

ORDINANCE NO. 2022_____

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING
CHAPTER 23 LAND DEVELOPMENT CODE ARTICLE VII PERMITS
AND PROCEDURES SECTION 23-98 PUBLIC IMPROVEMENTS
ACCEPTANCE OF THE CITY OF ANGLETON CODE OF ORDINANCES;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A
PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE.**

WHEREAS, the City is authorized by Chapter 212 of the Texas Local Government Code to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and;

WHEREAS, the City Council further finds that the rules and regulations governing plats and subdivisions of land within the municipality's jurisdiction promote the safe, orderly, and healthful development of the City; and

WHEREAS, each and every applicable requirement set forth in Chapter 212 Texas Local Government Code and the Code of Ordinances of the City of Angleton, Texas, concerning public notices, hearings, and other procedural matters has been fully complied with; and

WHEREAS, the City Council desires to amend Chapter 23 Land Development Code, Article VII. Permits and Procedures, Sec. 23-98 Public Improvements Acceptance in the City Code of Ordinances as it relates to the acceptance of public improvements;

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

Section 1. That all the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

Section 2. Code of Ordinances, City of Angleton, Texas, Chapter 23 Land Development Code, Article II Subdivision and Development Design, Section 23-98 is hereby amended and replaced with the following:

“Section 23-98.I. Public acceptance-~~process~~ standards.

1. Criteria. The following criteria shall be used during the public acceptance process:
 - a. The city engineer shall determine if the improvements are consistent with the final plat and the approved set of construction plans; and
 - b. That the required public improvements conform to all LDC and ACM standards and specifications.
2. Maintenance bond filed. Prior to acceptance of improvements, the subdivider shall;
 - a. Furnish a good and sufficient maintenance (warranty) bond:
 - i. In the amount of ~~20~~ 100 percent of the contract price; ~~and~~
 - ~~ii. With a minimum bond amount of \$25,000.00; and~~
 - ~~iii.~~ ii. With a reputable and solvent corporate surety in favor of the city.

- b. Indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein; and
- c. Post the maintenance bond for a period of one year from the date of final acceptance by the ~~city council~~ city manager or his/her designee.”

“ Section 23-98.K Public acceptance process

~~1. Preliminary acceptance (part I)~~

- ~~a. The applicant shall submit a preliminary acceptance and maintenance bond instruments, in formats acceptable to city attorney, with the as-built plan documentation as set out in subsection H. As-built plan submittal requirements, above, to the city engineer;~~
- ~~b. After recommendations by the city engineer;~~
 - ~~i. The city engineer shall accept or reject the request for preliminary acceptance of public improvements;~~
 - ~~ii. The city may provide conditional preliminary acceptance, provided that the applicant guarantees that all materials and workmanship are to be in accordance with the approved plans and specifications prescribed by the city, and to correct any and all deficiencies not in accordance with approved plans prior to a designated deadline;~~
 - ~~iii. When the city engineer determines that public improvements are complete and in compliance with the approved construction plans, the developer may petition the city administrator for preliminary acceptance of public improvements by executing part I of the “developer petition for acceptance of public improvements”; and~~
 - ~~iv. Preliminary acceptance of such improvements shall mean that the property owner has transferred all rights to all the public improvements to the city for use and maintenance and that the city may accept dedication of portion of the required public improvements provided adequate surety has been given for the completion of all of the other improvements.~~

~~2. Final acceptance (parts II and III)~~

- ~~a. One year after the issuance of preliminary acceptance, the city engineer shall determine if the subdivider has;~~
 - ~~i. Maintained all public improvements in good condition;~~
 - ~~ii. Corrected any deficiencies specified in the preliminary acceptance procedure; and~~
 - ~~iii. Corrected any other deficiencies that have arisen since the effective date of the preliminary acceptance process.~~
- ~~b. The applicant shall request final acceptance by executing part II of the “developer petition for acceptance of public improvements”, with:~~
 - ~~i. A detailed list of all improvements being dedicated to the city itemized;~~
 - ~~ii. The linear distance of each water and sanitary sewer listed;~~
 - ~~iii. The acreage of all street and drainage improvements provided, and~~
 - ~~iv. The valuation of each improvement itemized.~~

~~e. Final acceptance of the all public improvements is subject to city council approval, based on the favorable recommendations of the city administrator and city engineer and the assurance that the maintenance bond will extend for 365 days after final acceptance is granted.~~

1. The applicant shall request acceptance of public improvements by providing:
 - a. A detailed list of all improvements being dedicated to the city itemized;
 - b. The linear distance of each water and sanitary sewer listed;
 - c. The acreage of all street and drainage improvements provided;
 - d. The valuation of each improvement itemized; and
 - e. An electronic copy of "as-built" plans as required by subsection H.
2. Acceptance of all the public improvements is subject to approval by the city manager or his/her designee based on the favorable recommendation of the city engineer and the assurance that the maintenance bond will extend for 365 days after acceptance is granted."

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Section 3. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred and No/100 Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. Repeal. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption and publication as required by law.

Section 7: Proper Notice & Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, APPROVED, and ADOPTED this, the _____ day of June, 2022.

Jason Perez, Mayor

ATTEST:

Frances Aguilar, City Secretary