimately have a bridge extending over Sparta Road, BNSF Railroad, and Nolan Creek. The TXDOT-approved conceptual alignment identifies a collector street extending from Sparta Road northeast to Lake to Lake Road. That collector roadway is an important connection to Lake to Lake Road since the bridge will extend over Sparta Road. City staff is in contact with the adjoining property owner regarding additional needed ROW.

According to the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. These requirements may be satisfied through parkland dedication or payment of fees-in-lieu of required parkland or a combination of the two. This subdivision requires parkland dedication of 0.23 acres or \$4,600 parkland fee (\$200 per lot). The applicant is proposing to satisfy this parkland requirement with dedication of 1.62 acres of parkland in Highland Estates, Phase III. The topography of this 1.62 acre park increases to 20%-100% slope in a strip extending to the north and south tract boundaries. The developer is proposing to grade the park to allow for safe pedestrian access from both subdivisions. Residents in the Dawson Ranch and Highland Estates neighborhoods will have access to this neighborhood park that will provide a great addition to these beautiful subdivisions. In conjunction with construction plan review, the developer will submit a grading plan for the proposed park area to ensure pedestrian accessibility to the park.

According to the Design Standards, removal of a Belton heritage tree requires a tree replacement of 3:1 inches or a fee of \$50.00 per inch. The applicant is proposing to remove a 40 inch live tree oak, which will require the applicant, at his discretion, to plant 120 inches of trees or pay a fee-in-lieu of \$2,000. The applicant is proposing to pay a fee-in-lieu of \$2,000 to satisfy the tree mitigation requirements.

We have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer.

Recommendation

Recommend approval of the final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V, and west of the future Lake to Lake Road, subject to:

1. Variance for cul-de-sac length exceeding 600 feet (915 feet).
2. Grading plan for park area.
3. Payment of \$2,000 for removal of one 40 inch heritage tree.
4. City's Letter to Applicant's Engineer dated December 2, 2015

Attachments

Final Plat Application

Final Plat

Location Map

Applicant's response to the City's Letter to Applicant's Engineer dated December 2, 2015

P&ZC Minutes Excerpt

City of Belton
Request for Subdivision Plat

To the City Council and the
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☐ City Limits

Date Received: _____ Date Due: _____ (All plans are to be returned to Janelle within 5 working days)

Applicant: Carothers Development, L.L.C. Phone: (254) 939-5100
Mailing Address: 50 South Wheat Road
Email Address: jason@carotherstx.com

Owner: Carothers Development, L.L.C. Phone: (254) 939-5100
Mailing Address: 50 South Wheat Road
Email Address: jason@carotherstx.com

Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: 8.175 Survey: Lewis Walker Survey
Abstract #: 860 Street Address: _____
Frontage in Feet: _____ Depth in Feet: _____

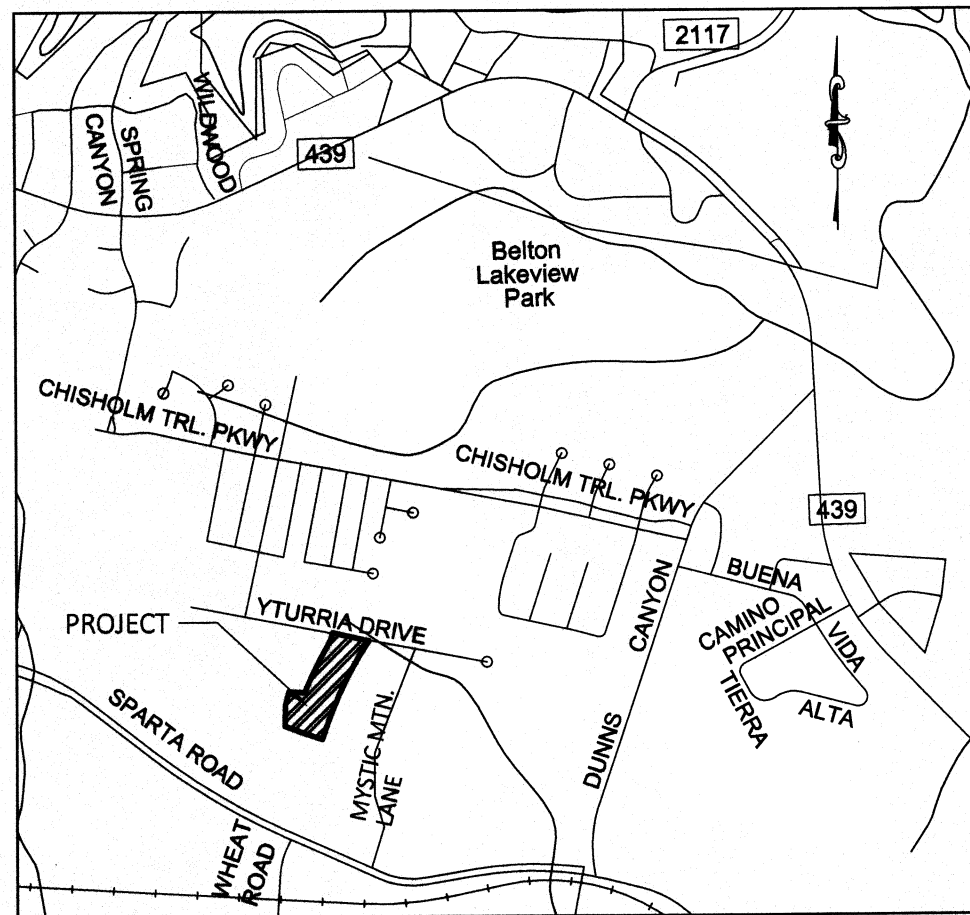
Does Zoning comply with proposed use? Yes Current Zoning: SF-2

Name of proposed subdivision: Dawson Ranch Phase VI

Number of Lots: 23 Fee: \$ 319.00

Signature of Applicant: _____ Date: 11/13/15

Signature of Owner: _____ Date: 11/13/15



LOCATION MAP
NOT TO SCALE

PLAT NOTES:
NUMBER OF LOTS = 23
NUMBER OF BLOCKS = 1
ACREAGE OF ROW DEDICATION = 1.130 ACRES
CUL-DE-SAC LENGTH = 804.91 LF
TOTAL AREA OF SUBDIVISION = 8.175 ACRES
LEWIS WALKER SURVEY, ABSTRACT NO. 860

EASEMENTS:
A 10.00' PUBLIC UTILITY EASEMENT ON THAT PORTION OF EACH LOT THAT IS CONTIGUOUS TO THE DEDICATED RIGHT-OF-WAY SHALL BE PART OF THIS PLAT.

BUILDING SETBACK AND EASEMENT NOTES FOR ALL LOTS (UNLESS OTHERWISE SPECIFIED) AND LEGEND:

- 25' TYP. FRONT BUILDING SETBACK (SYMBOL (A))
6' TYP. INTERIOR SIDE BUILDING SETBACK (SYMBOL (B))
20' TYP. REAR BUILDING SETBACK (SYMBOL (C))
10' TYP. RESIDENTIAL P.U.E. (SYMBOL (D))
30' FRONT SETBACK (SYMBOL (E))

FEMA INFORMATION:
THIS ADDITION IS WITHIN FEMA FIRM MAP 48027C0330E, DATED SEPT. 28, 2008. ALL AREAS OF THIS SUBDIVISION ARE IN "ZONE X": AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD; AREAS OF 0.1% ANNUAL CHANCE OF FLOOD WITH A DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

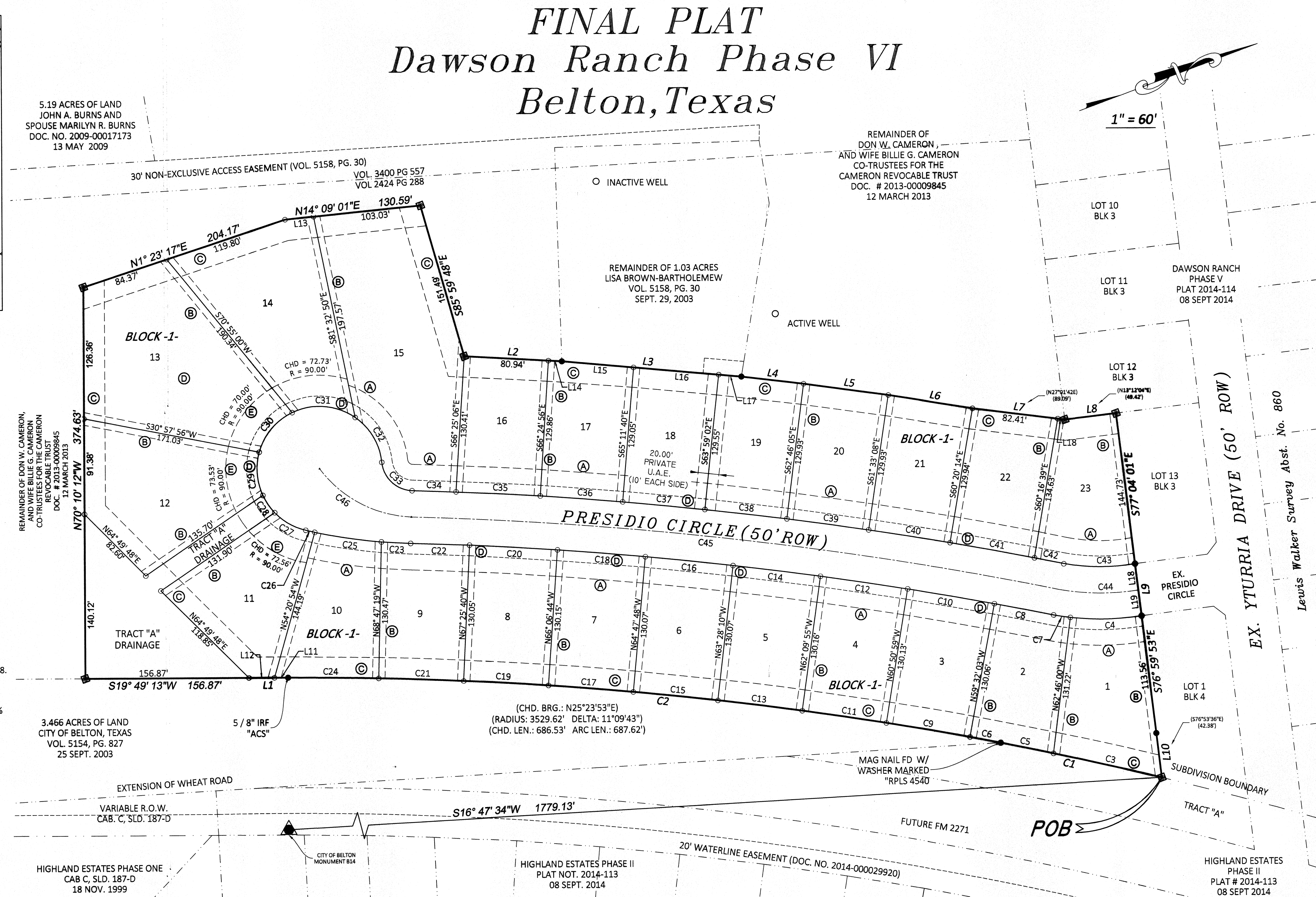
NOTE: THE FINISH FLOOR ELEV. OF EACH HOUSE SHALL BE A MINIMUM OF 1.0' ABOVE THE T.C. GRADE AT THE HIGHEST POINT ON THE FRONT CURB, OR THE OWNER MUST SUBMIT A LOT LAYOUT AND DRAINAGE PLAN SEALED BY A PROFESSIONAL ENGINEER TO OBTAIN A BUILDING PERMIT.

PROJECT BENCH MARK DAWSON RANCH PHASE VI:
PROJECT BENCHMARK: A CHISELED "X" IS LOCATED AT THE NORTHWEST CORNER OF AN INLET BOX AT THE NORTHWEST INTERSECTION CORNER OF YTURRIA DRIVE AND PRESIDIO CIRCLE WITH AN ELEVATION OF XXX.XX.

CITY OF BELTON MONUMENT INFORMATION:
THIS PLAT IS REFERENCED TO THE CITY OF BELTON HORIZONTAL CONTROL SYSTEM MONUMENTS:
MONUMENT B-519 (NAD 83 TEXAS CENTRAL ZONE)
NORTHING 10375537.000
EASTING 3186352.122
ELEVATION 687.16
CONVERGENCE 1' 27" 52.13"
COMBINED SCALE FACTOR 0.999832
MONUMENT B-18 (NAD 83 TEXAS CENTRAL ZONE)
NORTHING 1037045.608
EASTING 3181794.966
ELEVATION 723.48
CONVERGENCE 1' 27" 25.37"
COMBINED SCALE FACTOR 0.999834
THE BEARING BASIS IS THE LINE FROM MONUMENT B-18 TO MONUMENT B-519 WHICH BEARS N 71° 41' 00"W.
ALL DISTANCES ARE GRID.

DRAINAGE DISCLAIMER:
THE CITY OF BELTON IS NOT RESPONSIBLE FOR LOT-TO-LOT DRAINAGE AND DOES NOT REGULATE LOT-TO-LOT DRAINAGE.

WELLS:
ACTIVE: (1) REG. NO. E-02-151G
INACTIVE: (1) REG. NO. E-14-043GU



BEING 8.175 ACRES OF LAND SITUATED IN THE LEWIS WALKER SURVEY
ABSTRACT NO. 860, BELL COUNTY, TEXAS

LEGEND

- ▲ - COB Monument Found Unless Otherwise Noted
⊙ - MON Set With Cap "RPLS 4540"
● - 1/2" Iron Rod Found With Cap "RPLS 4540" Unless Otherwise Noted
○ - 1/2" Iron Rod Set With Cap "RPLS 4540" Set At All Lot Corners
() - Record Information

Line Table		
Line #	Length	Direction
L1	37.51'	N19°48'15"E
L2	93.86'	N23°07'59"E
L3	172.74'	N25°03'09"E
L4	60.07'	N26°50'20"E
L5	81.91'	N27°50'45"E
L6	81.94'	N29°03'57"E
L7	89.17'	N27°03'15"E
L8	49.48'	N13°08'47"E
L9	49.96'	S77°07'37"E
L10	42.38'	S76°53'36"E
L11	12.98'	N19°49'02"E
L12	24.53'	N19°47'50"E
L13	27.56'	N14°09'01"E
L14	12.92'	N23°07'59"E
L15	68.99'	N25°03'09"E
L16	81.90'	N25°03'09"E
L17	21.85'	N25°03'09"E
L18	25.24'	S77°07'36"E
L19	6.77'	S27°03'15"W
L20	25.01'	S77°07'39"E

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Direction
C1	156.47'	3529.62'	002°32'24"	156.46'	S32°15'12"W
C2	687.61'	3529.62'	011°09'43"	686.52'	S25°23'50"W
C3	106.33'	3529.62'	001°43'34"	106.33'	S32°40'35"W
C4	68.53'	249.71'	015°43'27"	68.31'	N18°52'56"E
C5	51.54'	3529.62'	000°50'12"	51.54'	S31°26'21"W
C6	29.98'	3529.62'	000°29'12"	29.98'	S30°39'08"W
C7	16.26'	249.71'	003°43'51"	16.26'	N28°36'35"E
C8	57.86'	3659.62'	000°54'21"	57.86'	S30°55'21"W
C9	81.51'	3529.62'	001°19'23"	81.51'	S29°46'25"W
C10	84.50'	3659.62'	001°19'23"	84.50'	S29°53'02"W
C11	81.51'	3529.62'	001°19'23"	81.51'	S28°29'25"W
C12	84.50'	3659.62'	001°19'23"	84.50'	S28°34'53"W
C13	81.51'	3529.62'	001°19'24"	81.51'	S27°14'23"W
C14	84.48'	3659.62'	001°19'21"	84.47'	S27°10'56"W
C15	81.51'	3529.62'	001°19'24"	81.51'	S25°51'39"W
C16	84.53'	3659.62'	001°19'24"	84.53'	S25°51'33"W
C17	81.51'	3529.62'	001°19'24"	81.51'	S24°29'05"W
C18	84.50'	3659.62'	001°19'23"	84.50'	S24°32'10"W
C19	81.51'	3529.62'	001°19'23"	81.51'	S23°16'35"W
C20	84.50'	3659.62'	001°19'23"	84.50'	S23°12'47"W
C21	81.51'	3529.62'	001°19'23"	81.51'	S21°52'32"W
C22	56.51'	3659.62'	000°53'05"	56.51'	S21°47'12"W
C23	28.10'	512.57'	003°08'29"	28.10'	N22°54'30"E

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Direction
C24	87.02'	3529.62'	001°24'45"	87.02'	S20°31'17"W
C25	64.56'	500.00'	007°23'52"	64.51'	N28°13'03"E
C26	8.92'	500.00'	001°01'21"	8.92'	N32°25'40"E
C27	33.55'	60.00'	032°02'32"	33.12'	N48°57'36"E
C29	43.16'	60.00'	041°12'38"	42.23'	S75°12'57"E
C30	51.04'	60.00'	048°44'38"	49.52'	S30°14'19"E
C31	63.64'	60.00'	060°46'06"	60.70'	S24°31'03"W
C32	51.75'	60.00'	049°25'00"	50.16'	S79°36'36"W
C33	43.24'	30.00'	082°34'46"	39.59'	N62°58'42"E
C34	42.22'	4833.49'	000°30'02"	42.22'	S21°58'05"W
C35	80.95'	3709.62'	001°15'01"	80.95'	S22°47'16"W
C36	79.15'	3709.62'	001°13'21"	79.15'	S24°11'11"W
C37	79.15'	3709.62'	001°13'21"	79.15'	S25°29'33"W
C38	79.15'	3709.62'	001°13'21"	79.15'	S26°32'24"W
C39	79.15'	3709.62'	001°13'21"	79.15'	S27°50'46"W
C40	79.18'	3709.62'	001°13'23"	79.18'	S29°05'36"W
C41	82.19'	3709.62'	001°16'10"	82.19'	S30°17'52"W
C42	28.66'	3709.62'	000°26'34"	28.66'	S30°51'02"W
C43	68.57'	199.71'	019°40'16"	68.23'	N20°23'48"E
C44	76.70'	223.88'	019°37'49"	76.33'	N20°40'42"E
C45	625.58'	3684.62'	009°43'40"	624.83'	S26°29'54"W
C46	102.61'	115.34'	050°58'19"	99.26'	S47°38'22"W

Certificate of the Owner:

KNOW ALL MEN BY THESE PRESENTS,

That Carothers Development, L.L.C., being the sole Owner of the land shown in this plat and designated herein as DAWSON RANCH PHASE VI, an Addition to the City of Belton, Bell County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the Public forever, all streets, parks, water courses, drains, easements, and public places as shown hereon, and conveys to the City of Belton, Texas for public use Tract A.

Carothers Development, L.L.C.
50 South Wheat Road
Belton, Texas 76513

Jason Carothers, President

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on this _____ day of _____, 2015 A.D. By Jason Carothers.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires _____

Certificate of the Registered Professional Engineer:

KNOW ALL MEN BY THESE PRESENTS,

That I, John Hart Bandas, Registered Professional Engineer, do hereby certify that I prepared all drainage calculations and designed all drains, streets, roads, and appurtenances in accordance with the Subdivision Regulations of the City of Belton, Texas.

John Hart Bandas, P.E.
Registered Professional Engineer
State of Texas #86858
Firm # F-3782



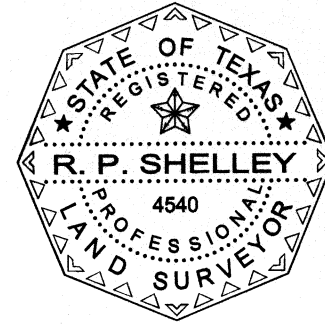
Certificate of the Registered Professional Land Surveyor:

KNOW ALL MEN BY THESE PRESENTS,

That I, R.P. Shelley, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Belton, Texas.

THIS FINAL PLAT IS RELEASED FOR REVIEW AND SHALL NOT BE FILED OR USED FOR REAL PROPERTY TRANSACTIONS.

R.P. Shelley, RPLS No. 4540
Registered Professional Land Surveyor



Certificate of Approval by the Planning & Zoning Commission:

I hereby certify that the above and foregoing plat of DAWSON RANCH PHASE VI, an Addition to the City of Belton, Texas was approved this _____ day of _____, 2015, by the Planning & Zoning Commission of the City of Belton, Texas.

Chairman _____ Secretary _____

Certificate of Approval by the City Council:

I hereby certify that the above and foregoing plat of DAWSON RANCH PHASE VI, an Addition to the City of Belton, Texas was approved this _____ day of _____, 2015, by the City Council of the City of Belton, Texas.

Mayor _____ Secretary _____

Said addition shall be subject to all the Requirements of the Subdivision Ordinance of the City of Belton.

Witness my hand this _____ day of _____, 2015.

City Clerk _____

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL ENTITIES IN BELL COUNTY, TEXAS DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS _____ DAY OF _____, A.D. 2015
BELL COUNTY TAX APPRAISAL DISTRICT
By: _____

FILED FOR RECORD this _____ day of _____, 2015, A.D. in

CABINET _____, SLIDE _____, Plat Records of Bell County, Texas.

DEDICATION INSTRUMENT DOCUMENT NO. _____, Official Records of Bell County, Texas.

TBPLS FIRM NO. 1013090
Sightline Surveying

5702 Southern Oaks
San Antonio, Texas 78261
Office (210) 286-9077 Fax (210) 568-4382
EMAIL: "rickshelley@gmail.com"

Job # 298 Date of Survey: 06-02-14 FB: X File Name: 298C-PPLAT_DR-VI.DWG

P-16-05 Dawson Ranch Phase VI

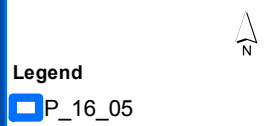
PROPOSED PLAT:

Final Plat
Dawson Ranch Phase VI
8.175 Acres

PROPERTY OWNER:

CAMERON FAMILY -
REVOCABLE TRUST
LISA BROWN-
BARTHOLOMEW
CAROTHERS LLC

Proposed Dawson Ranch Phase VI



0 185 370 740
Feet

For informational purposes only. Boundaries are approximate and not legally binding.

P-16-05 Dawson Ranch Phase VI

PROPOSED PLAT:

Final Plat
Dawson Ranch Phase VI
8.175 Acres

PROPERTY OWNER:

CAMERON FAMILY -
REVOCABLE TRUST
LISA BROWN-
BARTHOLOMEW
CAROTHERS LLC

Proposed Dawson Ranch Phase VI





City of Belton

Planning Department

December 2, 2015

Applicant: Carothers Development / Bandas Engineering

Date Submitted: 11-13-15

Project: Dawson Ranch Phase VI, Final Plat

Location: 8.175 Acres, Presidio Circle, Belton, Texas 76513

Please address these comments from the City of Belton following review of your submittal.

*****Please comment back in red under the comments submitted on this sheet.*****

Planning:

1. What is the proposal to satisfy the parkland requirements, parkland dedication of 0.23 acres or a fee-in-lieu of \$4,600?
2. Is the plan to replace the 40" live oak tree proposed for removal with a 3:1 replacement or pay \$50 per caliper inch replacement fee of \$2,000.
3. Please clearly distinguish from the two adjacent lots the HOA-owned common area – drainageway from street and detention pond – as a single HOA-owned tract.

Public Works/KPA:

1. Consider minimizing the angle of discharge of the stormwater onto the Lake to Lake ROW by moving or angling the detention pond outlet structure towards the south.
2. Recommend additional rock riprap armoring in the detention pond in the direct path of the water from the flume to the outlet structure to minimize erosion.
3. Please identify the point elevations within the detention pond between the end of the channel, bottom of the pond, bottom of weir, and top of the outlet structure.
4. Sheet 1 – Final Plat is not consistent with Preliminary Plat or construction plans with regards to layout of the lots, easements, etc.
5. Sheet 4 – Information shown for Tag #478 conflicts between the table versus the label on the plan.
6. Sheet 9 and Sheet 28 – Recommend minimum slope of 0.50% in detention pond to promote drainage from one side of pond to the other.
7. Sheet 9 – Recommend dimensioning the size (length) of the “broken stone berms” and referencing the details on Sheet 29.
8. Sheet 13 and 26 – Public Works is concerned with the sewer drop in the manhole and the size of the sewer line. The sewer line is for private use, but we would like to know more about current and future use in order to ensure it is properly sized.
9. Sheet 17 – From the data provided, it is not clear what the peak flow in, peak flow out, maximum storage, and maximum water surface elevations are for the various design storms at the detention pond. Please provide a summary table which includes this information.

10. Sheet 18 – Does the outlet structure have to be precast? Recommend consideration of cast-in-place. Recommend placing rock riprap at the downstream end of the concrete riprap to provide a transition between concrete and natural surfaces.
11. Sheet 18 – What is the bottom of the pond made of? It appears to be hatched as rock riprap, but there are no callouts to indicate what the material is.
12. Sheet 28 – May want to consider binding the “broken stone berms” similar to the rock berm detail, inasmuch as the steeper slopes and small stone size will likely lead to the stone washing away. Make note for contractor to copy the City of Belton on all stormwater permits, NOI, and SW3P.

Building Official:

No comments.

Fire Department:

No comments.

Police Department:

No comments.

GIS:

Please provide field notes and dedication.

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, January 19, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Rae Schmuck, Frank Minosky, Mat Naegele, Brett Baggerly, Joel Berryman, Ben Pamplin, and Eloise Lundgren. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston, City Manager, Sam Listi and Director of Recreation and Events, Matt Bates. Commission member Jason Morgan was absent.

7. P-16-05 Consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.

Ms. Smith presented the staff report.

Chair Holmes asked Ms. Smith if Lots 1 and 13 in Dawson Ranch, Phase V meet the previous lot requirements of 7,500 square feet. Ms. Smith stated yes, those lots meet the Single Family-2 minimum area requirements.

Chair Holmes said the Lake to Lake Road right-of-way appears to shrink in this area. Ms. Smith said there is 200 feet of ROW to the Dawson Ranch, Phase V and Highland Estates, Phase II subdivision boundaries. The 200 feet wide ROW is needed due to the angle of the roadway. They were able to transition into 150-feet wide ROW to accommodate the future roadway in that area because the ROW is straighter in this area. Ms. Smith said there is lake to Lake Road ROW from Sparta Road north to Lake Road, except the portion that is owned by the Corps of Engineers.

Ms. Schmuck made the motion to consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road subject to recommendations by City Staff as stated in the staff report. Mr. Naegele seconded the motion to which P-16-05 was unanimously approved 8 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: February 1, 2016
Request: Preliminary Plat Extension
Applicant: Carothers Development LLC

Agenda Item #4

Consider a request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision.

Originating Department

Planning – Erin Smith, Director of Planning

Summary

The applicant submitted the Dawson Ridge subdivision final plat and construction plans for staff review on August 15, 2015. City staff completed a review and had extensive comments regarding drainage, streets, and water/sewer. There are several entities involved with drainage associated with this proposed subdivision, to include the City, developer, private property owners, BNSF Railway, and Bell County. This property is located within the 439 Water Supply Corporation CCN boundary and will be served by that entity's water system and the City of Belton sewer system. The water lines are proposed within the City's ROW, and Staff is working on a Right-of-Way Management Ordinance. Angellia Points, Interim City Engineer, has completed a draft ordinance that includes permitting, excavations and repair, construction, and insurance requirements. It has been distributed to the utility companies, contractors and TABA for comments. It is attached, for your information.

On September 22, 2015, Council recommended disapproval of an earlier preliminary plat extension request, since it was submitted 5 months prior to preliminary plat expiration. At that meeting, Council requested that staff work with the developer to review City staff comments and develop a Right-of-Way Management Ordinance, allowing the potential for utilities to be located under the street pavement, under this permit, with advance review. We have advised the applicant his original utility plan is acceptable and will not have to be redesigned, as a result. The preliminary plat will expire next month; therefore, it is staff's judgment that this extension is reasonable at this time. This extension will allow adequate time for City staff to finalize the Right-of-Way Management Ordinance for Council adoption. This is a large subdivision with several components; therefore, the developer is also requesting this extension to resolve any issues prior to P&ZC and Council consideration of the final plat, and may conclude to submit the final in multiple phases.

According to the Subdivision Ordinance, Preliminary Plat Review, (1) (d) states that Commission approval or conditional approval shall be valid for a period of twelve (12) months from the date of Commission action. If a Final Plat is not submitted within that time frame, the Preliminary Plat will become null and void. This Preliminary Plat was approved by the P&ZC on February 18, 2015, and by the Council on February 25, 2015, making the plat valid until February 25, 2016. The developer has submitted a request to extend the Preliminary Subdivision Plat validity six (6) months, to August 25, 2016.

Recommendation

Recommend approval to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision. If approved by Council at its January 26, 2016, meeting, plat validity will extend to August 25, 2016.

Attachments

Proposed Subdivision Plat
Subdivision Ordinance, Preliminary Plat Review, (1) (d)
P&ZC Minutes Excerpt
ROW Management Ordinance

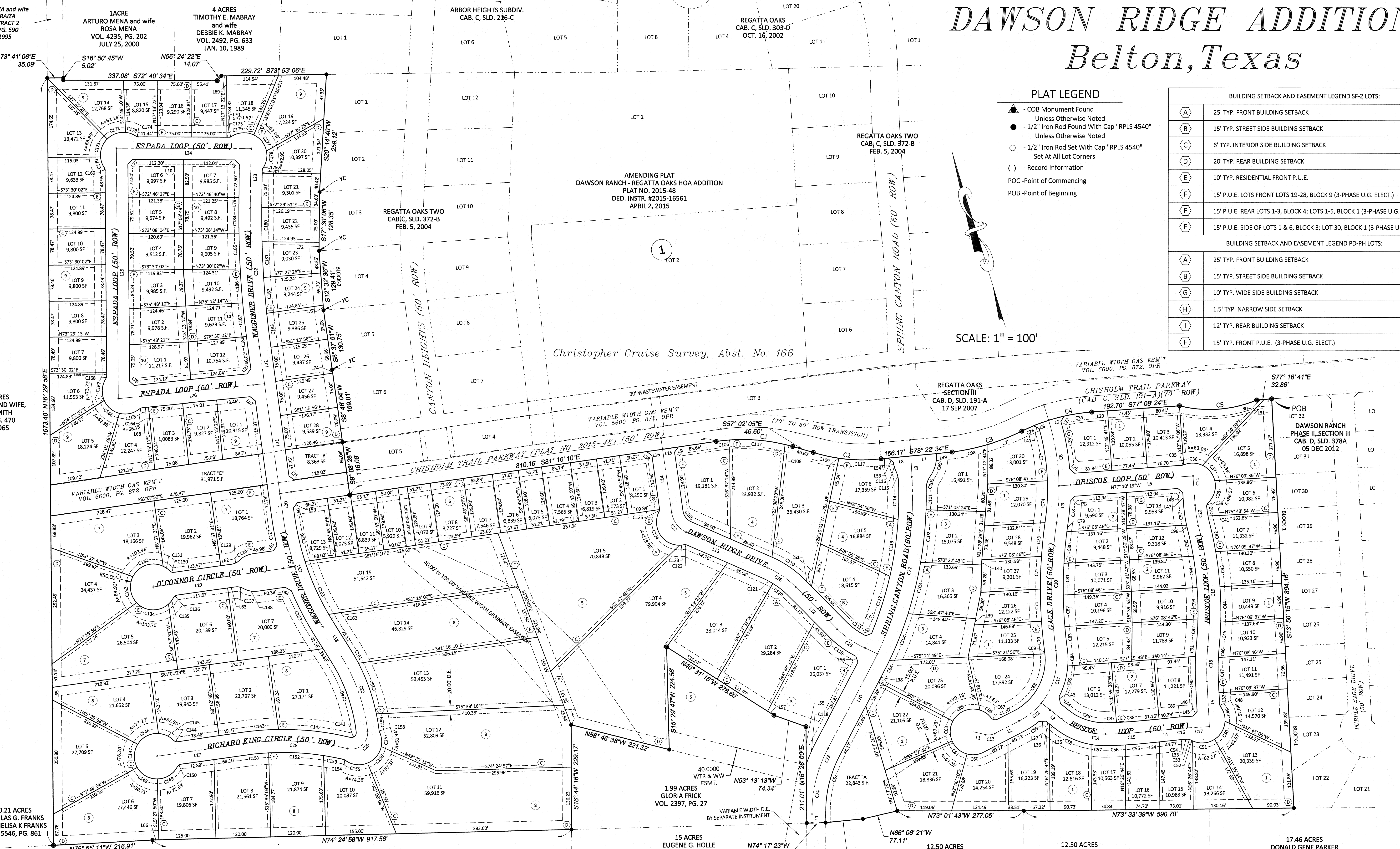
FINAL PLAT DAWSON RIDGE ADDITION Belton, Texas

PLAT LEGEND

- ▲ - COB Monument Found
Unless Otherwise Noted
- - 1/2" Iron Rod Found With Cap "RPLS 4540"
Unless Otherwise Noted
- - 1/2" Iron Rod Set With Cap "RPLS 4540"
Set At All Lot Corners
- () - Record Information
- POC - Point of Commencing
- POB - Point of Beginning

BUILDING SETBACK AND EASEMENT LEGEND SF-2 LOTS:	
(A)	25' TYP. FRONT BUILDING SETBACK
(B)	15' TYP. STREET SIDE BUILDING SETBACK
(C)	6' TYP. INTERIOR SIDE BUILDING SETBACK
(D)	20' TYP. REAR BUILDING SETBACK
(E)	10' TYP. RESIDENTIAL FRONT P.U.E.
(F)	15' P.U.E. LOTS FRONT LOTS 1-3, BLOCK 9 (3-PHASE U.G. ELECT.)
(F)	15' P.U.E. REAR LOTS 1-3, BLOCK 4; LOTS 1-5, BLOCK 1 (3-PHASE U.G. ELECT.)
(F)	15' P.U.E. SIDE OF LOTS 1 & 6, BLOCK 3; LOT 30, BLOCK 1 (3-PHASE U.G. ELECT.)
BUILDING SETBACK AND EASEMENT LEGEND PD-PH LOTS:	
(A)	25' TYP. FRONT BUILDING SETBACK
(B)	15' TYP. STREET SIDE BUILDING SETBACK
(G)	10' TYP. WIDE SIDE BUILDING SETBACK
(H)	1.5' TYP. NARROW SIDE SETBACK
(I)	12' TYP. REAR BUILDING SETBACK
(F)	15' TYP. FRONT P.U.E. (3-PHASE U.G. ELECT.)

SCALE: 1" = 100'



Sightline Surveying

5702 Southern Oaks
San Antonio, Texas 78261
Office (210) 286-9077 Fax (210) 568-4382
EMAIL: "rickshelley@gmail.com"

S:\AA-30PROJECTS\297 DAWSON RIDGE\10-DWG\FINAL PLAT\297-FINAL PLAT_DAWSON RIDGE-05-11-15.dwg 8/13/2015 2:36:15 PM J82

proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.

- a. The approval of a Preliminary Plat by the Commission is the authorization to proceed with the preparation of the Final Plat and application to consider the Final Plat. Approval or conditional approval of a Preliminary Plat does not constitute the acceptance of a subdivision or the improvements placed therein.
- b. The conditional approval of a Preliminary Plat by the Commission is the approval of the plat subject to compliance with all conditions prescribed by the Commission. All conditions prescribed by the Commission shall be furnished in writing to the developer within fourteen (14) days of Commission action. Compliance with the conditions imposed shall be reflected in the Final Plat and related documents required for consideration of the Final Plat. Failure to comply with the conditions imposed shall constitute disapproval of the Preliminary Plat.
- c. The disapproval of a Preliminary Plat by the Commission shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of Commission action.
- d. Commission approval or conditional approval shall be valid for a period of twelve (12) months from the date of Commission action. If within the twelve- (12-) month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void. The developer may request and the Commission, at its discretion, may grant an extension of the time limit for a specified period of time.
- e. If the developer intends to develop a proposed subdivision in sections or phases, he shall at the time of application for Preliminary Plat consideration so state. Upon Commission approval of the Preliminary Plat, the developer shall provide to the City two (2) copies of the plat bearing the following

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION

DATE

- f. If the Preliminary Plat is conditionally approved by the Commission, the developer shall submit five (5) copies of the plat, revised to comply with the conditions imposed and bearing the following:

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION

DATE

- g. An approved Master Preliminary Plat shall be valid approval for application for Final Plat consideration provided that application for Final Plat consideration for the first section or phase is made within twelve (12) months of Commission approval and provided that the Final Plat for each section or phase substantially conforms to the Approved Master Preliminary Plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easement shall require submittal for consideration of a new preliminary plat.
- h. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning & Zoning Commission and the City Council.

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, January 19, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Rae Schmuck, Frank Minosky, Mat Naegele, Brett Baggerly, Joel Berryman, Ben Pamplin, and Eloise Lundgren. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston, City Manager, Sam Listi and Director of Recreation and Events, Matt Bates. Commission member Jason Morgan was absent.

8. Consider a request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision.

Ms. Smith presented the staff report.

Mr. Minosky made the motion to approve the request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision to August 25, 2016. Mr. Baggerly seconded the motion to which the request was unanimously approved 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:40 P.M.

Chair, Planning and Zoning Commission

MEMO



DATE: January 26, 2016

TO: Utility Providers and Interested Parties

FROM: Angellia Points, P.E., Director of Internal Services/City Engineer

CC: Sam Listi, City Manager
Erin Smith, Director of Planning
Brandon Bozon, Director of Finance
Byron Sinclair, Director of Public Works

RE: Rights-of-way Management Ordinance

Public rights-of-way have long been used to locate utilities of all kinds. Sewer, water, and storm sewer pipes are located in the right-of-way along with private utilities such as gas, electric, and telecommunication lines. The use of public rights-of-way is increasing due to the advancements in technology, changes in federal and state law, and increased demand for services from residents, businesses, government agencies, and educational institutions. To protect public safety, health, welfare, and the public interest, local governments are charged with managing increasingly complex issues involving rights-of-way. The proposed City of Belton Rights-of-way Management Ordinance was developed to ensure orderly development of infrastructure which effectively serves our citizens and businesses, while at the same time accommodating the use of the right-of-way by multiple providers.

The City's Rights-of-way Management Ordinance addresses the following items:

- Permit requirements and fee payment (\$50/permit)
- Mapping and reporting obligations
- Scheduling of work
- Bonding and insurance requirements
- Traffic control during construction within the right-of-way
- Construction standards and specifications
- Right-of-way restoration

We have developed this ordinance and permit in an effort to minimize inconvenience and disruption to the public, provide orderly and efficient use of the rights-of-way, and preserve adequate capacity of existing and future uses of the rights-of-way. It is our goal to ensure this ordinance is applied and enforced fairly and consistently for all utilities.

The City of Belton is requesting your advance review of these documents, prior to scheduling for action by the City Council. If you have any questions or comments, please contact me by email at apoints@beltontexas.gov or by phone, (254) 933-5823.

Thank you for your input and cooperation.

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE CONSTRUCTION AND USE OF CITY RIGHTS-OF-WAY, AND MAY BE KNOWN AS THE "CITY RIGHTS-OF-WAY MANAGEMENT ORDINANCE;" PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Rights-of-Way are a valuable public resource that have required and will continue to require substantial investment by the City of Belton ("City"); and

WHEREAS, the City desires to structure and implement a fair and orderly process for the authorizations to occupy and use the rights-of-way in the City to protect the public interest consistent with applicable law; and

WHEREAS, the City desires to minimize inconvenience and disruption to the public, provide for the orderly and efficient use of the Rights-of-Way now and in the future and preserve adequate capacity of existing and future uses of the Rights-of-Way; and

WHEREAS, in accordance with applicable federal, including, but not limited to, 47 U.S.C. § 253(c) and state laws, including, but not limited to, Tex. Util. Code §§ 14.008 and 54.205, and Tex. Rev. Civ. Stat., art. 1175; the City seeks to exercise to the fullest extent permitted its historical rights to control and manage its rights-of-way in a competitively neutral and nondiscriminatory basis; and implement certain police power regulations regarding the use of those rights-of-way, in accordance with Tex. Loc. Gov't Code § 283.056.

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

PART 1: Chapter 20 "Streets, Sidewalks, and Other Public Places," Article IV "Design and Construction," Division 2 "Permits," of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

1. Section 20-76 Permit required
2. Section 20-77 Form
3. Section 20-78 Cost
4. Section 20-79 Standards
5. Section 20-80 Supervision
6. Section 20-81 Permit requirements
7. Section 20-96 Purpose
8. Section 20-97 Permit required
9. Section 20-98 Form of permit
10. Section 20-99 Bond required

11. Section 20-100 Supervision, requirements and regulations
12. Section 20-141 Findings and purpose
13. Section 20-142 Authority; scope
14. Section 20-143 Definitions
15. Section 20-144 Municipal authorization required
16. Section 20-145 Administration and enforcement
17. Section 20-146 Construction obligations
18. Section 20-147 Conditions of public rights-of-way occupancy
19. Section 20-148 Insurance requirements
20. Section 20-149 Indemnity
21. Section 20-151 Governing law

DIVISION 2. - PERMITS

Sec. 20-76. – Permit required.

No Person shall begin construction of any driveway, parking lot, curb and/or gutter, sidewalk, alley, street or roadway, drainageway, drainage course, storm sewer and appurtenances, lay any type of pipe or conduit, mains, laterals or any connecting or service pipes or any underground utilities or underground wiring, or any other public ways or appurtenances thereto or the demolition of any of the above, dig any hole or trench upon, along, across, through or beneath the streets, avenues, alleys, squares, parkways, boulevards and public grounds of the City or install any poles within or extend electrical distribution or communication wiring in the rights-of-ways within the City Limits and City's extraterritorial jurisdiction (ETJ) without first having filed with the Director of Public Works an application and plan in writing to do so and without having obtained a formal written approval of such application with attached map and approved permit to perform such work.

In cases of emergency, utility companies may cut or puncture the traveled portions of streets and alleys without first getting a permit. The Director shall be notified as promptly as possible regarding work performed under such emergency conditions, and the Person shall comply with the requirements of the City standards and of this article. The Person must then apply for a permit for such work on the first working day after the work is done or as soon as practical after excavation has begun.

A construction permit is not required for routine maintenance that does not require excavation of the rights-of-way or which does not block traffic lanes or sidewalks during peak traffic periods between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:30 p.m. on weekdays, or for more than two hours during any non-peak traffic period.

After review and approval of a rights-of-way permit for the construction or work of any of the aforementioned projects and having paid a fee, the work in the rights-of-way may begin as described in the approved permit.

Sec. 20-77. - Form.

Such application for a permit shall be submitted in such form as the Director may prescribe from time to time, and insofar as applicable, shall follow the requirements prescribed by the City ordinances for applications for rights-of-way construction permits, in addition to any other information prescribed by the Director. Such application shall be accompanied by a map or plan of such proposed work.

Sec. 20-78. - Cost.

A fee, the amount of which is on file in the clerk's office, shall be charged for the permit upon receipt of the application.

Sec. 20-79. - Standards.

All construction or demolition must be performed in accordance with the specifications as set forth in the City's current adopted Design Manual. All work shall also adhere to the requirements of the City's Subdivision Ordinance.

Sec. 20-80. – Supervision, requirements and regulations.

Such work must be performed strictly according to the requirements of the Director and according to the City's current design manual. Such work shall be performed under the Director's supervision and in such manner and at such times as the Director shall prescribe and approve. If in the opinion of the Director, it shall be necessary to provide continual supervision of any of the above described construction or demolition to insure compliance with this article, no permit shall be issued until a contract between the City and the applicant has been executed which shall provide for the selection of the City of an inspector and an agreement by the applicant for reimbursement for his salary and expenses. The excavations and the depth, grade and location of any such pipe, main, lateral, sewer or wiring shall be as prescribed by the Director in each case.

Sec. 20-81 – Permit requirements.

All Persons wishing to construct underground facilities through the City of Belton or construction as described in section 20-76, shall submit plans with the permit application for the proposed improvement that specifically identifies the proposed route and all aspects of the project as relating to the City of Belton.

- (a) Any proposal for construction, that may desire to utilize public utility easements and/or rights-of-way, or private easements and nonrights-of-way, for placement of the new facilities, must clearly identify existing public and private utilities that occupy the proposed construction zone and the proposed location of the new construction in relation to the existing utilities. Applicant shall disclose any

potential effects the proposed construction will impose on existing utilities or infrastructure.

- (b) The proposed placement of the new facilities shall be adjusted within the public utility easements/rights-of-way, at the direction of the Director, to minimize potential user conflicts and maximize future usable area.
- (c) Specifications and details related to the materials of construction including but not limited to the conduits, pipe materials, bore specifications, embedment, backfilling, and compaction requirements shall be disclosed in the permit process. All materials of construction shall be as approved by the Director
- (d) All areas disturbed by the construction shall be returned to their pre-existing condition within fifteen (15) days of completion of construction activity, at a specific location, including, but not limited to, filling, grading, sodding and/or hydromulching. All post-construction activity shall be completed to the satisfaction of the Director.
- (e) Any proposal for construction that may desire to utilize nonpublic easements shall provide metes and bounds descriptions and sketches of such easements and an overall route map through the City of Belton.
- (f) A Person shall furnish the City with construction plans and maps using the standard format accepted by the Director or in a format used in the ordinary course of the Person's business if all the information required by this Ordinance is provided, showing the location and proposed routing of new construction or reconstruction that involves an alteration to the surface or subsurface of the rights-of-way, unless otherwise approved by the Director. All plans, maps, or drawings shall be provided as scaled 11"x17" drawings or PDF printable to scale at 11"x17". Drawings shall be drawn to an appropriate scale of no larger than one (1) inch equals fifty (50) feet. A Person may not begin construction until the location of new facilities and proposed routing of the new construction or reconstruction and all required plans and drawings have been approved in writing by the City, which approval will not be unreasonably withheld, taking due consideration of the surrounding area and alternative locations for the facilities and routing. These construction plans shall show all features within the rights-of-way that would affect the placement of the proposed facilities such as, but not limited to, existing underground and aerial wires or conduits, ducts, poles, wires, pipes, sewerage, water lines, and cables as well as their ownership; traffic signal and street light poles; fire hydrants; driveways; curbs, inlets and drains; sidewalks, wheelchair ramps; and trees and large shrubs. State plane coordinates shall be shown for benchmarks, curb lines, and structures. Drawings shall show horizontal dimensions from the curb line and elevations. If typicals are used, they shall reference the station numbers for which they are to be applied. Traffic control plans shall be in conformance with the latest revision of the Texas Manual on Uniform Traffic Control Devices. Electronic drawings

compatible with mapping software in use by the City of Belton is required for record drawings upon completion of construction. Only electronic versions of record drawings will be accepted. Record drawings shall also be signed and dated by the engineer of record for the work performed.

- (g) "Tracer wire(s)" shall be placed along the entire route of the project, so to allow future field location of the facilities.
- (h) The proposed construction project owner shall pay a fee, as established by the City of Belton fee ordinance, as filed in the office of the City clerk. The permit review fee is due at time of the permit application submittal.
- (i) Open street cuts shall be prohibited, unless approved by the Director in the permit process.
- (j) The required bond in Section 20-99 is due prior to start of construction.
- (k) With such application, applicants shall submit to the Director, written applications identifying the applicant and all of the applicant's affiliates that may have physical control of facilities within the rights-of-way, general description of the services to be provided, and a construction schedule.

Secs. 20-82—20-95. - Reserved.

ARTICLE V. - EXCAVATIONS AND REPAIR

Sec. 20-96. - Purpose.

Refer to Section 20-141.

Sec. 20-97. - Permit required.

Refer to Section 20-76.

Sec. 20-98. - Form of permit.

Refer to Section 20-77.

Sec. 20-99. - Bond required.

Except as to Cable or Video Service Provider to the extent modified by Texas Utilities Code, Chapter 66, the City may require reasonable bonding requirements of a Person, as are required of other entities that place facilities in the rights-of-way. Such bonding amounts will be reasonably determined by the Director depending on several factors as to public safety and risk of harm to Persons and property. Such factors include: (1) the nature of the construction project (overhead, trenchless, open trench),

(2) type of facility (gas, electric, water, telecommunications, cable, fiber), (3) past construction history of Person in the City as to any damage claims, repairs and timeliness of construction. The City may in a non-discriminatory manner waive or reduce the amount of the bond in the event the Person provides written documentation as to reserves available to compensate the City for damages, and has a two year history of no claims, or damages to City property by the City, or of prompt payment on such claims.

No permit shall be issued until such Person shall have filed with the director of finance a bond in the sum of two thousand dollars (\$2,000.00) with a good and sufficient surety unless approved otherwise by the Director. The bond shall be effective as to any permit for a period of one (1) year after such permit is issued and shall cover all permits issued to the principal of such bond as long as such bond is on file. The form of the bond shall be as follows:

"STATE OF TEXAS

COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

That We, _____ as principal and _____ as surety, are held and firmly bound unto the CITY OF BELTON, TEXAS in the penal sum of \$2,000.00, to the payment of which well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns by these presents:

The condition of the above obligation is such that, whereas the above principal has obtained a permit and/or permits to perform construction work in a street, alley, highway, park or public ground or perform work within the City of Belton, Texas in accordance with an application and/or applications heretofore filed by him with said City of Belton:

Now, if the above bound principal, his heirs, executors, administrators, successors and/or assigns, shall well and truly keep, do and perform laws and ordinances of the City of Belton regulating excavations in and puncturing of streets, alleys, highways, parks and/or public grounds of the City of Belton and will refill said excavation or punctures according to the ordinances and specifications prescribed by the City of Belton, and will replace all pavement as required by said specifications and will hold the City of Belton harmless from all damages that may accrue by reason of said puncture, holes or excavations made by said principal, for a period of one (1) year from the date of each said permit is issued, then this obligation shall be null and void; otherwise, to be and remain in full force and effect. Successive recoveries may be made on this bond and one or more recoveries thereon shall not exhaust or terminate this bond.

WITNESS the execution hereof, on this the _____ day of _____,
20 _____.

Principal

Surety

APPROVED this the _____ day of _____, 20 _____.

City Clerk"

Sec. 20-100. - Supervision, requirements and regulations.

Refer to Section 20-80.

Secs. 20-101—20-110. - Reserved.

ARTICLE VIII. - CONSTRUCTION IN RIGHTS-OF-WAY

Sec. 20-141. - Findings and purpose.

This article may be referred to as the "City Rights-of-Way Management Ordinance."

This article is adopted to insure that any excavation, maintenance, or construction work performed in any City property or rights-of-way be carried out in a safe manner and that the work be made of adequate quality to prolong the life of the wearing surface for the street, avenue, alley, square, parking and public grounds. The purpose of this article is to:

- (a) Assist in the management of facilities placed in the rights-of-way to minimize the congestion, inconvenience, deterioration, visual impact and other adverse effects, and the costs to the citizens resulting from the placement of facilities within the rights-of-way;
- (b) Govern the use and occupancy of the rights-of-way;
- (c) Assist the City in its efforts to protect the public health, safety and welfare;
- (d) Conserve the limited physical capacity of the rights-of-way held in public trust by the City;
- (e) Preserve the physical integrity of the streets and highways;
- (f) Control the orderly flow of vehicles and pedestrians;

- (g) Keep track of the different entities using the rights-of-way to prevent interference between them;
- (h) Assist in scheduling common trenching and street cuts; and
- (i) Protect the safety, security, appearance and condition of the rights-of-way.

Sec. 20-142. - Authority; scope.

This article applies to all Persons that place facilities in rights-of-way. Compensation for use of the rights-of-way shall be paid in accordance with all applicable law, including, but not limited to, cable and video service providers, in accordance with the Federal Cable Act, 47 USC § 541, et seq. and Chapter 66 of the Texas Utilities Code; for certificated telecommunication providers, Chapter 283 of the Texas Local Government Code; for distributors of natural gas or as otherwise applicable. Texas Tax Code § 182.025; and/or in accordance with Tex. Civil Statute, Art. 1175(1), all as applicable.

Sec. 20-143. - Definitions.

In this article:

Affiliate means a Person who controls, is controlled by, or is under common control with a provider.

Cable or Video Service Provider (or CVSP) means the same as defined in Texas Utilities Code, § 66.002 (3) and any entity that has been issued a certificate of franchise authority by the Public Utility Commission of Texas to offer cable or video service.

Certificated Telecommunications Provider means the same as CTP, Texas Local Government Code § 283.002(2): Any entity that has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the Texas Public Utility Commission under Chapter 54 of Texas Utility Code authorizing that entity to offer local exchange telephone service.

City means the City of Belton, Texas. As used throughout, the term City also includes the designated agent of the City.

City Property means all City buildings, infrastructure, bridges, parks, golf courses, parking lots and other real property that is not dedicated for utility or street transportation purposes.

Direction of the City means all ordinances, laws, rules, resolutions, and regulations of the City that are not in consistence with this article and that are now in force or may hereafter be passed and adopted.

Director of Public Works or Director means the City Director of Public Works Department or such Director's designee.

Facilities means any and all of the wires, cables, fibers, duct spaces, manholes, poles, conduits, underground and overhead passageways and other equipment, structures, plants and appurtenances and all associated physical equipment placed in, on, above or below the rights-of-way.

Person means a natural Person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, or other entity.

Rights-of-way means the same "Public Rights-of-Way" is defined in Texas Local Government Code, § 283.002(6) and Texas Utilities Code, § 66.002 (8), which includes the area in, on, below, or above a right-of-way boundary, public roadway, highway, street, public sidewalk, alley, waterway, or public utility easement in which the municipality has an interest. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications.

Sec. 20-144. - Municipal authorization required.

- (a) Any Person seeking to place facilities in the rights-of-way, shall first file an application for a rights-of-way construction permit with the City and shall abide by the terms and provisions of this article concerning use of the rights-of-way. The Person shall also pay a permit application fee (except CTPs and CVSPs and their contractors to the extent exempted by Tex. Loc. Gov't Code, Chapter 283 and Texas Utilities Code, Chapter 66, respectively) and shall file an application for such construction permit with the Director and shall abide by the terms and provisions of this Ordinance pertaining to use of the rights-of-way. If there are additional direct costs to the City in processing the applications, the City may recover those from the Applicant prior to the issuance of the construction permit.
- (b) Any Person, except a CTP and a CVSP, prior to placing, reconstructing, or altering facilities placed in the rights-of-way, must obtain separate municipal authorization from the City, such as a license agreement, as may be applicable.
- (c) Any Person with a current, unexpired consent, franchise, agreement or other authorization from the City (grant) to use the rights-of-way that is in effect at the time this article takes effect shall continue to operate under and comply with that grant (except to the extent the police power regulations in such Grant are inconsistent with this Ordinance, in which event, this Ordinance will control) until the grant expires or until it is terminated by mutual agreement of the City and the Person, or terminated as otherwise provided for in law.
- (d) Prerequisites to Issuance of Construction Permit - Each Person Must Register with the City through the rights-of-way construction permit application.

In order for the City to know which Persons owns or has physical control over facilities in the rights-of-way within the City, each such Person who owns or has physical controls over facilities shall register with the City and provide the following information at a minimum on the right-of-way construction permit application: (i) Person's name, address, and telephone number(s) and (ii) a twenty-four (24) hour telephone number(s) to a contact Person(s) with decision-making authority for the Person. Each Person shall update and keep current his/her registration with the City at all times.

Sec. 20-145. - Administration and Enforcement.

- (a) The Director shall administer and enforce compliance with this article.
- (b) A Person shall report information related to the use of the rights-of-way in the form and manner reasonably prescribed by the Director.
- (c) The Director shall report to the City Council upon the determination that a Person has failed to comply with this article.
- (d) Any person, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the corporate limits of Belton, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed one thousand dollars (\$1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.
- (e) Any person, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the extraterritorial jurisdiction of the City of Belton, shall not be guilty of a misdemeanor; however, under this ordinance, the City of Belton shall have the right to institute an action in the district court to enjoin the violation of any provision of such ordinance in such extraterritorial jurisdiction, and the district court shall have the power to grant any or all types of injunctive relief in such cases.

Sec. 20-146. - Construction obligations.

A Person is subject to reasonable police power regulation of the City to manage its rights-of-way in connection with the excavation, construction, installation, expansion, reconstruction, relocation, alternation, removal, maintenance, operation, or repair of facilities in the rights-of-way, pursuant to the City's rights as a custodian of public property, based upon the City's historic rights under state and federal laws. Such regulations include, but are not limited to, the following:

- (a) At the City's request, a Person shall furnish the City accurate and complete information relating to the excavation, construction, installation, expansion,

reconstruction, relocation, alternation, removal, maintenance, operation, or repair of facilities performed by the Person in the rights-of-way.

- (b) A Person may be required to place certain facilities within the rights-of-way underground according to applicable City requirements unless the Person makes a compelling demonstration by the Person that, in any specific instance, this requirement is not reasonable or feasible nor is it equally applicable to other similar users of the rights-of-way.
 - (1) The undergrounding of facilities is encouraged. In any event, facilities shall be installed underground where existing utilities are already underground. The utility owning the underground facilities shall make a reasonable determination as to whether space is available to accommodate the new facilities. A negative determination shall not relieve the Person of the responsibility to underground its facilities in underground utility areas. To the degree reasonably feasible previously installed aerial facilities shall be placed underground in concert, and on a cost-sharing basis, with other utilities when such other utilities convert from aerial to underground construction.
 - (2) Underground conduits and ducts shall be installed in the public utility easement and then if deemed by the person that space is unavailable, the utilities will be located in the rights-of-way between the adjacent property line and the curb line. Locations of utilities shall be approved by the Director.
 - (3) Conduits and ducts shall be installed parallel with the curb line and cross the rights-of-way perpendicular to the rights-of-way centerline unless otherwise directed by the Director.
 - (4) Ducts and conduits shall be installed by trenchless excavation or directional boring when placing these facilities under paved rights-of-way or a driveway crossing to avoid motor vehicle interruptions, unless otherwise directed or approved by the Director.
 - (5) A Person shall use its best efforts to coordinate joint trenching with any other Persons and/or public utilities which may be constructed in and along the same rights-of-way in a time frame reasonably similar to the Persons construction time table. The Director may mandate such coordination to the fullest extent allowed by law.
- (c) A Person shall perform all operations, excavations and other construction in the rights-of-way in accordance with all applicable City requirements, including the obligation to use trenchless technology whenever commercially economical, practical and consistent with obligations on other similar users of the rights-of-way. The City shall waive the requirement of trenchless technology if it determines that the particular field conditions warrant the waiver, based upon

information provided to the City by the Person. All operations, excavations and other construction in the rights-of-way shall be conducted to minimize interference with the use of public and private property. Any plant or facility placed within the rights-of-way which is suspended in any manner above ground shall either be placed on existing poles or equipment or be suspended at a height not less than twenty-two (22) feet above ground level, unless otherwise approved by the Director, but in no event less than fifteen (15) feet, except to the extent state law controls. A Person shall follow all reasonable construction directions given by the City to minimize any such interference.

- (d) A Person must obtain a permit, as reasonably required by applicable City codes, at least three (3) business days prior to proposed any excavation, construction, installation, expansion, reconstruction, relocation, alternation, removal, maintenance, operation, or repair of facilities which the three day requirement may be waived or altered by the City for good cause shown by the applicant. Unless otherwise approved by the Director, all permit applications shall be accompanied by the certification of a professional engineer licensed in Texas that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations when required by State law. Once a permit is issued, the Department of Public Works shall be notified in writing or via e-mail at least 24 hours in advance that construction in the rights-of-way is ready to proceed by a Person or its representative. The failure of the Person to request and obtain a permit from the City prior to performing any of the above listed activities placed in any rights-of-way, except in an emergency as provided for in section 20-76, will subject the Person to a stop work order from the City and enforcement action pursuant to the City's Code of Ordinances. If the Person fails to act upon any permit within 120 calendar days of issuance, the permit shall become invalid, unless extended by the City upon a showing of good cause. Upon expiration of a permit, and the Person will be required to obtain another permit pursuant to the requirements of this article.
- (e) Within fifteen (15) calendar days after completion of work in the rights-of-way, the Person shall permanently restore, replace, relay and/or repair the surface, base, curbs, drainage systems, irrigation systems, landscape treatment or other City facilities and infrastructure located in any rights-of-way that has been excavated, altered or damaged by reason of the excavation, construction, installation, expansion, operation, reconstruction, relocation, alteration, removal, maintenance or repair of the Person's facilities in accordance with existing standards of the City in effect at the time of the work or as stated in the approved permit. Upon a showing of good cause, the City may at its sole discretion extend the time for restoration and repair of the rights-of-way under this subsection. Unless the Person provides a recent dated photograph or a video tape of the rights-of-way before the construction, the condition of the rights-of-way before construction should be presumed in good condition, subject only to reasonable wear and tear, as determined by the Director.

Whenever a Person shall disturb or destroy any right-of-way markers or monuments, it shall restore the same within fifteen (15) days after construction has ceased. A Person shall furnish three sets of drawings, blueline or blackline, detailing the restored monumentation. State Plane Coordinates shall be shown for all monumentation (existing or restored). The drawings shall be signed (original signature), sealed and certified, by a Registered Professional Land Surveyor, and delivered to the Director for approval, no later than 15 days after construction has ceased.

- (f) Upon failure of a Person to perform any such repair or replacement work, and five (5) days after written notice has been given by the City to the Person, and in the event repairs have not been initiated during such five day period, the City may repair that portion of the rights-of-way as may have been disturbed by the Person, its contractors or agents. The City may, at its discretion, for good cause, alter the five day period. Upon receipt of an invoice from the City, the Person will reimburse the City for the costs so incurred within thirty (30) calendar days from the date of the City invoice.
- (g) Should the Director reasonably determine, within two (2) years from the date of the completion of the repair work, that the surface, base, curbs, drainage systems, irrigation system or landscape treatment or other City facilities and infrastructure located in any rights-of-way requires additional restoration work to meet existing standards of the City, a Person shall perform such additional restoration, replacement, or repair work to the satisfaction of the City, subject to all City remedies as provided herein.
- (h) Notwithstanding the foregoing, if the Director determines that the failure of a Person to properly repair or restore the rights-of-way or if the installed facilities constitutes a health or safety hazard to the public, the City may request by written notice the removal or abatement of facilities or repair to the rights-of-way, a Person shall performed the required work by the deadline provided in the Director's request. The Person and the City shall cooperate to the extent possible to assure continuity of rights-of-way service. If the Person, after notice, fails or refuses to act, the City may undertake emergency repairs and restoration efforts or remove or abate the facility, at the sole cost and expense of the Person, without paying compensation to the Person and without the City incurring liability for damages. Upon receipt of an invoice from the City, a Person shall promptly reimburse the City for all costs incurred by the City within thirty (30) calendar days from the date of the City invoice.
- (i) To the extent known, plans for ongoing repair, maintenance, and improvements which involve cutting into paved City roads or streets shall be submitted to the Director on an annual basis, no later than April 1 of each year, and updated based upon any changes. This does not require any proprietary information, such as equipment or customer specific information. Such information may be

designated confidential, and to the extent allowed by law, will be kept confidential by the City. Alternatively, a Person may meet with the appropriate representative of Public Works each calendar quarter to provide such plans to the extent known.

- (j) Within sixty (60) days of completion of each new permitted section of a Person's facilities, the Person shall supply the City with a complete set of record drawings for the segment in a format used in the ordinary course of the Person's business to the extent they are prepared in the ordinary course of business or as detailed below, but excluding customer specific, proprietary or confidential information and as reasonable prescribed by the City, and as allowed by law. If record drawings submitted under this section include information expressly designated by the Person as a trade secret or other confidential proprietary information protected from disclosure by state or federal law, the Director may not disclose that information to the public without the consent of the Person, unless otherwise required by an opinion of the Attorney General pursuant to the Texas Open Records Act, as amended, or by a court having jurisdiction of the matter pursuant to applicable law or as otherwise required by law. This subsection may not be construed to authorize a Person to designate all matters as confidential or as trade secrets.

Such record drawings may be corrected and revised construction plans. In the event the facilities were built as specified in the originally submitted plans, the Person may certify to the City that there were no changes. The City may, at its discretion, accept in lieu of record drawings, any reasonable alternative which provides adequate information as to the vertical depth, linear location and size of facilities in the rights-of-way, which may include direct on line access to such information.

To the extent the Person's customary record drawing format will conform without economic impracticability, a Person shall furnish the City record drawings as follows: Drawings shall show ownership of all facilities placed within the rights-of-way. Drawings shall be drawn to and provided in the form as specified in Section 20-81.

All Persons who have facilities in the rights-of-way existing as of the date of this Ordinance and who have not provided record drawings shall do so no later than 60 days after the passage of this Ordinance, unless the Person demonstrates an economic impracticability to provide such record drawings in the above format. The City may waive such record drawings as to existing facilities, for good cause.

- (k) In determining whether any requirement under this Section is unreasonable or unfeasible, the Director or his/her designee shall consider, among other things, whether the requirement would subject the Person or Persons to an unreasonable increase in risk or service interruption, or to an unreasonable

increase in liability for accidents, or to an unreasonable delay in construction or in availability of its services, or to any other unreasonable technical or economic burden.

- (l) A Person issued a permit pursuant to this Chapter shall, at all times, employ the standard of care attendant to the risks involved to prevent actions, failures and accidents which may cause damage, injury or nuisance to Persons, the public, the facilities of other Persons, or to any City structures or structures owned by other Persons located in the rights-of-way. A Person issued a permit pursuant to this Chapter shall observe all federal and state statutes and regulations and all applicable City Ordinances and Safety Codes. A Person issued a permit pursuant to this Chapter shall keep and maintain its facilities in a safe and suitable condition, and in good order and repair.
- (m) As required by the Director, information signs (at least 3 ft. x 3 ft. in size) stating the identity of the Person doing the work, their telephone number, and the Person's identity and telephone number shall be placed at the location where construction is to occur 48 hours prior to the beginning of work in the rights-of-way and shall continue to be posted at the location during the entire time the work is occurring and/or until permanent repairs are completed.
- (n) Erosion control measures and advance warning signs, markers, cones, and barricades must be in place before work begins. A Person may be required to show proof of engineered plans relating to storm water and erosion when applicable or a letter stating a Person is not required to obtain such plans. A Person shall be responsible for storm water management erosion control that complies with City, state and federal guidelines, as applicable.
- (o) Lane closures must be approved by the Director, and closures will be limited to between 9:00 a.m. and 4:00 p.m. unless the Director grants prior approval. All lane closures shall comply with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways. Arrow boards will be required on lane closures with all barricades, advance warning signs, and 36 in. reflector cones placed according to the specifications of the City. Excluding emergency conditions, working hours in the rights-of-way are limited to the hours between 7:00 a.m. to 6:00 p.m. Monday through Friday, work to be performed after 6:00 p.m. on Monday through Friday or on Saturday must be approved by the Director in advance. Directional boring is permitted only Monday through Friday 7:00 a.m. to 6:00 p.m. No work in the rights-of-way shall be performed except for emergencies, on Sunday's or on holidays.

Sec. 20-147. - Conditions of public rights-of-way occupancy.

- (a) In the exercise of governmental functions, the City has first priority over all other uses of the rights-of-way. The City reserves the right to lay sewer, gas, water and other pipe lines, cables and conduits, and to do underground and

overhead work and attachments, and require restructuring or changes in aerial facilities in rights-of-way that may be occupied by a Person, and to change the curb, sidewalks or the grade of sidewalks and streets, to the fullest extent allowed by law.

- (b) The City shall assign the location in rights-of-way among competing users of the rights-of-way with due consideration to the public health and safety considerations of each user type, and to the extent the City can demonstrate that there is limited space available for additional users, may limit new users, as allowed under state or federal law. As a priority, each user of the rights-of-way will be allowed one alignment on one side of the street for placement of its facilities, provided there is adequate space available. In the event an additional alignment(s) or both sides of the street has been requested by a user the Director will grant such request, provided there is adequate space available and the requestor has demonstrated the financial or technical impracticability of the use of the requestor's single alignment or use of only one side of the street.
- (c) If the City authorizes abutting landowners to occupy space under the surface of any public street, alley or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the previously authorized user of the rights-of-way. If the City closes or abandons a right-of-way that contains a portion of a Person's facilities, the City shall close or abandon such rights-of-way subject to the rights of the Person.
- (d) If the City gives written notice, a Person shall, at its own expense, temporarily or permanently, remove, relocate, change or alter the position of the Person's facilities that are in the rights-of-way within one hundred twenty (120) days, except in circumstances that require additional time as reasonably determined by the City based upon information provided by the Person. For projects expected to take longer than one hundred twenty (120) days to remove, change, alter, or relocate, the City shall confer with the Person before determining the alterations to be required and the timing thereof. The Director shall give notice whenever the City has determined that removal, relocation, change or alteration reasonably necessary for the construction, operation, repair, maintenance or installation of a City or other governmental public improvement in the rights-of-way. This section shall not be construed to prevent a Person's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal, nor shall it be required if improvements are solely for beautification purposes without prior joint deliberation and agreement with the Person.

If the Person fails to relocate facilities in the time allowed by the City in this section, the Person may be subject to liability to the City for such delay and as set forth in the City code of ordinances now or hereafter enacted.

On a non-discriminatory basis and notwithstanding anything in this subsection, the Director and a Person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.

- (e) During the term of its municipal consent, a Person may trim trees or other vegetation in or over the rights-of-way as needed for the safe and reliable operation, use and maintenance of its facilities, with advance plan approval by the City. All tree trimming shall be performed in accordance with standards promulgated by the City. Should the Person, its contractor or agent, fail to remove such trimmings within twenty-four (24) hours, the City may remove the trimmings or have them removed, and upon receipt of a bill from the City, the Person shall promptly reimburse the City for all costs incurred within thirty (30) working days. A Person shall not be responsible for tree trimming or removal, except as to the trimming required to construct, maintain or restore utility service.
- (f) Persons shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the requesting party gives written notice of no less than (10) days, except for good cause shown. The expense of these temporary rearrangements shall be paid by the party or parties requesting and benefitting from the temporary rearrangements. The Person may require prepayment or prior posting of a bond from the party requesting temporary move.
- (g) In the event a Person's use of the facilities is discontinued, the Person shall be notified by the City and thereafter shall forthwith remove its facilities therefrom unless specifically permitted to continue the same, and on the removal thereof shall restore, repair or reconstruct the street area where such removal has occurred, and place the street area where such removal has occurred in the condition prior to the removal, as determined by the City. In the event of failure, neglect or refusal of the Person, after thirty (30) days' notice by the Director to repair, improve or maintain such street portion, the City may do such work or cause it to be done, and the reasonable cost thereof as determined by the City shall be paid by the Person and collection may be made by court action or otherwise.

Sec. 20-148. - Insurance requirements.

- (a) Except as to CVSPs to the extent modified by Texas Utilities Code, Chapter 66, a Person shall obtain and maintain insurance in the amounts reasonably prescribed by the City with an insurance company licensed to do business in the State of Texas acceptable to the City throughout the term of a municipal consent conveyed under this article. A Person shall furnish the City with proof of insurance at the time of the request for a right-of-water construction permit. The City reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the Director determines

that changes in statutory law, court decisions, or the claims history of the industry or the Person require adjustment of the coverage. For the purposes of this section, the City will accept certificates of self-insurance issued by the State of Texas or letters written by the Person in those instances where the state does not issue such letters, and in all such instances, the Person that self-insures shall provide written documentation as to substantially the same coverage, claims process and defense to the City as would be provided by an insurance carrier as required herein, all as may be detailed in the information provided to the City. However, for the City to accept such self-insurance coverage the Person must demonstrate by written information that it has adequate financial resources to be a self-insured entity as reasonably determined by the City, based on financial information requested by and furnished to the City. The City's current insurance requirements are described as follows:

Coverage	Limits of Liability
Workman's compensation with waiver of subrogation on behalf of City of Belton.	Statutory
Employer's liability	\$500,000.00
Bodily injury liability except automobile	\$500,000.00 each occurrence
	\$1,000,000.00 aggregate
Property damage liability except automobile	\$500,000.00 each occurrence
	\$500,000.00 aggregate
Automobile bodily injury liability	\$500,000 each Person
	\$1,000,000.00 each occurrence
Owner's protective liability	\$1,000,000.00 each combined single limit
Excess umbrella liability	\$5,000,000.00 each occurrence

- (b) A Person shall furnish, at no cost to the City, copies of certificates of insurance evidencing the coverage required by this section to the City. The City may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the City, the Person, or the underwriter. If the City requests a deletion, revision or modification, a Person shall exercise reasonable efforts to pay for and to accomplish the change.
- (c) The insurance certificate shall contain the following required provisions:

- (1) Name the City of Belton and its officers, employees, board members and elected representatives as additional insured for all applicable coverage;
 - (2) Provide for a thirty (30) day notice to the City for cancellation, nonrenewal, or material change; and
 - (3) Provide that notice of claims shall be provided to the Director by certified mail.
- (d) A Person shall file and maintain proof of insurance with the Director. An insurance certificate obtained in compliance with this section is subject to City attorney approval. The City may require the certificate to be changed to reflect changing liability limits. A Person shall immediately advise the City attorney of actual or potential litigation that may develop or may affect an existing carrier's obligation to defend and indemnify.
 - (e) An insurer has no right of recovery against the City. The required insurance policies shall protect the Person and the City. The insurance shall be primary coverage for losses covered by the policies.
 - (f) The policy clause "other insurance" shall not apply to the City if the City is insured under the policy.
 - (g) The Person shall pay premiums and assessments for the insurance required under this section. A company which issued an insurance policy has no recourse against the City for payment of a premium or assessment. Insurance policies obtained by a Person must provide that the issuing company waives all right of recovery by way of subrogation against the City in connection with damage covered by the policy.
 - (h) Without affecting the legal relationship between Person and its contractors, a Person is responsible for the workmanship and any damages by a contractor or subcontractor.

Sec. 20-149. - Indemnity.

- (a) Except as to CTPs and CVSPs, as provided in Chapter 283 of the Tex. Local Government Code and Chapter 66 of the Tex. Utilities Code, respectively, each Person placing facilities in the rights-of-way shall agree to promptly defend, indemnify and hold the City harmless from and against all damages, costs, losses or expenses:
 - (1) For the repair, replacement or restoration of City property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of the Person's acts or omissions;

- (2) From and against any and all claims, demands, suits, causes of action and judgments for:
- i. Damage to or loss of the property of any Person (including, but not limited to the Person, its agents, officers, employees and subcontractors, City's agents, officers and employees and third parties); and/or
 - ii. Death, bodily injury, illness, disease, loss of services, or loss of income or wages to any Person (including, but not limited to the agents, officers and employees of the Person, the Person's subcontractors, the City, and third parties) arising out of, incident to, concerning or resulting from the negligent or willful act or omissions for the Person, its agents, employees, and/or subcontractors, in the performance of activities pursuant to or authorized under this article.
 - iii. Upon commencement of any suit, proceeding at law or in equity against the City relating to or covering any matter covered by this indemnity, to indemnify and hold the City harmless, or to pay said final judgment and costs, as the case may be, the City shall give the Person reasonable notice of such suit or proceeding. The Person shall promptly provide a defense to any such suit or suits, including any appellate proceedings brought in connection therewith, and pay as aforesaid, any final judgment or judgments that may be rendered against the City by reason of such damage suit. Upon failure of the Person to comply with the provisions of this Ordinance, after reasonable notice to the City, the City shall have the right to defend the same and in addition to being reimbursed for any such judgment that may be rendered against the City, together with all court costs incurred therein, the Person shall promptly reimburse the City for attorney's fees, including those employed by the City in such case or cases, as well as all expenses incurred by the City by reason of undertaking the defense of such suit or suits, whether such suit or suits are successfully defended, settled, compromised, or fully adjudicated against the City.
- (b) This indemnity provision shall not apply to any liability resulting from the negligence of the City, its officers, employees, agents, contractors or subcontractors.
- (c) The provisions of this indemnity are solely for the benefit of the City and is not intended to create or grant any rights, contractual or otherwise, to any other Person or entity.
- (d) To the fullest extent permitted by law, a Person shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties provided in this Ordinance. These expenses shall include all out-of-pocket expenses

such as attorney's fees, and shall also include the reasonable value of any services rendered by any employees of the City. In the event the City is compelled to undertake the defense of any such suit by reason of a Person's failure to perform as hereinabove provided, the City shall have full right and authority to make or enter into any settlement or compromise of such adjudication as the City Council shall deem in the best interest of the City, this without the prior approval or consent of the Person with respect to the terms of such compromise or settlement.

Sec. 20-150. - Severability.

The provisions of this article are severable. However, in the event this article or any procedure provided in this article becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new or revised provisions in compliance with the authority's decision or enactment.

Sec. 20-151. - Governing law.

This article shall be construed in accordance with the City Code(s) in effect on the date of passage of this article to the extent that such Code(s) are not in conflict with or in violation of the constitution and laws of the United States or the State of Texas, subject to the City's ongoing authority to adopt reasonable police power based regulations to manage its rights-of-way, pursuant to sections 20-146 and 20-147 or as otherwise provided by law.

Sec. 20-152. - Unauthorized use of rights-of-way.

The City may institute all appropriate legal action to prohibit any Person from knowingly using the rights-of-way unless the Person has complied with the terms of this article.

PART 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PART 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 9th day of February, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



City of Belton

~ Public Works ~

CITY PUBLIC RIGHTS-OF-WAY CONSTRUCTION PERMIT

PROPOSED CONSTRUCTION START DATE: _____

ESTIMATED COMPLETION DATE: _____

COMPANY INFORMATION

Company Name _____ Email _____
Contact Person _____ Address _____
Phone* _____

*Must be 24-hour phone number for contact after business hours and on weekends/holidays.

Type of Utility:

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Certificated Telecommunications Provider (CTP) | <input type="checkbox"/> Water |
| <input type="checkbox"/> Cable or Video Service Provider (CVSP) | <input type="checkbox"/> Sewer |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Electric | |

CONSTRUCTION INFORMATION [ATTACH ADDITIONAL DOCUMENTATION IF NECESSARY OR REQUIRED]

1. Location of Work

- Addresses and nearest intersections
- List locations and widths of rights-of-way (ROW) and easements within area of work
- Detail of all existing utilities in relation to the area of work
- Drawings or plat submitted with Permit Application: **YES or NO**
 - Format: **Electronic or Hard Copies (1 Set)**

Describe Location: _____

2. Description of Work

- Purpose of work
- Number of pipes/conduit, sizes, depths, boxes, material types, location of all infrastructure being installed
- Describe the protection of existing utilities and infrastructure
- Describe areas where asphalt or concrete will be removed and replaced (provide drawings and details for replacement materials)

Describe Work: _____

3. Will traffic or driveways be blocked at any time? A traffic control plan is required if a collector or arterial is affected.

Describe lane closures, times, durations, and traffic control plan: _____

Return Form to: City of Belton Department of Public Works
Attn: Director of Public Works, P.O. Box 120, Belton, Texas 76513
Or electronically to: publicworks@beltontexas.gov



City of Belton

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MATERIALS

Backfill Materials to be used (check all that apply)

- ☐ Gravel; Depth: _____
- ☐ Native Soil; Depth: _____
- ☐ Flowable fill; Depth: _____
- ☐ Washed Sand; Depth: _____
- ☐ Crushed Limestone; Depth: _____
- ☐ Other: _____

Surface Replacement (check all that apply)

- ☐ Concrete driveway; Qty: _____
- ☐ Curb and gutter; LF: _____
- ☐ Concrete pavement; SF and Depth: _____
- ☐ Local Street; min 2-inch Type "D" HMA; SF: _____
- ☐ Collector/Arterials; min 2-inch Type "C" HMA; SF: _____
- ☐ Hydromulch or Sod; Type and Qty: _____
- ☐ Other: _____

REQUIREMENTS AND ACKNOWLEDGEMENT

1. Refer to and adhere to City Ordinance 2016-01 for Chapter 20 Sections 76-152 for Construction in Public Rights-of-Way.
2. A person must obtain an approved permit prior to any excavation, construction, installation, expansion, reconstruction, relocation, alternation, removal, maintenance, operation, or repair of the person's facilities.
3. The Director of Public Works may request a pre-construction meeting with the permittee or the user as part of the permit approval process.
4. Once a permit is issued, the person shall contact the City's Construction Inspector at (254) 933-5823 a minimum of twenty-four (24) hours prior to undertaking any work within the public ROW.
5. A copy of an approved permit must be on site at all times. The City reserves the right to close down the job site if an approved permit is not on site.
6. All City of Belton standard details, ordinances, and design guidelines must be followed.
7. All excavation laws apply. At minimum, Texas 811 and the City of Belton shall be contacted for utility locates.
8. Pavement and ROW shall be left at equal or better condition.
9. Permit is only valid for duration stated between the approved start and completion of work time.
10. If the person fails to act upon any permit within 120 calendar days of issuance, the permit shall become invalid and the person will be required to obtain another permit.
11. Upon permit expiration, the permittee must immediately cease all work and/or remove any equipment authorized by the permit unless reapplication is made prior to the expiration date and a new permit is issued.
12. Permit Fees are \$50 per permit.
13. Any person, firm, or corporation who shall violate any of the provisions of the Ordinance or who shall fail to comply with any provision hereof within the corporate limits of Belton, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed one thousand dollars (\$1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

By this application for a construction permit to perform work within the public right-of-way, I, as the lawful representative of _____, not the contractor but a representative of the facility owner with authority to bind the owner, hereby acknowledge that I agree to the requirements of this permit to the terms and conditions of the City of Belton Ordinance 2016-01 Chapter 20 Sections 79-152.

Name

Signature

Date

Return Form to: City of Belton Department of Public Works
Attn: Director of Public Works, P.O. Box 120, Belton, Texas 76513
Or electronically to: publicworks@beltontexas.gov



City of Belton

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CITY USE ONLY

Additional Information Required: _____

- | | |
|---|--|
| <input type="checkbox"/> Fee Paid | <input type="checkbox"/> Pre-construction meeting required |
| <input type="checkbox"/> Three (3) business days notice | <input type="checkbox"/> Certificate of Insurance and Bond |

Reviewed By: _____
Name Signature Date

PERMIT APPROVED: YES OR NO

CITY USE ONLY

Post-Construction Inspection Notes: _____

Reviewed By: _____
Name Signature Date

POST-CONSTRUCTION APPROVED: YES OR NO



City of Belton

~ *Public Works* ~

Information to put on website for public information

Public Works Page > Utility Operations Division > New Page: Right-of-Way Management and Permit

A public right-of-way (ROW) construction permit is required by the City of Belton for any excavation, construction, installation, expansion, reconstruction, relocation, alternation, removal, maintenance, operation, or repair of the person's facilities within the public ROW. The following is a sample list of items requiring a permit:

- Anything requiring excavation within the ROW
- Installation of conduits
- Modifications to curbs and gutters or sidewalks
- Any grading within the ROW
- Installation of fiber communication lines
- Tree planting and landscaping
- Utility pole installation and/or relocation
- Maintenance or installation of overhead electrical lines
- Water, sewer and/or storm sewer infrastructure and service connections
- Emergency work in the ROW; notify the Director of Public Works as promptly as possible
- Exclusions to this permit:
 - City-owned and maintained infrastructure approved through the Planning Department for new subdivisions
 - Mailboxes
 - Fence Permits are issued through the Planning Department at City Hall

Return the completed permit application to the City of Belton Department of Public Works, Attn: Director of Public Works, PO Box 120, Belton, Texas 76513. Include all documents required, including traffic control/maintenance of traffic plans, engineering plans or plats depicting in detail the work proposed under the requested permit, and any other information and documents required by the permit and the Director of Public Works.

If approved, the permit expires upon the completion date stated on the permit. Upon permit expiration, the permittee must immediately cease all work and/or remove any equipment authorized by the permit unless reapplication is made prior to the expiration date and a new permit is issued.