



TOWN OF FARVIEW, TEXAS

Agenda

Town Council Regular Meeting

February 6, 2024

6:00 PM

Town Hall Council Chambers
372 Town Place
Fairview, Texas

WATCH THE BROADCAST LIVE

This meeting will be broadcast live. Members of the public who wish to watch this meeting may watch the live broadcast on:

https://webinar.ringcentral.com/webinar/register/WN_7_9slaQeQAWUagmIBMfo0Q

1. **Call to Order**
2. **Pledge of Allegiance: U.S. and Texas Flags**
3. **Committee Reports**
 - a. Receive a report from the Technology Advisory Committee Chairman related to cybersecurity articles and take any necessary action.
4. **Citizen's Comment (for Non-Public Hearing Items)**

At this time, any person may address the Council regarding an item on this meeting agenda or on matters not on this meeting agenda. Each person will have up to five (5) minutes. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Town Council for items listed as Public Hearings will be recognized when the Public Hearing is opened.

No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.
5. **Consent Agenda**

All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and considered separately.

 - a. Approve the minutes of the January 10, 2024, Regular Council meeting.

- b. Approve an ordinance calling the May 4, 2024 General Election and authorizing the Town Manager to execute a joint agreement with Collin County for the provision of election services.
- c. Authorize the Town Manager to approve using \$8,786.70 out of forfeited funds to purchase police equipment.
- d. Approve a resolution authorizing continued participation with the Oncor Cities Steering Committee and payment of assessed dues for 2024.

6. Reports from Staff

- a. Monthly Financial Report - Period ending December 31, 2023
- b. Quarterly Investment Report - Period ending December 31, 2023
- c. Monthly Police Report - Period ending January 31, 2024
- d. 2023 Annual Racial Profiling Report
- e. Monthly Fire Report - Period ending January 31, 2024
- f. Town construction projects

7. Public Hearings

- a. Conduct a public hearing to consider, discuss, and take any necessary action on a possible changes to the Town of Fairview Subdivision regulations and an amendment to the Town of Fairview fee schedule relating to Park Land Deduction and Park Development Fees.

8. Council Action/Discussion Items

- a. Consider, discuss and take necessary action on a request for approval of a minor Final Plat of the Thind Addition. The 4.9-acre, two (2) lot residential subdivision, is located at 1301 Stacy Road and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Andy Thind.
- b. Consider, discuss, and take necessary action on a request for approval of a Preliminary Plat of the Orr Road Estates Addition. The 19.7-acre tract of land contains six (6) residential lots, is located at the southwest corner of Orr Road (FM 317) and Stacy Road, and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Doug Mousel, JW Partners LTD., representing owners Brian and Janna Jarvis.
- c. Consider, discuss, and take any necessary action on procedures related to online public meetings and citizen comments.
- d. Consider, discuss, and take any necessary action regarding a change order to the Fairview Crossing construction project.
- e. Discuss a review of code enforcement matters and take any necessary action.

9. **Council and Staff Comments**

Council and Staff Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational updates on Town projects, awards, acknowledgement of meeting attendees, birthdays, requests of the Town Manager for items to be placed on upcoming agendas, and condolences.

10. **Closed Session**

In accordance with Texas Government Code:

a. In accordance with Texas Government Code:

A. Section 551.071 – to consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code including CPDD development improvements, ordinances, agreements and financing; contracts for services; town property and infrastructure; administrative matters; drainage matters; town regulations; transportation matters; state law review and compliance.

B. Section 551.072 - discuss or deliberate the purchase, exchange, sale, lease, or value of real property, acquisition of right-of-way, easements, or land.

C. Section 551.074 Personnel - appointment of members of all non-advisory boards and commissions.

D. Section 551.087 – to discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the Town of Fairview has received from a business prospect that the Town seeks to have locate, stay, or expand in or near the territory of the Town of Fairview and with which the Town is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). Proposed commercial/retail developments.

Under Texas Government Code Chapter 551, the Town Council may enter closed session to discuss any items listed or referenced on a posted agenda notice for this meeting as necessary under the listed exceptions to the Open Meetings Act.

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

11. **Adjourn**

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 5th day of

January 2024 at 6:00 p.m.

Joshua Stevenson, Town Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The Town of Fairview Council Chambers is wheelchair accessible. Access to the building and special parking is available at the primary southwest and northwest entrance into the Town Hall parking lot. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the Town Secretary's office at least 48-hours prior to the meeting. Please e-mail your request to townsecretary@fairviewtexas.org or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.



Memorandum

February 6, 2024

FROM: Town Administration

SUBJECT: Receive a report from the Technology Advisory Committee Chairman related to cybersecurity articles and take any necessary action.

BACKGROUND: On an annual basis the Technology Advisory Committee (TAC) discusses technology related opportunities that would have a positive impact on Fairview residents. In the fall of 2023, the TAC discussed the possibility of creating content relating to cybersecurity best practices that could be disseminated to Fairview residents. Knowing that the Town has previously created related content and that the police department currently offers scam and fraud prevention seminars addressing cybersecurity issues, the TAC engaged town staff to discuss how they could become a partner and contribute to this effort.

The TAC determined that the Fairview Town News publication would be ideal for quarterly dissemination of cybersecurity articles they would develop with town staff. The TAC agreed that Chairman John Adler should present the committee's recommendation to Town Council at their regular February 6th meeting.

STATUS OF ISSUE: At the February 6, 2024 Town Council meeting, TAC Chairman John Adler will present Council with the recommendation that the TAC be allowed to work with town staff to create a quarterly cybersecurity article that would be published in the Fairview Town News publication. The cybersecurity related articles would have to meet the same standards and requirements as any other content developed for the Fairview Town News publication. As a test run, town staff worked with the TAC and developed a cybersecurity related article that will run in the March edition of the Fairview Town News. A copy of that article has been enclosed with this memorandum. If the TAC's recommendation is approved by Council, these types of articles would continue on a quarterly basis.

BUDGET: N/A

RECOMMENDATION: Receive presentation from the chairman of the Technology

Advisory Committee and consider approval of their request to work with town staff to contribute a quarterly cybersecurity article in the Fairview Town News publication.

Attachments:

1. TAC - Social Media Safety

Are you safe on social media?

Contributed by Technology Advisory Committee

Everyone should educate themselves on the benefits and risks associated with social media. Connecting and engaging safely on social media requires vigilance. The following are best practices recommended by the Cybersecurity and Infrastructure Security Agency and other cybersecurity experts:

1. **Think before you post:** Ask the questions, “Am I comfortable sharing such information? Does this posting create risk now or down the road?” No matter how quickly you delete a post or picture, it’s likely someone saw it. Everyone should understand the importance of owning their digital lives so they can avoid putting themselves or others in a bad situation.
2. **Turn off location/geotagging features:** Many social media platforms allow users to keep their location hidden. It may be fun to “check-in” and show where you’re visiting, but you’re telling people where to find you and that you aren’t home. Always know if you’re sharing location information and with whom you’re sharing it.
3. **Connect with people you trust:** Some social media platforms may seem safer because of limited personal information shared. However, you should keep your connections limited to people you know and trust. Many platforms have privacy settings that allow users to limit what content others can see.
4. **Verify before you click:** Don’t click on suspicious links or files, or respond to messages asking for money or personal information. Even if the message looks like it’s from a friend or family member, their account may have been hacked. Call them to check. Before buying something, research the company. Search their name online along with words like “scam” or “complaint.”
5. **Speak up if you’re uncomfortable:** If a friend posts something about you that makes you uncomfortable or you think is inappropriate, let them know. Likewise, you should stay openminded if a friend approaches you about something you posted. Children should report any instances of cyberbullying.
6. **Enable multi-factor authentication (MFA) and check your account settings:** MFA requires anyone logging into an account to prove their identity multiple ways (e.g. username, password, one-time verification code). Check your account settings on each social media platform to determine what access permissions you want to allow or restrict.

Sources:

Cybersecurity and Infrastructure Security Agency. Social Media Guide.

https://www.cisa.gov/sites/default/files/publications/Social%20Media%20Guide_0.pdf.

Federal Trade Commission. That friend request could be from a scammer. Oct. 2023,

<https://consumer.ftc.gov/consumer-alerts/2023/10/friend-request-could-be-scammer>.

National Cybersecurity Alliance. Share with Care: Staying Safe on Social Media. Apr. 2023,

<https://staysafeonline.org/resources/social-media/>.

**TOWN COUNCIL
MEETING MINUTES
JANUARY 10, 2024**

The Town Council met in regular session on Wednesday, January 10, 2024, 2023 at 6:00 p.m. at 372 Town Place, Fairview, Texas.

Those present were Mayor Henry Lessner, Mayor Pro Tem John Hubbard, and Councilmembers Rich Connelly, Gregg Custer, Ricardo Doi, Larry Little, and Ken Logsdon.

Staff present included Town Manager, Julie Couch; Assistant Town Manager Adam Wilbourn; Town Attorney, Clark McCoy; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; Assistant Fire Chief, Travis Green; Police Chief, Chris Chandler; CFO Steven Ventura; HR Director Whitney Casey; Communications and Marketing Manager, Karin Anderson; and Town Secretary, Joshua Stevenson.

Mayor Lessner called the meeting to order at 6:00 p.m. and declared a quorum was present.

At 6:00 p.m., the Council adjourned into executive session in accordance with the Texas Government Code:

- A. Section 551.071 – to consult with legal counsel** regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code including CPDD development improvements, ordinances, agreements and financing; contracts for services; town property and infrastructure; administrative matters; drainage matters; town regulations; transportation matters; state law review and compliance.
- B. Section 551.072** - discuss or deliberate the purchase, exchange, sale, lease, or value of real property, acquisition of right-of-way, easements, or land.
- C. Section 551.074 Personnel** - appointment of members of all non-advisory boards and commissions.

Mayor Lessner called the regular session to order at 7:30 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

There were no members of the public present in the audience when the meeting was called to order.

CITIZEN COMMENT:

Mayor Lessner called for Citizen's Comments.

No one approached to speak.

CONSENT AGENDA:

All items listed under the Consent Agenda are considered routine and are acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately.

Councilmember Logsdon motioned to approve the Consent agenda. Councilmember Connelly seconded, and the motion passed unanimously by the Council present.

The following Consent items were approved: 4(A) Approve the minutes of the November 16, 2023, Special Council meeting; 4(B) Approve the minutes of the December 5, 2023, Regular Council meeting; 4(C) Approve interlocal agreements with nearby municipalities for temporary use of fire/emergency apparatus and related matters as approved as to form by the Town's legal counsel; 4(D) Approve an updated ordinance regarding the town policy on water leak adjustments.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report ending November 30, 2023.

Police Chief Chandler reviewed the monthly police report for the month of December 2023.

Assistant Fire Chief Green reviewed the monthly fire report for the month of December 2023.

Mr. Chancellor provided an update on Town construction projects.

PUBLIC HEARING – TOWN OF FAIRVIEW SUBDIVISION REGULATIONS:

Mayor Lessner introduced agenda item 6(A), Conduct a public hearing to consider, discuss, and take any necessary action on possible changes to the Town of Fairview Subdivision regulations and related matters. Applicant: Town of Fairview.

Mr. Roberts spoke briefly regarding the item and introduced staff from Freese and Nichols.

Daniel Harrison, Rhys Wilson, and David Jones from Freese and Nichols were present to discuss the subdivision regulations.

David Jones from Freese and Nichols explained the changes to the subdivision regulations.

The Council, staff, and representatives from Freese and Nichols had discussion related to this item.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Councilmember Doi made a motion to direct staff to draft an ordinance related to the Town of Fairview, Texas subdivision regulations with the changes made by Council. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously by Council present.

COUNCIL DISCUSSION – DRAFT CITIZEN SURVEY:

Mayor Lessner introduced agenda item 7(A), Consider, discuss, and take any necessary action regarding the draft citizen survey.

Mr. Wilbourn spoke regarding this item and introduced Ron Gailey of OnPointe Insights.

Ron Gailey spoke regarding this item.

The Council, staff, and Mr. Gailey had discussion related to this item.

**COUNCIL ACTION – CHANGE ORDER TO FAIRVIEW CROSSING
CONSTRUCTION PROJECT FOR A LEFT TURN LANE ON SH5:**

Mayor Lessner introduced agenda item 7(B), Consider, discuss, and take any necessary action regarding a change order to the Fairview Crossing construction project for a left turn lane on SH5.

Mr. Chancellor presented the item.

The Council and staff had discussion related to this item.

The Council made no motion regarding this item. Council directed staff to work with TxDOT regarding this project.

**COUNCIL DISCUSSION – RECOGNITION FOR FORMER FIRE CHIEF DICK
PRICE:**

Mayor Lessner introduced agenda item 7(C), Consider, discuss, and take any necessary action to recognize former Fire Chief Dick Price and his contributions to the Town.

Mayor Pro Tem Hubbard presented the item.

The Council and staff had discussion related to this item.

COUNCIL ACTION – BOARD AND COMMISSION APPOINTMENTS:

Mayor Lessner introduced agenda item 7(D), Consider, discuss, and take any necessary action on Board and Commission appointments.

Mayor Lessner spoke regarding this item

The Council had discussion related to this item.

Mayor Lessner made the motion to appoint Joe Boggs to the EDC/CDC Board. Councilmember Little seconded, and the motion passed unanimously by the Council present.

Mr. Boggs' appointment will be from January 10, 2024 – August 2025 at the will of the Council.

UPDATES FROM COUNCIL AND STAFF:

Mayor Lessner called for any updates from staff or Council regarding items of community interest.

There were none.

ADJOURNMENT:

Mayor Lessner adjourned the meeting at 9:23 p.m.

These minutes were approved by the Town Council on February 6, 2024.

Henry Lessner, Mayor

Joshua Stevenson, Town Secretary

Town of Fairview, Texas



Memorandum

February 6, 2024

FROM: Town Secretary

SUBJECT: Approve an ordinance calling the May 4, 2024 General Election and authorizing the Town Manager to execute a joint agreement with Collin County for the provision of election services.

BACKGROUND: The Town contracts with Collin County to conduct our municipal elections, and we will utilize the county's services again this year. Collin County now utilizes vote centers, which combine multiple precincts allowing registered voters to choose any location within the county to vote. With this change, the Town now jointly contracts with all participating political subdivisions within the county, which is a cost reduction to the Town.

The Town Council is required to order the election by February 16, 2024, which is also the final day for filing an application to appear on the ballot. The Town orders our election by ordinance.

STATUS OF ISSUE: We are ready to enter into a joint general and special agreement with the County for them to conduct our general election, in conjunction with the other political subdivisions within Collin County.

Early Voting will be held this year from April 22 through April 30, 2024. Voters will be able to use any Collin County Vote Centers for Early Voting as well as on Election Day. (See Exhibit "A" and "B") Fairview Town Hall will be designated as a polling place for Election Day only; the Town is responsible for the costs associated with the Town Hall Election Day polling location.

BUDGET: The service cost estimate is \$7,894.04 and the budgeted amount for FY24 is \$5,100.

RECOMMENDATION: Approve an ordinance calling the May 4, 2024 General Election and authorize the Town Manager to approve and execute the joint election agreement

and contract from the county.

Attachments:

1. May 2024 Gen Election Ordinance
2. Joint Election Early Voting Calendar (Exhibit A)
3. Joint Election Election Day Locations (Exhibit B)
4. Fairview Town Cost Estimate (Exhibit C)
5. Fairview Town Contract for Election Services

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 4, 2024; APPROVING A JOINT ELECTION AGREEMENT AND CONTRACT WITH COLLIN COUNTY; DESIGNATING A POLLING PLACE; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; PROVIDING FOR NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code (the “Code”) specifies that the first Saturday in May shall be a “Uniform Election Date” and that a general election of a city may be held on such day; and

WHEREAS, state law and the home-rule charter of the Town of Fairview require that a general election be ordered; and

WHEREAS, all of the Town of Fairview and its voting precincts are located within only the County of Collin; and

WHEREAS, by this Ordinance, it is the intention of the Town Council to adopt all requirements of an Election Order and Notice of Election in accordance with state law, and to authorize a contract with Collin County for joint election services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS THAT:

SECTION 1

GENERAL ELECTION CALLED: A general election shall be held in the Town of Fairview, Texas on Saturday, May 4, 2024, at which the following offices shall be elected to the governing body of the Town of Fairview, Texas:

COUNCIL MEMBER SEAT 2
COUNCIL MEMBER SEAT 4
COUNCIL MEMBER SEAT 6

SECTION 2

JOINT ELECTION AGREEMENT AND CONTRACT APPROVED: The Joint General Election Services Contract between Collin County and Fairview (the “Contract”) is hereby approved and the Town Manager or her designee is authorized to execute the Contract. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

SECTION 3

ELECTION DAY POLLING PLACE: The Election Day polling place for the general election shall be in Fairview Town Hall located at 372 Town Place in Fairview, Texas and the Lovejoy ISD Portable #1 located at 259 Country Club Road in Fairview, Texas between the hours of 7:00 a.m. and 7:00 p.m. on May 4, 2024. Alternatively, eligible voters may vote on Election Day at any of the other Collin County Vote Center locations established by the Election Services Contract.

SECTION 4

APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE: The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Collin County as indicated in the Contract and authorized by Chapter 271 of the Code.

SECTION 5

GOVERNING LAW; VOTING SYSTEM: In all respects, said election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act and the Code, each polling place shall be provided at least one voting system equipped for individuals with disabilities. Sufficient voting equipment to accommodate the voters shall be provided for early voting and at each of the polling places on Election Day. That in accordance with Section 123.001 of the Texas Election Code, equipment includes the rental of ES&S ExpressVote Universal voting machines, ES&S ExpressTouch curbside voting machines, ES&S DS200 ballot counters, ES&S Model DS450 and DS850 High-Speed Scanners/Tabulators approved by the Secretary of State are hereby adopted for the election on May 4, 2024.

SECTION 6

EARLY VOTING

- A. Early voting by personal appearance. Bruce Sherbet, the Collin County Elections Administrator (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall be conducted at the early voting locations and on the days and during the hours set forth in an agreement with Collin County.
- B. Early voting by mail. The Elections Administrator shall be responsible for the Early Voting by mail applications and ballots. Applications for early voting by mail may be delivered to Bruce Sherbet, Collin County Elections Administrator, 2010 Redbud Blvd, Suite 102, McKinney, TX 75069, Attn: Early Voting Clerk, not later than close of business on April 23, 2024. Early voting ballots shall be mailed to the Elections Administrator at the same address. The Town Secretary is directed to forward applications and ballots she may receive to the Elections Administrator as provided by Contract.

- C. Early Voting Ballot Board. Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. Bruce Sherbet, Collin County Elections Administrator, is hereby appointed the presiding judge of such Board. The Presiding Judge shall appoint at least two other members of the Board.

SECTION 7

PUBLICATION AND POSTING OF NOTICE OF ELECTION: This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code). A copy of the Ordinance and the Contract shall be posted on the bulletin board used for posting notices of the meetings of the Town Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

SECTION 8

NECESSARY ACTIONS: The Mayor and Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Contract in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 9

RUNOFF ELECTION: Should a runoff election be required following the canvass of the May 4, 2024 election, the Council hereby orders that a runoff election be held Saturday, June 15, 2024. The polling place on Election Day for the runoff election shall be the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

SECTION 10

EFFECTIVE DATE: This Ordinance shall be effective upon its adoption.

PASSED, APPROVED AND EFFECTIVE on this 6th day of February 2024.

ATTEST:

APPROVED:

Joshua Stevenson, Town Secretary

Henry Lessner, Mayor

APPROVED AS TO FORM:

Clark McCoy, Town Attorney

May 4, 2024 Joint General and Special Election - Early Voting Locations, Dates and Hours
(4 de mayo de 2024 Elección general y especial conjunta - Lugares de Votación Temprana, Fechas y Horas)

Important Note: Eligible Collin County registered voters (with an effective date of registration on or before May 4, 2024) may vote at any Early Voting location.

(Nota importante: Los votantes registrados elegibles del Condado de Collin (con una fecha efectiva de registro en o antes del 4 de mayo de 2024 pueden votar en cualquier lugar de votación anticipada.)

Sunday (Domingo)	Monday (Lunes)	Tuesday (Martes)	Wednesday (Miércoles)	Thursday (Jueves)	Friday (Viernes)	Saturday (Sábado)
April 21 No Voting (21 de abril) (Sin votar)	April 22 Early Voting (22 de abril) (Votación adelantada) 8 am – 5 pm	April 23 Early Voting (23 de abril) (Votación adelantada) 8 am – 5 pm	April 24 Early Voting (24 de abril) (Votación adelantada) 8 am – 5 pm	April 25 Early Voting (25 de abril) (Votación adelantada) 8 am – 5 pm	April 26 Early Voting (26 de abril) (Votación adelantada) 8 am – 5 pm	April 27 Early Voting (27 de abril) (Votación adelantada) 8 am – 5 pm
April 28 No Voting (28 de abril) (Sin votar)	April 29 Early Voting (29 de abril) (Votación adelantada) 7am - 7pm	April 30 Early Voting (30 de abril) (Votación adelantada) 7am - 7pm	May 1 No Voting (1 de mayo) (Sin votar)	May 2 No Voting (2 de mayo) (Sin votar)	May 3 No Voting (3 de mayo) (Sin votar)	May 4 Election Day (4 de mayo) (Día de elección) 7am - 7pm

Polling Location (Lugar de Votación)	Room Name (Nombre de la habitación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
Collin County Elections (Main Early Voting Location)	Voting Room	2010 Redbud Blvd., Suite 102	McKinney	75069
Allen ISD Service Center	Main Lobby	1451 N. Watters Rd.	Allen	75002
Allen Municipal Courts Facility	Community Room	301 Century Pkwy.	Allen	75013
Anna Municipal Complex	Lobby	120 W. 7th St.	Anna	75409
Blue Ridge ISD Administration Building	Board of Trustees Board Room	318 W. School St.	Blue Ridge	75424
Carpenter Park Recreation Center	South Lobby	6701 Coit Rd.	Plano	75024
Collin College Celina Campus	Classroom CEC110	2505 Kinship Pkwy.	Celina	75009
Collin College Farmersville Campus	Atrium	501 S. Collin Pkwy.	Farmersville	75442
Collin College Frisco Campus	Building J, Room 113	9700 Wade Blvd.	Frisco	75035
Collin College Higher Education Center	Atrium	3452 Spur 399	McKinney	75069
Collin College McKinney Campus	Atrium C Square	2200 University Dr.	McKinney	75071

Polling Location (Lugar de Votación)	Room Name (Nombre de la habitación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
Collin College Plano Campus	Atrium D Square	2800 E. Spring Creek Pkwy.	Plano	75074
Collin College Wylie Campus	Lobby	391 Country Club Rd.	Wylie	75098
Davis Library	Programs Room	7501-B Independence Pkwy.	Plano	75025
First Baptist Church Richardson	Activities Center	1001 N. Central Expy.	Richardson	75080
Frisco Fire Station #5	Training Room	14300 Eldorado Pkwy.	Frisco	75035
Frisco Fire Station #8	Training Room	14700 Rolater Rd.	Frisco	75035
Gay Library	Meeting Room	6861 W. Eldorado Pkwy.	McKinney	75070
Lavon City Hall	Gymnasium	120 School Rd.	Lavon	75166
Lovejoy ISD Administration Building	Portable #1 Training Room	259 Country Club Rd.	Allen	75002
Lucas Community Center	Community Room	665 Country Club Rd.	Lucas	75002
McKinney Fire Station #5	Community Room	6600 Virginia Pkwy.	McKinney	75071
McKinney Fire Station #7	Community Room	861 Independence Pkwy.	McKinney	75072
McKinney Fire Station #9	Community Room	4900 Summit View Dr.	McKinney	75071
McKinney Fire Station #10	Community Room	1150 Olympic Crossing	McKinney	75071
Melissa City Hall	Municipal Court Room, 1st Floor	3411 Barker Ave.	Melissa	75454
Michael J. Felix Community Center	Rooms A and B	3815-E Sachse Rd.	Sachse	75048
Murphy Community Center	Homer and Marie Adams Rooms	205 N. Murphy Rd.	Murphy	75094
Old Settler's Recreation Center	North Multi-Purpose Room	1201 E. Louisiana St.	McKinney	75069
Parker City Hall	Council Chambers	5700 E. Parker Rd.	Parker	75002
Parr Library	Programs Room	6200 Windhaven Pkwy.	Plano	75093
Plano ISD Administration Center	Lobby	2700 W. 15th St.	Plano	75075
Prosper Town Hall	Community Room	250 W. First St.	Prosper	75078
Renner Frankford Branch Library	Programs Room	6400 Frankford Rd.	Dallas	75252
Steven and Judy Deffibaugh Community Center	Main Lobby	416 N. 4th St.	Princeton	75407

Polling Location (Lugar de Votación)	Room Name (Nombre de la habitación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
Terry Pope Administration Building	Board Room	611 N. FM 1138	Nevada	75173
The Grove at Frisco Commons	Game Room C	8300 McKinney Rd.	Frisco	75034
Wylie Senior Recreation Center	Dining Room	800 Thomas St. #100	Wylie	75098

***Polling locations are subject to change. For the most current list of locations, please visit the Elections webpage at www.collincountytx.gov/elections.**

*(*Los lugares de votación están sujetos a cambios. Para obtener la lista más actualizada de ubicaciones, visite la página web de Elecciones en www.collincountytx.gov/elections.)*

Applications for ballot by mail may be mailed and must be received no later than the close of business on April 23, 2024, to:

(Las solicitudes de boleta por correo pueden enviarse por correo y deben recibirse a más tardar el 23 de abril de 2024 para:)

Bruce Sherbet, Early Voting Clerk

2010 Redbud Blvd. Suite 102

McKinney, Texas 75069

972-547-1900

www.collincountytx.gov

Applications for ballot by mail may also be faxed or emailed and must be received no later than the close of business on April 23, 2024. For an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the hard copy of the application must also be submitted by mail and be received by the early voting clerk not later than the fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received. (Texas Election Code 84.007)

(Las solicitudes de boleta por correo también pueden enviarse por fax o correo electrónico y deben recibirse antes del cierre de operaciones el 23 de abril de 2024. Para que una solicitud de boleta por correo enviada por máquina de fax o transmisión electrónica sea efectiva, la copia impresa de la solicitud también debe presentarse por correo y ser recibida por el secretario de votación anticipada a más tardar el cuarto día hábil posterior a la recepción de la transmisión por fax o máquina electrónica de fax. (Código Electoral de Texas 84.007).)

Fax (Fax) – 972-547-1996

Email (Correo electrónico) – absenteemailballoting@collincountytx.gov

Election Day Vote Centers for the May 4, 2024 Joint General and Special Election – 7 am - 7 pm*

(Centros de votación del día de las elecciones para las Elección generale y especial conjunta del 4 de mayo de 2024 – 7 am – 7pm*)

Important Note: Eligible Collin County registered voters (with an effective date of registration on or before May 4, 2024) may vote at any Election Day location.

(Nota importante: Los votantes registrados elegibles del Condado de Collin (con una fecha efectiva de registro en o antes del 4 de mayo de 2024 puede votar en cualquier lugar el día de las elecciones.)

Polling Location (Lugar de Votación)	Room Name (Nombre de la habitación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
Allen ISD Service Center	Main Lobby	1451 N. Watters Rd.	Allen	75002
Allen Municipal Courts Facility	Community Room	301 Century Pkwy.	Allen	75013
Anna Municipal Complex	Lobby	120 W. 7th St.	Anna	75409
Blue Ridge ISD Administration Building	Board of Trustees Board Room	318 W. School St.	Blue Ridge	75424
Carpenter Park Recreation Center	South Lobby	6701 Coit Rd.	Plano	75024
Collin College Celina Campus	Classroom CEC110	2505 Kinship Pkwy.	Celina	75009
Collin College Farmersville Campus	Atrium	501 S. Collin Pkwy.	Farmersville	75442
Collin College Frisco Campus	Building J, Room 113	9700 Wade Blvd.	Frisco	75035
Collin College Higher Education Center	Atrium	3452 Spur 399	McKinney	75069
Collin College McKinney Campus	Atrium C Square	2200 University Dr.	McKinney	75071
Collin College Plano Campus	Atrium D Square	2800 E. Spring Creek Pkwy.	Plano	75074
Collin College Wylie Campus	Lobby	391 Country Club Rd.	Wylie	75098
Collin County Elections	Voting Room	2010 Redbud Blvd., Suite 102	McKinney	75069
Davis Library	Programs Room	7501-B Independence Pkwy.	Plano	75025
Fairview Town Hall	Council Chambers	372 Town Pl.	Fairview	75069
First Baptist Church Richardson	Activities Center	1001 N. Central Expy.	Richardson	75080
Frisco Fire Station #5	Training Room	14300 Eldorado Pkwy.	Frisco	75035
Frisco Fire Station #8	Training Room	14700 Rolater Rd.	Frisco	75035
Gay Library	Meeting Room	6861 W. Eldorado Pkwy.	McKinney	75070
Lavon City Hall	Gymnasium	120 School Rd.	Lavon	75166

Polling Location <i>(Lugar de Votación)</i>	Room Name <i>(Nombre de la habitación)</i>	Address <i>(Dirección)</i>	City <i>(Ciudad)</i>	Zip Code <i>(Código postal)</i>
Lovejoy ISD Administration Building	Portable #1 Training Room	259 Country Club Rd.	Allen	75002
Lucas Community Center	Community Room	665 Country Club Rd.	Lucas	75002
McKinney Fire Station #5	Community Room	6600 Virginia Pkwy.	McKinney	75071
McKinney Fire Station #7	Community Room	861 Independence Pkwy.	McKinney	75072
McKinney Fire Station #9	Community Room	4900 Summit View Dr.	McKinney	75071
McKinney Fire Station #10	Community Room	1150 Olympic Crossing	McKinney	75071
Melissa City Hall	Municipal Court Room, 1st Floor	3411 Barker Ave.	Melissa	75454
Michael J. Felix Community Center	Rooms A and B	3815-E Sachse Rd.	Sachse	75048
Murphy Community Center	Homer and Marie Adams Rooms	205 N. Murphy Rd.	Murphy	75094
New Hope Town Hall	Council Chambers	121 Rockcrest Rd.	New Hope	75071
Old Settler's Recreation Center	North Multi-Purpose Room	1201 E. Louisiana St.	McKinney	75069
Parker City Hall	Council Chambers	5700 E. Parker Rd.	Parker	75002
Parr Library	Programs Room	6200 Windhaven Pkwy.	Plano	75093
Plano ISD Administration Center	Lobby	2700 W. 15th St.	Plano	75075
Prosper Town Hall	Community Room	250 W. First St.	Prosper	75078
Renner Frankford Branch Library	Programs Room	6400 Frankford Rd.	Dallas	75252
Steven and Judy Deffibaugh Community Center	Main Lobby	416 N. 4th St.	Princeton	75407
Terry Pope Administration Building	Board Room	611 N. FM 1138	Nevada	75173
The Grove at Frisco Commons	Game Room C	8300 McKinney Rd.	Frisco	75034
UTD Callier Clinical Research Center	Lobby	811 Synergy Park Blvd.	Richardson	75080
Wylie Senior Recreation Center	Dining Room	800 Thomas St. #100	Wylie	75098

***Polling locations are subject to change. For the most current list of locations, please visit the Elections webpage at www.collincountytx.gov/elections.**

*(*Los lugares de votación están sujetos a cambios. Para obtener la lista más actualizada de ubicaciones, visite la página web de Elecciones en www.collincountytx.gov/elections.)*

Applications for ballot by mail may be mailed and must be received no later than the close of business on April 23, 2024, to:
(Las solicitudes de boleta por correo pueden enviarse por correo y deben recibirse a más tardar el 23 de abril de 2024 para:)

Bruce Sherbet, Early Voting Clerk

2010 Redbud Blvd. Suite 102

McKinney, Texas 75069

972-547-1900

www.collincountytx.gov

Applications for ballot by mail may also be faxed or emailed and must be received no later than the close of business on April 23, 2024. For an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the hard copy of the application must also be submitted by mail and be received by the early voting clerk not later than the fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received. (Texas Election Code 84.007)

(Las solicitudes de boleta por correo también pueden enviarse por fax o correo electrónico y deben recibirse antes del cierre de operaciones el 23 de abril de 2024. Para que una solicitud de boleta por correo enviada por máquina de fax o transmisión electrónica sea efectiva, la copia impresa de la solicitud también debe presentarse por correo y ser recibida por el secretario de votación anticipada a más tardar el cuarto día hábil posterior a la recepción de la transmisión por fax o máquina electrónica de fax. (Código Electoral de Texas 84.007).)

Fax (Fax) – 972-547-1996

Email (Correo electrónico) – absenteemailballoting@collincountytx.gov

Collin County Election Services
May 4, 2024 Joint Election

Town of Fairview

Registered Voters
Percentage

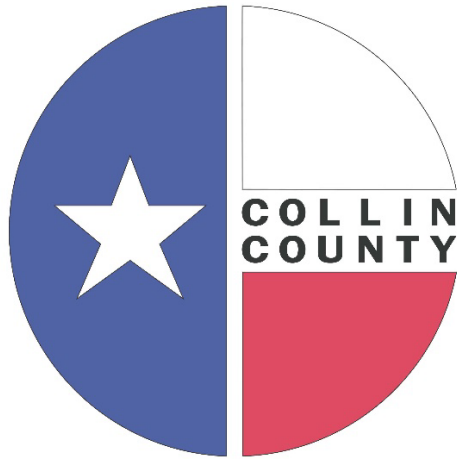
8,552
0.6174676%

Category	Estimated Polling Locations	Estimated Units or Description	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
Early Voting by Mail					
Kits - Mail Ballots		4,000	\$ 1.15	\$ 4,600.00	\$ 28.40
Postage		4,000	\$ 0.88	\$ 3,520.00	\$ 21.73
Paper Ballot Printing Services		0	\$ 0.31	\$ -	\$ -
Paper Ballot Shipping (per box)		0	\$ 30.00	\$ -	\$ -
Ballot Stock - BOD		4,000	\$ 0.12	\$ 480.00	\$ 2.96
Category Subtotal				\$ 8,600.00	\$ 53.10
General Election Expenses					
Mileage			Per Election	\$ 500.00	\$ 3.09
		9 vans for 6 weeks @ \$650 per week			
Van / Car Rental			Per Election	\$ 35,100.00	\$ 216.73
Election Night Receiving Cover			Per Election	\$ 3,167.80	\$ 19.56
Polling Place Rental			Per Election	\$ 20,000.00	\$ 123.49
Notice of Election			Per Election	\$ 9,700.00	\$ 59.89
Security - EV			Per Election	\$ 2,000.00	\$ 12.35
Security - ED including Traffic Control			Per Election	\$ 2,000.00	\$ 12.35
Early Voting Ballot Board			Per Election	\$ 13,869.00	\$ 85.64
FICA - Election Workers		\$ 430,718.00	Per Election	\$ 32,949.93	\$ 203.46
County Employee/IT Overtime - EV/ED			Per Election	\$ 30,000.00	\$ 185.24
Process Pollworker Checks - EV	38	304	\$ 1.50	\$ 456.00	\$ 2.82
Process Pollworker Checks - ED	45	360	\$ 1.50	\$ 540.00	\$ 3.33
Drayage Per Location - ED	45	90	\$ 202.00	\$ 18,180.00	\$ 112.26
Drayage Per Location - EV	38	76	\$ 202.00	\$ 15,352.00	\$ 94.79
Category Subtotal				\$ 183,814.73	\$ 1,135.00
Programming					
Coding Services			25 Days	\$ 70,000.00	\$ 432.23
Balotar Programming			Per Election	\$ 1,250.00	\$ 7.72
Category Subtotal				\$ 71,250.00	\$ 439.95
Early Voting by Personal Appearance					
Election Judge OT - EV (with OT)			\$ 15.00	\$ 45,980.00	\$ 283.91
Alternate Judge OT - EV (with OT)			\$ 14.00	\$ 42,978.00	\$ 265.38
Clerk OT - EV (6 per location, with OT)			\$ 13.00	\$ 234,156.00	\$ 1,445.84
ES&S Support Staff / Field Techs - EV			40 Days	\$ 121,500.00	\$ 750.22
Equipment Assembly - EV	38	38	\$ 50.00	\$ 1,900.00	\$ 11.73
Category Subtotal				\$ 446,514.00	\$ 2,757.08
Election Day and Tabulation					
Election Day/Post Election Vendor Support			15 Days	\$ 43,200.00	\$ 266.75
Notice of Inspection/Tabulation Test			Per Election	\$ 1,500.00	\$ 9.26
Category Subtotal				\$ 44,700.00	\$ 276.01

Town of Fairview

Registered Voters
Percentage8,552
0.6174676%

Category	Estimated Polling Locations	Estimated Units or Description	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
Supply Cost					
Ballots - Card Stock ExpressVote - EV		60,000	\$ 0.14	\$ 8,100.00	\$ 50.01
Ballots - Card Stock ExpressVote - ED		30,000	\$ 0.14	\$ 4,050.00	\$ 25.01
Test Ballots		3,000	\$ 0.14	\$ 420.00	\$ 2.59
Kits - ED	38	38	\$ 51.00	\$ 1,938.00	\$ 11.97
Kits - EV	45	45	\$ 19.00	\$ 855.00	\$ 5.28
Kits - Provisional EV	38	38	\$ 48.35	\$ 1,837.30	\$ 11.34
Kits - Provisional ED	45	45	\$ 38.10	\$ 1,714.50	\$ 10.59
Polling Place Maps - EV	38	38	\$ 25.00	\$ 950.00	\$ 5.87
Polling Place Maps - ED	45	45	\$ 25.00	\$ 1,125.00	\$ 6.95
Signs Metal (5 per location)	83	415	\$ 5.00	\$ 2,075.00	\$ 12.81
Signs Wood	83	83	\$ 2.00	\$ 166.00	\$ 1.02
Ballot Card Stock - Provisional - EV (50 PL)	38	1,900	\$ 0.21	\$ 389.50	\$ 2.41
Ballot Card Stock - Provisional - ED (50 PL)	45	2,250	\$ 0.16	\$ 360.00	\$ 2.22
Ballots - Sample - All Packs	0	0	Per Election	\$ 3,000.00	\$ 18.52
Printer Labels - EV (1 roll per location)	38	152	\$ 6.97	\$ 1,059.44	\$ 6.54
Printer Labels - ED (1 roll per location)	45	90	\$ 6.97	\$ 627.30	\$ 3.87
Category Subtotal				\$ 28,667.04	\$ 177.01
Equipment					
Cabinet Security - EV	38	52	\$ 200.00	\$ 10,400.00	\$ 64.22
Cabinet Security - ED	45	59	\$ 200.00	\$ 11,800.00	\$ 72.86
Computer Cabinet - EV	38	38	\$ 50.00	\$ 1,900.00	\$ 11.73
DS200 Ballot Counter - EV	38	52	\$ 350.00	\$ 18,200.00	\$ 112.38
DS200 Ballot Counter - ED	45	59	\$ 350.00	\$ 20,650.00	\$ 127.51
ExpressVote - EV (9 per location)	38	468	\$ 200.00	\$ 93,600.00	\$ 577.95
Expres Vote - ED (9 per location)	45	531	\$ 200.00	\$ 106,200.00	\$ 655.75
ExpressTouch - EV	38	52	\$ 200.00	\$ 10,400.00	\$ 64.22
ExpressTouch - ED	45	59	\$ 200.00	\$ 11,800.00	\$ 72.86
Category Subtotal				\$ 284,950.00	\$ 1,759.47
Personnel					
Election Judge - ED			\$ 15.00	\$ 13,950.00	\$ 86.14
Alternate Election Judge - ED			\$ 14.00	\$ 13,095.00	\$ 80.86
Clerk - ED (6 per location)			\$ 13.00	\$ 66,690.00	\$ 411.79
Category Subtotal				\$ 93,735.00	\$ 578.78
Election Expense				\$ 1,162,230.77	\$ 7,176.40
Cost (minimum)					\$ 7,176.40
10% Administrative Fee					\$ 717.64
Total Cost					\$ 7,894.04
90% deposit due Friday, March 29, 2024					\$ 7,104.63



JOINT ELECTION SERVICES CONTRACT
("Election Services Contract")

ELECTION SERVICES AGREEMENT

BETWEEN

THE COLLIN COUNTY ELECTIONS ADMINISTRATOR
("Contracting Election Officer")

AND

TOWN OF FAIRVIEW, TEXAS
("Participating Political Subdivision")

FOR THE CONDUCT OF A JOINT ELECTION

TO BE HELD ON SATURDAY, MAY 4, 2024

TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR

1. ADMINISTRATION AND STATUTORY AUTHORITY

- a. Bruce Sherbet (“Bruce Sherbet”) is the duly appointed County Elections Administrator (“Elections Administrator”) of Collin County, Texas, and the Department Head of the Collin County Elections Department. As such, Mr. Sherbet is the Election Administrator of Collin County, Texas and authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this Election Services Contract with the contracting authority of the Participating Political Subdivision.
- b. The contracting authority of the Participating Political Subdivision is hereby participating in the Joint Election to be held in Collin County, Texas on Saturday, May 4, 2024. The Participating Political Subdivision is hereby contracting with the Elections Administrator of Collin County, Texas and all other joining jurisdictions to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

2. DUTIES AND SERVICES OF THE CONTRACTING ELECTION OFFICER

- a. The Contracting Election Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
 - i. The Contracting Election Officer will prepare and publish the required Notice of Election and post the required orders and resolutions to the Collin County Elections Department website.
 - ii. The Contracting Election Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Count Station and judge of the Early Voting Ballot Board.
 - iii. The Contracting Election Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his/her appointment. The presiding election judge of each vote center will use his/her discretion to determine when additional workers are needed, during peak voting hours.
 - iv. The Contracting Election Officer will determine the number of clerks to work in the Central Count Station and the number of clerks to work on the Ballot Board.
 1. Election judges shall attend the Contracting Election Officer’s school of instruction (Election Law Class). A training event calendar will be provided.
 2. Election judges and alternate judges shall be responsible for picking up and returning election supplies to the County Election Warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.
 - v. The Contracting Election Officer shall compensate each election judge and worker. Each judge shall receive \$15.00 per hour, each alternate judge shall receive \$14.00 per hour, and each clerk shall receive \$13.00 per hour for services rendered. Overtime will be paid to each person working more than 40 hours per week.

- b. The Contracting Election Officer shall procure, prepare, and distribute voting machines, election kits, and election supplies.
 - i. The Contracting Election Officer shall secure election kits, which include the legal documentation required to hold an election and all supplies.
 - ii. The Contracting Election Officer shall secure the tables, chairs, and legal documentation required to run the Central Count Station.
 - iii. The Contracting Election Officer shall provide all lists of registered voters required for use on Election Day and for the Early Voting period required by law.
 - iv. The Contracting Election Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
 - 1. Equipment includes the rental of ES&S ExpressVote Universal Voting Machines (EVS 6.1.1.0), ES&S ExpressTouch Curbside Voting Machines (EVS 6.1.1.0), ES&S DS200 Ballot Counters (EVS 6.1.1.0), ES&S Model DS450 and DS850 High-Speed Scanners/Tabulators (EVS 6.1.1.0), ADA compliant headphones and keypads, voting signs, and election supply cabinets.
 - 2. Supplies include paper ballot cards, Early Voting and Election Day supply kits, provisional ballot kits, security seals, pens, tape, markers, etc.
- c. The Contracting Election Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk.
 - i. The Contracting Election Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
 - ii. The Contracting Election Officer shall select the Early Voting polling locations and arrange for the use of each.
 - iii. Early Voting by personal appearance for the Participating Political Subdivision shall be conducted during the Early Voting dates and times and at the locations listed in Exhibit "A" attached and incorporated by reference into this Election Services Contract.
 - iv. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office located at 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.
 - 1. Applications for mail ballots erroneously mailed to the Participating Political Subdivision shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Election Officer for proper retention.
 - 2. All Federal Post Card Applications (FPCA) will be sent a mail ballot. No postage is required.
 - v. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for counting by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The Contracting Officer shall appoint the presiding judge of this Board.
- d. The Contracting Election Officer shall select the Election Day vote centers and arrange for the use of each.
 - i. The Participating Political Subdivision shall assume the responsibility of remitting their portion of cost of all employee services required to provide access, provide security or provide custodial services for the vote centers.
 - ii. The Election Day vote centers are listed in Exhibit "B", attached and incorporated by reference into this Election Services Contract.

- e. The Contracting Election Officer shall be responsible for establishing and operating the Central Count Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. The Central Count Station Manager shall be Bruce Sherbet. The Central Count Station Judge shall be Kathi-Ann Rivard. The Tabulation Supervisor shall be Brian Griesbach.
 - i. The Tabulation Supervisor shall prepare, test and run the County's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Election Officer.
 - ii. The Public Logic and Accuracy Test and Hash Validation of the electronic voting system shall be conducted in accordance with Texas Election Code. The Contracting Election Officer will post the required Notice of Logic and Accuracy Testing and Hash Validation.
 - iii. Election night reports will be available to the Participating Political Subdivision at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with State law.
 - iv. The Contracting Election Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide canvassing documents to the Participating Political Subdivision as soon as possible after all returns have been tallied.
 - v. The Contracting Election Officer shall be appointed as the custodian of the voted ballots and shall retain all election materials for a period of 22 months.
 - 1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
- f. The Contracting Election Officer shall conduct a partial manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivision in a timely manner. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201 of the aforementioned code.

3. DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISION

- a. The Participating Political Subdivision shall assume the following duties:
 - i. The Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, and other documents required by, or of, their governing bodies. The Participating Political Subdivision are required to send Collin County Elections Department a copy of any election order or resolution related to this Joint Election within three business days of publishing, adopting or ordering it.
 - ii. The Participating Political Subdivision shall provide the Contracting Election Officer with an updated map and street index of their jurisdiction in an electronic (PDF and shape files preferred) or printed format as soon as possible but no later than Friday, February 16, 2024.
 - iii. The Participating Political Subdivision shall procure and provide the Contracting Election Officer with the ballot layout and Spanish translation in an electronic format.
 - 1. The Participating Political Subdivision shall deliver to the Contracting Election Officer as soon as possible, but no later than 5:00 p.m. Friday, February 16, 2024, the official wording for the Participating Political Subdivision's May 4, 2024 Joint Election.
 - 2. The Participating Political Subdivision shall approve the ballot proofs format within 24 hours of receiving the ballot proof and prior to the final printing.

- a. If the Participating Political Subdivision fails to approve the ballot proofs within 24 hours of receiving the proofs, the Contracting Election Officer will presume that the ballot proofs have been approved by the Participating Political Subdivision. Any costs incurred by making any changes to the ballot (designing, printing, programming, etc.) from this point forward will be the responsibility of the Participating Political Subdivision.
 - iv. The Participating Political Subdivision shall compensate the Contracting Election Officer for all associated costs including any additional verified cost incurred in the process of running this election or for a manual recount, this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.
 - 1. The charges incurred during the manual recount are outlined in Sec. 212 of the Texas Election Code.
 - b. The Participating Political Subdivision shall pay the Contracting Election Officer 90% of the estimated cost to run the said election prior to Friday, March 29, 2024. The Contracting Election Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The deposit should be made payable to the "Collin County Treasury" with a note "For election services" included with the check documentation and delivered to the Collin County Treasury, 2300 Bloomdale Rd., #3138, McKinney, Texas 75071.
 - c. The Participating Political Subdivision shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing. Additionally, all payments in excess of the final cost to perform the election will be refunded to the Participating Political Subdivision.
- 4. COST OF SERVICES.
 - a. See Exhibit "C".
 - b. Note: A Participating Political Subdivision shall incur a minimum cost of \$3,500.00 to conduct a joint election with the Collin County Elections Department.
- 5. RUNOFF ELECTIONS
 - a. Each Participating Political Subdivision shall have the option of extending the terms of this contract through its Runoff Election, if applicable. In the event of such Runoff Election, the terms of this contract shall automatically extend unless the Participating Political Subdivision notifies the Elections Administrator in writing within 3 business days of the original election.
 - b. Each Participating Political Subdivision shall reserve the right to reduce the number of Early Voting polling locations and/or Election Day vote centers in a Runoff Election. If necessary, any voting changes made by a Participating Political Subdivision between the original election and the Runoff Election shall be submitted by the authority making the change to the United States Department of Justice for the preclearance required by the Federal Voting Rights Act of 1965, as amended.
 - c. Each Participating Political Subdivision agrees to order any Runoff Election(s) at its meeting for canvassing the votes from the May 4, 2024 Joint Election, and to conduct its drawing for ballot positions at, or immediately following, such meeting in order to expedite preparations for its Runoff Election.
 - d. Each Participating Political Subdivision eligible to hold Runoff Elections after the May 4, 2024 Uniform Election Date agrees that the date of a necessary Runoff Election shall be held in accordance with the Texas Election Code, which will be Saturday, June 15, 2024.

6. GENERAL PROVISIONS

- a. Nothing contained in this Election Services Contract shall authorize or permit a change in the officer with whom, or the place at which any document or record relating to the Participating Political Subdivision's May 4, 2024 Joint Election are to be filed, or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- b. Upon request, the Contracting Election Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivision.
- c. If the Participating Political Subdivision cancels their elections pursuant to Section 2.053 of the Texas Election Code, the Participating Political Subdivision shall pay the Contracting Officer a contract preparation fee of \$75.00 and will not be liable for any further costs incurred by the Contracting Officer.
- d. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.



Memorandum

February 6, 2024

FROM: Police

SUBJECT: Authorize the Town Manager to approve using \$8,786.70 out of forfeited funds to purchase police equipment.

BACKGROUND: The town currently has approximately \$9,000 in forfeited funds that may be used by police departments for authorized expenditures, as allowed by state law.

STATUS OF ISSUE: One of the goals for the police department is to upgrade the type of handguns used by officers. These funds would be used to purchase 10 replacement handguns and accessories.

BUDGET: Funds would be available from forfeited funds

RECOMMENDATION: Ratify the purchase of Glock 9mm handguns for police department use.

Attachments:

1. Quote - Police Equipment Purchase



GT Distributors - Austin
1124 New Meister Ln., Ste 100
Pflugerville TX 78660
(512) 451-8298 Ext. 0000

Quote	QTE0184799
Date	1/16/2024
Page:	1

Bill To:

Fairview, Town of (TX)
Attn: Accounts Payable
372 Town Place
Fairview TX 75069

Ship To:

Fairview, Town of (TX)
372 Town Place
Attn: Ofc. James Taylor
PO #:
Fairview TX 75069

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
TAYLOR 16JAN24 GL	006652	MPH	FACTORY DIRECT	NET 15	0/0/0000	2,861,930
Quantity	Item Number	Description	UOM	Unit Price	Ext. Price	
10	GLOCK-PA455S202MO	Glock 45 Gen 5 MOS w FS 3 MAGS Fxd Sghts	EA	\$429.00	\$4,290.00	
10	SAF-6360RDS-2832-41	SAF 6360RDS ALS@/SLS Mid-Ride, Lvl 3 Holst	EA	\$150.15	\$1,501.50	
		Please specify optic.				
		Please specify RH / LH.				
10	SF-X300U-B*	Surefire X300 Ultra Weapon Light 6V 1000 Lurr	EA	\$262.07	\$2,620.70	
10	SAF-77-83-2HS*	Safariland Double Magazine Pouch	EA	\$37.45	\$374.50	
1	NOTES:	Notes:	EA	\$0.00	\$0.00	
		Quotation reflects BuyBoard Contract 698-23.				
		Contract period 4/1/23-3/31/24.				
		Email BuyBoard PO's to info@buyboard.com				
1	NOTES:	Notes:	EA	\$0.00	\$0.00	
		Quote is valid for 30 days.				
		Please, reference quote number on PO.				
		Freight may vary with quantity changes.				
1	NOTES:	Notes:	EA	\$0.00	\$0.00	
		Glock is currently quoting lead-times of 90-120 days, or greater.				

**QUOTE IS GOOD FOR 30 DAYS. IN ORDER TO RECEIVE QUOTED PRICE
PLEASE PRESENT A COPY OF QUOTE AT POINT OF SALE IN STORES OR
REFERENCE QUOTE NUMBER ON PO OR REQUISITION**

Taylor, James
jtaylor@fairviewtexas.org
Your salesperson was James.
We appreciate your business!

Subtotal	\$8,786.70
Misc	\$0.00
Tax	\$0.00
Freight	\$69.99
Total	\$8,856.69



Memorandum

February 6, 2024

FROM: Town Administration

SUBJECT: Approve a resolution authorizing continued participation with the Oncor Cities Steering Committee and payment of assessed dues for 2024.

BACKGROUND: The Steering Committee of Cities Served by Oncor (“Steering Committee”) undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the Town. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission (PUC), Electric Reliability Council of Texas (ERCOT), the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (i.e., wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC (“Oncor”).

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the PUC, ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

Currently, the Steering Committee is involved in numerous rulemakings and projects at the PUC. The Steering Committee expects to participate in Oncor’s Rate Case and Energy Efficiency Cost Recovery Factor proceedings later this year.

STATUS OF ISSUE: The attached resolution authorizes the continuation of the Town’s membership to the Steering Committee. Also, it authorizes the payment of the Town’s assessment to the Steering Committee in the amount of ten cents (\$0.10) per capita.

The Steering Committee uses the latest population figure (10,851) shown in the Texas Municipal League Directory of City Officials when calculating membership assessments, which would bring the Town's total amount due to \$1,085.10.

BUDGET: This Steering Committee membership assessment was approved in the FY 23-24 budget.

RECOMMENDATION:

Approve the attached resolution authorizing payment of the Steering Committee of Cities Served by Oncor membership assessment for 2024.

Attachments:

1. Resolution - Oncor Cities Steering Committee 2024 Membership 20240201

TOWN OF FAIRVIEW, TEXAS

RESOLUTION NO. 2024-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the Town of Fairview is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the Town; and

WHEREAS, the Steering Committee of Cities Served by Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the Town of Fairview is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2023 meeting set a budget for 2024 that compels an assessment of ten cents (\$0.10) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. That the Town is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the Town of Fairview and protect

the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the Town limits.

Section 2. The Town is further authorized to pay its assessment to the Steering Committee of ten cents (\$0.10) per capita based on the population figures for the Town shown in the latest TML Directory of City Officials.

Section 3. A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor*” shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 6th day of February, 2024.

Henry Lessner, Mayor
Town of Fairview

ATTEST:

APPROVED AS TO FORM:

Joshua Stevenson, Town Secretary

Clark McCoy, Town Attorney

Town of Fairview

Monthly Financial Report

For the period December 30, 2023



Background

- Report is prepared for the following funds:
 - General Fund
 - Water & Sewer Fund
 - Solid Waste Fund
 - Debt service Fund
 - Stormwater Fund
 - Fairview EDC & CDC Funds
- This report covers the third month of FY23-24 (or 25% of the budget)
- Some totals are subject to change due to year end accruals and/or audit adjustments.



General Fund - Revenues

- Revenue Collections for the third month:
 - \$4,068,805 or 36% of the total annual budget.
- Revenue Collection is \$197,315 more than last fiscal year.



General Fund - Expenditures

- Expenditures for the third month:
 - \$3,230,486 or 29% of the total annual budget.
- Expenditures are \$584,959 more last fiscal year.



General Fund Revenues

December 2023 (25% of the Fiscal Year)

Year to Date General Fund Revenues					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
<u>Revenues:</u>	FY 23-24	December 23	December 22		
Property Taxes	\$ 6,377,000	\$ 2,669,343	\$ 2,595,033	\$ 74,310	41.9%
Sales & Use Taxes	1,990,000	532,755	467,811	64,944	26.8%
Mixed Beverage Tax	100,000	24,046	25,113	(1,067)	24.0%
Franchises	604,000	199,331	170,991	28,340	33.0%
Licenses & Permits	317,200	82,092	86,308	(4,216)	25.9%
Charges for Service	295,700	71,757	119,633	(47,876)	24.3%
Fines & Fees	370,600	52,658	74,410	(21,752)	14.2%
Investment Income	250,000	225,302	88,385	136,917	90.1%
Miscellaneous	116,700	30,870	63,156	(32,286)	26.5%
Transfer from Water & Sewer Fund	685,000	171,250	171,250	-	25.0%
Transfer from Stormwater Fund	37,600	9,400	9,400	-	25.0%
Transfer from Hotel/Motel Fund	110,000	-	-	-	0.0%
Transfer from Court Fund	15,000	-	-	-	0.0%
Total Revenues	\$ 11,268,800	\$ 4,068,805	\$ 3,871,490	\$ 197,315	36.1%



General Fund Expenditures

December 2023 (25% of the Fiscal Year)

Expenditures:

Mayor & Council

Administration

Accounting

Town Secretary

Planning & Zoning

Police

Fire

Public Works

Inspections

Municipal Court

Parks & Recreation

Non-Departmental

Total Expenditures

Year to Date General Fund Expenditures				
Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual Spent yr to Date
FY 23-24	December 23	December 22		
\$ 23,400	\$ 4,036	\$ 3,258	\$ (778)	17.2%
916,839	221,810	168,640	(53,170)	24.2%
706,751	221,927	175,042	(46,885)	31.4%
158,923	42,138	38,884	(3,254)	26.5%
185,943	50,304	40,757	(9,547)	27.1%
3,115,060	799,730	666,756	(132,974)	25.7%
4,445,379	1,367,357	1,112,856	(254,501)	30.8%
632,612	130,078	99,849	(30,229)	20.6%
267,061	60,755	63,917	3,162	22.7%
187,808	80,395	51,724	(28,671)	42.8%
86,399	30,511	26,252	(4,259)	35.3%
541,900	221,444	197,592	(23,852)	40.9%
\$ 11,268,075	\$ 3,230,486	\$ 2,645,527	\$ (584,959)	28.7%



Water and Sewer

- Revenue Collections for the third month:
 - \$2,624,896 or 28% of the total annual budget.
- Revenue Collections are \$540,290 more than last fiscal year.
- Water revenue increased by; \$384,536 and sewer revenue increased by \$154,508 as compared to last year at this time.
- Expenditures for the third month:
 - \$2,265,673 or 23% of the total annual budget.
- Expenditures are \$617,199 more than last fiscal year.



Utility Fund Revenues/Expenditures

December 2023 (25% of the Fiscal Year)

Year to Date Utility Fund Revenues					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
	FY 23-24	December 23	December 22		
Revenues:					
Water Service	\$ 7,100,000	\$ 2,002,398	\$ 1,617,862	\$ 384,536	28.2%
Sewer Service	2,000,000	535,313	380,805	154,508	26.8%
Tower Lease	200,500	37,413	44,992	(7,579)	18.7%
Investment Income	10,000	8,149	5,081	3,068	81.5%
Miscellaneous	86,000	36,624	30,866	5,758	42.6%
Transfers	20,000	5,000	5,000	-	25.0%
Total Revenues	\$ 9,416,500	\$ 2,624,896	\$ 2,084,606	\$ 540,290	27.9%
Year to Date Utility Fund Expenditures					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
	FY 23-24	December 23	December 22		
Expenses:					
Water Department	\$ 5,670,493	\$ 1,449,250	\$ 1,178,038	\$ (271,212)	25.6%
Utilities	252,607	76,509	61,636	(14,873)	30.3%
Sewer Department	1,942,943	561,995	229,079	(332,916)	28.9%
Debt Service	880,303	-	-	-	0.0%
General Fund Franchise Fee	345,000	86,250	86,250	-	25.0%
Transfer to General Fund	340,000	85,000	85,000	-	25.0%
Non-Departmental	260,900	6,669	8,471	1,802	2.6%
Total Expenses	\$ 9,692,246	\$ 2,265,673	\$ 1,648,474	\$ (617,199)	23.4%



Utility Billing Information

Report Period	Active Accounts	New Utility Accounts	Monthly Billing Total	Monthly Gallons Billed (in 1,000's)
December 2022	3,966	30	325,469	32,330
December 2023	3,994	21	439,037	43,422
Increase (Decrease)	28	(9)	113,568	11,092



Sales Tax Analysis

- Sales Tax Collections year to date-FY24 (Town, EDC and CDC):
 - \$1,436,737: This amount is an increase of \$147,209 or 11% from last FY at this time.
- Sales Tax Collections December 2023-October Sales (Town, EDC and CDC):
 - \$340,642: This amount is an increase of \$29,330 or 9% more than December 2022.
- Sales Tax Collections January 2024-November Sales (Town, EDC and CDC):
 - \$371,227: This amount is an increase of \$17,321 or 4.9% more than January 2023.



Sales Tax – 2%

General Fund/EDC/CDC

	FY2024	FY2023	FY2022	FY2021	FY2020
	<u>Oct 23 - Sept 24</u>	<u>Oct 22 - Sept 23</u>	<u>Oct 21 - Sept 22</u>	<u>Oct 20 - Sept 21</u>	<u>Oct 19 - Sept 20</u>
October	316,095	294,418	274,115	228,979	212,967
November	408,774	329,891	309,829	291,892	323,364
December	340,642	311,312	292,392	227,941	260,172
January	371,227	353,906	344,893	251,699	263,247
February		461,045	477,658	417,850	508,935
March		266,047	261,307	239,829	231,238
April		295,640	240,366	198,459	224,712
May		361,181	334,010	308,087	240,395
June		329,377	329,494	279,927	135,020
July		366,317	340,373	315,440	221,412
August		368,131	349,430	362,625	291,739
September		<u>335,995</u>	<u>303,464</u>	<u>289,501</u>	<u>226,609</u>
Total	<u>1,436,738</u>	<u>4,073,260</u>	<u>3,857,331</u>	<u>3,412,229</u>	<u>3,139,810</u>



Fund Summaries

Combined Revenue & Expenditure Report					
	Budget	Current Year	Last Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
Solid Waste	FY 23-24	December 23	December 22		
Revenue	\$ 956,000	\$ 241,839	\$ 231,104	\$ 10,735	25.3%
Expenses	953,450	156,045	148,078	(7,967)	16.4%
Debt Service					
Revenue	2,464,115	883,238	904,786	(21,548)	35.8%
Expenses	2,465,364	2,300	2,000	(300)	0.1%
Stormwater					
Revenue	375,000	808,117	91,007	717,110	>100%
Expenses	368,631	677,882	46,126	(631,756)	>100%
Fairview EDC					
Revenue	1,030,000	290,652	248,912	41,740	28.2%
Expenses	936,300	10,882	19,337	8,455	1.2%
Fairview CDC					
Revenue	1,030,000	292,291	249,368	42,923	28.4%
Expenses	892,200	52,337	39,927	(12,410)	5.9%





Questions & Discussion

Steven Ventura, CFO

INVESTMENT PORTFOLIO SUMMARY



**For the Quarter Ended
December 31, 2023**



**Town of Fairview
Investment Officers' Certification**

**For the Quarter Ended
December 31, 2023**

The Town of Fairview (the "Town") has prepared this report in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by the Town's investment officers and includes the disclosures required in the PFIA.

The investment portfolio complied with the PFIA and the Town's approved Investment Policy and Strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Town and were made in full compliance with the PFIA and the approved Investment Policy.

Officer Names and Titles:

A blue ink signature of Steven Ventura, written in a cursive style.

Name: Steven Ventura

Title: CFO

A blue ink signature of Brenda Bowman, written in a cursive style.

Name: Brenda Bowman

Title: Accounting Manager

A black ink signature of Adam Wilbourn, written in a cursive style.

Name: Adam Wilbourn

Title: Assistant Town Manager

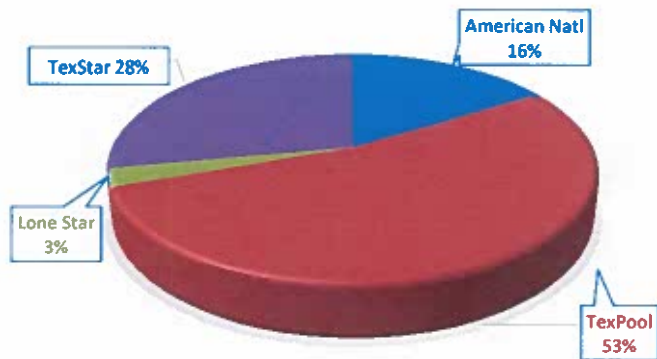
**TOWN OF FAIRVIEW
INVESTMENT PORTFOLIO SUMMARY
FOR THE QUARTER ENDED DECEMBER 31, 2023**

Account	Balance as of 9/30/2023	Deposits	Withdrawals	Interest Earned	Ending Balance as of 12/31/2023
CASH:					
American National - General Operating	2,155,729	10,416,311	8,407,240	6,182	4,170,982
American National - Reserve Account	2,500,000	-	-	-	2,500,000
American National - Emp Benefit Trust	31,699	263,238	261,240		33,697
TOTAL CASH ACCOUNTS	\$ 4,687,427	\$ 10,679,549	\$ 8,668,480	\$ 6,182	\$ 6,704,678

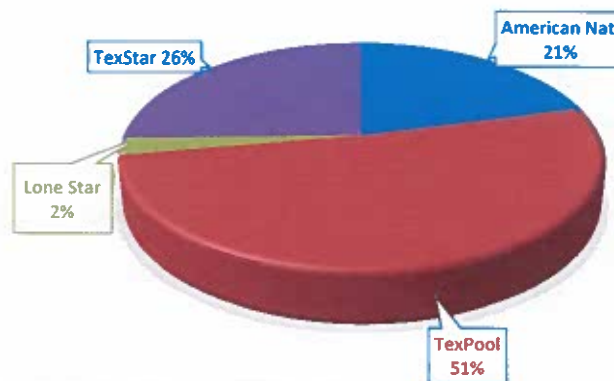
Account	Balance as of 9/30/2023	Deposits	Withdrawals	Interest Earned	Ending Balance as of 12/31/2023
INVESTMENTS:					
TexPool - General Fund	\$ 665,956	\$ -		\$ 9,049	\$ 675,005
TexPool - Water System	599,671	-	-	8,149	607,819
TexPool - Interest & Sinking	14,217	883,238	-	2,349	899,804
TexPool - CDC	1,746,780	266,378	345,000	22,414	1,690,572
TexPool - EDC	1,794,168	266,378	212,000	24,274	1,872,819
TexPool - 2016 CO	1,871,969	-	-	25,437	1,897,406
TexPool - Pooled Investment	7,303,027	-	-	103,536	7,406,564
TexPool - Street Fund	1,526,895	-	-	20,748	1,547,643
Lone Star - General Fund	758,768	-	-	10,747	769,514
TexStar-General Fund	8,151,291	-		110,005	8,261,296
TOTAL INVESTMENT ACCOUNTS	\$ 24,432,741	\$ 1,415,993	\$ 557,000	\$ 336,708	\$ 25,628,442

TOTAL CASH & INVESTMENTS	\$ 29,120,168		\$ 32,333,120
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BALANCE AS OF 9/30/2023



ENDING BALANCE AS OF 12/31/2023



Town of Fairview
Detail of Security Holding
December 31, 2023

Security Description	Coupon	Maturity Date	Settlement Date	Par Value	Purchased Value	Adjusted Book Value	Market Price	Market Value	Life (mo)	Yield
American National Bank - General Operating	0.73%	1/1/2024	12/31/2023	4,170,981.50	4,170,981.50	4,170,981.50	100.00	4,170,981.50	1.00	0.0942%
American National Bank - Reserve Acct	0.00%	1/1/2024	12/31/2023	2,500,000.00	2,500,000.00	2,500,000.00	100.00	2,500,000.00	1.00	0.0000%
American Natl. - FV Twn Emp Benefit Trust	0.00%	1/1/2024	12/31/2023	33,696.58	33,696.58	33,696.58	100.00	33,696.58	1.00	0.0000%
TexPool - General Fund	5.37%	1/1/2024	12/31/2023	675,005.08	675,005.08	675,005.08	100.00	675,005.08	1.00	0.1122%
TexPool - Water System	5.37%	1/1/2024	12/31/2023	607,819.22	607,819.22	607,819.22	100.00	607,819.22	1.00	0.1010%
TexPool - Interest & Sinking	5.37%	1/1/2024	12/31/2023	899,803.68	899,803.68	899,803.68	100.00	899,803.68	1.00	0.1495%
TexPool - CDC	5.37%	1/1/2024	12/31/2023	1,690,571.60	1,690,571.60	1,690,571.60	100.00	1,690,571.60	1.00	0.2809%
TexPool - EDC	5.37%	1/1/2024	12/31/2023	1,872,819.14	1,872,819.14	1,872,819.14	100.00	1,872,819.14	1.00	0.3112%
TexPool - CO 2016	5.37%	1/1/2024	12/31/2023	1,897,406.40	1,897,406.40	1,897,406.40	100.00	1,897,406.40	1.00	0.3153%
TexPool Prime - Pooled Investment	5.61%	1/1/2024	12/31/2023	7,406,563.59	7,406,563.59	7,406,563.59	100.00	7,406,563.59	1.00	1.2860%
TexPool - Street Fund	5.37%	1/1/2024	12/31/2023	1,547,643.16	1,547,643.16	1,547,643.16	100.00	1,547,643.16	1.00	0.2572%
Lone Star - General Fund	5.60%	1/1/2024	12/31/2023	769,514.15	769,514.15	769,514.15	100.00	769,514.15	1.00	0.1333%
TexStar - General Fund	5.34%	1/1/2024	12/31/2023	8,261,296.02	8,261,296.02	8,261,296.02	100.00	8,261,296.02	1.00	1.3638%
TOTAL				\$ 32,333,120.12	\$ 32,333,120.12	\$ 32,333,120.12		\$ 32,333,120.12	1.00	4.4044%
									(1)	(2)

(1) Weighted average life - For purposes of calculating weighted average life bank, pool, and money market investments are assumed to mature the next business day.

(2) Weighted average yield to maturity - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield is for this month only.

**TOWN OF FAIRVIEW
GENERAL FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - General Fund	\$ 665,955.82	\$ -	\$ -	\$ 9,049.26	\$ 675,005.08
Lone Star - General Fund	758,767.52	-	-	10,746.63	769,514.15
TexStar - General Fund	8,151,291.00	-	-	110,005.02	8,261,296.02
TOTAL INVESTMENT ACCOUNTS	<u><u>\$ 9,576,014.34</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 129,800.91</u></u>	<u><u>\$ 9,705,815.25</u></u>
TOTAL GENERAL FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					<u><u>\$ 9,705,815.25</u></u>

**TOWN OF FAIRVIEW
DEBT SERVICE FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - Interest & Sinking	\$ 14,216.67	\$ 883,237.75	\$ -	\$ 2,349.26	\$ 899,803.68
TOTAL INVESTMENT ACCOUNTS	<u>\$ 14,216.67</u>	<u>\$ 883,237.75</u>	<u>\$ -</u>	<u>\$ 2,349.26</u>	<u>\$ 899,803.68</u>
 TOTAL DEBT SERVICE FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u>\$ 899,803.68</u>

**TOWN OF FAIRVIEW
WATER FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - Water System	\$ 599,670.72	\$ -	\$ -	\$ 8,148.50	\$ 607,819.22
 TOTAL INVESTMENT ACCOUNTS	 <u>\$ 599,670.72</u>	 <u>\$ -</u>	 <u>\$ -</u>	 <u>\$ 8,148.50</u>	 <u>\$ 607,819.22</u>
 TOTAL WATER FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u>\$ 607,819.22</u>

**TOWN OF FAIRVIEW
CAPITAL PROJECT FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - 2016 CO	\$ 1,871,969.27	\$ -	\$ -	\$ 25,437.13	\$ 1,897,406.40
TOTAL INVESTMENT ACCOUNTS	<u>\$ 1,871,969.27</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 25,437.13</u>	<u>\$ 1,897,406.40</u>
 TOTAL CAPITAL PROJECT FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u><u>\$ 1,897,406.40</u></u>

**TOWN OF FAIRVIEW
CDC FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - CDC	\$ 1,746,780.15	\$ 266,377.51	\$ 345,000.00	\$ 22,413.94	\$ 1,690,571.60
TOTAL INVESTMENT ACCOUNTS	<u>\$ 1,746,780.15</u>	<u>\$ 266,377.51</u>	<u>\$ 345,000.00</u>	<u>\$ 22,413.94</u>	<u>\$ 1,690,571.60</u>
 TOTAL CDC FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					<u>\$ 1,690,571.60</u>

**TOWN OF FAIRVIEW
EDC FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - EDC	\$ 1,794,167.50	\$ 266,377.51	\$ 212,000.00	\$ 24,274.13	\$ 1,872,819.14
TOTAL INVESTMENT ACCOUNTS	<u>\$ 1,794,167.50</u>	<u>\$ 266,377.51</u>	<u>\$ 212,000.00</u>	<u>\$ 24,274.13</u>	<u>\$ 1,872,819.14</u>
 TOTAL EDC FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u><u>\$ 1,872,819.14</u></u>

**TOWN OF FAIRVIEW
POOLED
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - Pooled Investment	\$ 7,303,027.35	\$ -	\$ -	\$ 103,536.24	\$ 7,406,563.59
TOTAL INVESTMENT ACCOUNTS	<u>\$ 7,303,027.35</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 103,536.24</u>	<u>\$ 7,406,563.59</u>
 TOTAL POOLED INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u>\$ 7,406,563.59</u>

**TOWN OF FAIRVIEW
STREET FUND
INVESTMENT PORTFOLIO
FOR THE QUARTER ENDED DECEMBER 31, 2023**

<u>Account</u>	<u>Balance as of 9/30/2023</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest Earned</u>	<u>Ending Balance as of 12/31/2023</u>
INVESTMENTS:					
TexPool - Street Fund	\$ 1,526,894.98	\$ -	\$ -	\$ 20,748.18	\$ 1,547,643.16
TOTAL INVESTMENT ACCOUNTS	<u>\$ 1,526,894.98</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 20,748.18</u>	<u>\$ 1,547,643.16</u>
 TOTAL STREET FUND INVESTMENT PORTFOLIO AS OF DECEMBER 31, 2023					 <u><u>\$ 1,547,643.16</u></u>



Fairview Police Department's Monthly Report | 2024

2024	January	February	March	April	May	June	July	August	September	October	November	December	YTD	2023 Month	2023 Year
Calls															
Alarms	29													36	365
Accidents	24													38	370
Mutual Aid Given	17													13	156
Mutual Aid Received	1													9	69
Other Calls	228													230	2739
Traffic Stops	155													318	3028
Total	454													644	6636
Offenses															
<i>Part I</i>															
Homicide	0													0	0
Rape	0													0	2
Robbery	0													0	0
Assault	2													1	6
Burglary	0													4	15
Theft	7													5	85
Motor Vehicle Theft	0													0	8
<i>Part II</i>														14	119
Total	9													24	235
Offense/Incident															
Reports Generated	30													31	321
Arrests															
Part I	2													0	23
Part II	2													5	33
Total	4													5	56
Traffic Enforcement															
Citations	107													176	1857
Warnings	14													66	585



Fairview Police Department Racial Profiling Analysis 2023 Data

Texas Code of Criminal Procedure 2.132 Requirements

- ✓ Written policy defining & prohibiting racial profiling
- ✓ Process to file complaint
- ✓ Provide public education on Compliment/Complaint process
- ✓ Appropriate corrective action
- ✓ Collection of data
- ✓ Annual report to TCOLE & Council

Texas Code of Criminal Procedure 2.132 Requirements Continued

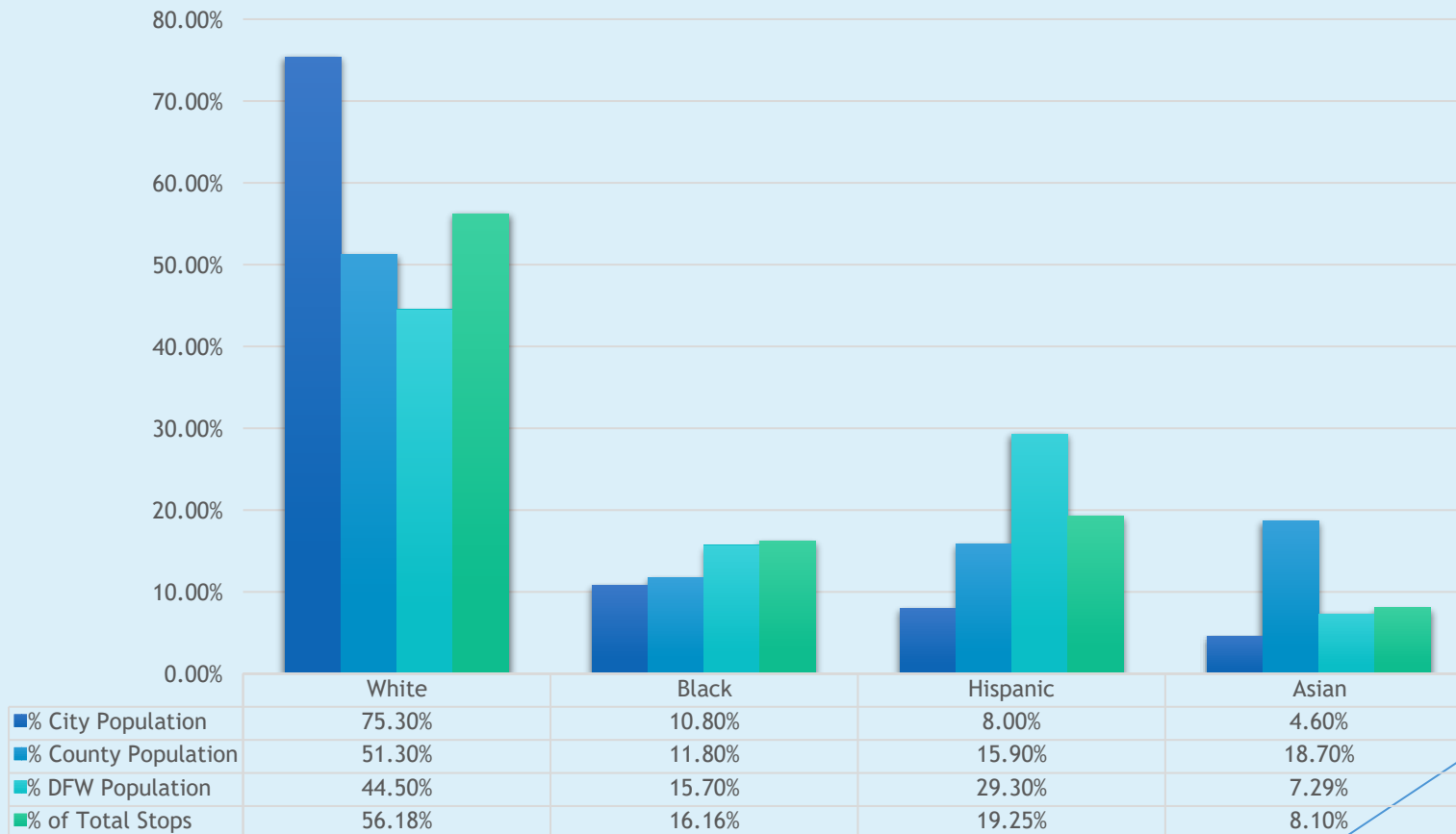
**Fairview Police Department is
Fully Compliant with Texas Law**

Comparative Analysis #1

Traffic Stops by Race/Ethnicity

- Total Stops: 2,878
- White total: 1,617
- Asian/Pacific Islander total: 233
- Black total: 465
- Hispanic/Latino total: 554
- Alaska Native/American Indian total: 9

Total Stops to Population



Issues Associated with “Stop Data”

- Group data to explain individual officer decisions
- A valid measure of the driving population does not exist
 - A replacement measure is used, being census data
- Officers knowing the race of the individual they stop only 92 (out of 2,878) times or 3.2%

Comparative Analysis #2

Traffic Stop Outcomes

Verbal Warnings (26.82%)

- White motorists – 60.49%
- Black motorists – 17.49%
- Hispanic motorists – 14.77%
- Asian motorists – 6.99%

Arrests (.16%)

- White motorists – 0.2%
- Black motorists – 0.2%
- Hispanic motorists – 0.6%
- Asian motorists – 0.00%

Citations (54.90%)

- White motorists – 25%
- Black motorists – 23%
- Hispanic motorists – 36%
- Asian motorists – 27%
- 62% based on outstanding warrant
- 26% based on probable cause

➤ **Of 2,878 traffic stops, none involved physical force resulting in bodily injury**

Comparative Analysis #3

Searches

37 searches occurred pursuant to 2,878 traffic stops (1.29%)

Searches

- White motorists – 43.24%
- Black motorists – 2.7%
- Hispanic motorists – 32.43%
- Asian motorists – 2.7%

Contraband Discovered

- Contraband discovered in 75.68% of all searches
- Drugs were the most discovered contraband (78.57%)

Type of Searches

- 5 of the 37 searches were based on **Consent**
- 7 of the 37 searches were based on **Plain View**
- 24 of the 37 searches were based on **Probable Cause**
- 1 of the 37 searches were based on **Incident to Arrest**

Analysis #4

Racial Profiling Complaints

In 2023, the Fairview Police Department received NO COMPLAINTS alleging that a peace officer employed by the agency engaged in racial profiling



QUESTIONS?

Racial Profiling Report | Full

Agency Name: FAIRVIEW POLICE DEPARTMENT
Reporting Date: 01/04/2024
TCOLE Agency Number: 085208

Chief Administrator: WILLIAM C. CHANDLER

Agency Contact Information:
Phone: (972) 886-4210
Email: cchandler@fairviewtexas.org

Mailing Address:
372 TOWN PL
FAIRVIEW, TX 75069-1826

This Agency filed a full report

FAIRVIEW POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the FAIRVIEW POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the FAIRVIEW POLICE DEPARTMENT if the individual believes that a peace officer employed by the FAIRVIEW POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the FAIRVIEW POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the FAIRVIEW POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The FAIRVIEW POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: WILLIAM C. CHANDLER
Chief of Police

Date: 01/04/2024

Total stops: 2878

Street address or approximate location of the stop

City street	1732
US highway	537
County road	35
State highway	568
Private property or other	6

Was race or ethnicity known prior to stop?

Yes	92
No	2786

Race / Ethnicity

Alaska Native / American Indian	9
Asian / Pacific Islander	233
Black	465
White	1617
Hispanic / Latino	554

Gender

Female	1005
Alaska Native / American Indian	1
Asian / Pacific Islander	75
Black	180
White	575
Hispanic / Latino	174
Male	1873
Alaska Native / American Indian	8
Asian / Pacific Islander	158
Black	285
White	1042
Hispanic / Latino	380

Reason for stop?

Violation of law	158
Alaska Native / American Indian	0
Asian / Pacific Islander	6
Black	27
White	95

Hispanic / Latino	30
Preexisting knowledge	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	2
Moving traffic violation	1970
Alaska Native / American Indian	9
Asian / Pacific Islander	176
Black	299
White	1090
Hispanic / Latino	396
Vehicle traffic violation	746
Alaska Native / American Indian	0
Asian / Pacific Islander	51
Black	139
White	430
Hispanic / Latino	126
Was a search conducted?	
Yes	37
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	8
White	16
Hispanic / Latino	12
No	2841
Alaska Native / American Indian	9
Asian / Pacific Islander	232
Black	457
White	1601
Hispanic / Latino	542
Reason for Search?	
Consent	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1

Hispanic / Latino	2				
Contraband	7				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	5				
Hispanic / Latino	1				
Probable	24				
Alaska Native / American Indian	0				
Asian / Pacific Islander	1				
Black	5				
White	9				
Hispanic / Latino	9				
Inventory	0				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	0				
Hispanic / Latino	0				
Incident to arrest	1				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	1				
Hispanic / Latino	0				
Was Contraband discovered?					
Yes	28				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	1	Yes	0	No	1
Black	6	Yes	0	No	6
White	11	Yes	0	No	11
Hispanic / Latino	10	Yes	1	No	9
No	9				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	2				
White	5				
Hispanic / Latino	2				

Description of contraband	
Drugs	22
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	8
Hispanic / Latino	7
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	2
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
Result of the stop	
Verbal warning	772

Alaska Native / American Indian	2
Asian / Pacific Islander	54
Black	135
White	467
Hispanic / Latino	114
Written warning	521
Alaska Native / American Indian	0
Asian / Pacific Islander	43
Black	75
White	342
Hispanic / Latino	61
Citation	1580
Alaska Native / American Indian	7
Asian / Pacific Islander	136
Black	254
White	807
Hispanic / Latino	376
Written warning and arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Citation and arrest	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	3
Arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	1
Hispanic / Latino	1
Violation of Traffic Law	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	1
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	2878
Alaska Native / American Indian	9
Asian / Pacific Islander	233
Black	465
White	1617
Hispanic / Latino	554

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	☒
Use Department's submitted analysis	☐

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



Fairview Fire Rescue 2024

Incident Types	January	February	March	April	May	June	July	August	September	October	November	December	Totals
Fires	6												6
EMS	59												59
MVAs/ Rescues	4												4
Hazardous Conditions	3												3
Service Calls	35												35
Good Intent	16												16
Fire Alarm	17												17
Other	0												0
Incident Totals	140	0	0	0	0	0	0	0	0	0	0	0	140

EMS Patients													
ALS	39												39
BLS	30												30
Total Patients	69	0	0	0	0	0	0	0	0	0	0	0	69

T'ported by Fairview	39												39
T'ported by other agency	6												6
Treatment Only	2												2
No treatment	22												22

Avg Response Time	06:13.2												06:13.2
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Calls in District													
District 1	65												65
District 2	72												72

Mutual Aid Given													
Allen	6												6
Lucas	9												9
McKinney	1												1
Princeton	0												0
Other	2												2
Total Aid Given	18	0	0	0	0	0	0	0	0	0	0	0	18

Mutual Aid Received													
Allen	4												4
Lucas	3												3
McKinney	1												1
Other	0												0
Total Aid Received	8	0	0	0	0	0	0	0	0	0	0	0	8



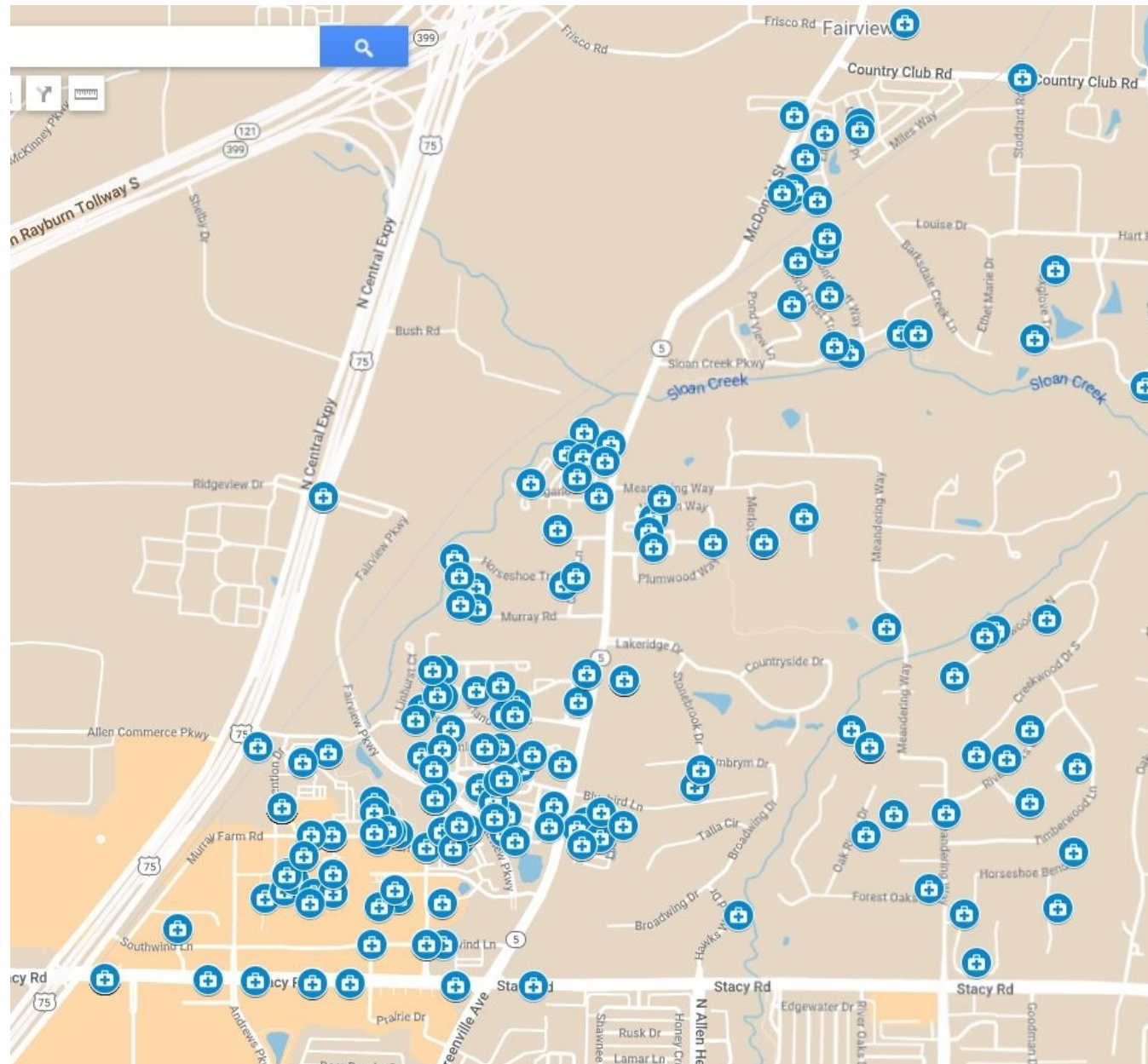
Fairview Fire Rescue

2023 Calls for Service Maps



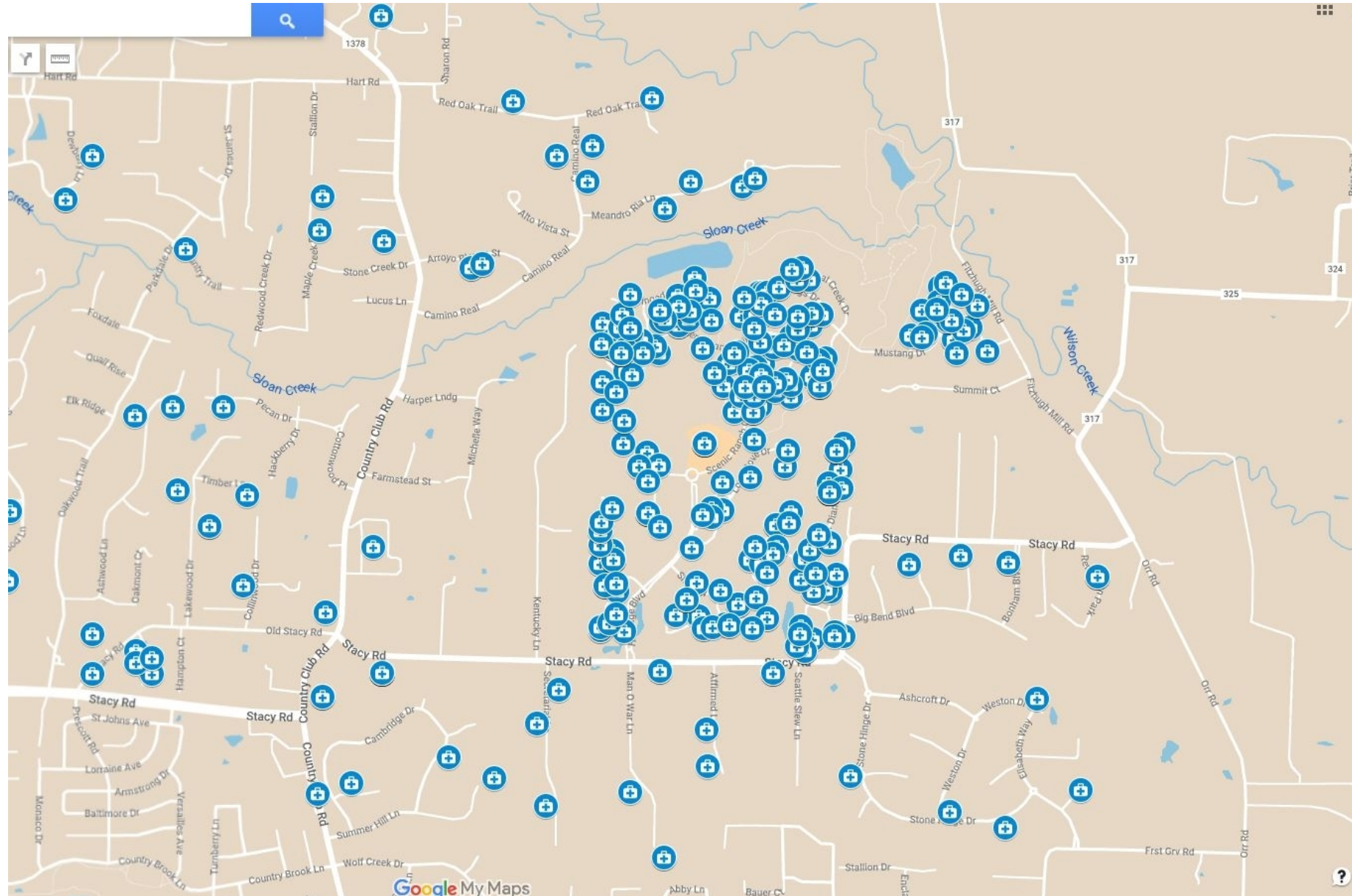


EMS calls District 1



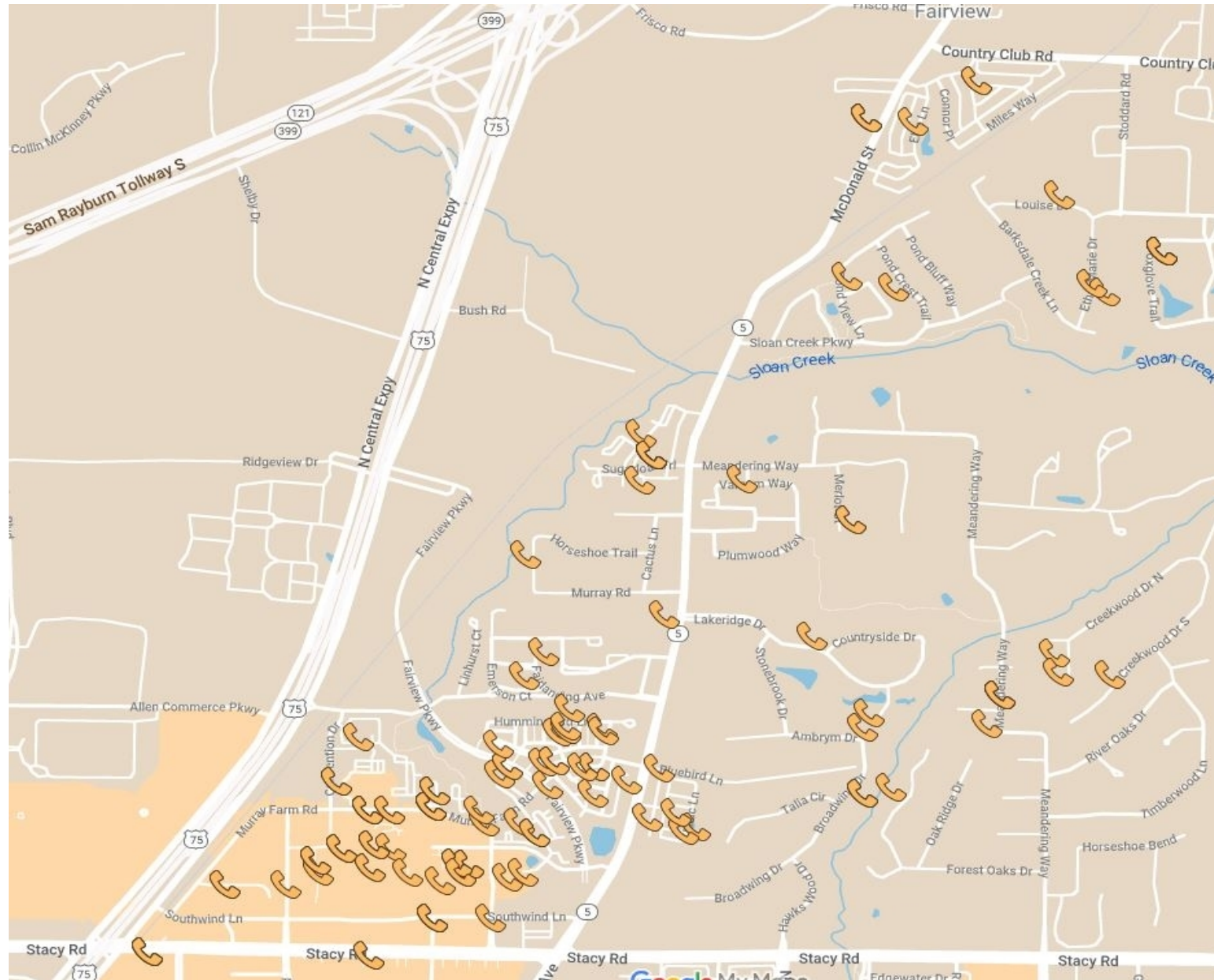


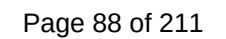
EMS calls District 2





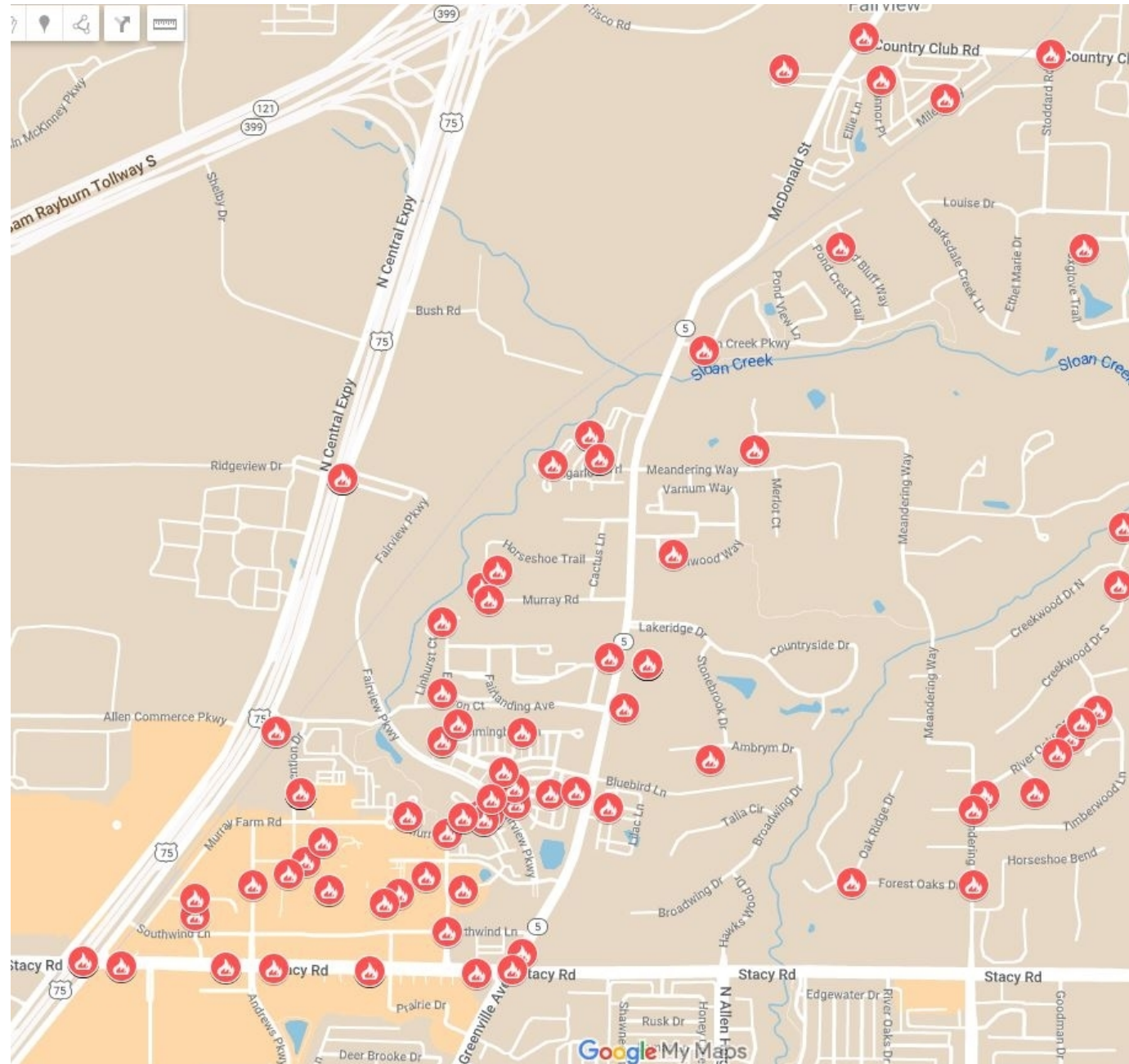
Fire Alarm Calls District 1





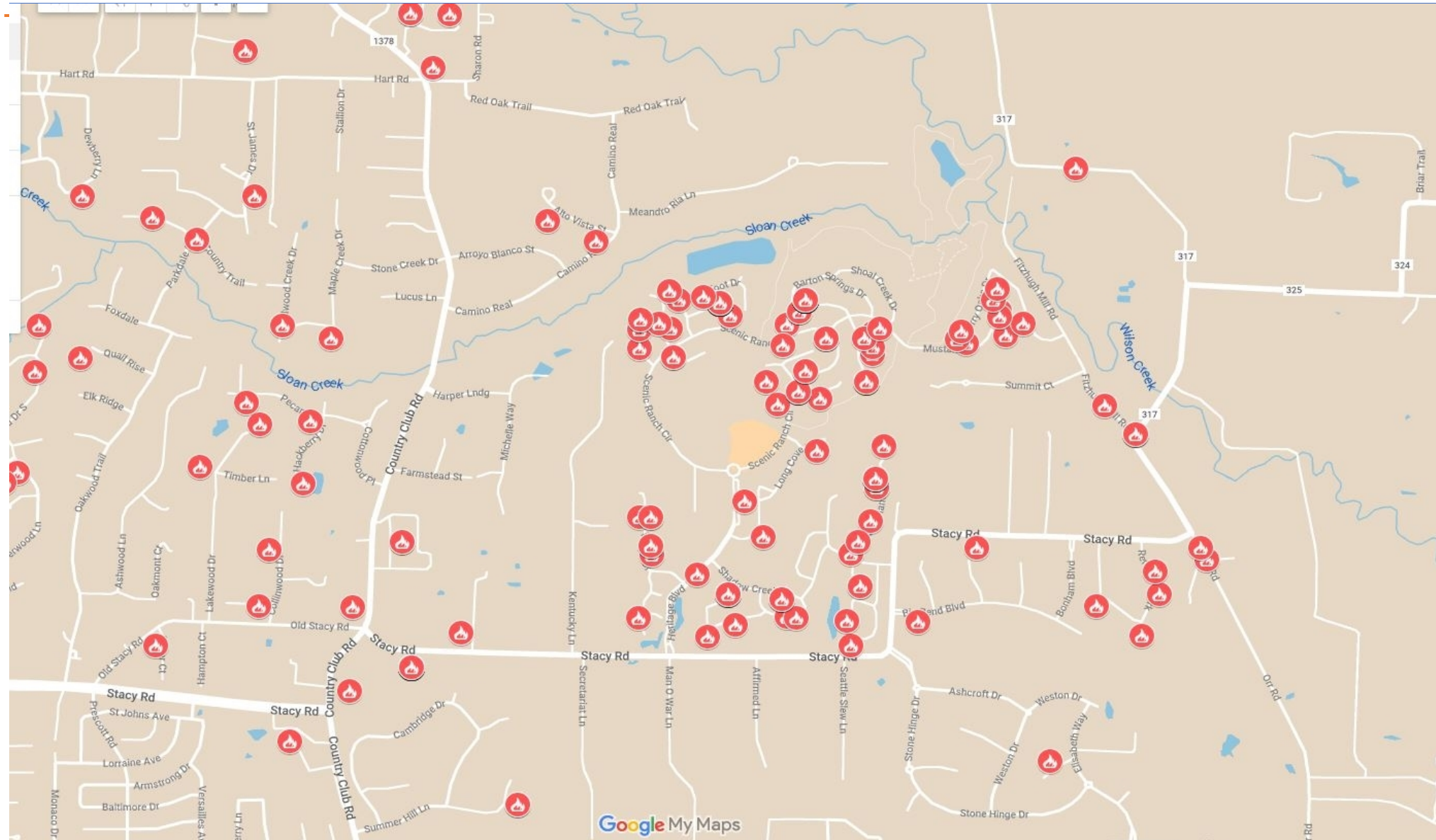


Fire Related Calls District 1



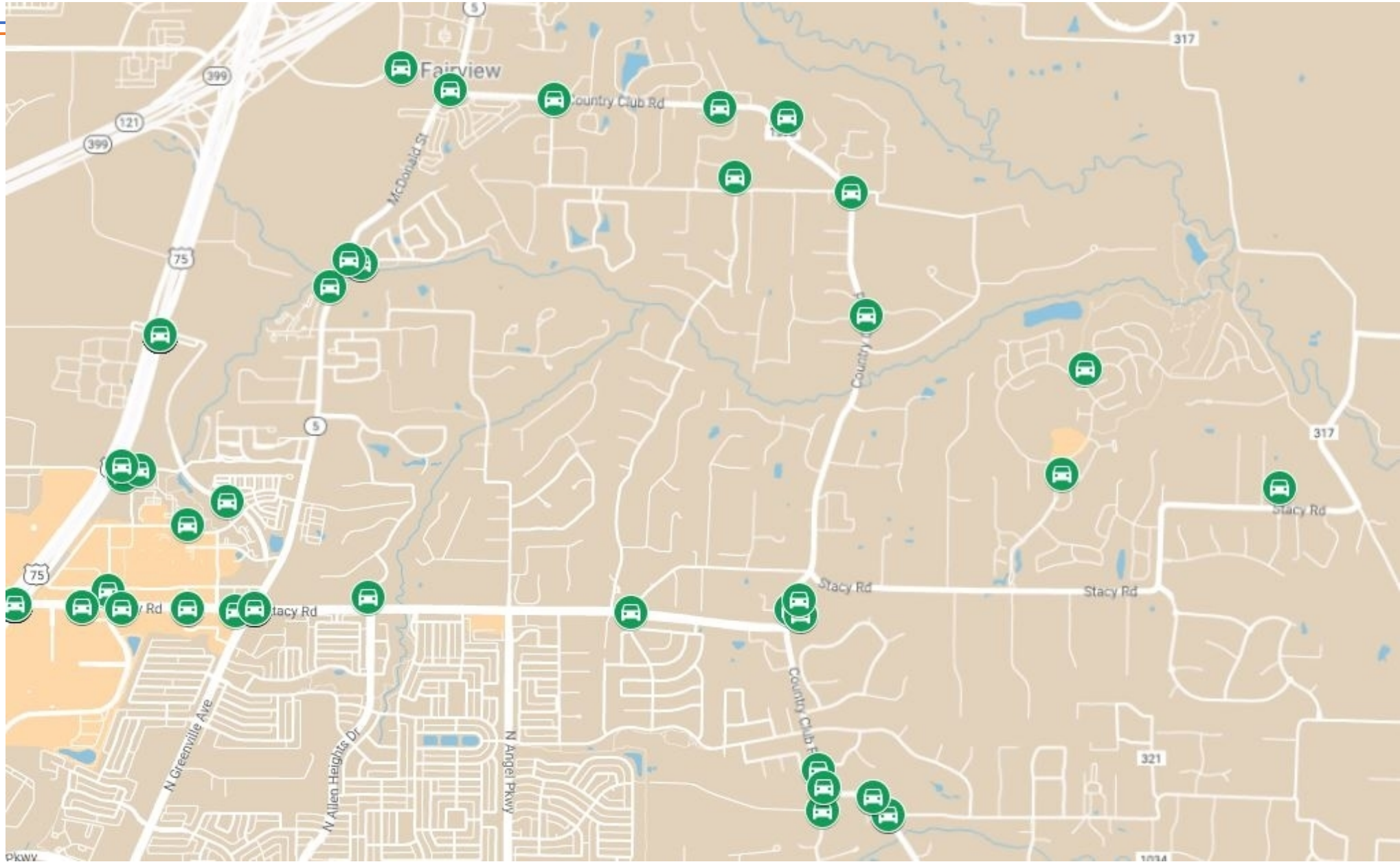


Fire Related Calls District 2



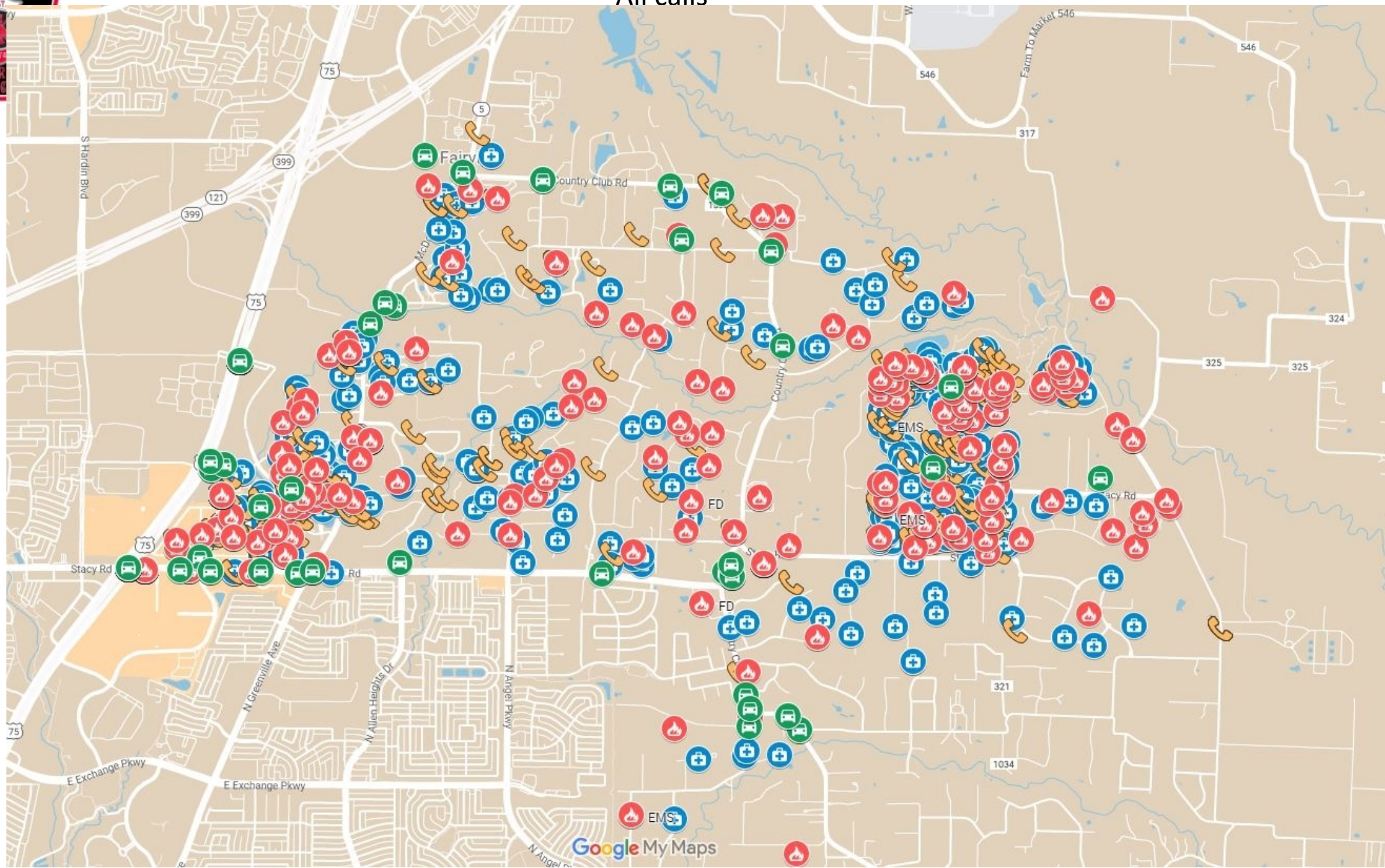


MVAs





All calls





Memorandum

February 6, 2024

TO: Town Council
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: SUBDIVISION ORDINANCE REVISION AND PARK RELATED FEES

SUBDIVISION ORDINANCE: Attached is a draft version of the proposed Subdivision Ordinance. Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.

Since the January meeting, there are two (2) amendments from what was presented previously. Those changes are discussed below.

Amendment 1: Preservation of the Sloan Creek Corridor (Sec 6.12):

As written:

First priority should be given to preserving Sloan Creek Stream as a protected nature trail within the town and its extraterritorial jurisdiction, to 50 feet from the creek bank or the 100-year floodplain, whichever is greater.

Therefore, the Sloan Creek Corridor shall be considered by the town council as a first priority location for meeting a Subdivision Applicant's requirement for park land dedication.

This language was adopted during in the 1990s, in order to preserve areas adjacent to Sloan Creek to aid the development of a trail system along its banks. Since that time, a number of developments have occurred along Sloan Creek, and the Park Master Plan has been updated twice. At this point, the Town does not have the ability to obtain land for trails within corridor area, as defined above, on properties that have already developed. Additionally, the latest revision of the Park Master plan recognized that limitation and have moved way from a trail system along that corridor.

Of the two main areas along Sloan Creek that are undeveloped, the current version of the Park Plan maintains the recommendation of a park and trail system within a large tract of land along Meandering Way, and the CPDD requires the installation of a trail system as development occurs. Its staff's opinion that the existing "Preservation of the Sloan Creek Corridor" language is no longer necessary and is recommending that it be deleted from this this latest revision of the Subdivision Ordinance.

Amendment 2: Cul-de-sac design standard (Sec 6.03)

As written:

- a. A cul-de-sac street utilizing a Local Street section may be permitted as the only point of access if the cul-de-sac does not exceed one thousand two-hundred (1,200) feet in length as measured from the centerline of the intersecting street to the point from which the radius of the cul-de-sac is measured.
- b. If a cul-de-sac exceeds six hundred (600) feet as measured above, a median dividing the approach at the intersecting street, with the final design subject to review by the Fire Marshal.

Since the last meeting, staff has verified that there are no conflicts between the suggested language and any other development code. However, the language on item "b" above has been modified to require a divided median when the cul-de-sac length is exceeds 600 feet in length (previous the median was only required if the Town approved a length longer than as 1200 feet).

PARKLAND DEDICATION & PARK DEVELOPMENT FEE

Part of the process to update the Subdivision Ordinance, included a revision to the Parkland Dedication section. That revision included a change in the way the Town collects fees for park acquisition and development. After review, it was determined that those new park related fees should be included as part of the Town's standard Fee schedule, instead of within the Subdivision Ordinance.

The attached ordinance, amends our Fee Schedule to include:

Park Land Dedication fee:	\$2,000 (per lot at time of subdivision)
Park Development Fee:	\$2,000 (per unit at time of permitting)

RECOMMENDATION: Adopt new subdivision ordinance and the new park land dedication and park development fee.

ATTACHMENTS:

- Proposed Ordinance

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS
AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, TOWN OF FAIRVIEW,
TEXAS, BY REPEALING AND REPLACING ARTICLE 10.02 SUBDIVISION
ORDINANCE**

WHEREAS, the Town Council of the Town of Fairview, Texas (the “Town Council”) is authorized to adopt rules governing plats and subdivisions of land within the Town’s corporate limits and extraterritorial jurisdiction (“ETJ”) under Texas Local Government Code Chapter 212 and other applicable law; and

WHEREAS, the new subdivision regulations titled “Subdivision Ordinance” attached hereto as Exhibit A will promote the health, safety, morals, and general welfare of the Town and the safe, orderly, and healthful development of the Town; and

WHEREAS, said new subdivision regulations will provide for efficient and effective processing of subdivision, development, and related applications and serve other important public purposes in order to:

establish orderly policies and procedures to guide the development of the Town and ETJ;

provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and reduce related unnecessary costs to the Town for correction of inadequate facilities that are designed to serve the public;

ensure that the development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;

protect against the dangers of fires, floods, erosion, and landslides;

coordinate new development realistically and harmoniously with existing development;

protect and conserve the value of land throughout the Town;

provide the most beneficial circulation of vehicle and pedestrian traffic throughout the Town, and provide for the proper location and width of streets;

establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;

ensure proper legal descriptions and documentation of subdivided land;

ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site and to provide public facilities for future development;

ensure the adequacy of drainage facilities and encourage the wise use and management of natural resources throughout the Town to preserve the integrity, stability, and beauty of the community;

preserve the topography of the Town and ensure appropriate development with regard to natural features;

ensure that new development adequately and fairly participates in the dedication and construction of Public Improvements and infrastructure that are necessitated by or attributable to the development; and

address other needs to ensure the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its citizens and natural resources; and

WHEREAS, after careful consideration and the holding of a hearing open to the public for public comment, the Town Council has determined that repealing and replacing the Town's existing subdivision regulations set forth in the Code of Ordinances, Town of Fairview, Texas (the "Fairview Code") as Article 10.02 "Subdivision Ordinance" as set forth herein serves the best interests of the general public and the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. Recitals Incorporated.

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Amendment to Chapter 10 of the Fairview Code

This section amends Chapter 10 of the Fairview Code by repealing the current Article 10.02 "Subdivision Ordinance" in its entirety and replacing said article with the new Article 10.02 "Subdivision Ordinance" attached hereto as Exhibit A.

Section 3. Savings, Severability and Repealing Clauses.

All ordinances of the Town in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Cross-references in other parts, articles or sections of the Fairview Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town Council declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid. Notwithstanding the foregoing or any other provision of this ordinance, this ordinance does not repeal any ordinance approving any waiver or variance that was specific to an individual tract of land. All such actions and ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Section 4. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication of its caption as may be required by law, and the Town Secretary is hereby directed to implement such posting and/or publication.

PASSED by the Town Council of the Town of Fairview, Texas, this 6th day of February 2024.

ATTESTED:

APPROVED:

Town Secretary, Joshua Stevenson

Mayor, Henry Lessner

APPROVED AS TO FORM:

Clark McCoy, Town Attorney



Innovative approaches
Practical results
Outstanding service

EXHIBIT A

Subdivision Ordinance

Town of Fairview, Texas

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Section 1. General Provisions

1.01. Title

This Ordinance and subsequent regulations of the Town of Fairview, Texas, are referred to and may be cited as the "[Subdivision Ordinance](#)."

1.02. Authority

This [Subdivision Ordinance](#) and subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapter 212](#) of the Texas Local Government Code (LGC), as amended.

1.03. Purpose

These regulations achieve the following specific purposes:

A. Specific Purposes of the Subdivision Regulations

1. Promote the health, safety, and general welfare of the community within the Town's corporate limits and [Extraterritorial Jurisdiction \(ETJ\)](#);
2. Establish orderly policies and procedures to guide the development of the [Town](#) and [ETJ](#);
3. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and reduce related unnecessary costs to the Town for correction of inadequate facilities that are designed to serve the public;
4. Ensure that the development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;
5. Protect against the dangers of fires, floods, erosion, and landslides;
6. Coordinate new development realistically and harmoniously with existing development;
7. Protect and conserve the value of land throughout the Town;
8. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the Town, and provide for the proper location and width of streets;
9. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
10. Ensure proper legal descriptions and documentation of subdivided land;
11. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site and to provide public facilities for future development;
12. Ensure the adequacy of drainage facilities and encourage the wise use and management of natural resources throughout the Town to preserve the integrity, stability, and beauty of the community;
13. Preserve the topography of the Town and ensure appropriate development with regard to natural features;
14. Ensure that new development adequately and fairly participates in the dedication and construction of [Public Improvements](#) and infrastructure that are necessitated by or attributable to the development; and
15. Address other needs to ensure the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its citizens and natural resources.

1.04. Applicability

A. General

It is the Town's policy to consider the subdivision and development of land as subject to the control of the Town in order to carry out the purpose of the [Comprehensive Plan](#) and other Town codes, and to promote the orderly, planned, efficient, and economical development of the Town.

B. Subdivision and Development of Land Policies

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation, and other facilities required by these regulations.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly related to the [Comprehensive Plan](#), the [Design Standards and Specifications by NCTCOG](#), and the Town's [Code of Ordinances](#).
3. These regulations shall supplement and facilitate the enforcement of provisions and standards contained in the zoning regulations and building codes adopted by the Town where applicable.

C. Requirement to Plat

Platting is required for the following purposes:

1. To create a building site on a single lot or tract;
2. To construct or enlarge any non-residential building, structure, or improvement on land without an existing [Plat](#), in association with a [Building Permit Application](#).
3. To subdivide land to divide a lot or tract into two or more parcels;
4. To combine lots or tracts;
5. To amend a Plat; or
6. To correct errors on an approved and recorded Plat.

D. Plat Required

1. In accordance with [LGC Section 212.004](#), the owner of a tract of land located within the Town's corporate limits or in the Extraterritorial Jurisdiction (ETJ) who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a [Plat](#) of the subdivision prepared.
2. A division of a tract under this subsection includes any division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
3. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access to a public road or Right-of-Way and no [Public Improvement](#) is required.

E. Exception to Platting

A plat is not required for the development of one (1) Single Family home on an unplatted tract of land.

F. Extraterritorial Jurisdiction (ETJ)

[Subdivision Regulations](#), as amended, are extended to all of the area lying within the Extraterritorial Jurisdiction (ETJ) of the Town, and the rules and regulations within those Subdivision Regulations governing Plats and Subdivision of land shall be applicable to that area within the ETJ from and after the date of final passage of this [Subdivision Ordinance](#).

1.05. Documents Comprising Subdivision Rules

The provisions of this [Subdivision Ordinance](#), the standards governing constructed facilities applicable to [Plats](#) in other portions of the Town's Code of Ordinances, and the technical standards contained in the [Design Standards and Specifications by NCTCOG](#) constitute the subdivision rules of the Town, which apply to Applications for Plat approval.

1.06. Compliance Required with Town Plans and Ordinances

Compliance with all Town ordinances pertaining to the subdivision and development of land, and the transportation plan of the Comprehensive Plan (where applicable), shall be required before approval of any Application pursuant to this [Subdivision Ordinance](#). All those ordinances and the Comprehensive Plan mean those documents as they exist or as amended. It is the property owner's responsibility to be familiar with, and comply with, [Code of Ordinances](#), the [Comprehensive Plan](#), and the provisions of this [Subdivision Ordinance](#).

A. [Applicable Town Codes, Ordinances, and Plans](#)

Applicable Town codes, ordinances, and plans with which all Applications must comply include, but are not limited to, the following:

1. Zoning Ordinance;
2. Commercial Planned Development District Area Plan;
3. Parks or Trails Master Plans or Ordinances;
4. Building Codes;
5. Drainage System Design Requirements;
6. International Fire Code;
7. Engineering Documents, including the [Design Standards and Specifications by NCTCOG](#) and other development-related engineering standards;
8. Storm Water Quality and Land Disturbance Requirements;
9. Other Applicable portions of the Town's [Code of Ordinances](#); and
10. Federal, State, and local environmental regulations, provided however that the Town shall not be liable for the non-enforcement of the same.
11. Thoroughfare Plan
12. Vested Rights
13. Impact Fees

1.07. Public Improvements Required

A. [Sub-divider's Responsibility](#)

The sub-divider shall furnish, install and/or construct the [Public Improvements](#) (water and wastewater systems and the street and drainage facilities) necessary for the proper development of the [Subdivision](#) at the sub-divider's cost. All those facilities shall be designed and constructed in accordance with the Town's standards, [Design Standards and Specifications by NCTCOG](#), and any other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council and placed on file in the office of the Town Secretary.

B. Facilities Sizing

Where considered necessary by the [Town Engineer](#), the facilities shall be sized in excess of that required by this Subdivision Ordinance or the [Design Standards and Specifications by NCTCOG](#) to provide for future growth and expansion. The Town Council shall have the authority to participate in the cost difference between the cost of the facility as sized in accordance with the [Town Engineer](#) and the cost of the facility as sized per the requirements of this Subdivision Ordinance or the [Design Standards and Specifications by NCTCOG](#). See Section [6.02.C Rough Proportionality and Fair Share Policy Statement](#) for more details.

1.08. General Plat Requirements**A. Development Application**

The [Town](#) shall have the authority to prepare standard [Development Applications](#) that outline specific submission requirements. All submittals shall conform to the requirements within the appropriate [Development Application](#).

B. Application Fees

All Application fees shall be paid according to the [Fee Schedule](#).

C. Zoning Regulations Requirements

All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading, and screening contained in the current Zoning Regulations of the [Town](#) shall apply for development under this Subdivision Ordinance for property located within the Town's corporate limits.

D. Phased Development

1. If a property is to be developed in phases, then a [Sketch Plan](#) shall be submitted either at the [Pre-Application Meeting](#) or with the [Preliminary Plat Application](#), if no [Pre-Application Meeting](#) is held.
2. For phased development, the [Sketch Plan](#) shall cover the original property in its entirety and shall clearly show the number of phases. Any neighboring properties under the same ownership shall also be included on the [Sketch Plan](#).
3. Phased developments shall coordinate with the surrounding land use plan, any Planned Development concept plan or mater plan, and existing developments.
4. Each phase shall submit a [Preliminary Plat](#) and [Final Plat](#). However, nonresidential developments shall be exempt from submitting a [Preliminary Plat](#) and shall submit a Preliminary Site Plan and/or Site Plan in accordance with the Zoning Ordinance and/or the Commercial Planned Development District, as they currently exist, or may be amended.

E. Drainage

If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the [Plat](#) shall include separate instruments for off-site drainage needs and shall include appropriate notes and descriptions providing the Town with the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.

1.09. Special Provisions, Enforcement, and Violations

A. Provisions

1. Plat Filing Requirement

- a. A Subdivision Plat shall not be filed or recorded until it has been approved by the Town and must be filed prior to any construction on the lot or tract.
- b. The above paragraph [1.09.A.1.a](#) shall not apply to a [Minor Plat](#) or an [Amending Plat](#).

2. [Final Plat](#) Required for Building Permits or Certificates of Occupancy

No [Building Permit](#) or certificates of occupancy shall be issued by the Town for any structure on a lot in a Subdivision for which a [Final Plat](#) has not been approved and filed for record, nor for any structure on a lot within a Subdivision that does not comply with the [Subdivision Ordinance](#), with the exception for a single home on a lot and existing structures.

3. Selling or Transferring Lots Prohibited Until Completion

No lot in any subdivision shall be sold or transferred until the [Plat](#) is approved and recorded, and all Subdivision Ordinance standards, specifications, or requirements are met.

B. Enforcement; violations; penalties.

In addition to all other remedies and relief available to the Town by law or in equity for a violation of this Subdivision Ordinance, the following non-exclusive forms of relief shall be available to the Town.

C. Violations and penalties.

Any person who violates any of any part of this Subdivision Ordinance within the corporate boundaries of the Town shall be subject to a fine(s) in accordance with the general penalty provided in section 1.01.009 of this code per day, or the highest amount authorized under law, whichever is lower, with each day constituting a separate violation. Separate violations may be cited together as separate counts of violations within one or more citations and be tried together in one proceeding at the election of the municipal court judge.

D. Civil enforcement.

Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, or to restrain, correct or abate a violation of this Subdivision Ordinance, whether such violation occurs with respect to lands within the corporate boundaries of the Town or within the Town's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

E. Withholding of subdivision acceptance.

The Town may refuse to grant final acceptance of a subdivision that does not fully and completely comply with all terms and conditions of this Subdivision Ordinance including, but not limited to, the refusal to issue building permits and certificates of occupancy, the refusal to allow recordation of plats and/or plans, and the refusal to connect the property to Town utilities and services.

1.10. Summary of the General Subdivision Procedure

Any owner or [Developer](#) of any lot, tract, or parcel of land located within the corporate limits of the Town or within its Extraterritorial Jurisdiction (ETJ) who wishes to subdivide land shall conform to the following procedure.

A. General Overview of the Platting Process

1. Pre-Application Meeting (Optional)
2. Preliminary Plat Submittal and Approval (If necessary)
3. Final Plat Submittal and Approval, with [Construction Plans](#) Submitted Concurrently
4. Approval of [Construction Plans](#)
5. Signature and Filing of the Final Plat
6. Construction of Improvements
7. Final Inspection and Submission of Final Acceptance Documents
8. Town Acceptance of Improvements ([Letter of Final Acceptance](#))
9. Building Permits Issued and Lots Sold or Transferred

B. Detailed Steps

The detailed steps within each phase of the Subdivision development procedure are covered in this subsection, [Section 4](#), [Section 5](#), and [Section 6](#).

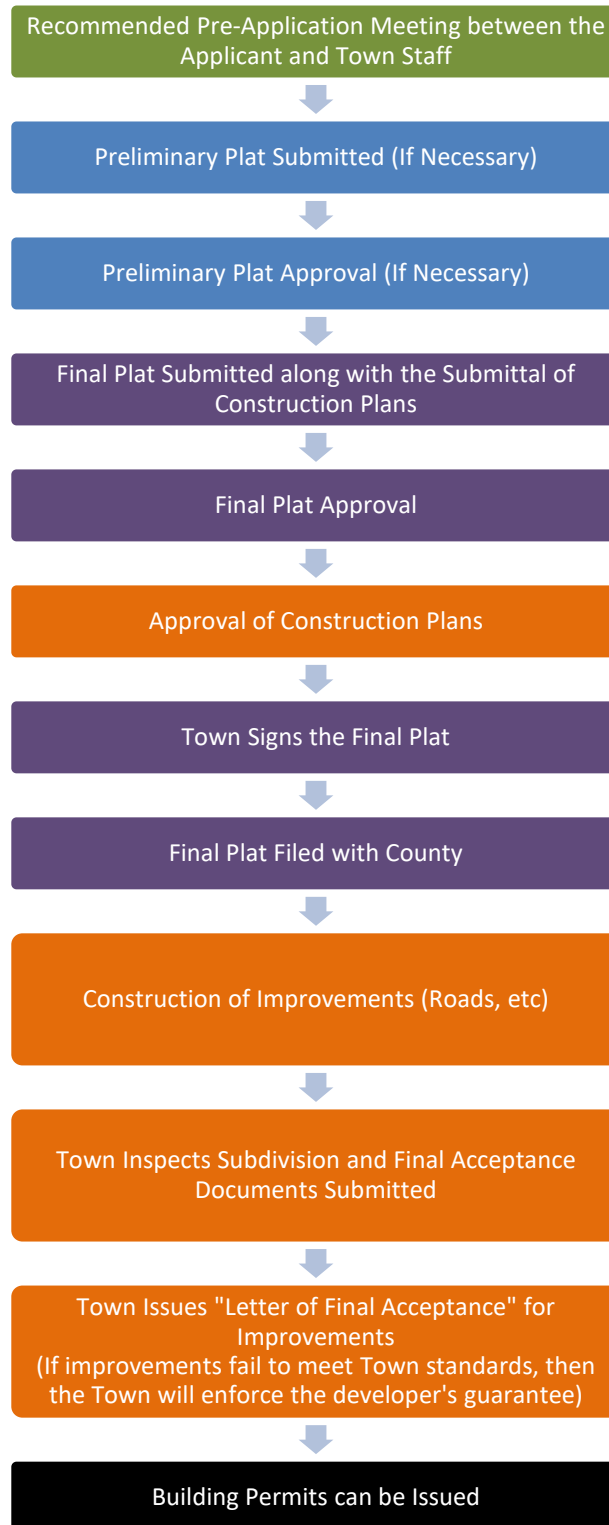


Figure 1: General Overview of the Platting Process

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Section 2. Development Review Bodies

2.01. Town Council

A. Responsibilities

Table 1 is a summary of the [Town Council's](#) responsibilities within the Subdivision Ordinance.

Table 1: Town Council Responsibilities	
4.03	Approving/Disapproving a Preliminary Plat (Dual Approval)
4.03.J.4.b	Approving/Denying an Appeal of the Commission's Decision on a Preliminary Plat Extension
4.04	Approving/ Disapproving a Final Plat (Dual Approval)
4.04.O.4.b	Approving/Denying an Appeal of the Commission's Decision on a Final Plat Extension
4.05	Approving/ Disapproving a Minor Plat (Dual Approval)
4.06	Approving/ Disapproving a Replat (Dual Approval)
4.07	Approving/ Disapproving an Amending Plat
4.08	Approving/Denying a Plat Vacation (Dual Approval)
7.01	Approving/Denying a Petition for Subdivision Waiver

2.02. Planning & Zoning Commission

A. Responsibilities

Table 2 is a summary of the [Planning & Zoning Commission's](#) responsibilities within the Subdivision Ordinance.

Table 2: Planning & Zoning Commission Responsibilities	
4.03	Approving/ Disapproving a Preliminary Plat (Dual Approval)
4.03.J.4.a	Approving/Denying an Appeal of the Planning Manager's Decision on a Preliminary Plat Extension
4.04	Approving/ Disapproving a Final Plat (Dual Approval)
4.04.O.4.a	Approving/Denying an Appeal of the Planning Manager's Decision on a Final Plat Extension
4.05	Approving/ Disapproving a Minor Plat (Dual Approval)
4.06	Approving/ Disapproving a Replat (Dual Approval)
4.08	Approving/Denying a Plat Vacation (Dual Approval)

2.03. Planning Manager

A. Responsibilities

Table 3 is a summary of the Planning Manager's responsibilities within the Subdivision Ordinance.

Table 3: Planning Manager's Responsibilities	
3.05.E	Approving/Denying a Determination
4.03	Reviewing a Preliminary Plat
4.03.J	Approving/Denying a Preliminary Plat Extension
4.03.K.3	Approving/Denying a Determination of Minor or Major Preliminary Plat Amendments
4.04	Reviewing a Final Plat
4.04.O	Approving/Denying a Final Plat Extension for Approved but not Filed Plat
4.05	Reviewing a Minor Plat
4.06	Reviewing a Replat
4.07	Reviewing an Amending Plat
4.08	Reviewing a Plat Vacation

2.04. Town Engineer

A. Responsibilities

Table 4 is a summary of the Town Engineer's responsibilities within the Subdivision Ordinance.

Table 4: Town Engineer's Responsibilities	
5.01	Approving/ Disapproving Construction Plans
5.01.G	Approving/Denying an Extension of Construction Plans beyond Expiration Date
5.03	Approving a Construction Release
5.06	Recommending Security for Completion of Public Improvements

Section 3. Application Submittal and Processing Procedures

3.01. Pre-Application Meeting

A. Purpose

1. The [Pre-Application Meeting](#) is intended to allow for the exchange of non-binding information between the [Applicant](#) and [Town](#) Staff to ensure that the Applicant is informed of pertinent Town development regulations and processes.
2. The [Pre-Application Meeting](#) provides an opportunity for the Applicant and Town Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historical information.
3. This exchange of information is intended to promote an efficient and orderly review process.

B. Pre-Application Meeting before the Submission of Plans and Applications

1. Before a formal submittal of any required plan or Application, the [Applicant](#) is encouraged to consult with the [Planning Manager](#), the [Town Engineer](#), the [Building Official](#), and any other pertinent [Town](#) Staff in order for the Applicant to become familiar with the Town's development regulations and the development process.
2. At the Pre-Application Meeting, the Applicant may be represented by their land planner, engineer, surveyor, or other qualified professional.
3. Pre-Application Meetings are encouraged for all [Plat](#) Applications; see Sections [4.03](#) through [4.08](#).
4. Pre-application meetings do not vest a permit, application, or other type of development approval, pursuant to [Chapter 245, LGC](#).

3.02. Plat Approval Procedure

A. Applicability

In agreement with [TLGC Section 212.0085](#), the [Plat](#) Application approval procedures under [TLGC 212 \(Subchapter A\)](#) apply to the Town regardless of whether the Town has entered into an interlocal agreement, including an interlocal agreement between a municipality and County under [TLGC Section 242.001\(d\)](#).

B. Initial Approval

1. In agreement with [TLGC Section 212.009.\(a\)](#), the [Planning & Zoning Commission](#) and [Town Council](#) shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the [Planning & Zoning Commission](#) and [Town Council](#) unless it is disapproved within that period and in accordance with [TLGC Section 212.0091](#).
2. In agreement with [TLGC Section 212.009.\(b\)](#), if an ordinance requires that a plan or plat be approved by the [Town Council](#) in addition to the [Planning & Zoning Commission](#), the [Town Council](#) shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the [Planning & Zoning Commission](#) or is approved by the inaction of the [Planning & Zoning Commission](#). A plan or plat is approved by the [Town Council](#) unless it is disapproved within that period and in accordance with [TLGC Section 212.0091](#).
3. In agreement with [TLGC Section 212.009.\(b-1\)](#), notwithstanding Subsection 3.02.B.1 or 3.02.B.2, if a groundwater availability certification is required under [TLGC Section 212.0101](#), the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the [Planning & Zoning Commission](#) and [Town Council](#), as applicable, unless the requirement for groundwater availability certification is waived under [TLGC Section 212.0101\(a-1\)](#).

- a. In agreement with [TLGC Section 212.0101](#) (Additional Requirements: Use of Groundwater), if a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the [Planning & Zoning Commission](#) and [Town Council](#) by ordinance may require the plat application to have attached to it a statement that:
 - i. Is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
 - ii. Certifies that adequate groundwater is available for the subdivision.
 4. In agreement with [TLGC Section 212.009.\(b-2\)](#), notwithstanding Subsection 3.02.B.1 or 3.02.B.2, the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:
 - a. The applicant requests the extension in writing to the [Planning & Zoning Commission](#) and [Town Council](#), as applicable; and
 - b. The [Planning & Zoning Commission](#) and [Town Council](#), as applicable, approve the extension request.
 5. In agreement with [TLGC Section 212.009.\(c\)](#), if a plan or plat is approved, the [Planning & Zoning Commission](#) and [Town Council](#) shall endorse the plan or plat with a certificate indicating the approval. The certificate must be signed by:
 - a. The [Planning & Zoning Commission's](#) and [Town Council's](#) presiding officer and attested by the and [Town Council's](#) secretary; or
 - b. A majority of the members of the authority.
 6. In agreement with [TLGC Section 212.009.\(d\)](#), if the [Planning & Zoning Commission](#) and [Town Council](#) fails to approve, approve with conditions, or disapprove a plan or plat within the prescribed period, the [Planning & Zoning Commission](#) and [Town Council](#), on the applicant's request, shall issue a certificate stating the date the plan or plat was filed and that the [Planning & Zoning Commission](#) and [Town Council](#) failed to act on the plan or plat within the period. The certificate is effective in place of the endorsement required by Subsection 3.02.B.5.
 7. In agreement with [TLGC Section 212.009.\(e\)](#), the [Planning & Zoning Commission](#) and [Town Council](#) shall maintain a record of each application made to the authority and the authority's action taken on it. On request of an owner of an affected tract, the authority shall certify the reasons for the action taken on an application.
- C. Conditional Approval or Disapproval Requirements
1. In agreement with [TLGC Section 212.0091.\(a\)](#), the [Planning & Zoning Commission](#) or [Town Council](#) that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.
 2. In agreement with [TLGC Section 212.0091.\(b\)](#), each condition or reason specified in the written statement:
 - a. Must:
 - i. Be directly related to the requirements under the Subdivision Regulations and [TLGC 212 \(Subchapter A\)](#); and
 - ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and
 - b. May not be arbitrary.

D. Applicant Response to Conditional Approval or Disapproval

In agreement with [TLGC Section 212.0093](#), after the conditional approval or disapproval of a plan or plat under Subsection 3.02.C ([TLGC Section 212.0091](#)), the applicant may submit to the [Planning & Zoning Commission](#) or [Town Council](#) that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The [Planning & Zoning Commission](#) or [Town Council](#) may not establish a deadline for an applicant to submit the response.

E. Approval or Disapproval of Response

1. In agreement with [TLGC Section 212.0095.\(a\)](#), the [Planning & Zoning Commission](#) or [Town Council](#) that receives a response under Subsection 3.02.D ([TLGC Section 212.0093](#)) shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.
2. In agreement with [TLGC Section 212.0095.\(b\)](#), the [Planning & Zoning Commission](#) or [Town Council](#) that conditionally approves or disapproves a plan or plat following the submission of a response under Subsection 3.02.D ([TLGC Section 212.0093](#)):
 - a. Must comply with Subsection 3.02.C ([TLGC Section 212.0091](#)); and
 - b. May disapprove the plan or plat only for a specific condition or reason provided to the applicant under Subsection 3.02.C ([TLGC Section 212.0091](#)).
3. In agreement with [TLGC Section 212.0095.\(c\)](#), the [Planning & Zoning Commission](#) or [Town Council](#) that receives a response under Subsection 3.02.D ([TLGC Section 212.0093](#)) shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.
4. In agreement with [TLGC Section 212.0095.\(d\)](#), a previously conditionally approved or disapproved plan or plat is approved if:
 - a. The applicant filed a response that meets the requirements of Subsection 3.02.E.3 ([TLGC Section 212.0095.\(c\)](#)); and
 - b. The [Planning & Zoning Commission](#) or [Town Council](#) that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Subsection 3.02.C ([TLGC Section 212.0091](#)).

3.03. General Application Processing

A. Universal Application Contents

1. Application Forms Generally

The Town is authorized to prepare [Application Forms](#) that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with Town codes.

2. All [Application Forms](#) are available from the [Planning Manager](#).

B. Application Forms

The [Planning Manager](#) shall create, manage, and update [Application Forms](#) for all [Development Applications](#) authorized under [3.03.A.1](#).

C. Application Fees

1. Every [Application](#) shall be accompanied by the prescribed fees established in the adopted [Fee Schedule](#).

2. The prescribed fee shall not be refundable.

3. The [Fee Schedule](#) may be amended from time to time by the [Town Council](#).

3.04. Amendments and Expiration to Approved Subdivision Applications

A. Amendments/Revisions to an Approved Subdivision Application

Unless another method is expressly provided by these Subdivision Regulations, any request to amend or revise an approved [Application](#) shall be considered a new [Application](#), which must be decided in accordance with the procedures governing the original [Application](#) and the standards in effect at the time that new [Application](#) is filed with the Town.

B. Expiration of an Approved Subdivision Application

1. Subdivision Application Expiration – Two (2) Years

Unless otherwise expressly provided by these Subdivision Regulations, an approved Application shall automatically expire two (2) years following the approval date of the Application, and shall become null and void if the Applicant does not move forward to the next step as identified in [Figure 1: General Overview of the Platting Process](#) in Section 1.10.

2. Applications with No Time Limit

If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.

3. Effect of Expiration

A new [Application](#) must be submitted for consideration and approval subject to regulations in effect at the time the new [Application](#) is filed.

3.05. Certification Regarding Compliance with Plat Requirements

In agreement with [TLGC Section 212.0115](#), the following section prescribes issuing certification regarding compliance with plat requirements.

A. Land within the Town's Jurisdiction

For the purposes of this section, land is considered to be within the Town's jurisdiction if the land is located within the limits or in the extraterritorial jurisdiction.

B. Issue Certificate

On the approval of a plat by the [Planning & Zoning Commission](#) and [Town Council](#), the [Planning Manager](#) shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the [Planning & Zoning Commission](#) and [Town Council](#).

C. Determinations Regarding the Owner's Land

On the written request of an owner of land, a purchaser of real property under a contract for deed, executory contract, or other executory conveyance, an entity that provides utility service, or the [Town Council](#), the [Planning Manager](#) shall make the following determinations regarding the owner's land or the land in which the entity or [Town Council](#) is interested that is located within the jurisdiction of the Town:

1. Whether a plat is required under these regulations; and
2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Town.

D. Land Subject to Request

The request made under Subsection [3.05.C](#) must identify the land that is the subject of the request.

E. Determination of Plat Requirement

1. If the [Planning Manager](#) determines under Subsection [3.05.C](#) that a plat is not required, the [Planning Manager](#) shall issue to the requesting party a written certification of that determination.
2. If the [Planning Manager](#) determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the [Planning & Zoning Commission](#) and [Town Council](#), the [Planning Manager](#) shall issue to the requesting party a written certification of that determination.

F. Timing for Determination

The [Planning Manager](#) shall make its determination within 20 days after the date it receives the request under Subsection [3.05.C](#) and shall issue the certificate, if appropriate, within 10 days after the date the determination is made.

G. Entity Making the Determination

If both the [Planning & Zoning Commission](#) and [Town Council](#) have authority to approve plats, only one of those entities need make the determinations and issue the certificates required by this section. The [Town Council](#) delegates determinations to the [Planning Manager](#) under Subsection [3.05.I](#).

H. Additional Rules

The [Planning & Zoning Commission](#) and [Town Council](#) may adopt rules it considers necessary to administer its functions under this section.

I. Delegation of Responsibility

The [Town Council](#) may delegate, in writing, the ability to perform any of the responsibilities under this section to one or more persons. Subsequently, the [Planning Manager](#) shall serve to perform the responsibilities under this section. A binding decision of the person or persons under this subsection is appealable to the [Planning & Zoning Commission](#) and [Town Council](#).

3.06. Connection of Utilities

In agreement with [TLGC Section 212.012](#), the following section prescribes connecting utilities.

A. Utility Service Prohibited Unless a Certificate is Held

Except as provided by Subsection [3.06.C](#), an entity described by Subsection [3.06.B](#) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land issued under Section [3.05](#) ([Certification Regarding Compliance with Plat Requirements](#)).

B. Applicability of Prohibition

The prohibition established by Subsection [3.06.A](#) ([Utility Service Prohibited Unless a Certificate is Held](#)) applies only to:

1. A municipality and officials of a municipality that provides water, sewer, electricity, gas, or other utility service;
2. A municipally owned or municipally operated utility that provides any of those services;
3. A public utility that provides any of those services;
4. A water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides any of those services;
5. A County that provides any of those services; and
6. A special district or authority created by or under state law that provides any of those services.

C. Exceptions

An entity described by Subsection [3.06.B](#) may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section [3.05](#) (ref [TLGC Section 212.0115](#)) if:

1. The land was first served or connected with service by an entity described by Subsection [3.06.B.1](#), [3.06.B.2](#), or [3.06.B.3](#) before September 1, 1987; or
2. The land was first served or connected with service by an entity described by Subsection [3.06.B.4](#), [3.06.B.5](#), or [3.06.B.6](#) before September 1, 1989.

D. Providing Document on Request to Government Entities

On request, the [Planning & Zoning Commission](#) and [Town Council](#) shall provide to the attorney general and any appropriate local, County, or state law enforcement official a copy of any document on which the [Planning & Zoning Commission](#) and [Town Council](#) relied in determining the legality of providing service.

E. No Abrogation or Waiver

This Section 3.06 may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a sub-divider for a violation of a state or local law, regardless of the date on which the violation occurred.

Section 4. Platting Requirements

4.01. General Subdivision and Platting Procedures

A. Plats Required for Land Subdivision

A [Final Plat](#) or [Minor Plat](#) shall be approved before any land division that is subject to these regulations and before commencement of any new development, with the exception of land that is divided solely for the purpose of conveyance. Land divided for conveyance shall not be issued a building permit unless all provisions, standards, and requirements of this Subdivision Ordinance are met.

B. Replats and Amending Plats

1. Replat

A [Replat](#), in accordance with State law and the provisions of Section [4.06 Replat](#), shall be required any time a platted, recorded lot is further divided or expanded, thus changing the boundary and dimensions of the property.

2. Amending Plat

In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section [4.07 Amending Plat](#).

C. Zoning

1. Conformance with Existing Zoning

All Applications for land within the Town's corporate limits shall conform with the existing zoning on the property.

2. Request to Rezone First

If an [Applicant](#) seeks to amend the zoning for a property, the request to rezone the property shall be submitted and approved before acceptance of an Application for filing of a Plat.

3. Zoning Ordinance Site Plan Approval

Where Site Plan approval is required by the Zoning Ordinance or by the Commercial Planned Development District (CPDD), as they currently exist or may be amended, before development, no [Final Plat](#) shall be approved until a Site Plan has been approved for the land subject to the proposed Plat.

4.02. Sketch Plan

A. Purpose

The Sketch Plan serves as a visual aid to the [Applicant](#) and Planning Manager during the [Pre-Application Meeting](#) (Section [3.01](#)). The Sketch Plan shall be used to identify major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historical information.

B. Sketch Plan for the Pre-Application Meeting

A Sketch Plan shall be prepared by the Applicant. The Applicant shall provide a sketch plan a minimum of 48 hours before a scheduled Pre-Application Meeting. The Sketch Plan shall show the entire property ownership and any approved Planned Development (PD) zoning district's concept plan.

C. Sketch Plan Standards

The Sketch Plan shall be a computer-drawn plan to approximate scale and shall show the following elements: street layouts, lots, the boundaries of the original property in its entirety, proposed improvements, and proposed/permanent stormwater Best Management Practices (BMP).

4.03. Preliminary Plat

A. Purpose

The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of these Subdivision Regulations.

B. Applicability

Unless listed below as an exception ([4.03.C](#)), no subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.

C. Exceptions

1. An approved [Preliminary Plat](#) is not required when a [Minor Plat](#) is submitted (refer to [4.05 Minor Plat](#)).
2. An approved [Preliminary Plat](#) is not required for nonresidential development.

D. Accompanying Applications

1. Preliminary and Other Types of Plans

- a. An Application for a Preliminary Plat shall be accompanied by the following, in accordance with the Town's [Development Manual](#):
 - i. A Preliminary Plat [Application Form](#);
 - ii. [Preliminary Drainage Plan](#) (Section 6.10.I);
 - iii. [Preliminary Utility Plan](#) (Section 6.08.C); and
 - iv. Other plans, if deemed necessary, for thorough review by the Planning Manager or the Town Engineer, such as a Planned Development Master Plan.

- b. Approval of each plan shall be separate and in accordance with this [4.03 Preliminary Plat](#).

2. Proof of Ownership Required

The Applicant shall furnish with the Application to the Town:

- a. A current title commitment issued by a title insurance company authorized to do business in Texas,
- b. A title opinion letter from an attorney licensed to practice in Texas,
- c. A tax certificate from the County, or
- d. Some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the Preliminary Plat, including all lienholders.

E. Review by Planning Manager

The Planning Manager shall:

1. Initiate review of the plat and materials submitted as specified in the Development Manual;
2. Make available Plats and reports to the Commission and Town Council for review; and
3. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning & Zoning Commission.

F. Dual Approval Required

As provided for in [TLGC Section 212.006.\(a\)](#), both Planning & Zoning Commission and Town Council shall act on the Preliminary Plat in accordance with Section [3.02 Plat Approval Procedure](#).

G. Criteria for Approval

The Commission and the [Town Council](#) shall apply the following criteria to approve, conditionally approve, or disapprove a Preliminary Plat:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder subdivided lot;
3. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, electric, park facilities, open spaces, habitat restoration, easements, and [Right-of-Way](#) that are adequate to serve the development, meet applicable standards of these Subdivision Regulations, and conform to the Town's adopted master plans for those facilities;
4. The Preliminary Plat has been duly reviewed by applicable Town staff;
5. The Preliminary Plat conforms to design requirements and construction standards as established in the [Design Standards and Specifications by NCTCOG](#);
6. The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare; and
7. The Preliminary Plat conforms to the [Planning Manager's](#) subdivision Application Form.

H. Effect of Approval

1. Preliminary Plat approval shall allow the Applicant to proceed with the development and platting process by submitting [Construction Plans \(5.01\)](#) and a [Final Plat \(4.04\)](#).
2. Preliminary Plat approval shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. Expiration

1. Two-Year Validity
 - a. Pursuant to [TLGC 245.005.\(b\)](#), Preliminary Plat approval shall remain in effect two (2) years following the approval date, during which period the Applicant shall submit and receive approval for [Construction Plans](#) and a [Final Plat](#) for the land area shown on the [Preliminary Plat](#).
 - b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. Relationship to Construction Plans

A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid.
3. Void If Not Extended

If the Preliminary Plat is not extended as provided in [4.03.J Preliminary Plat Extension](#), it shall expire and shall become null and void.

J. Preliminary Plat Extension

A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the Planning Manager in writing at least thirty (30) calendar days before expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

1. Decision by the Planning Manager

- a. The Planning Manager will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
- b. Should the Planning Manager fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. Considerations

In considering an extension, the Planning Manager shall consider whether the following conditions exist:

- a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- c. Construction, which includes the installation of public improvements, is occurring on the subject property only after the plat is filed with the County;
- d. The Preliminary Plat complies with new ordinances that impact the health, safety, and general welfare of the community; and/or
- e. If there is a need for a park, school, or other public facility or improvement on the property.

3. Conditions

Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

4. Appeal of the Denial of a Preliminary Plat Approval Extension

a. Appeal of the Planning Manager's Decision on a Preliminary Plat Extension

- i. An extension denial by the Planning Manager may be appealed to the Commission.
- ii. A written request for an appeal shall be received by the Planning and Zoning Commission within fourteen (14) calendar days following the denial.
- iii. The Commission shall hear and consider an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Manager.

b. Appeal of the Commission's Decision on a Preliminary Plat Extension

- i. An extension denial by the Commission may be appealed to the Town Council.
- ii. A written request for an appeal shall be received by the Planning and Zoning Commission within fourteen (14) calendar days following the denial.
- iii. The Town Council shall hear and consider an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Manager.
- iv. The decision of the Town Council is final.

K. Amendments to Preliminary Plats Following Approval

1. Minor Amendments to Preliminary Plats

- a. Minor amendments to the design of the subdivision may be incorporated into an [Application](#) for [Final Plat](#) approval without the necessity of filing a new [Application](#) for re-approval of a [Preliminary Plat](#).
- b. Minor amendments shall only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:
 - i. Do not result in creation of additional lots or any non-conforming lots, and
 - ii. Are consistent with approved prior Applications.
- c. Any increase to the size of a property shown on a Preliminary Plat, or increase to the density of single family residential lots shown on a Preliminary Plat, shall not be considered minor amendments.

2. Major Amendments to Preliminary Plats

All other proposed changes to the design of the subdivision subject to an approved [Preliminary Plat](#) shall be deemed major amendments that require submittal and approval of a new [Application](#) for approval of a [Preliminary Plat](#) (including new fees, new reviews, etc.) before approval of [Construction Plans](#) and/or a [Final Plat](#).

3. Determination of Minor or Major Preliminary Plat Amendments

The Planning Manager shall make a determination of whether proposed amendments are minor or major by requiring a new Preliminary Plat submittal.

4.04. Final Plat

A. Purpose

The purpose of a [Final Plat](#) is to ensure that:

1. The proposed Subdivision and development of the land is consistent with all standards of these Subdivision Regulations pertaining to the adequacy of public facilities,
2. Public Improvements to serve the Subdivision or development have been installed and accepted by the Town, or that provision for such installation has been made, and
3. All other Town requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

B. Applicability

Unless listed below as an exception ([4.04.C](#)), no subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.

C. Exceptions

A Final Plat is not required when a [Minor Plat](#) is submitted (refer to [4.05 Minor Plat](#)).

D. Proof of Ownership Required

1. The Applicant shall furnish with the Application to the Town a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the [Final Plat](#).

E. Accompanying Applications

1. A Final Plat [Application Form](#), which can be obtained from the Planning Manager.
2. For nonresidential development, a Preliminary Site Plan for the entire development and a Site Plan for each lot shall be required with the [Final Plat Application](#).
3. [Construction Plans](#) shall accompany a Final Plat Application as required by Planning Manager.
4. A [Tree Survey](#) shall accompany a Final Plat Application.
5. A Signage Plan shall accompany a Final Plat Application. (Residential Only)
6. An Open Space or HOA Open Space and Maintenance Plan shall accompany a Final Plat Application.
7. Approval of the [Final Plat](#) and [Construction Plans](#) shall be separate and in accordance with this Section [4.04 Final Plat](#) and with Section [5.01 Construction Plans](#).

F. Prior Approved Preliminary Plat

The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended per Section [4.03.K Amendments to Preliminary Plats Following Approval](#), if applicable, incorporating all conditions imposed or required, if applicable.

G. Review by Planning Manager

The Planning Manager shall:

1. Initiate review of the plat and materials submitted,
2. Make available [Plats](#) and reports to the Commission and [Town Council](#) for review, and
3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.

H. Dual Approval Required

In agreement with [TLGC Section 212.006.\(a\)](#), both Planning & Zoning Commission and Town Council must act on the Final Plat in accordance with Section [3.02 Plat Approval Procedure](#).

I. Final Plat Criteria for Approval

The Commission and the Town Council shall apply the following criteria to approve, conditionally approve, or disapprove a Final Plat.

1. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section [4.03.K Amendments to Preliminary Plats Following Approval](#) and that may be approved without the necessity of revising the approved Preliminary Plat;
2. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
3. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
4. The Plat conforms to design requirements and construction standards as established in the [Design Standards and Specifications by NCTCOG](#); and
5. The plat conforms to the Planning Manager's subdivision Application checklists and Subdivision Ordinance regulations.
6. A motion to approve a Final Plat is subject to the following conditions:
 - a. All required fees shall be paid.
 - b. All covenants required by ordinances have been reviewed and approved by the Town.
 - c. On-site easements and [Right-of-Way](#) have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public [Right-of-Way](#) or easements that must be approved by the [Town Council](#) and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

J. Procedures after Final Plat Approval

1. Construction Plan submitted with Final Plat (See [Section 5 Construction Plans & Procedures](#)).
2. Letter of Acceptance provided by the Town.
3. Sign Plat
 - a. The Planning Manager shall procure the appropriate Town signatures on the Final Plat.
 - b. The [Applicant](#) shall provide the required number of signed and executed copies of the [Final Plat](#) for filing with the [County](#) (in the County's required format).
4. Authorize to file the [Final Plat](#) with the [County](#).

K. Effect of Recordation

Final Plat recordation:

1. Supersedes any prior approved Preliminary Plat for the same land.
2. Authorizes the Applicant to seek issuance of a [Building Permit](#) and sell or transfer lots.

L. Revisions Following Recording/Recordation

Revisions may only be processed and approved as a [Replat](#), or [Amending Plat](#), as applicable.

M. Signature Blocks

The Planning Manager shall develop and maintain wording for [Final Plat](#) signature blocks. This wording shall be made available to the general public via the Town's development manual or similar type document.

N. Expiration of Approved but not Filed Plat

1. Two-Year Validity

- a. [Final Plat](#) approval shall remain in effect two (2) years following the approval date, during which period the Applicant shall submit and receive approval for [Construction Plans](#) for the land area shown on the [Final Plat](#).
- b. A Final Plat expires if Construction Plans have not been approved within the two (2) year period.

2. Relationship to Construction Plans

A [Final Plat](#) shall remain valid for the period of time in which approved Construction Plans are valid.

3. Void If Not Extended

If the [Final Plat](#) is not extended as provided in [4.04.O Final Plat Extension for Approved but not Filed Plat](#), it shall expire and shall become null and void.

4. Approve Final Plats that have been Filed (Recorded with the County)

- a. Approved plats that have been filed with the County shall not expire.
- b. Construction of the site may not begin until the Final Plat has been filed with the County.

O. Final Plat Extension for Approved but not Filed Plat

A [Final Plat](#) may be extended for one (1) year beyond the Final Plat's initial expiration date. An extension request shall be submitted to the Planning Manager in writing at least thirty (30) calendar days before [Final Plat](#) expiration, and shall include reasons why the [Final Plat](#) should be extended.

1. Decision by the Planning Manager

- a. The Planning Manager will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
- b. Should the Planning Manager fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. Considerations

In considering an extension, the Planning Manager shall consider whether the following conditions exist:

- a. Construction Plans have been submitted and/or approved for any portion of the property shown on the [Final Plat](#);
- b. Construction, including the installation of public improvements, is occurring on the property;

- c. The [Final Plat](#) complies with new ordinances that impact the health, safety, and general welfare of the community; and/or
 - d. If there is a need for a park, school, or other public facility or improvement on the property.
- 3. Conditions

Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
- 4. Appeal of the Denial of a Final Plat Approval Extension
 - a. Appeal of the Planning Manager's Decision on a Final Plat Extension
 - i. The extension denial by the Planning Manager may be appealed to the Commission.
 - ii. A written request for an appeal shall be received by the Planning Manager within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Manager.
 - b. Appeal of the Commission's Decision on a Final Plat Extension
 - i. The extension denial by the Commission may be appealed to the [Town Council](#).
 - ii. A written request for an appeal shall be received by the Planning Manager within fourteen (14) calendar days following the denial.
 - iii. The [Town Council](#) shall hear and consider an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Manager.
 - iv. The decision of the Town Council is final.

4.05. Minor Plat

A. Purpose

The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in [Texas Local Government Code Section 212.0065.\(2\)](#).

B. Applicability

A Minor Plat application may be filed only in accordance with State law, when all of the following circumstances apply:

1. The proposed division results in four (4) or fewer lots;
2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of these Subdivision Regulations; and;
3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the Subdivision.

C. Application Requirements

[Minor Plat](#) submittal requirements are determined by the Planning Manager on the [Application Form](#).

D. Additional Requirements

To be considered a [Minor Plat](#), the following requirements must also be met:

1. The proposed Plat shall be for the Subdivision of one (1) tract into four (4) or fewer lots.
2. The person, firm, or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.
3. Private wastewater treatment facilities (septic tanks) that meet the current TCEQ health standards shall be considered adequate when existing public water and wastewater lines are not available.

E. Minor Plat Criteria for Approval

The Commission and the Town Council shall apply the following criteria to approve, conditionally approve, or disapprove a Minor Plat:

1. The Minor Plat is consistent with all zoning requirements for the property (unless a Right-of-Way dedication causes the lot to become nonconforming and all other requirements of these Subdivision Regulations that apply to the Plat;
2. All lots to be created by the plat already are adequately served by improved public street access and by all required Town utilities and services and by alleys, if applicable;
3. The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Plat; and
4. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

F. Review and Approval

The review and approval processes shall comply with Section [4.04 Final Plat](#).

G. Procedures for Minor Plat after Approval

The procedures shall comply with Section [4.04.J Procedures after Final Plat Approval](#).

H. Revisions Following Approval

Revisions may only be processed and approved as a [Replat](#), or [Amending Plat](#), as applicable.

4.06. Replat

A. Purpose

The purpose of a Replat is to re-subdivide any part or all of a recorded Plat.

B. Applicability

In agreement with [TLGC Section 212.014](#), a Replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding Plat without vacation of that Plat if the Replat:

1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is approved by the [Planning & Zoning Commission](#) and [Town Council](#); and
3. Does not attempt to amend or remove any covenants or restrictions.

C. Additional Requirements for Certain Replats

In agreement with [TLGC Section 212.015](#), the following requirements shall apply.

1. In addition to compliance with Section [4.06.B](#) (ref [TLGC Section 212.014](#)), a Replat without vacation of the preceding plat must conform to the requirements of this section if:
 - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
2. If a proposed Replat described by Subsection [4.06.C.1](#) requires a variance or exception, a public hearing must be held by the [Planning & Zoning Commission](#) or [Town Council](#).
3. Notice of the hearing required under Subsection [4.06.C.2](#) shall be given before the 15th day before the date of the hearing by:
 - a. Publication in an official newspaper or a newspaper of general circulation in the County in which the Town is located; and
 - b. By written notice, with a copy of Subsection [4.06.C.4](#) attached, forwarded by the [Planning & Zoning Commission](#) or [Town Council](#) to the owners of lots that are in the original subdivision and that are within 500 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved County tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the Town.
4. If the proposed Replat requires a variance and is protested in accordance with this subsection, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the [Planning & Zoning Commission](#) or [Town Council](#), or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed Replat and extending 200 feet from that area, but within the original subdivision, must be filed with the [Planning & Zoning Commission](#) or [Town Council](#), or both, prior to the close of the public hearing.
5. In computing the percentage of land area under Subsection [4.06.C.4](#), the area of streets and alleys shall be included.
6. Compliance with Subsections [4.06.C.4](#) and [4.06.C.5](#) is not required for approval of a Replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex

family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

7. If a proposed Replat described by Subsection [4.06.C.1](#) does not require a variance or exception, the Town shall, not later than the 15th day after the date the Replat is approved, provide written notice by mail of the approval of the Replat to each owner of a lot in the original subdivision that is within 500 feet of the lots to be replatted according to the most recent Town or County tax roll. This subsection does not apply to a proposed Replat if the [Planning & Zoning Commission](#) or [Town Council](#) holds a public hearing and gives notice of the hearing in the manner provided by Subsection [4.06.C.3](#).
8. The notice of a Replat approval required by Subsection [4.06.C.7](#) must include:
 - a. The zoning designation of the property after the Replat; and
 - b. A telephone number and e-mail address an owner of a lot may use to contact the municipality about the Replat.

D. Application Requirements

A [Replat](#) Application shall meet all [Final Plat](#) application requirements. The Applicant shall acknowledge that the [Replat](#) will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

E. Partial Repat Application

If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots that are being changed along with a detailed "Purpose for Replat" statement.

F. Criteria for Approval

1. The Replat of the Subdivision shall meet all review and approval criteria for a [Final Plat](#).
2. The Replat document shall be prepared by a Texas Registered Professional Land Surveyor.

G. Replat Review and Approval

The review and approval processes shall comply with Section [4.04 Final Plat](#) (except for the special public hearing and notice requirements described in Section [4.06.C Additional Requirements for Certain Replats](#)).

H. Effect

Upon approval of the [Application](#), the [Replat](#) may be recorded and is controlling over the previously recorded [Plat](#) for the portion replatted.

4.07. Amending Plat

A. Purpose

The purpose of an [Amending Plat](#) shall be to provide an expeditious means of making minor revisions to a recorded [Plat](#) consistent with provisions of State law.

B. Applicability

In agreement with [TLGC Section 212.016](#), the Town may approve and issue an Amending Plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the Amending Plat is signed by the applicants only and is solely for one or more of the following purposes.

1. Error Corrections or Administrative Adjustments

- a. Correct an error in a course or distance shown on the preceding Plat.
- b. Add a course or distance that was omitted on the preceding Plat.
- c. Correct an error in a real property description shown on the preceding Plat.
- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
- e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
- f. Correct any other type of scrivener or clerical error or omission previously approved by the [Planning & Zoning Commission](#) or [Town Council](#), including lot numbers, acreage, street names, lot frontage, and identification of adjacent recorded Plats.
- g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the Application for amending the Plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.

2. Relocate Lot Lines

- a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
- b. Relocate one or more [Lot Lines](#) between one or more adjacent lots if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots.

3. Replatting

- a. Replat one or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. Application Requirements

An [Amending Plat](#) submittal shall be determined by the Planning Manager on the [Application Form](#).

D. Notice Not Required

In agreement with [TLGC Section 212.016.\(b\)](#), Amending Plat approval and issuance shall not require notice, hearing or approval of other lot owners.

E. Review and Approval

The review and approval processes shall comply with Section [4.04 Final Plat](#).

4.08. Plat VacationA. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law per [TLGC 212.013](#).

B. Initiation of a Plat Vacation

a. By Property Owner

The property owner of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold.

b. By All Lot Owners

If lots in the Plat have been sold, an Application to vacate the plat must be submitted by all the owners of lots in the Plat.

C. Review and Approval

The review and approval processes shall comply with Section [4.04 Final Plat](#).

D. Procedures for Recordation Following Approval

1. If the [Planning & Zoning Commission](#) and [Town Council](#) adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.
2. If the [Planning & Zoning Commission](#) and [Town Council](#) adopt a resolution vacating a plat in part, it shall cause a revised [Final Plat](#) to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

E. Effect

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.
3. The [Planning & Zoning Commission](#) and [Town Council](#) shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the [Planning & Zoning Commission](#) and [Town Council](#) shall consider Plat Vacation upon satisfactory conveyance of easements and/or Right-of-Way in a separate legal document using forms provided by the Town Attorney's office.

Section 5. Construction Plans & Procedures

5.01. Construction Plans

A. Purpose

To require that [Public Improvements](#) be installed to serve a development in accordance with all Subdivision Regulations.

B. Submitting Plans

Plans shall be submitted in accordance with Planning Manager's requirements, as provided in the related [Application Form](#). Incomplete Construction Plans shall not be accepted and those plans shall be returned to the Applicant.

C. Responsible Official and Decision Authority for Construction Plans

1. Review and Approval Action

- i. The Town Engineer shall be the Responsible Official for review and approval of Construction Plans.
- ii. The Town Engineer shall generally follow the sequence of events for review and approval of Construction Plans as shown in Figure 2 below, which is adopted herein as the Town's preferred sequence of events; however, the Town Engineer is empowered to make alterations to the sequence on a case-by-case basis upon finding of due cause, if such alteration will further the purpose of this chapter and Subdivision Ordinance, and will provide an equitable outcome for the Applicant and the Town.

2. Outside Review

If an outside consultant is contracted to review Construction Plans, then the Applicant shall reimburse the Town for the review fees.

3. Decision-Maker Options

The Town Engineer shall approve or deny the Construction Plans.

D. Criteria for Approval

The Town Engineer shall approve Construction Plans if:

1. The Construction Plans are consistent with the approved Final Plat; and
2. The Construction Plans conform to the subject property's zoning and any planned development (PD) standards (including zoning development standards), and to the standards for adequate public facilities, contained in these Subdivision Regulations and all other applicable Town codes.

E. Effect

Approval of Construction Plans authorizes the Applicant to:

1. Schedule a [Pre-Construction Meeting \(5.02\)](#); and
2. Apply for [Construction Release \(5.03\)](#).

F. Expiration Date for Construction Plans

The approval of Construction Plans shall remain in effect one (1) year from the approval date as determined in writing by the Town Engineer, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with Section [5.01.G Extension of Construction Plans beyond Expiration Date](#).

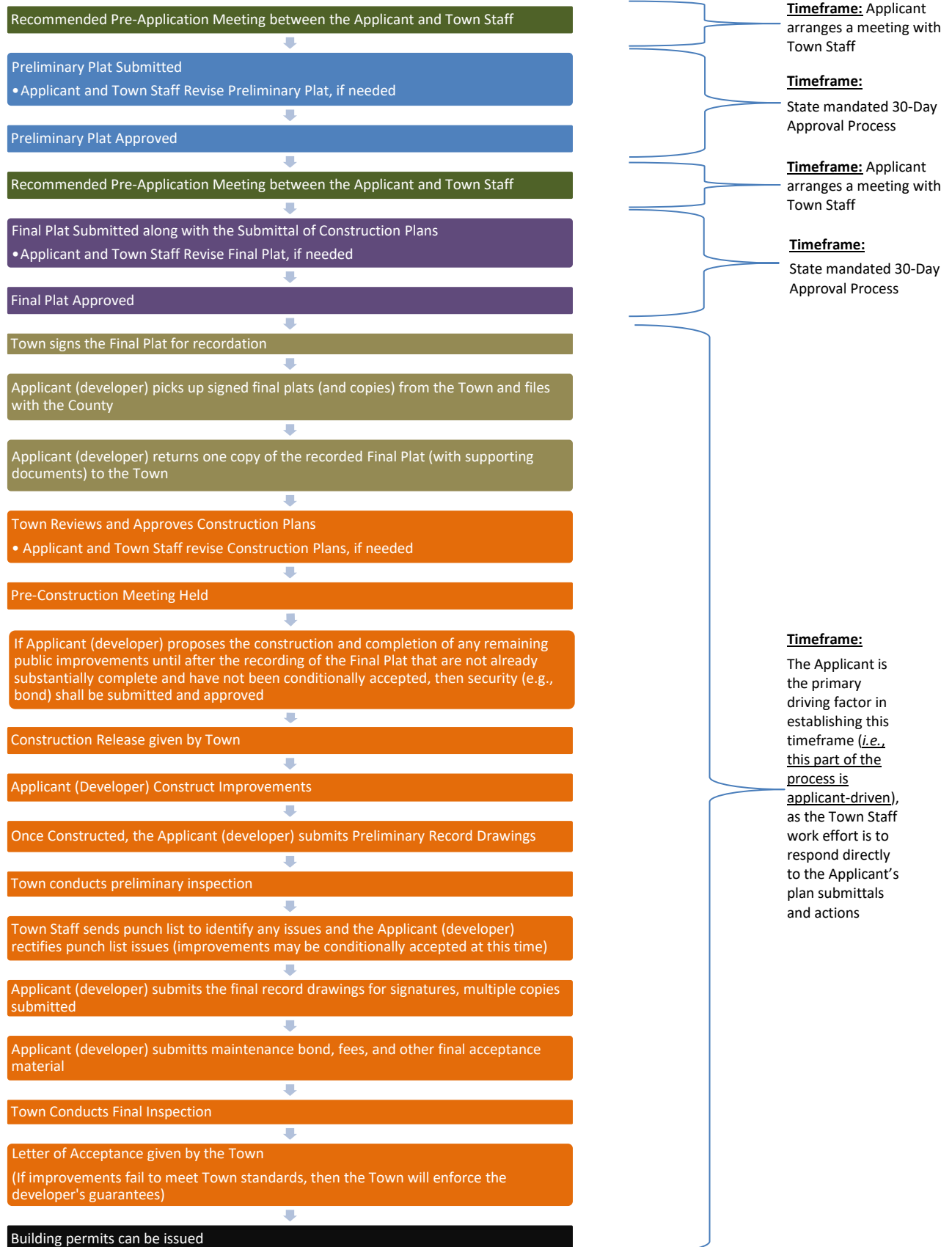


Figure 2: Detailed Overview of the Platting Process

G. Extension of Construction Plans beyond Expiration Date

1. General

- a. Construction Plans may be extended six (6) additional months beyond the expiration date.
- b. A request must be made in writing to the Town Engineer for an extension before expiration of the plans, and shall include reasons why the plans should be extended.

2. Decision by the Town Engineer

- a. The Town Engineer will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the extension request.
- b. Should the Town Engineer fail to act on an extension request within thirty (30) calendar days, the extension is approved.

3. Consideration

The Town Engineer may extend Construction Plans approval six (6) additional months beyond the expiration date if:

- a. A Final Plat has been submitted, approved, or filed of record for any portion of the property shown on the Construction Plans;
- b. The Construction Plans comply with new ordinances (*i.e.*, ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety, and general welfare of the Town; or
- c. Demonstrable forward progress has been made to proceed with construction or required improvements.

4. Conditions

Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

5. Total Extension

A second six (6) month extension may be requested using the same process outlined above.

5.02. Pre-Construction Meeting

A. Requirement

1. The Applicant(s) shall attend a [Pre-Construction Meeting](#) with the Town Engineer following the approval of [Construction Plans](#) and before commencement of any construction on the property.
2. The [Applicant](#) is responsible for contacting the Town Engineer, requesting a meeting time, and notifying all participants of the meeting.
3. After receiving a meeting request from the [Applicant](#), the Town Engineer shall promptly schedule a [Pre-Construction Meeting](#).

B. Purpose

1. Discussion of Procedures

The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction before [Construction Release](#) or issuance of a [Building Permit](#).

2. Review of Criteria

A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.

C. Notice

The Applicant shall receive written notice from the Town Engineer that [Construction Plans](#) have been approved and that the project is eligible for a [Pre-Construction Meeting](#).

D. Effect

Following the [Pre-Construction Meeting](#) and upon approval of the [Construction Plans](#) and full compliance with all pre-construction requirements, the Town Engineer shall authorize a [Construction Release](#), allowing the Applicant to commence with construction of the project.

5.03. Construction Release

1. Requirements for a Construction Release

- a. Upon approval of the [Construction Plans](#), receipt of all required documentation, fees (if applicable), and after the [Pre-Construction Meeting](#) with Town staff, the Town Engineer shall release the plans for construction if all Town requirements pertaining to construction have been met.
- b. The [Construction Release](#) shall remain in effect one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

2. Construction Release Expiration and Extension

Expiration, and possible extension, of the [Construction Release](#) shall be the same as for the [Construction Plans](#).

5.04. Construction of Public Improvements

A. Phased Development

If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

B. Easements for Utility Providers

1. The Applicant is responsible for contacting all utility providers before beginning construction, and for securing all necessary easements for same before Final Plat approval and recordation.
2. The Applicant's engineer shall provide the Town Engineer with written certification that all necessary easements are secured for the various utility providers, and those easements shall be shown on the Final Plat with the recording information for each.

C. Off-Site Easements

1. All necessary off-site easements required for installation of required off-site Public Improvements to serve the development shall be acquired by the Applicant before the [Pre-Construction Meeting](#) (see Section [5.02 Pre-Construction Meeting](#)).
2. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the Town.
3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
4. The Applicant is responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the Town. The Applicant shall provide the Town with easements or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the Town may, at its option, acquire these easements either through negotiations or, in appropriate situations, through eminent domain proceedings.
5. The Applicant shall reimburse the Town for the costs of acquiring the necessary easements, including but not limited to attorney fees and costs.

D. Timing of When Public Improvements are Constructed

1. [Public Improvements](#) may be Completed After [Final Plat](#) recordation, with [Security for Completion of Public Improvements](#)
 - a. An [Applicant](#) may elect to construct [Public Improvements](#) after [Final Plat](#) recordation.
 - b. The construction of [Public Improvements](#) after [Final Plat](#) recordation shall be conditioned on the execution of [Security for Completion of Public Improvements](#).

5.05. Inspection, Maintenance, and Acceptance of Public Improvements

A. Inspection of Public Improvements

1. Inspection, Timing, and Contact

- a. The Town Engineer shall inspect the construction of improvements while in progress, as well as upon completion.
- b. The Applicant, or Applicant's contractor, shall maintain contact with the Town Engineer during construction of improvements.
- c. Inspections shall be conducted during normal business hours, Monday through Friday.
- d. Inspection During Non-Business Hours
 - i. Public works inspections may be conducted at times other than normal working hours with prior approval.
 - ii. After-hour inspections other than on Saturday will require a minimum of forty-eight (48) hour notice and the Developer shall reimburse the Town a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.
 - iii. Saturday inspections will require to be paid the Thursday before the Saturday to be worked.
 - iv. No work will be allowed on Sundays, holidays, and holiday weekends. Holiday weekends are weekends with a holiday that lands on Monday or Friday of a given weekend.

2. Conformance with Construction Plans

- a. Construction shall be in accordance with the approved Construction Plans.
- b. Any significant change in design required during construction shall be made by the Applicant's engineer, and is subject to approval by the Town Engineer.
- c. Once construction is complete, preliminary as-built/record plans are submitted to the Town Engineer.

3. Corrections to Public Improvements

- a. If the Town Engineer finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant is responsible for completing and/or correcting the Public Improvements to bring such into compliance.
- b. The Town will provide the Applicant with a list of any issues the Applicant must rectify in order for the Public Improvements to be in accordance with the approved Construction Plans and Town standards.

4. Final Inspection

Once preliminary inspection issues have been rectified, the Applicant may schedule a final inspection with the Town Engineer.

B. Public Works Inspection Fees

1. The Developer will be charged according to the Town's Fee Schedule for the inspection fee for the [Public Improvements](#) to be dedicated to the Town. Fire lanes shall be charged according to the Town's Fee Schedule.
2. The Developer may be charged an additional inspection fee to reimburse the Town the actual inspection cost if the Town is required to have third-party inspections of the public infrastructure in each Subdivision or development.

C. Maintenance during Construction

The Applicant shall maintain all required Public Improvements during construction of the development.

D. Maintenance Bond

1. Per requirements established and maintained by the Town Engineer, the Developer shall furnish maintenance bonds to the Town for Public Improvements two (2) years from the date of acceptance by the Town (see [5.05.F.3 Letter of Final Acceptance](#) for acceptance dates).
2. The maintenance bond or other surety shall be a good and sufficient bond executed by a corporate surety approved by the Town in an amount equal to one hundred percent (100%) the total cost of said improvements and guaranteeing their maintenance for two (2) years from the date of acceptance of the related Public Improvements. The maintenance bond shall indemnify the Town against and guarantee the costs of any repairs which may become necessary to any part of the construction work performed in connection with the Public Improvements arising from defective workmanship or materials used therein. A separate maintenance bond must be furnished for work done under each contract for each part of such construction work unless otherwise authorized by the Town. Final acceptance will be withheld until said maintenance bond is furnished to and approved by the Town. The maintenance bond shall be accompanied by a copy of the construction contract for such improvements and such other information and data deemed necessary by the Town to determine the sufficiency, validity, and enforceability of such bond. No building permits shall be issued by the Town for property served by such Public Improvements until the Town has received and approved any required maintenance bond.
3. The Town Engineer shall have authority to waive the maintenance bond requirement for a Public Improvement that has a value of less than \$10,000.
4. Maintenance bonds shall be in a form acceptable to the [Town Attorney](#).

E. Submission of As-Builts/Record Drawings

1. The Town shall not accept the dedication of required Public Improvements until the Applicant's engineer has certified to the Town Engineer, through submission of detailed [Record Drawings](#) of the project, that the Public Improvements have been built in accordance with the approved Construction Plans.
 - a. The submission of detailed [Record Drawings](#) of the project shall be approved by the Town.
 - b. Recorded off-site easements are submitted with the [Record Drawings](#).
 - i. Any off-site easements shall follow Town standard form and shall be submitted to the Town Engineer for review before obtaining signatures.
 - ii. Off-site easements shall be recorded at the appropriate County before filing of the plat.
2. Applicable [Record Drawings](#) are submitted to the Town before a Plat is recorded.
3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Town Engineer.
4. The Applicant shall submit digital files of all the Record Drawings in AutoCAD and Adobe PDF formats, as required by the Town.

F. Acceptance or Rejection of Improvements by the Town Engineer

1. Responsible Official

The Town Engineer is responsible for accepting completed subdivision improvements intended for dedication to the Town.

2. Final Inspection

After completion of all improvements, franchise utilities, grading, and erosion control, the Town Engineer and other designated representatives (as applicable) will perform a final inspection before recommending acceptance to the Town Engineer.

3. Letter of Final Acceptance

a. If all improvements are completed, inspected, tested (if applicable), and determined by the Town to be in conformance with the [Subdivision Ordinance](#) and with the Town's design standards, and all inspection fees have been paid, then the Town Engineer shall issue a [Letter of Final Acceptance](#) to the Applicant, thereby notifying the Applicant of the Town's acceptance of any proposed dedications (including [Right-of-Way](#) and [Public Improvements](#)) offered on the [Final Plat](#).

b. Letter of Acceptance shall be a separate document and recorded with the [Final Plat](#).

4. Meaning of Acceptance

Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the Town for title, use, and maintenance. This shall not release the Developer from the maintenance bond (see Section [5.05.D Maintenance Bond](#) for more information).

5. Rejection

The Town Engineer shall reject those Improvements that fail to comply with the Town's standards and specifications. The Town shall enforce the guarantee provided by agreement(s) (if applicable) and shall require the Applicant to execute [Security for Completion of Public Improvements](#) to ensure the Public Improvements are built.

6. Effect of Plat Approval on Dedication

a. In accordance with [TLGC Section 212.011\(a\)](#), the approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the Town any duty regarding the maintenance or improvement of any dedicated parts until the Town authorities make an actual appropriation of the dedicated parts by entry, use, or improvement.

b. In accordance with [TLGC Section 212.011\(b\)](#), the disapproval of a plat is considered a refusal by the Town of the offered dedication indicated on the plat.

G. Acceptance Disclaimer

1. Approval of a [Preliminary Plat](#) or [Final Plat](#) by the [Planning & Zoning Commission](#) and [Town Council](#), or [Construction Plans](#) by the Town Engineer, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.

2. No Public Improvements shall be accepted for dedication by the Town except in accordance with this Section.

5.06. Security for Completion of Public Improvements

A. Standard Security

1. Surety, Performance, and Payment Bonds

- a. In accordance with [TLGC Section 212.901.\(a\)](#), when any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the Town's standards and with these Subdivision Regulations, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the Town, on the form provided by the Town.
- b. The surety, performance, and payment bonds shall be approved as to form by the Town Attorney.

B. Alternative Security

1. Irrevocable Letter of Credit (ILOC)

An irrevocable letter of credit (ILOC) may be accepted and approved as to form by the [Town Attorney](#).

2. Escrow

At the discretion of the Town Engineer, escrow may be allowed as a security for completion.

C. Estimated Cost and Security Approval

1. Security shall be issued in the amount of one hundred percent (100%) of the cost to construct and complete all required Public Improvements to the Town's standards as estimated by the Applicant's professional engineer, and as approved by the Town Engineer.
2. Security shall be issued by an established and reputable financial entity, and shall be subject to the review and approval of the Town Attorney.
3. The Applicant shall reimburse the Town for all related legal costs for review. This reimbursement shall be paid in full before filing the Final Plat.

5.07. Developer Participation in Contract for Public Improvement

In accordance with [Texas Local Government Code Subchapter C, Section 212.071](#) to [Section 212.074](#), the following section prescribes a developer's participation in a contract for public improvements.

A. Developer Participation Contract

1. Without complying with the competitive sealed bidding procedure of [Texas Local Government Code Chapter 252](#), the Town may make a contract with a developer of a subdivision or land in the Town to construct public improvements, not including a building, related to the development.
2. If the contract does not meet the requirements of this Section [5.07](#), [Texas Local Government Code Chapter 252](#) applies to the contract if the contract would otherwise be governed by that chapter.

B. Duties of Parties Under Contract

1. Under the contract, the developer shall construct the improvements, and the Town shall participate in their cost.
2. The contract must establish the limit of participation by the Town at a level not to exceed 30 percent of the total contract price.
3. In addition, the contract may also allow participation by the Town at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the Town, including but not limited to increased capacity of improvements to anticipate other future development in the area.
4. The Town is liable only for the agreed payment of its share of the contract, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by Town ordinance.

C. Performance Bond

1. The developer must execute a performance bond for the construction of the improvements to ensure completion of the project.
2. The bond must be executed by a corporate surety in accordance with [Chapter 2253, Government Code](#).

D. Additional Safeguards; Inspection of Records

1. In the contract authorized by [5.07.B.2](#), the Town may include additional safeguards against undue loading of cost, collusion, or fraud.
2. All of the developer's books and other records related to the project shall be available for inspection by the Town.

E. Other Agreements

1. Nothing in this [Section 5.07](#) shall be construed to limit the Town's authority to enter into agreements, including development agreements, other than Developer Participation Contracts under Subchapter C of Chapter 212 of the Texas Local Government Code.

Section 6. Subdivision Design Standards

6.01. General Standards

A. Conformance to Plans and Codes

1. Design and construction of [Public Improvements](#) must conform to the standards, criteria, and requirements of the Code of Ordinances and any other Town, State, or Federal regulations.
2. Commercial development with the Town's Commercial Planned Development District (CPDD) shall meet the CPDD's requirements.

B. Observation of Construction Work for Public Improvements

1. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter, sanitary sewers, or water mains performed by the owner, developer, or contractor, shall be subject to observation during construction by the proper authorities of the Town.
2. All construction work, as mentioned above, shall be constructed in accordance with the specifications approved by the [Town Council](#) and in accordance with the provisions of "Standard Specifications For Public Works Construction" prepared by the North Central Texas Council of Governments, which is on file in the Town Hall.

6.02. Adequate Public Facilities

A. Services Required

Land proposed for development in the Town and in the Town's [Extraterritorial Jurisdiction \(ETJ\)](#) must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, and drainage facilities.

B. Approval Timing

Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist, or provision has been made for those facilities, whether the facilities are to be located within the property being developed or off-site.

C. Rough Proportionality and Fair Share Policy Statement

1. The Town desires that a new development project contribute its fair and proportional share of the costs of public facilities and services.
2. There is a direct correlation between the increased demand on public facilities that is created by a new development, and the Town's requirements to dedicate [Right-of-Way](#) and [Easements](#) and to construct a fair and proportional share of [Public Improvements](#) that are necessary to offset those impacts such that new development does not negatively affect the Town as a whole.
3. A fair and proportional share is the level or standard of service that is required to adequately serve a new development.
4. Standards relating to the dedication or construction requirements shall be roughly proportional (see definition [Proportionality/Proportional Share](#)) to the nature and extent of the impacts created by the proposed development on the Town's water, wastewater, storm drainage, parks, or roadway system.

D. Apportionment of Town Infrastructure Cost

1. In agreement with [TLGC Section 212.904.\(a\)](#):
 - a. If the Town requires, including under an agreement under [Chapter 242](#), as a condition of approval for a property development project that the developer bear a portion of the costs of Town infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under [Chapter 1001, Occupations Code](#), and is retained by the Town.
 - b. The Town's determination shall be completed within thirty (30) days following the submission of the developer's application for determination under this Subsection [6.02.D](#).
2. In agreement with [TLGC Section 212.904.\(b\)](#), a developer who disputes the determination made under Subsection [6.02.D.1](#) may appeal to the [Town Council](#).
 - a. At the appeal, the developer may present evidence and testimony under procedures adopted by the [Town Council](#).
 - b. After hearing any testimony and reviewing the evidence, the [Town Council](#) shall make the applicable determination within thirty (30) days following the final submission of any testimony or evidence by the developer.
3. In agreement with [TLGC Section 212.904.\(c\)](#), a developer may appeal the determination of the [Town Council](#) to a County or district court of the County in which the development project is located within thirty (30) days of the final determination by the [Town Council](#).
4. In agreement with [TLGC Section 212.904.\(d\)](#), the Town may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.
5. In agreement with [TLGC Section 212.904.\(e\)](#), a developer who prevails in an appeal under this section is entitled to applicable costs and reasonable attorney's fees, including expert witness fees.
6. In agreement with [TLGC Section 212.904.\(f\)](#), this section does not diminish the authority or modify the procedures specified by [Chapter 395](#).

6.03. Streets

A. Adequate Streets

1. The property owner shall ensure that the Subdivision is served by adequate streets and is responsible for the costs of Right-of-Way and street improvements, in accordance with the following policies and standards.
2. Additional Right-of-Way may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

B. Street Classifications

Category/ Lanes	ROW
Arterial	100'
Collector	80'
Local	50'

**Refer to the Commercial Planned Development District (CPDD), as amended, for design standards for streets located within the CPDD.*

C. General Requirements

1. Streets must be designed in coordination with the Code of Ordinances, Transportation Plan, [Design Standards and Specifications by NCTCOG](#), and other applicable plans, existing and proposed streets, the terrain, streams, and other physical conditions.
 - a. The arrangement of streets must provide for the continuation of streets between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.
 - b. The arrangement, character, extent, pavement width, Right-of-Way width, grade, and location of each street shall be considered in its relationship to the Transportation Plan, to existing and planned streets, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such street.
2. Whenever a tract to be subdivided abuts any part of any street so designated on the Transportation Plan, or where a street designated on the Transportation Plan crosses any part of the tract to be subdivided, that part of the proposed public street shall be platted, the Right-of-Way shall be dedicated, and the street shall be constructed by the Developer, consistent with the location as indicated on the Code of Ordinances, and the requirements contained within these regulations. The Town may consider accepting a fee in lieu of the developer constructing a piece of street.
3. The reservation in private ownership of strips of land (e.g., reserve strips) at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the Subdivision shall be prohibited.
4. Half streets are prohibited, except where essential to the reasonable development of the Subdivision in conformance with the other requirements of these regulations, and where the Town finds it will be reasonable to require the dedication of the other half when the adjoining land is subdivided. The other half of the street shall be platted within the adjacent tract at the time it is platted.
5. Streets shall be named to provide continuity with existing streets.
6. Names of new streets shall not duplicate or cause confusion with the names of existing streets.

7. As a minimum, a street must be designated to safely provide two-way traffic for passenger, delivery, emergency, utility, and maintenance vehicles, unless otherwise stipulated by the CPDD.
8. If the Town determines that streets greater than the minimum standard are required, the [Town Engineer](#) will conduct investigations, studies, and calculations to determine the infrastructure requirements. If the Developer proposes to construct no greater than the minimum standard of infrastructure, it will be the responsibility of the Applicant to submit to the Town engineering investigations, studies, and calculations in support of constructing the minimum standard.

D. Design and Construction

Design and construction shall conform to specifications included within these [Subdivision Ordinance](#) regulations as well as those included within the [Code of Ordinances](#) and [Design Standards and Specifications by NCTCOG](#).

1. The arrangement and location of all proposed streets shall conform to the Transportation Plan.
2. Where streets are not shown on the Transportation Plan, the arrangements of streets in a [Subdivision](#) shall:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;
 - b. Conform to a plan for the neighborhood approved or adopted by the Town to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and
 - c. Be laid out so that they shall intersect, as nearly as possible, at right angles.
3. Street layout shall provide for continuation of [Collector Streets](#) in areas between [Arterial Streets](#).
4. Streets should be platted to allow two tiers of lots between streets when possible.
5. Residential streets shall be laid out so that their use by through traffic shall be discouraged.
6. All streets shall be designed to coordinate with existing streets in adjoining Subdivisions.
 - a. Centerline offsets shall be at least two-hundred (200) feet.
 - b. Greater centerline offsets as may be required by the Town Engineer shall be planned where necessary for traffic safety.
7. Median openings shall have a minimum offset of at least 125 feet from the centerline of an intersecting street, alley, or driveway.
8. Street grades shall conform to specifications included within the [Design Standards and Specifications by NCTCOG](#).
9. Where adjoining areas are not subdivided, the arrangement of streets in the Subdivision shall make provision for the proper projection of streets into that unsubdivided area.
10. To ensure adequate access to each Subdivision, there shall be at least two (2) points of ingress and egress, except that cul-de-sacs shall be permitted in conformance with Section [6.03.G Cul-de-Sacs and Dead-End Streets](#) (below).
 - a. The Town Council may require that more than two access points be constructed if the configuration, number of lots, or other consideration creates the need for additional access points.
 - b. A cul-de-sac street utilizing a Local Street section may be permitted as the only point of access if the cul-de-sac does not exceed one thousand two-hundred (1,200) feet in length as measured from the centerline of the intersecting street to the point from which the radius of the cul-de-sac is measured.

- c. If a cul-de-sac exceeds six hundred (600) feet as measured above, a median dividing the approach at the intersecting street, with the final design subject to review by the Fire Marshal.

11. Collector and Local streets shall be extended through the tract to the tract boundary to provide future connections with adjoining unplatted lands at intervals necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
12. Alley pavement cuts to single-family uses are not allowed on [Arterial Streets](#).

E. Street Right-of-Way Dedication and Street Construction

1. Any Sub-divider laying out and constructing new streets or whose Subdivision includes any portion of or is adjacent to an existing street shall dedicate sufficient Right-of-Way in accordance with the following conditions:
- a. New Streets
- i. New streets shall be provided where there is not an existing street, roadway, or passage.
- ii. When a proposed residential or nonresidential Subdivision is developed abutting an existing or planned [Arterial, Collector, or Local Street](#), the Developer shall dedicate sufficient [Right-of-Way](#) within the Subdivision.
- iii. The Developer is responsible for constructing their proportional share of the street (see definition [Proportionality/Proportional Share](#)) and shall construct half the abutting street (also referred to as a perimeter street) and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the Town's design standards for that type of street.
- iv. If the Developer disagrees with the Town Engineer's decision of rough proportionality (see Section [6.02.C Rough Proportionality and Fair Share Policy Statement](#) for reference), then the Developer may file a [Subdivision Proportionality Appeal](#) (see Section [7.02 Subdivision Proportionality Appeal](#)).
- b. Existing Streets
- i. Cases Where Existing Right-of-Way does not Meet Minimum Town Standards
- (a) Where [Subdivisions](#) are adjacent to existing streets and the [Right-of-Way](#) widths of those existing streets are less than the minimum [Right-of-Way](#) standards found in section [6.03.A.2 Additional Right-of-Way](#) may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
- (b) Street Classifications, the [Developer](#) is required to dedicate on the plat the [Right-of-Way](#) width required adjacent to the land being platted to bring the existing street to the [Right-of-Way](#) width as set out in this [Subdivision Ordinance](#) according to the following:
- (i) Both Sides of an Existing Street Abut a new Subdivision:
- One hundred (100) percent of the Right-of-Way necessary to bring the street into conformance with subsection [6.03.A.2 Additional Right-of-Way](#) may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
- Street Classifications for a local or collector street, whichever is needed to serve the development, when the new Subdivision abuts both sides of the existing street; or
- (ii) One Side of an Existing Street Abuts a New Subdivision:
- Fifty (50) percent of the Right-of-Way necessary to bring the streets into conformance with section [6.03.A.2 Additional Right-of-Way](#) may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

Street Classifications for a local or collector street, whichever is needed to serve the development, when the new Subdivision abuts only one side of the existing street.

- (c) Under Section [6.03.E.2](#), the [Developer](#) may request a Subdivision Waiver reducing the Right-of-Way standards found in section [6.03.A.2 Additional Right-of-Way](#) may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
 - (d) Street Classifications up to five (5) feet.
- ii. Cases Where Additional Right-of-Way is Needed above the Minimum Standard
- Streets may currently exist by reasons of [Plat](#), metes and bounds description, general description, or by prescription. If the existing geometrical configuration does not address safety, design, topography, and traffic management considerations, then the Town may require the dedication of additional [Right-of-Way](#).
- (a) Adjacent to a platted [Subdivision](#):
 - (i) The Right-of-Way dedication shall be based on the distance from the platted Subdivision boundary.
 - (ii) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - (b) Along a Right-of-Way described by a metes and bounds or a general written description:
 - (i) The Right-of-Way dedication shall be based upon the geometric centerline of the Right-of-Way as described.
 - (ii) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - (iii) All existing Right-of-Way dedication within the Subdivision shall be converted from “separate instrument” to a platted Right-of-Way by being a part of the [Final Plat](#).
 - (c) Along a prescriptive Right-of-Way:
 - (i) The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved.
 - (ii) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - (iii) The [Developer](#) shall indicate on the [Preliminary Plat](#) and [Final Plat](#) property lines and features that identify prescriptive Right-of-Way.
 - (iv) These features may include fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, etc.
 - (v) All existing prescriptive Right-of-Way dedications within the Subdivision shall be converted from prescriptive to a platted Right-of-Way by being a part of the Final Plat.
2. The Town Council may grant a Subdivision Waiver reducing the Right-of-Way standards found in section [6.03.A.2 Additional Right-of-Way](#) may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
 3. Street Classifications up to five (5) feet to accommodate development in existing neighborhoods (e.g., an existing street does not meet the current standard) or if unusual circumstances exist on the property or on adjacent property that make it difficult to comply with the Right-of-Way standard.

F. Street Classification Descriptions

1. Arterial Streets
 - a. [Arterial streets](#) carry traffic from one urban area to another and serve the major activity centers of urbanized areas.
 - b. [Arterial Streets](#) are used for longer urban trips and carry a high portion of the total traffic with a minimum of mileage.
 - c. Existing and proposed [Arterial Streets](#) are designated on the [Transportation Plan](#).
2. Collector Streets
 - a. [Collector Streets](#) carry traffic from [Local Streets to Arterial Streets](#).
 - b. Uses served would include medium and high density residential, limited commercial facilities, small offices, and industrial parks.
3. Local Streets
 - a. Local Residential Streets distribute traffic to and from residences. Local Commercial Streets distribute traffic to and from businesses.
 - b. Local Residential Streets are short in length and non-continuous to discourage through-traffic. Local Commercial Streets are short in length and encourage through-traffic.
 - c. Local Streets are used primarily for access to abutting property in residential and commercial areas. Local Streets also provide secondary or minor access and circulation to community facilities (schools, parks, etc.) and other traffic generators, such as commercial and industrial areas.

G. Cul-de-Sacs and Dead-End Streets

1. Cul-de-sacs
 - a. A cul-de-sac street shall not exceed twelve hundred (1,200) feet in length as measured from the centerline of the intersecting street to the point from which the radius of the cul-de-sac is measured.
2. Dead-End Streets
 - a. Dead-end streets are prohibited unless the street design meets the above cul-de-sac requirements or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature. Temporary dead-end streets shall meet Fire Code requirements.
3. Drainage Improvements

Provisions shall be made for adequate storm drainage at the ends of dead-end streets.
4. Barricades
 - a. Barricades and other traffic controls shall be installed by the Developer at dead-ends in accordance with Town specifications.
 - b. Barricades and other traffic control signs and markings shall be maintained by the Developer or Homeowners' or Property Owners' Association.

H. Street Intersection Design

1. No street intersecting an Arterial Street shall vary from a 90-degree angle of intersection by more than five (5) degrees.
2. Intersections of collector and local streets shall not vary from 90 degrees by more than 15 degrees.

I. Construction Responsibilities

The Sub-divider shall bear sole responsibility for construction of all streets necessary for the development of the subdivided area.

J. Paving Requirements

1. All Street and Alley paving shall conform with the [Design Standards and Specifications by NCTCOG](#) and [the Town of Fairview](#).

K. Street Returns

1. The minimum radius for all street returns shall be twenty-five feet (25').
2. Returns for residential driveways on local streets shall be a minimum of five feet (5'). All non-residential driveway returns shall be a minimum of twenty feet (20').

L. Street Name and Traffic Control Signs

1. Street name and all required traffic control signs shall be furnished and installed by the [Developer](#).
2. Street name signs shall be of a type approved by the Town and include the block number.
3. Street name signs and traffic control signs shall be installed in accordance with the prescribed type currently in use by the [Manual on Uniform Traffic Control Devices](#).

M. Road Gates

No gate or other structure designed to control or limit traffic on any public or private subdivision street of ordinary passenger vehicles shall be permitted in any zone except a planned development zone (note: Minimum PD acreage per Zoning Ordinance, as amended). Such gate or structure shall be removed upon annexation of any public or private street with such control in place at the time of annexation.

6.04. Lots**A. Conformance with Zoning**

All lots shall conform to the regulations as set forth in the Town's zoning ordinance.

B. Corner Lots

The required setback from both streets as if all lot lines adjacent to a public street, private drive, or dedicated access or street easement are "front" lot lines.

C. Lot Design

Each lot shall face onto a public street, private drive, or dedicated access easement intended to serve the same purpose as a public street or private drive except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or thoroughfare.

D. Side Lot Lines

Side lines of lots shall be approximately at right angles to straight streets and radial to curved street lines for any plat that creates additional lots and is smaller than five (5) acres. For purposes of this provision, "approximately" means within 5 degrees of a right angle to the straight street or radial of a curved street line for the entire length of the line.

E. Subdivisions with Septic Tanks

In subdivisions where buildings are to be served by septic tanks, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the department of state health services and the Town.

6.05. Blocks**A. Block Design**

The lengths, widths, and shapes of blocks shall be determined with regard to the following items:

1. Provision of adequate building sites suitable to the special needs of the type of use proposed;
2. Zoning requirements as to lot sizes and dimensions;
3. Needs for convenient access, circulation, control, and safety of traffic; and
4. Limitations of topography.

6.06. Access Management

A. Access Requirement

1. Every lot shall have frontage on, and access to, a public street, private drive, or dedicated access easement.
2. Single-Family Residential Access Limitation
 - a. Except for the development of one (1) single-family home on an unplatted, undeveloped tract of land, a single-family residential driveway shall not directly access State Highway 5, F.M. 1378 (Country Club Road), or Stacy Road (between Highway 5 and F.M. 1378).
 - b. Driveways or approaches, for single-family lots or single-family homes that are existing on the effective date of this Subdivision Ordinance and have direct access to the roadways listed in 2.a above are exempted from this restriction.

B. Common Access

1. Lots with sufficient frontage to safely meet the design requirements may be permitted their own driveways. For lots without sufficient frontage (*i.e.*, do not meet the driveway spacing standards), then a [Common Access Easement](#) may be required between adjacent lots.
2. Common Access Easement
 - a. The use of common driveways shall require the dedication of a joint-use private access easement on each affected property.
 - b. That dedication shall be provided on the [Final Plat](#) of the subject properties, or be filed by separate instrument approved by the Town Attorney with the County with a copy forwarded to the Town.
 - c. The [Plat](#) shall state that the easement shall be maintained by the property owner.
 - d. The Common Access Easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

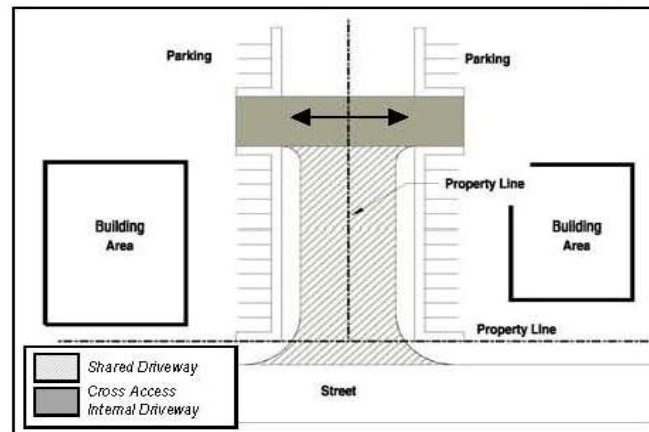


Figure 3: Example of Common Driveway (For Illustrative Purposes Only)

6.07. Easements and Dedications

Easements and dedications of property needed for the construction of streets, alleys, sidewalks, trails, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, retaining walls, and any other property necessary to serve the platted area and to implement the requirements of the Subdivision Ordinance and [Design Standards and Specifications by NCTCOG](#) shall be provided on [Plats](#) and maintained by the property owner.

A. Utility Easements

1. Utilities shall be laid in the public Right-of-Way or, with the Town Engineer's approval, may be laid in easements.
2. When utilities are not laid in the public Right-of-Way, easements at least fifteen (15) feet wide shall be provided for utility construction, service, and maintenance.
3. Easements accommodating both water and wastewater facilities and easements accommodating both public utilities and franchise utilities shall be at least twenty (20) feet wide.
 - a. More easements or additional easement width may be required if deemed necessary by the Town Engineer.
4. Easements at least fifteen (15) feet wide for utility construction, service, and maintenance shall be provided for lots that have frontage along state highways, in the absence of regional utility planning.
5. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.
6. A statement for utility easement restrictions shall be placed in the dedication instrument:

B. Triangular Sight Visibility Easements

1. Triangular sight visibility easements shall be required as follows for properties with zoning that falls within one of the following categories:
 - a. Residential zoning districts (including all single-family, multifamily, manufactured/modular home zoning districts and planned development districts):
 - i. 30' x 30' sight visibility easements on corner lots at the intersection of two streets.
 - b. Nonresidential zoning districts (including all commercial, industrial, and utility districts and planned development districts):
 - i. 30' x 30' sight visibility easement on corner lots at the intersection of two streets.
 - c. Multifamily and nonresidential zoning districts (including all multifamily, commercial, industrial and utility districts and planned development districts):
 - i. 30' x 30' sight visibility easements at the main driveways.
 - d. All zoning districts:
 - i. 30' x 30' sight visibility easements on corner lots at the intersection of an alley and a street.

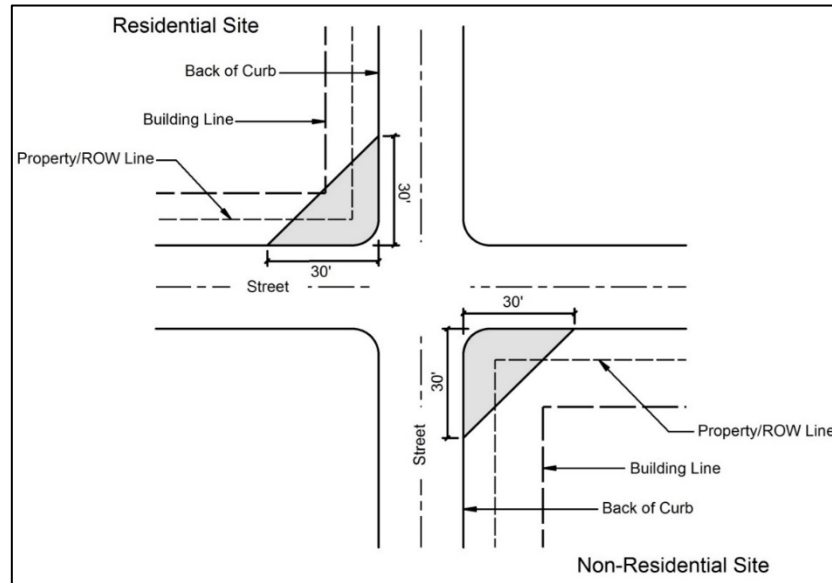


Figure 4: Visibility Triangles

2. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the [Plat](#):

Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the sight visibility easement as shown on the Plat.

C. Drainage Easements

1. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.
2. Storm drainage easements of twenty (20) feet minimum width shall be provided for existing and proposed enclosed drainage systems.
 - a. Easements shall be centered over the systems.
 - b. Larger easements, where necessary, shall be provided as directed by the Town Engineer.
3. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the Town.
4. Where a Subdivision is bounded by a water-course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.
5. Drainage easements shall include provisions for access ingress and egress by crews and equipment for maintenance purposes.

D. Floodplain Easements

1. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs.
2. Floodplain easement locations shall be shown on the Final Plat.
3. Floodplain easements shall be provided in accordance with the recommendation of the Town Engineer to accommodate the 100-year storm drainage flows or the flow of the flood of record, whichever is greater.
4. Floodplain easements shall encompass all areas beneath the water surface elevation of the [Base Flood](#), plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the Town Engineer.
5. A statement of floodplain restrictions shall be placed in the dedication instrument of the Plat.

E. Retaining Wall Easements

1. See Section [6.11 Retaining Wall Construction](#) for retaining wall construction requirements.
2. If, in the opinion of the Town Engineer, the grading plans submitted with the [Application](#) for approval of a [Final Plat](#) indicate a need for the construction of one or more retaining walls, a private retaining wall easement showing the location of the retaining wall(s) and the no-build zone shall be dedicated and shown on the [Preliminary Plat](#) and the [Final Plat](#).
3. The width of the private retaining wall easement shall be the width of the retaining wall plus the width of the no-building zone, as established by the Applicant's structural engineer and approved by the Town Engineer.
4. A retaining wall easement shall be located entirely on one lot and shall not straddle property lines unless the wall is constructed within a retaining wall easement dedicated to the [Homeowners' or Property Owners' Association](#) in accordance with [6.07.E.5](#) (below).
5. The Homeowners' or Property Owners' Association for the subdivision shall be responsible for maintenance of the retaining wall, and a note shall be included to this effect on the Final Plat.

F. Needs/Benefits Determination

1. No dedication otherwise required by this ordinance may be imposed upon a property owner unless the Town determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.
2. An Applicant may appeal a staff recommendation that a dedication be required in accordance with the provisions of [Section 7 Subdivision Relief Procedures](#).

G. Maintenance of Easement

1. The Town shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of Town systems.
2. The Town shall at all times have the right of ingress and egress to and from and upon those easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.
3. The property owner is responsible for maintaining easements.

6.08. Water Utility

A. General

1. All Subdivisions shall provide an approved water distribution system connected to the existing Town water system in conformance with all applicable Town master plans and regulations. The Planning Manager may approve a connection to another entity's water system when necessary to accommodate the efficient growth of the Town's infrastructure.
2. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the [Texas Administrative Code, Chapter 290](#).
3. The Town shall make the final determination of the adequacy of the proposed system.

B. Basic Requirements

1. Water Main Construction

All water mains shall be constructed within the street Right-of-Way or easements dedicated to the Town.

2. Water Lines Extended to Subdivision Borders

- a. All water lines installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the distribution system, regardless of whether those extensions are required for service within the Subdivision.
- b. If, due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the Town Council may approve a Subdivision Waiver for this requirement before action on the Construction Plans or before action on any Plat.

3. Fire Hydrant Locations and Hose-Lay

- a. Fire hydrants shall be spaced per the fire code.
- b. A fire hydrant shall be placed at the entrance of all cul-de-sac streets and follow the spacing required in the most recently-adopted Fire Code of the Town, or as approved by the Fire Marshal.

C. Preliminary Utility Plan

1. General

- a. The [Preliminary Utility Plan](#) shall detail Section [6.08 Water Utility](#) and [6.09 Wastewater Utility](#) requirements.
- b. All new electric utilities within a subdivision are required to be installed underground.

2. Illustrate the Location and Size of Water Utility and Wastewater Utility Mains

- a. Concurrent with Plat submission, the Developer shall submit a map or plan showing the location and size of Water Utility and Wastewater Utility mains, where applicable, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat.
- b. Plans and specifications for fire hydrant systems shall be submitted to the Town Engineer and Fire Marshal for review before construction.

3. Plan Document
 - a. The plan shall be prepared as noted in the Town's [Application Forms](#).
4. Coordination with other Utility Providers
 - a. When the subdivision is located in an area served by a utility provider other than the Town.
 - i. The Developer must provide a water system analysis, indicating adequate water supply and water quality.
 - ii. The [Developer](#) must provide a letter from the utility provider stating that facilities exist in the area to provide adequate domestic service and fire protection. If the [Town](#) has reason to believe that there may be water supply or pressure concerns, the [Town](#) may require a water system analysis, indicating adequate water supply and water quality.
 - iii. The [Final Plat](#) will not be filed until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

6.09. Wastewater Utility

A. General

1. Approved Means of Wastewater Collection and Treatment Required
 - a. All lots, tracts, or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment.
 - b. Lots can be served by septic tanks or the approved OSSF if the lots fall outside of the Town's sewer collection system boundary; and if the size of lots is large enough to accommodate adequate drainage fields and meet the standards established by the State of Texas, the County or any other governmental unit having appropriate jurisdiction.
2. Possible Phasing of Development Required
 - a. The Town Engineer may require the phasing of development, one or more lift stations, and/or improvements to maintain adequate wastewater capacity.

B. Basic Requirements

1. Wastewater Collection System Required
 - a. All [Subdivisions](#) shall provide an approved wastewater collection system unless approved for an OSSF system for lots that fall outside of the Town's sewer collection system boundary.
 - b. The system shall meet TEQC standards and the [Town](#) shall make the final determination of the adequacy of the proposed system.
2. Wastewater Lines Extended to Subdivision Borders
 - a. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether those extensions are required for service within the subdivision.

C. Preliminary Utility Plan

When required by the [Subdivision Ordinance](#), a Preliminary Utility Plan for [Wastewater Utility](#) requirements shall be prepared in accordance with [6.08.C Preliminary Utility Plan](#).

6.10. Drainage and Storm Water

A. General

1. Components of the Drainage System

Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.

2. Management of Storm Water Runoff

Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through, and originating within the [Subdivision](#).

3. Maintenance Responsibility

- a. Detention and retention pond maintenance is the responsibility of the property owner or the [Homeowners' or Property Owners' Association](#), unless noted on the Final Plat or agreed to by the Town.
- b. It is a violation of this Subdivision Ordinance for the pond not to be maintained according to the Town's requirements.
- c. It is a violation of the Town's Best Management Practices for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

4. Discharge of Storm Water Runoff

Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

5. Drainage Facilities

Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements within this [6.10 Drainage and Storm Water](#) and the Town's Code of Ordinances.

B. Planning and Construction

1. Plans, profiles, and specifications shall be prepared for storm water improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, channels, manholes, culverts, outlet structures, and other appurtenances.
 - a. Each sheet of the plans and profiles shall bear the seal and signature of the Licensed Professional Civil Engineer in the State of Texas who prepared them.
2. The [Developer](#) shall incur the cost of all drainage improvements connected with development of the [Subdivision](#) and acceptance of current upstream flows necessary to safely and adequately drain the [Subdivision](#), including any necessary off-site channels or storm sewers and acquisition of any required easements.
 - a. The 100-year storm must be contained within the street [Right-of-Way](#) and/or the drainage easement boundaries.
 - b. Any necessary off-site channel or storm sewers that are required to be within easements must have a separate instrument easement filed in the County Real Property Records and a filed copy shall be submitted to the Town before Construction Plans will be approved.

C. Residential Grading and Drainage**1. Lot to Lot Drainage Standards**

- a. Surface runoff from residential lots in the commercial district shall cross no more than one (1) additional lot before being directed toward the street or a dedicated drainage easement or public Right-of-Way.
- b. When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the street or to a public Right-of-Way or dedicated drainage easement within the rear yard.
- c. Designed and/or natural channels with adequate capacity shall be used in low density residential subdivisions, RE-1 and larger.
- d. Furthermore, no more than one lot may drain to a second lot (i.e., two lots drain onto one lot) before the flow is directed to the public Right-of-Way or dedicated drainage easement.

2. Detailed Standards

See the [Design Standards and Specifications by NCTCOG](#) for requirements for detailed standards and policies.

D. Nonresidential Grading and Drainage**1. Lot to Lot Grading and Drainage Standards**

- a. Grading and drainage plans shall provide that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on-site system or a dedicated Town drainage system.
- b. When the flow reaches the second lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated Town drainage system within a dedicated easement or in street Right-of-Way.
- c. Runoff may not drain to a third lot, the flow must be directed to the street system or to a dedicated Town drainage system with a dedicated easement.
- d. Concentrations of stormwater shall not be discharged to Town Streets through driveways or flumes but shall be collected into an enclosed system, either private or public, before reaching the curb line of the roadway.
- e. Specific deviations from these guidelines may be addressed on an individual basis.

2. Detailed Standards

See the [Design Standards and Specifications by NCTCOG](#) for detailed standards and policies.

E. Design Criteria

1. The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the Town's adopted drainage design criteria for channel and pipe systems.
2. Side yard swales shall have a minimum slope of one (1) percent to ensure adequacy of flow during and after a rain event.
3. See the [Design Standards and Specifications by NCTCOG](#) for requirements for detailed standards and policies.

F. Materials

1. Swales on Residential Lots

Swales on residential lots shall be fully sodded.

2. Swales on Nonresidential Lots

Swales on nonresidential lots may be constructed in a natural state fully sodded in cases where the surrounding area has been sodded, and velocities and depth of flow can be contained within the proposed swale without erosive damage.

- a. Swales within the parking and private driving lanes of nonresidential properties shall be constructed of materials like those of the parking and driving lanes.

3. Systems on Residential Lots

Enclosed systems may be designed utilizing concrete or approved plastic pipe and collection inlets on residential lots.

- a. Private enclosed systems on nonresidential lots may be designed utilizing approved plastic pipe and collection inlets.

4. Systems on Nonresidential Lots

Enclosed systems on nonresidential lots that will be dedicated to the Town shall be designed utilizing concrete pipe and collection inlets.

G. Roof Drains

1. All roof drains of residential structures shall be directed to the street or toward a rear swale and shall not be discharged directly perpendicular to the side lot line.
2. Side downspouts may be directed to side lot swales at a 45-degree angle to the direction of flow of the side lot swale to ensure that the flows are directed away from the house foundation yet providing a less severe entry into the swale.

H. Maintenance

1. All grassed swales should be designed and constructed with 1:4 (25%) or flatter side slopes that will be gentle enough to allow easy mowing.
2. Mowing and maintenance shall be the responsibility of the property owner or [Homeowners' or Property Owners' Association](#).
3. Periodic cleaning of enclosed systems located within dedicated drainage easements shall be the responsibility of the Town, unless unauthorized materials are discharged into the public collection system, for which the responsibility for the cleaning of enclosed systems shall fall on the illegal discharger.

I. Preliminary Drainage Plan

1. Applicability and Purpose

- a. A [Preliminary Drainage Plan](#) shall be prepared for all developments in accordance with the requirements established in the Town's [Application Forms](#).
- b. The [Preliminary Drainage Plan](#) shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.
 - i. The Preliminary Drainage Plan must comply with the standards outlined in this Subdivision Ordinance, [Design Standards and Specifications by NCTCOG](#), and the Code of Ordinances.

- c. The Preliminary Drainage Plan is a guide for later detailed drainage design.
 - d. The review of the Preliminary Drainage Plan does not constitute final drainage plan approval or authorize a waiver to the Subdivision Regulations.
- 2. Plan Required, Previous Plans, and Waivers
 - a. For any property involved in the development process, a Preliminary Drainage Plan shall be provided, at the Developer's expense, for the area proposed for development.
 - b. For property with a previously accepted Preliminary Drainage Plan, the accepted Preliminary Drainage Plan may be submitted and enforced unless a revised Preliminary Drainage Plan is required by the Town due to lot reconfiguration or other conditions created by the new Plat.
 - c. The Town Engineer may waive the requirement for a Preliminary Drainage Plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.
 - d. If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.
- 3. Submittal
 - a. Copies of the [Preliminary Drainage Plan](#) shall be submitted with the submittal of a [Preliminary Plat](#) or [Replat](#) for review and acceptance in accordance with the Development Manual.
 - b. The [Preliminary Drainage Plan](#) shall be labeled as "Preliminary."
 - c. The [Preliminary Drainage Plan](#) shall be signed and sealed by a professional engineer.

6.11. Retaining Wall Construction

A. Location

1. Retaining walls shall be located and constructed on private property only.
2. If a retaining wall is designed to traverse three (3) or more lots within a Subdivision, the wall shall be located within a private retaining wall easement dedicated to the [Homeowners' or Property Owners' Association](#) of the Subdivision.
 - a. The easement shall be shown on the [Preliminary Plat](#) and [Final Plat](#) and shall be dedicated to the Homeowners' or Property Owners' Association of the Subdivision to maintain the wall in a safe and orderly condition.

B. Design by a Professional Engineer Required

All retaining walls four (4) feet or taller shall be designed by a professional engineer and plans submitted to the Town for review must be signed and sealed by the design engineer.

C. Building Permit Required

1. Any earth terracing method that supports a structure or vehicle load, or that is over four (4) feet in height (as measured from the bottom of footing to top of wall), shall require a [Building Permit](#) and shall meet the requirements of this section.
2. No [Building Permit](#), other than for a retaining wall, shall be issued for any lot within a Subdivision until all retaining walls are constructed in accordance with a grading plan for the Subdivision.
3. A retaining wall shall be constructed in accordance with the grading plan and shall comply with the requirements of the applicable building code and this ordinance.
4. Any change from the approved grading plan or design for a retaining wall within a Subdivision shall not be permitted unless the Applicant has submitted plans for the entire Subdivision showing the proposed changing in grading and the Town Engineer has approved the proposed change(s).

6.12. Park Land Dedications and Fees

A. Purpose

This Section 6.12 (Park Land Dedications and Fees) is intended to ensure that adequate recreational areas in the form of community parks, a Town-wide trail system, and neighborhood parks are provided to meet the additional needs created by new residential development.

B. Scope

The provisions of this Section shall apply to all new residential development within the [Town](#) and all residential subdivisions within its extraterritorial jurisdiction after the effective date of this Ordinance for which a Final Plat or Preliminary Plat is required to be submitted to the Town for approval.

~~1. Preservation of Sloan Creek Corridor~~

~~a. First priority should be given to preserving Sloan Creek Stream as a protected nature trail within the town and its extraterritorial jurisdiction, to 50 feet from the creek bank or the 100-year floodplain, whichever is greater.~~

~~b. Therefore, the Sloan Creek Corridor shall be considered by the town council as a first priority location for meeting a Subdivision Applicant's requirement for park land dedication.~~

C. Exemptions

The provisions of this Section shall not apply to the following:

1. Residential development for property to be located on a lot of record, Final Plat or Replat that was approved before the effective date of this Ordinance.
2. Residential development constructed or to be constructed in accordance with a building permit issued before the effective date of this Ordinance.

D. Park Land Dedication Fees

1. Purpose of Park Land Dedication Fees

Park land dedication fees are required for residential development to ensure that Town, community, neighborhood, and linear park facilities are available and adequate to meet the needs created by such residential development.

2. Park Land Dedication Fee Payment Required

Payment of the park land dedication fees shall be made before the Plat for the residential subdivision is filed with the County.

3. Park Land Dedication Fee Amount

- a. The Park Land Dedication Fee shall be imposed on each new residential lot created as part of the subdivision process, and will be assessed according to the most recent fee schedule adopted by the Town Council. If the subdivision is located within the Commercial Planned Development District (CPDD), complying with the Minimum Open Space criteria will satisfy the requirement for payment of park land dedication fees.

4. Park Land Dedication Fee Fund

- a. All cash payments paid to the Town in accordance with this Section [6.12](#) shall be deposited in a separate park land dedication fee fund.
- b. The Town shall account for all such payment with reference to each development for which the payment is made.

5. Use of Funds

- a. All expenditures of fees collected shall be made in accordance with the Town's parks, recreation, and open space master plan, advice and/or recommendation of the staff and as approved by the [Town Council](#) to best benefit the citizens of the Town.
- b. Any monies paid into the [Park Land Dedication Fee Fund](#) must be expended by the Town within 10 years from the date received by the Town. If those funds are not expended within 10 years following Final Plat approval, the property owner shall be entitled to a refund of those funds upon written request, less any amounts expended for those purposes.

E. Conveyance of Land in Lieu of Park Land Dedication Fee

1. Determination Authority

In reviewing any lot of record, plat, site plan, or proposed improvements of land for a new residential development, the [Planning & Zoning Commission](#) and [Town Council](#) shall make a determination of whether a conveyance of land in lieu of a payment of money shall be made to meet the requirements of this Section.

2. Factors Considered

In determining which type of dedication, or combination thereof, shall be made, the Parks & Recreation Board shall recommend what would be in the best interest of the Town, based upon relevant factors which may include, but not be limited to, the following:

- a. Any available park plan or recreational master plan for the area in which the development is located.
- b. The recommendation of the Town Staff.
- c. Whether the proposed land to be conveyed for park purposes is adjacent to an existing greenbelt area.
- d. Whether there is sufficient existing public or private park land in the area of the proposed development.
- e. Whether the park needs of the area of the proposed development would be best served by expanding or upgrading existing parks.
- f. Whether the park needs of the area of the proposed development would be best served by expanding or upgrading adjacent greenbelt areas.
- g. The guidelines of the current Zoning Ordinance or any [Comprehensive Plan](#) of the Town.

3. Conveyance Provisions

Where the [Planning & Zoning Commission](#) and [Town Council](#) determine that a conveyance of land shall be required in lieu of a Park Land Dedication Fee, in whole or in part, to meet the requirements of this Section, the following provisions shall apply:

a. Manner and Method

- i. Plats required to be submitted to the Town for approval shall show thereon a conveyance to the Town of the land required by this Section for park purposes as a condition to approval of that plat by the [Planning & Zoning Commission](#) and [Town Council](#).
- ii. The Town may further require the conveyance of the park property by general warranty deed.
- iii. As a condition to acceptance of the plat or deed by the Town, the Sub-divider shall provide the Town with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the Town.

4. Credit for Prior Dedications

- a. Where a dedication of land was made before the effective date of this Section by the owner of land required to convey land under the provisions of this Section the former dedication of land shall be credited on a per-acre basis toward the required conveyance when the [Planning & Zoning Commission](#) and [Town Council](#) find that:
 - i. The dedication was made within five (5) years of the effective date of this Ordinance from which this Section derives;
 - ii. The land dedicated was within one-half (1/2) mile of the new development for which land is required to be conveyed;
 - iii. The land dedicated is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and
 - iv. A credit may be given for on-site improvements that are compatible with long-range development plans for the proposed park.
- b. The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this Section, unless said prior conveyances were included as a part of an executed facilities and/or development agreement with the Town and the Developer.

5. Credit for Private Recreation Facilities

Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted with a recommendation from the Town Parks and Recreation Board and approval by the [Planning & Zoning Commission](#) and [Town Council](#). The value of these private recreation facilities shall be determined by the [Planning & Zoning Commission](#) and [Town Council](#), but shall not exceed one hundred percent (100%) credit of conveyance.

6. Suitability of Land for a Park

A proposed conveyance of land shall not be considered suitable for park purposes if it has one or more of the following characteristics:

- a. Located within the 100-year floodplain, as shown on the latest flood insurance rate map or floodplain Ordinance adopted by the Town on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The Town may take more than the 20 percent floodplain land if it is determined in the best interest of the Town.
- b. The proposed park site dedication is less than five (5) acres for a neighborhood park or twenty (20) acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.
- c. It has unusual topography or slope that renders it unsuitable for organized recreational activities or passive park needs, depending on the Town's intended use for the park.
- d. It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

F. Park Development Fee

In addition to the Park Land Dedication Fee (6.12.D), there shall also be a Park Development Fee paid to the Town as a condition of building permit approval for each residential unit. The Park Development Fee shall be assessed according to the most recent fee schedule adopted by the Town Council, and shall provide for the development of park amenities and improvements. Such fee shall be paid at the time of building permit approval for each residential unit.

G. Compliance**1. Requirements to be Satisfied Before Development**

It shall be unlawful for any person who is required to make a payment or convey land in lieu of payment, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development until the required payment of money or conveyance of land in lieu of payment is made to the Town in accordance with this Section.

2. Permits and Services to be Withheld

No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development until the required payment of money or conveyance of land in lieu of payment is made to the Town in accordance with this Section.

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Section 7. Subdivision Relief Procedures

7.01. Petition for Subdivision Waiver

A. Purpose

The purpose of a petition for a [Subdivision Waiver](#) of a particular standard or requirement of these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether a particular standard or requirement should be applied to an Application or modified.

B. Subdivision Waiver Applicability

1. Waiver of Standard or Requirement

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a [Preliminary Plat](#), to [Construction Plans](#), or where no [Preliminary Plat Application](#) has been submitted for approval, to a [Final Plat](#) or a [Replat](#).
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. A Subdivision Waiver shall be processed with the related Plat Application.

2. Waiver Petition Acceptance

- a. A petition for a [Subdivision Waiver](#) may not be filed in lieu of:
 - i. A [Subdivision Proportionality Appeal \(7.02\)](#) or
 - ii. A [Subdivision Vested Rights Petition \(7.03\)](#).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, the determination shall be made by the Planning Manager.

C. Subdivision Waiver Submission Procedures

1. Written Waiver Request with Application

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat, or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made a written request.

2. Grounds for Waiver

The Applicant's request shall state the grounds for the Subdivision Waiver request based on the Subdivision Waiver Criteria ([7.01.D](#)), and all of the facts relied upon by the Applicant. Failure to do so will result in denial of the Application.

D. Subdivision Waiver Criteria**1. Undue Hardship Present**

A [Subdivision Waiver](#) to regulations within this Subdivision Ordinance may be approved only when, in the [Planning & Zoning Commission](#) and [Town Council](#)'s opinion, undue hardship will result from strict compliance with the regulations.

2. Consideration Factors

The [Planning & Zoning Commission](#) and [Town Council](#) shall consider the following factors:

- a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
- b. The number of persons who will reside or work in the proposed development; and
- c. The effect such Subdivision Waiver might have on traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

3. Findings

No Subdivision Waiver shall be granted unless the [Planning & Zoning Commission](#) and [Town Council](#) find:

- a. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of their land; and
- b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and
- c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. Intent of Subdivision Regulations

- a. A Subdivision Waiver may be granted only when waiving the requirement requested is in harmony with the general purpose and intent of the Subdivision Regulations so that the public health, safety, and welfare may be secured and substantial justice done.
- b. Financial hardship alone to the Applicant shall not constitute undue hardship.

5. Minimum Degree of Variation

No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the Applicant in requesting the waiver.

6. Violations and Conflicts

The [Planning & Zoning Commission](#) and [Town Council](#) shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or Comprehensive Plan of the Town.

7. Falsification of Information

- a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

E. Burden of Proof

The [Applicant](#) bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the Applicant. The Applicant shall submit the proof with the Application.

F. Subdivision Waiver Decision

1. The Town Council shall consider the Subdivision Waiver petition and, based upon the criteria established in [7.01.D Subdivision](#) Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in these Subdivision Regulations; or
 - b. Grant the petition and waive, in whole or in part, or modify the standard or requirement as it is stated in this Subdivision Ordinance.
2. The decision of the Town Council is final.

G. Effect of Approval

1. Submission and Processing

Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.

2. Expirations

The Subdivision Waiver granted shall remain in effect for the period the [Plat](#) or [Construction Plans](#) are in effect, and shall expire upon expiration of either or both of those Applications.

3. Extensions

Extension of the [Plat](#) or [Construction Plans](#) Applications shall also result in extension of the Subdivision Waiver.

7.02. Subdivision Proportionality Appeal

[Subdivision Proportionality Appeals](#) will be processed according to subsection [6.02.D](#) (Apportionment of Town Infrastructure Cost) and pursuant to [TLGC Section 212.904](#) or successor statute.

7.03. Subdivision Vested Rights Petition

Petitions (requests) to develop projects under previous regulations will be processed according to Town's adopted vesting policy (Article 10.04 Vested Rights) and pursuant to [Texas Local Government Code, Chapter 245](#) or successor statute.

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Section 8. Definitions

8.01. Usage and Interpretation

A. Usage and Interpretation Rules

For the purpose of this [Subdivision Ordinance](#), certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory;
5. The term "may" is discretionary;
6. The male gender shall include the female and the neutral.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

8.02. Words and Terms Defined

For the purpose of this [Subdivision Ordinance](#), certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the [Town Council](#).

1. Abutting
Adjacent, adjoining, and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
2. Access
A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
3. Alley
A public [Right-of-Way](#), not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
4. Amending Plat
An [Amending Plat](#) applies minor revisions to a recorded plat consistent with provisions of State law. See Section [4.07 Amending Plat](#).
5. Applicant
The person or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual owner of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property owner. Also see [Developer](#).
6. Application
The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the Town to initiate [Town](#) review and approval of a development project.

7. Application Form

The written form (as provided by and as may be amended by the Planning Manager that is filled out and executed by the [Applicant](#) and submitted to the [Town](#) along with other required materials as a part of an [Application](#).

8. Approval

- a. Approval constitutes a determination by the official, board, commission or [Town Council](#) responsible for such determination that the [Application](#) is in compliance with the minimum provisions of this [Subdivision Ordinance](#).
- b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

9. Arterial Street

A principal traffic-way more or less continuous across the Town or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.

10. Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

11. Block

A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad [Right-of-Way](#), highway, stream, or corporate boundary lines.

12. Block Face

The portion of a [Block](#) that abuts a street.

13. Block Length

The length of the [Block Face](#) between two intersections.

14. Building

Any structure built for support, shelter, or enclosure of persons, animals, personal property, records, or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

15. Building Official

The Building Official of the [Town](#) or his or her designee.

16. Building Permit

A permit issued by the [Town](#) before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the [Town](#) code.

17. Certificate of Occupancy

An official certificate issued by the [Town](#) through the enforcement official that indicates conformance with the Town's rules and regulations and authorizes legal use of the premises.

18. Code of Ordinances

The Code of Ordinances of the Town of Fairview.

19. Collector Street

A street designed or used to carry traffic from [Local Streets](#) to [Arterials](#).

20. Commercial Planned Development District Area Plan (CPDD)
A component of the ordinance adopting the Commercial Planned Development District (CPDD).
21. Commission
The [Planning & Zoning Commission](#) of the Town.
22. Comprehensive Plan
a. The plan, including all revisions thereto, adopted by the [Town Council](#) as the official policy regarding the guidance and coordination of the development of land in the [Town](#).
b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks, other public and private developments and improvements, and population projections.
c. The plan may consist of, but is not limited to, the following plan elements: Future Land Use Plan, [Transportation Plan](#), and thoroughfare plan map.
23. Construction Plans
A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [Town](#) for review in conjunction with a subdivision or a development.
24. Council
See [Town Council](#).
25. County
Collin County.
26. Court
An open, unoccupied space other than a yard, on the same lot with a building that is bounded on three (3) or more sides by the building.
27. Cul-de-Sac
A short, residential street having only one vehicular access to another street, and terminated on the opposite end with a vehicular turnaround.
28. Dead-End Street
A street, other than a cul-de-sac, with only one outlet.
29. Decision-Maker
The Town official or group, such as the Planning Manager, [Town Council](#), or [Planning & Zoning Commission](#), responsible for deciding an [Application](#) authorized by this [Subdivision Ordinance](#).
30. Design Standards and Specifications by NCTCOG
Specific engineering requirements for the construction of [Public Improvements](#) by the North Central Texas Council of Governments (NCTCOG).

31. Developer

- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this [Subdivision Ordinance](#).
- b. The word [Developer](#) is intended to include the terms [Sub-divider](#), property owner, and, when submitting platting documents, [Applicant](#).

32. Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

33. Development Application

An [Application](#), developed and updated by the Planning Manager, for any type of plan, permit, plat, or [Construction Plans](#)/drawings authorized or addressed by this [Subdivision Ordinance](#).

34. Development Manual

A collection of [Application Forms](#) created, updated, and managed by the Planning Manager. The Development Manual also contains checklists, additional information, fees, and forms and is a policy document for the public to reference.

35. Driveway Approach

That access or transitional portion of a driveway intended for vehicular traffic, and running from the street curb line or edge of paving (or rock/gravel) to the property line.

36. Dwelling Unit

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single person.

37. Easement

- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other [Town](#) or public services.
- b. An area established for public purposes on private property upon which the [Town](#) shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of [Town](#) systems.
- c. The [Town](#) shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

38. Easement, Common Access

An easement to provide shared access to and from adjoining properties. Easements are maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.

39. Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works improvements.

40. Engineering Plans
See [Construction Plans](#).
41. ETJ
See [Extraterritorial Jurisdiction \(ETJ\)](#).
42. Extraterritorial Jurisdiction (ETJ)
The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the [Town](#), the outer limits of which are measured from the extremities of the corporate limits of the [Town](#) outward for the distance as stipulated in [Chapter 42 of the Texas Local Government Code](#), according to the inhabitants of the [Town](#), and in which area the [Town](#) may regulate subdivisions and enjoin violation of provisions of this [Subdivision Ordinance](#).
43. Fee Schedule
A listing of fees for various [Town Applications](#), which is prepared by the [Town Manager](#) and approved by [Town Council](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from this [Subdivision Ordinance](#).
44. Filing Plat
See [Final Plat](#).
45. Final Acceptance
The acceptance by the Town of all infrastructure improvements constructed by the [Developer](#) in conjunction with the development of land.
46. Final Plat
- The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references.
 - The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Collin County, Texas.
 - A Final Plat may also be referenced as a Record Plat or Filing Plat.
47. Flood Plain
The area subject to being inundated by water from the [Base Flood](#).
48. Floodway
A natural drainage area that accommodates the [Base Flood](#) for existing creeks and open drainage ways.
49. Frontage
All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

50. Homeowners' or Property Owners' Association

- a. A formal organization created by private recorded land agreements for the benefit of a defined geographic area within the Town, operating independently of the Town, and consisting of membership that is either mandatory or voluntary as generally defined below. :
- b. Mandatory Membership

Mandatory Homeowners' or Property Owners' Associations are generally defined by the following:

- i. Restrictive covenants apply that may govern the use and improvement of property under the jurisdiction of the association;
 - ii. Each lot and/or property owner in the area subject to the agreement is automatically an association member; and
 - iii. Each lot or property interest is automatically subject to recurring or special charges or assessments for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
 - iv. The charge or assessment, if unpaid, is subject to a lien against the nonpaying member's property.
- c. Voluntary Membership

Voluntary Homeowner' or Property Owners' Associations are generally defined as an association where owners of property in the area subject to the agreement are voluntarily subject to rules or restrictive covenants and are responsible for costs associated with enforcement of such rules and the maintenance of common property, with the association having limited ability to enforce payment of fees or dues against association members.

51. Improvement

Any man-made fixed item that becomes part of or placed upon real property, see also [Public Improvement](#).

52. Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the Town.

53. Land Planner

A person(s), other than a surveyor or engineer, who also possesses and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

54. Letter of Final Acceptance

Notification to an [Applicant](#) from the Town Engineer that all improvements are completed, inspected, tested (if applicable), and determined by the Town to be in conformance with this [Subdivision Ordinance](#) and with the Town's design/engineering standards and all improvements are accepted by the Town or will be accepted contingent to the approval of a [Final Plat](#).

55. Local Street

A [Local Street](#) is a street used primarily for access to abutting property in residential and commercial areas. Local streets also provide secondary or minor access and circulation to community facilities (schools, parks, etc.) and other traffic generators, such as commercial and industrial areas.

a. Residential Local Streets

Local Residential Streets distribute traffic to and from residences, are short in length, and designed to discourage through-traffic.

b. Commercial Local Streets

Local Commercial Streets distribute traffic to and from businesses, are short in length, and designed to encourage through-traffic.

56. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this [Subdivision Ordinance](#), and having its principal frontage upon a street or officially approved place.

57. Lot, Corner

a. A lot situated at the junction of two or more streets.

b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the [Planning & Zoning Commission](#).

58. Lot, Depth

The mean distance from the front street line to the rear line.

59. Lot, Interior

A lot, the side line of which does not abut on any street.

60. Lot, Key

A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

61. Lot, Through

An interior lot having frontage on two streets.

62. Lot Lines

The lines bounding a lot as defined herein.

63. Lot of Record

A lot that is part of a subdivision, a map of which has been recorded in the office of the [County](#) Clerk.

64. Lot Width

The mean distance between side lines measured at right angles to the depth.

65. Manual on Uniform Traffic Control Devices

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

66. Marginal Access Street

A Marginal Access Street is parallel to and adjacent to an arterial street, and primarily provides access to abutting properties and protection from through traffic.

67. Minor Plat
A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section [4.05 Minor Plat](#). Such a plat is also considered a [Final Plat](#).
68. Park, Playground, or Community Center, Public
An open recreational facility or park owned and operated by a public agency such as the [Town](#) or the school district, and available to the general public.
69. Pavement Width
The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.
70. Perimeter Street
A street that abuts a parcel of land to be subdivided on one side.
71. Person
Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
72. Planning Manager
The person(s) so designated by the [Town Manager](#) as Planning Manager of the Town of Fairview, Texas.
73. Planning & Zoning Commission
The Planning & Zoning Commission of the [Town](#).
74. Plat
A plan detailing a property's exact layout and proposed development into one or more lots, blocks, streets, parks, school sites, easements, alleys and/or any other elements as required by this Ordinance.
75. Plat, Amending
See [Amending Plat](#).
76. Plat, Final
See [Final Plat](#).
77. Plat, Minor
See [Minor Plat](#).
78. Plat, Preliminary
See [Preliminary Plat](#).
79. Preliminary Drainage Plan
This plan shows the watershed affecting the development and how the runoff from the fully developed watershed will be conveyed to, through, and from the development see [6.10.I Preliminary Drainage Plan](#) for details.
80. Preliminary Plat
The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development. The [Preliminary Plat](#) shall serve as a means for the Town to review and study the proposed division of land and/or improvements. See Section [4.03 Preliminary Plat](#).

81. Preliminary Utility Plan

A plan detailing both [Water Utility](#) and [Wastewater Utility](#) requirements. See Section [6.08.C Preliminary Utility Plan](#) for details.

82. Private Street

See [Street, Private](#).

83. Proportionality/Proportional Share

The [Developer's](#) portion of the costs of an exaction or [Public Improvement](#).

84. Public Improvement

Any [Improvement](#), facility, or service together with its associated public site, [Right-of-Way](#) or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the Town ultimately assumes the responsibility, upon a [Letter of Final Acceptance](#) being issued, for maintenance, operation and/or ownership.

85. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development. A Record Drawings reflects the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

86. Record Plat

See [Final Plat](#).

87. Replat

The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract, that is beyond the definition of an [Amending Plat](#) and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section [4.06 Replat](#) of this [Subdivision Ordinance](#). A [Replat](#) can function as a [Final Plat](#) for a property.

88. Residential Zoning District

Residential district means a single-family, patio home, duplex, Townhouse, multifamily, or manufactured home zoning district.

89. Residential Street

A street that is intended primarily to serve traffic within a neighborhood or [Residential Zoning District](#) and which is used primarily for access to abutting properties.

90. Residential Use

Residential use means use of a structure as a residence.

91. Responsible Official

The Town staff person who has been designated by the [Town Manager](#) to accept a type of development [Application](#) for filing, to review and make recommendations concerning such Applications, and where authorized, to initially decide such Applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development Applications. Also includes any designee of the designated Town staff person.

92. Retaining Wall

A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures, and vehicles.

93. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a street or alley.
- b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term “Right-of-Way” shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

94. Rural Residential Street

A Rural Residential Street is a street used primarily for access to abutting residential properties.

95. Security

The financial guarantee provided by an Applicant that secures the construction of Public Improvements.

96. Setback Line

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

97. Site Plan

A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Zoning Ordinance as it currently exists or may be amended.

98. Sketch Plan

A sketch or informal plan prepared before the preparation of the or Preliminary Plat describing the proposed design of the subdivision to be reviewed during the pre-application review process.

99. Street

A public Right-of-Way that provides vehicular traffic access to adjacent lands.

100. Street, Private

A privately owned street within a Subdivision for which the private owners assume full responsibility for maintenance and controls and that has not been dedicated to the use of the public. This term is inclusive of related alleys. Private streets are Local Streets allowed in gated planned unit developments (PUDs) with homeowners' associations that maintain them.

101. Street Right-of-Way Width

The shortest distance between the property or easement lines that delineates the Right-of-Way of a street.

102. Structure

Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks, and curbs.

103. Sub-divider

- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
- b. In any event, the term “sub-divider” shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of land to be subdivided.

104. Subdivision

- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
- b. Any other subdivision or re-subdivision of land contemplated by the provisions of [Chapter 212, Local Government Code](#).

105. Subdivision Ordinance

The adopted Subdivision Ordinance of the Town, as may be amended in the future, and may be referred as “this Ordinance.”

106. Subdivision Plat

A [Plat](#) (i.e., [Preliminary Plat](#), [Final Plat](#), [Minor Plat](#), [Replat](#), or [Amending Plat](#)) established in [LGC 212](#) involving the subdividing of land in two (2) or more parts or the amending of a recorded [Plat](#).

107. Subdivision Regulations

Any regulations and standards contained within the [Subdivision Ordinance](#).

108. Subdivision Waiver

See Section [7.01 Petition for Subdivision Waiver](#).

109. Suburban Residential Street

A Suburban Residential Street is a street used primarily for access to abutting property especially residential areas and channel traffic from Collector Streets. Suburban Residential Streets also provide secondary or minor access and circulation to community facilities (schools, parks, etc.) and other traffic generators such as commercial and industrial areas.

110. Surveyor

A licensed State Land Surveyor or a Registered Public Land Surveyor, as authorized by the State to practice the profession of surveying.

111. Town

The Town of Fairview, Texas, together with all its governing and operating bodies.

112. Town Attorney

The person(s) so designated by the Town Council to provide oversight for and have legal responsibility for the Town. This term shall also include any licensed attorney designated by the Town Attorney.

113. Town Council

The duly elected governing body of the Town of Fairview, Texas.

114. Town Engineer

The person(s) so designated by the Town Manager for mapping and supervision of municipal construction projects.

115. *Town Manager*

The officially appointed and authorized Town Manager of the Town of Fairview, Texas, or the Town Manager's duly authorized representative.

116. *Town Secretary*

The person(s) so designated by the Town Manager to provide clerical and official services for the Town Council. This term shall also include any designee of the Town Secretary.

117. *Transportation Plan*

The plan that guides the development of adequate circulation within the [Town](#), and connects the [Town](#) street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan or Master Thoroughfare Plan.

118. *Tree Survey*

The Plan that is required to be submitted that identifies the current location of trees in the proposed site. Refer to the Town of Fairview Code of Ordinances *Natural Resource Management and Tree Protection*.

119. *Usable Open Space*

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as artwork or fountains.

120. *Utility Easement*

See [Easement](#).

121. *Vested Right*

A right of an [Applicant](#) requiring the [Town](#) to review and decide the [Application](#) under standards in effect before the effective date of the standards of this [Subdivision Ordinance](#) and/or of any subsequent amendments.

122. *Vested Rights Petition*

A request for relief from any standard or requirement of the Subdivision Regulations based on an assertion that the [Applicant](#) (petitioner for relief) has acquired a [Vested Right](#), such petition is regulated under Section [7.03 Subdivision Vested Rights Petition](#).

123. *Yard*

An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

124. *Yard, Front*

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

125. *Yard, Rear*

A yard across the full width of the lot extending from the rear line of the main building to the rear line of the lot.

126. *Yard, Side*

A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO 2024-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, TOWN OF FAIRVIEW, TEXAS, BY REPEALING AND REPLACING ARTICLE 10.02 SUBDIVISION ORDINANCE AND AMENDING THE TOWN OF FAIRVIEW CODE OF ORDINANCES, APPENDIX A FEE SCHEDULE, ARTICLE A3.000 MISCELLANEOUS FEES, BY ADOPTING A PARKLAND DEDICATION FEE AND PARK DEVELOPMENT FEE; PROVIDING FOR SAVINGS, SEVERABILITY AND REPEALING; PROVIDING FOR PENALTIES

WHEREAS, the Town Council of the Town of Fairview, Texas (the “Town Council”) is authorized to adopt rules governing plats and subdivisions of land within the Town’s corporate limits and extraterritorial jurisdiction (“ETJ”) under Texas Local Government Code Chapter 212 and other applicable law; and

WHEREAS, the new subdivision regulations titled “Subdivision Ordinance” attached hereto as Exhibit A and park-related fees will promote the health, safety, morals, and general welfare of the Town and the safe, orderly, and healthful development of the Town; and

WHEREAS, said new subdivision regulations and associated fees will provide for efficient and effective processing of subdivision, development, and related applications and serve other important public purposes in order to:

establish orderly policies and procedures to guide the development of the Town and ETJ;

provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and reduce related unnecessary costs to the Town for correction of inadequate facilities that are designed to serve the public;

ensure that the development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;

protect against the dangers of fires, floods, erosion, and landslides;

coordinate new development realistically and harmoniously with existing development;

protect and conserve the value of land throughout the Town;

provide the most beneficial circulation of vehicle and pedestrian traffic throughout the Town, and provide for the proper location and width of streets;

establish reasonable standards of design and procedures for the development, redevelopment, and orderly layout and use of land;

ensure proper legal descriptions and documentation of subdivided land;

ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site and to provide public facilities for future development;

ensure the adequacy of drainage facilities and encourage the wise use and management of natural resources throughout the Town to preserve the integrity, stability, and beauty of the community;

preserve the topography of the Town and ensure appropriate development with regard to natural features;

ensure that new development adequately and fairly participates in the dedication and construction of Public Improvements and infrastructure that are necessitated by or attributable to the development as well as the provision and development of parks and open space; and

address other needs to ensure the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its citizens and natural resources; and

WHEREAS, after careful consideration and the holding of a hearing open to the public for public comment, the Town Council has determined that repealing and replacing the Town's existing subdivision regulations set forth in the Code of Ordinances, Town of Fairview, Texas (the "Fairview Code") as Article 10.02 "Subdivision Ordinance" as well as the park-related fees as set forth herein serves the best interests of the general public and the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. Recitals Incorporated.

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Amendment to Chapter 10 of the Fairview Code

In accordance with Article 1.01, Section 1.01.007 of the Fairview Code, this section amends Chapter 10 of the Fairview Code by repealing the current Article 10.02 “Subdivision Ordinance” in its entirety and replacing said article with the new Article 10.02 “Subdivision Ordinance” attached hereto as Exhibit A.

Section 3. Amendment adding park-related fees to Appendix A, Article A3.000.

In accordance with Article 1.01, Section 1.01.007 of the Fairview Code, the following amendment is made to Appendix A, Fee Schedule, by adding to the current list of fees in article A3.000 (Miscellaneous Fees) the following park-related fees to be included within said list and sorted in alphabetical order amongst the existing items in said list:

Park development fee: \$2,000.00 per unit
Park land dedication fee: \$2,000.00 per lot

Section 4. Savings, Severability and Repealing Clauses.

All ordinances of the Town in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Cross-references in other parts, articles or sections of the Fairview Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town Council declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid. Notwithstanding the foregoing or any other provision of this ordinance, this ordinance does not repeal any ordinance approving any waiver or variance that was specific to an individual tract of land. All such actions and ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Section 5. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication of its caption as may be required by law, and the Town Secretary is hereby directed to implement such posting and/or publication.

PASSED by the Town Council of the Town of Fairview, Texas, this 6th day of February 2024.

ATTESTED:

APPROVED:

Town Secretary, Joshua Stevenson

Mayor, Henry Lessner

APPROVED AS TO FORM:

Clark McCoy, Town Attorney



Memorandum

February 6, 2024

FROM: Planning

SUBJECT: Consider, discuss and take necessary action on a request for approval of a minor Final Plat of the Thind Addition. The 4.9-acre, two (2) lot residential subdivision, is located at 1301 Stacy Road and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Andy Thind.

BACKGROUND: This is a request for approval of a minor Final Plat of the Thind Addition. The 4.9-acre, two (2) lot residential subdivision, is located at 1301 Stacy Road and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Andy Thind.

STATUS OF ISSUE: The final plat reflects the development of two (2) single-family residential lots on a 4.9-acre tract of land. Each lot will have direct access to Stacy Road. The (RE-2) Twoacre Ranch Estate District requires that each lot be a minimum of two-acres in area, have access to a street, and be a minimum of 200-feet width. All lots meet those criteria. Specifically, Lot 2 will be required to construct a Fire Department approved driveway with a turn-around to ensure adequate emergency accessibility.

The Subdivision Ordinance considers new residential developments with four (4) or less lots, as minor plats. Minor plats can forgo the Preliminary Plat step of the typical development process and proceed directly to Final Plat consideration.

In the State of Texas, the plat application process is a ministerial process, meaning that if the plat application conforms to the zoning for the subject property, as well as the subdivision and development regulations, the municipal government must approve the plat.

Parks, Open Space and Trails

The Comprehensive Subdivision Ordinance (CSO) requires the dedication of parkland based on the number of proposed lots within the subdivision. The CSO also allows for a payment of cash-in-lieu of land dedication when appropriate. As presented, the 2-lot single-family subdivision would require approximately 2,606-square feet of land (0.05-

acres) to be dedicated to the Town for park purposes, or a cash-in-lieu fee of approximately \$5,984. Since the Comprehensive Plan recommends that neighborhood parks be a minimum of 5-acres size, and that this development would require a minimal amount of land to dedicate for park purposes in comparison, staff recommends that the cash-in-lieu payment be provided.

Drainage

The drainage from the 2 proposed lots runs South and East. There is a swale and drainage inlet in front of Heritage Ranch that receives the drainage from the area and no adverse impact is anticipated as the drainage was accounted for in the Heritage Ranch planning and along Stacy Road.

BUDGET: N/A

RECOMMENDATION: At their January meeting, the Planning and zoning Commission recommended APPROVAL as presented.

Attachments:

1. Thind Addition complete TC



Memorandum

February 6, 2024

TO: Town Council
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: **MINOR FINAL PLAT FOR THE THIND ADDITION**

BACKGROUND: This is a request for approval of a minor Final Plat of the Thind Addition. The 4.9-acre, two (2) lot residential subdivision, is located at 1301 Stacy Road and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Andy Thind.

STATUS OF ISSUE: The final plat reflects the development of two (2) single-family residential lots on a 4.9-acre tract of land. Each lot will have direct access to Stacy Road. The (RE-2) Two-acre Ranch Estate District requires that each lot be a minimum of two-acres in area, have access to a street, and be a minimum of 200-foot width. All lots meet those criteria. Specifically, Lot 2 will be required to construct a Fire Department approved driveway with a turn-around to ensure adequate emergency accessibility.

The Subdivision Ordinance considers new residential developments with four (4) or less lots, as minor plats. Minor plats can forgo the Preliminary Plat step of the typical development process and proceed directly to Final Plat consideration.

In the State of Texas, the plat application process is a ministerial process, meaning that if the plat application conforms to the zoning for the subject property, as well as the subdivision and development regulations, the municipal government must approve the plat.

Parks, Open Space and Trails

The Comprehensive Subdivision Ordinance (CSO) requires the dedication of parkland based on the number of proposed lots within the subdivision. The CSO also allows for a payment of cash-in-lieu of land dedication when appropriate. As presented, the 2-lot single-family subdivision would require approximately 2,606-square feet of land (0.05-acres) to be dedicated to the Town

for park purposes, or a cash-in-lieu fee of approximately \$5,984. Since the Comprehensive Plan recommends that neighborhood parks be a minimum of 5-acres size, and that this development would require a minimal amount of land to dedicate for park purposes in comparison, staff recommends that the cash-in-lieu payment be provided.

Drainage

The drainage from the 2 proposed lots runs South and East. There is a swale and drainage inlet in front of Heritage Ranch that receives the drainage from the area and no adverse impact is anticipated as the drainage was accounted for in the Heritage Ranch planning and along Stacy Road.

RECOMMENDATION: At their January meeting, the Planning and zoning Commission recommended **APPROVAL** as presented.

BUDGET: N/A

ATTACHMENTS:

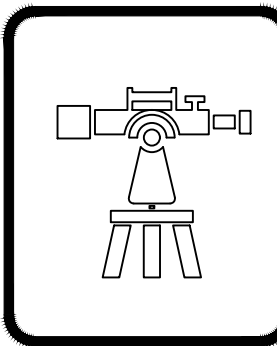
- Locator
- Exhibits



BOUNDARY ~ COMMERCIAL
HOME BUILDING ~ PLATTING
TITLES ~ CONSTRUCTION

PROBECK LAND SURVEYORS
PO BOX 75355 ~ DALLAS, TEXAS 75355-0695
OFFICE (214) 549-5349 ~ FAX (214) 391-8734

FINAL PLAT THIND ADDITION
4.98 ACRES OUT OF THE
ROBERT FITZHUGH SURVEY, ABSTRACT NO.317
TOWN OF FAIRVIEW, COLLIN COUNTY, TEXAS



DATE: JAN. 02, 2024
FIELD DATE: 09-04-2023
JOB NO.: 202307
DRAWING: THIND.DWG
PARTY CHIEF: LAP
SCALE: 1" = 60'
FILE NO.: 00-0000
TITLE CO.: N/A
LENDER: N/A
PURCHASER: N/A
REVISIONS: 12-30-2023
SHEET 1 OF 1

THE STATE OF TEXAS §
COUNTY OF COLLIN §

OWNER'S CERTIFICATE

WHEREAS, **ANDY THIND** is the owner of that certain called 4.98 acres lot, tract or parcel of land lying and being situated in the Robert Fitzhugh Survey, Abstract No. 317, in the Town of Fairview, Collin County, Texas, being the same property described in a Warranty Deed from Mohit Verna to Andy Thind recorded under Collin County Clerk's Instrument No. 2023000045129 of the Official Public Records of Collin County, Texas, (O.P.R.C.C.T.) and being also that same lot, tract or parcel of land described in a Warranty Deed from James H. Head and Helen Marie Head to Head Family Living Trust recorded in Volume 4464 at Page 592 (#69-0092209) of the Deed Records of Collin County, Texas (D.R.C.C.T.) being more particularly described as follows:

BEGINNING at a 1/2" Iron Rebar with a yellow plastic cap stamped CGB SURVEYING found for the southeast corner of the herein described lot, tract or parcel of land same lying in the north line of Stacy Road a variable width public right-of-way same being the southwest corner of Tract 18, a 50.00 feet wide Landscape Buffer as dedicated by the plat of Heritage Ranch Addition, Phase 9, an addition to the Town of Fairview recorded in Cabinet Q at Page 105 of the Map Records of Collin County, Texas, (M.R.C.C.T.);

THENCE North 89° 55' 03" West, continuing with the north line of said Stacy Road, a distance of 310.45 feet to 1/2" Iron Rebar with a yellow plastic cap found for the southwest corner of the herein described lot, tract or parcel of land and the southeast corner of Lot 1, Block A of the Final Plat of Lots 1 - 3, Block A, Roberts Addition, an addition to the Town of Fairview, recorded in Collin County Clerk's Document No. 201206081001380, of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) in the present north line of Stacy Road from which point an 8.0 feet tall chainlink fence corner post found for the southeast corner of an 8.00 feet wide (3,348 square feet or 0.077 acre) Right-of-Way as dedicated by the said Final Plat of Lots 1 - 3, Block A, Roberts Addition, bears, South 00° 37' 37" East, a distance of 8.00 feet;

THENCE North 00° 37' 37" West, continuing with the east line of said Final Plat of Lots 1 - 3, Block A, Roberts Addition, over and across the east line of Lots 1, 2 and 3, Block A, a distance of 701.53 feet to a 1/2" Iron Rebar with a yellow plastic cap stamped RPLS 3233 found for the northwest corner of the herein described lot, tract or parcel of land and the northeast corner of Lot 3, Block A, of said Final Plat of Lots 1 - 3, Block A, Roberts Addition, same being in the south line of Lot 1, Ranger Estates, an addition to the Town of Fairview, recorded in Cabinet C at Page 730, M.R.C.C.T.;

THENCE South 89° 59' 43" East, continuing with the south line of Lot 1, Ranger Estates, a distance of 310.73 feet to a 3/8" Iron Rebar found for the northeast corner of the herein described lot, tract or parcel of land and the southeast corner of Lot 1, Ranger Estates, same being in the west line of said Tract 18, a 50.00 feet wide Landscape Buffer;

THENCE South 00° 22' 19" East, continuing with the east line of the herein described lot, tract or parcel of land and the west line of said Tract 18, a distance of 416.67 feet to a 1" Iron Pipe found for corner;

THENCE South 00° 56' 44" East, continuing with the east line of the herein described lot, tract or parcel of land and the west line of said Tract 18, a distance of 284.39 feet to the **PLACE OF BEGINNING** containing 217,209.33 square feet, or 4.986 acres of land save and except 2,066 square feet which is hereby dedicated for street purposes.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **ANDY THIND**, acting herein by and through its duly-authorized officers, does hereby adopt this plat designating the herein above-described property as the **THIND ADDITION**, an addition to the Town of Fairview, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys, and public use areas shown hereon and does hereby dedicate the easements shown on the plat for the purposes indicated to the public use forever, said dedications being free and clear of all liens and encumbrances, except as shown herein.

No buildings, fences, trees, shrubs, or other improvements shall be constructed or placed upon, over, or across the right-of-ways or easements on said plat without Town of Fairview permission. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and Town of Fairview's use thereof. The Town of Fairview and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements.

The Town of Fairview or any public utility shall at all times have the right of ingress and egress to and from and upon any of said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

ANDY THIND does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and rights upon the public, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Fairview.

WITNESS MY HAND THIS ____ DAY OF ____, 2024.

ANDY THIND OWNER/DEVELOPER

CURVE TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	39°14'52"	S 19°30'38" W	69.22	47.4178	46.50

THE STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared **ANDY THIND** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated, and for the purposes and consideration therein expressed.

ANDY THIND OWNER / DEVELOPER

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of ____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires: ____, ____.

THE STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared **LARRY PROBECK** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same in the capacity herein stated, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of ____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires: ____, ____.

FINAL PLAT APPROVAL CERTIFICATE

APPROVED ____, 2024.
PLANNING AND ZONING COMMISSION

BY: _____
CHAIRPERSON, PLANNING AND ZONING COMMISSION

APPROVED ____, 2024.
TOWN COUNCIL TOWN OF FAIRVIEW, TEXAS

BY: _____
MAYOR, TOWN OF FAIRVIEW, TEXAS

THE UNDERSIGNE, THE TOWN SECRETARY OF THE TOWN OF FAIRVIEW, TEXAS HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF THE THIND SUBDIVISION OR ADDITION TO THE TOWN OF FAIRVIEW WAS SUBMITTED TO THE TOWN COUNCIL ON THE DAY OF ____, 2023, AND THE COUNCIL BY FORMAL ACTION, THEN AND THERE APPROVED THE PLAT AND AUTHORIZED THE MAYOR TO NOTE SUCH APPROVAL BY SIGNING HIS/HER NAME AS HEREINABOVE SUBSCRIBED TO WHICH I HEREBY ATTEST.

WITNESS MY HAND THIS ____ DAY OF ____, 2024.

TOWN SECRETARY
TOWN OF FAIRVIEW, TEXAS

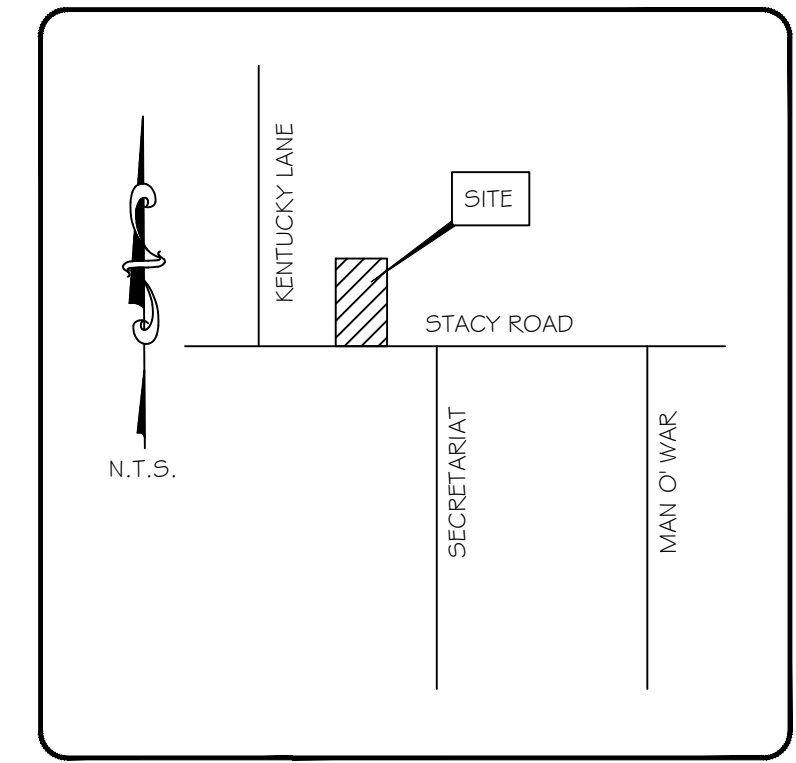
OWNER / DEVELOPER
ANDY THIND
915 REDBIRD LANE
ALLEN, TEXAS 75013
(214) 329-8070

SURVEYOR
PROBECK LAND SURVEYORS
PO BOX 550695
DALLAS, TEXAS 752355-0695
(214) 549-5349 OFFICE
LPROBECK@EARTHLINK.NET
LAPROBECK@GMAIL.COM

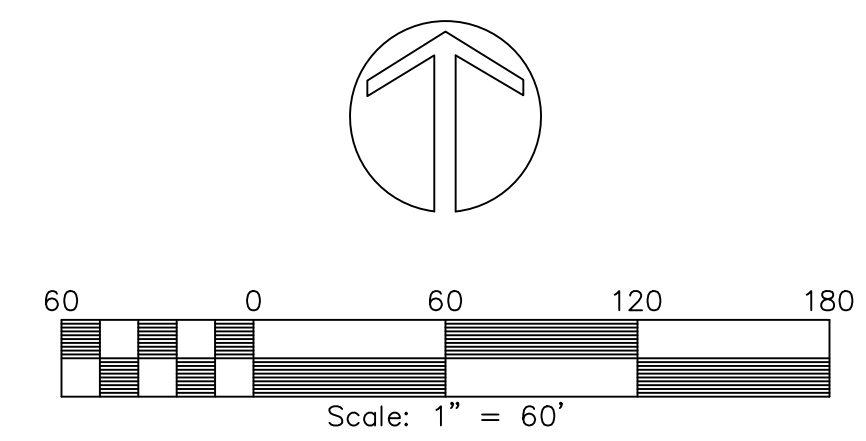
FINAL PLAT
THIND ADDITION
LOT 1 & LOT 2, BLOCK A
BEING 4.986 ACRES OUT OF THE
ROBERT FITZHUGH SURVEY ~ ABSTRACT NO. 317
TOWN OF FAIRVIEW ~ COLLIN COUNTY, TEXAS

THIS PLAT FILED IN CABINET ____, PAGE ____

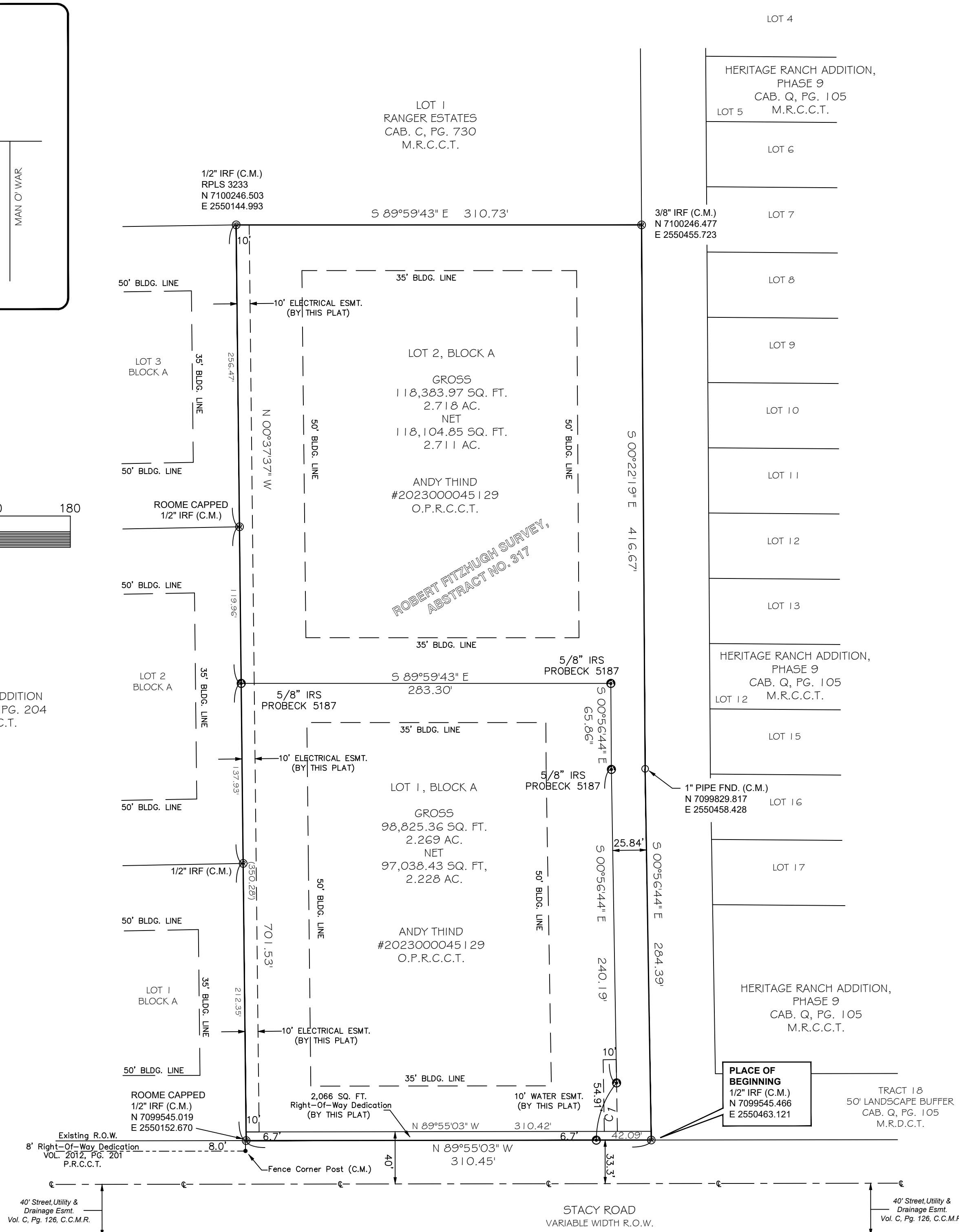
VICINITY MAP



NO SCALE



ROBERTS ADDITION
VOL. 2012, PG. 204
P.R.C.C.T.



NOTES:

BASIS OF BEARINGS: Bearings are based on the 2011 Realization of the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, North Central Zone 4202.

Selling a portion of this addition by metes and bounds is a violation of town ordinance and state law and is subject to fines and withholding of utilities and building permits.

This survey has been performed without the benefit of a title commitment. Subject property is affected by any and all easements of record. Surveyor did not abstract or research records for easements.

Probeck 5187 capped 5/8" Iron Rebars set at all lot corners unless otherwise noted.

FLOOD CERTIFICATION

No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Flood Insurance Rate Map (FIRM) Number 48085C0290 J of F.E.M.A. Flood Insurance Rate Map for Collin County, Texas and Incorporated Areas dated June 2, 2009 (Zone X). This Flood Statement shall incur no liability upon the part of the surveyor.

LEGEND

C.M. = CONTROLLING MONUMENT

I.P.F.= IRON PIPE FOUND

I.R.F.= IRON REBAR FOUND

5/8" I.R.S.= PROBECK 5187

SURVEYOR'S CERTIFICATE

THE STATE OF TEXAS §
COUNTY OF COLLIN §

That I, Larry Probeck, do hereby certify that I made an actual and accurate survey of the platted land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the subdivision regulations of the Town of Fairview, Texas.

DATED THIS THE ____ DAY OF ____, 2024.

LARRY A. PROBECK, R.P.L.S.
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5187



Memorandum

February 6, 2024

TO: Town Council
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: PRELIMINARY PLAT FOR THE ORR ROAD ESTATES ADDITION

BACKGROUND: This is a request for approval of a Preliminary Plat of the Orr Road Estates Addition. The 19.7-acre tract of land contains six (6) residential lots, is located at the southwest corner of Orr Road (FM 317) and Stacy Road, and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Doug Mousel, JW Partners LTD., representing owners Brian and Janna Jarvis.

STATUS OF ISSUE: The proposed preliminary plat reflects the development of six (6) single-family lots. Lots 1 and 6 will have direct access or Orr Road, while Lots 2-5 will be accessed by a new internal cul-de-sac street.

The (RE-2) Two-acre Ranch Estate District requires that each lot be a minimum of two-acres in area, have access to a street, and be a minimum of 200-foot width. Lots that are accessed by a cul-de-sac must be a minimum of 90 feet wide. All lots meet those criteria.

The purpose of a Preliminary Plat is to review the design of a proposed subdivision, including lot layout, right-of-way dedications, and easements. In the State of Texas, the plat application process is a ministerial process, meaning that if the plat application conforms to the zoning for the subject property, as well as the subdivision and development regulations, the municipal government must approve the plat.

Preliminary Plats do not establish a subdivision; they are a temporary document (expires 2 years from the date of approval) that allow the Town to review the framework of a subdivision, prior to the preparation of a Final Plat.

Parks, Open Space and Trails

As part of the standard development process for a new single-family subdivision, the Comprehensive Subdivision Ordinance (CSO) requires the dedication of parkland based on the number of proposed lots within the subdivision. The CSO also allows for a payment of cash-in-lieu of land dedication when appropriate. For a six (6) lot single-family subdivision, approximately 7,820 square-feet of land (0.17-acres) is required to be dedicated.

In this case, due to the strategic location of the development, and in accordance with the Park Master Plan, the plan reflects a 30-foot wide tract of land (Lot 1X) that will be dedicated to the Town of Fairview. The land, matches the width of parkland that was dedicated from the Remington Park Addition to the west (shown as Lot 3X – Remington Park) and provides the accessibility to extend a trail from Beaver Run Park to Orr Road (and eventually to the Trinity Hiking and Equestrian Trail along Lake Lavon). The Preliminary Plat also reflects the dedication of a 15' feet wide trail easement along Orr Road.

As noted, for a subdivision of this size, approximately 7,820 square-feet of land would be necessary to meet the current Parkland Dedication requirements. As shown, 27,965 square feet is being dedicated for park purposes (Lot 1X), exceeding the Subdivision Ordinance requirements.

Drainage

The drainage on Orr Road Estates runs from North to South, due to the natural topography. The preliminary drainage plan is to have storm-water leave the South side of the proposed cul-de-sac and run down to the creek along the South side of the property. There is no adverse impact downstream with this drainage plan and the homes are proposed to be built outside of the existing 100 year flood plain as shown on the FEMA flood maps.

RECOMMENDATION: At their January meeting, the Planning and Zoning Commission recommended **APPROVAL** of the proposed preliminary plat as presented.

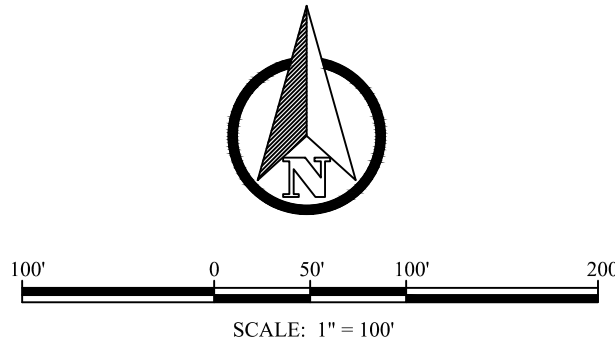
BUDGET: N/A

ATTACHMENTS:

- Locator
- Exhibits



VICINITY MAP - NOT TO SCALE



SURVEYOR'S NOTES:

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00015271.
- This property lies within Zone "X" and Zone "A" of the Flood Insurance Rate Map for Collin County, Texas and Incorporated Areas, map no. 48085CD290J, with an effective date of June 2, 2009, via scaled map location and graphic plotting.
- Monuments are found unless specifically designated as set.
- Improvements shown hereon are existing unless otherwise noted.
- Lot 1X is dedicated to the Town of Fairview

LAND USE TABLE

NET ACREAGE OF SITE:	19.777 ACRES
6 PROPOSED RESIDENTIAL LOTS:	19.135 ACRES
PROPOSED ROW DEDICATION:	1.546 ACRES
PROPOSED OPEN SPACE LOT:	0.642 ACRES

PROPERTY DESCRIPTION

BEING a tract of land situated in the C. Bales Survey, Abstract Number 28, in the Town of Fairview, Collin County, Texas, and being that same tract of land described by deed Brian S. Jarvis and spouse Janna L. Jarvis as recorded under Document Number 2022000175010, Official Public Records, Collin County, Texas, (O.P.R.C.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 5/8 inch rebar found for the northwest corner of said Jarvis tract and the herein described tract; THENCE with the perimeter and to the corners of said Jarvis tract, the following calls:

- North 83 degrees 34 minutes 38 seconds East, a distance of 196.71 feet to a point in an asphalt surface known as Orr Road (no right-of-way document found);
- South 27 degrees 35 minutes 35 seconds East, a distance of 1,686.85 feet;
- North 88 degrees 24 minutes 13 seconds West, passing at a distance of 27.66 feet a 5 inch wood fence corner post for reference and continuing for a total distance of 987.15 feet to a 2 inch pipe found;
- North 01 degrees 53 minutes 16 seconds East, a distance of 30.78 feet to a 1/2 inch rebar found;
- North 02 degrees 51 minutes 34 seconds East, a distance of 332.58 feet to a 1/2 inch rebar found;
- North 01 degrees 17 minutes 02 seconds West, a distance of 517.07 feet to a 1/2 inch rebar found;
- North 00 degrees 23 minutes 58 seconds East, a distance of 565.63 feet, returning to the POINT OF BEGINNING and enclosing 19.777 acres (861,486 square feet) of land, more or less.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED, OR RELIED UPON AS A FINAL SURVEY DOCUMENT January 2, 2024

SURVEYOR/PREPARER



ENGINEER

Cross Engineering Consultants
1720 W. Virginia Street
McKinney, TX 75069

OWNER/DEVELOPER

Brian Jarvis and Janna Jarvis
701 Cimarron Court
Argyle, TX 76226

JOB NO. 2023.014.030

DRAWN: BCS

CHECKED: JHB

TABLE OF REVISIONS

DATE	SUMMARY
------	---------

ORR ROAD
ESTATES

FAIRVIEW
TEXAS

SHEET:

VO1

PRELIMINARY PLAT APPROVAL CERTIFICATE

APPROVED _____, 20____
Planning and Zoning Commission

By: _____
Chairperson, Planning and Zoning Commission
Town of Fairview, Texas

APPROVED _____, 20____
Town Council, Town of Fairview, Texas

By: _____
Mayor, Town of Fairview, Texas

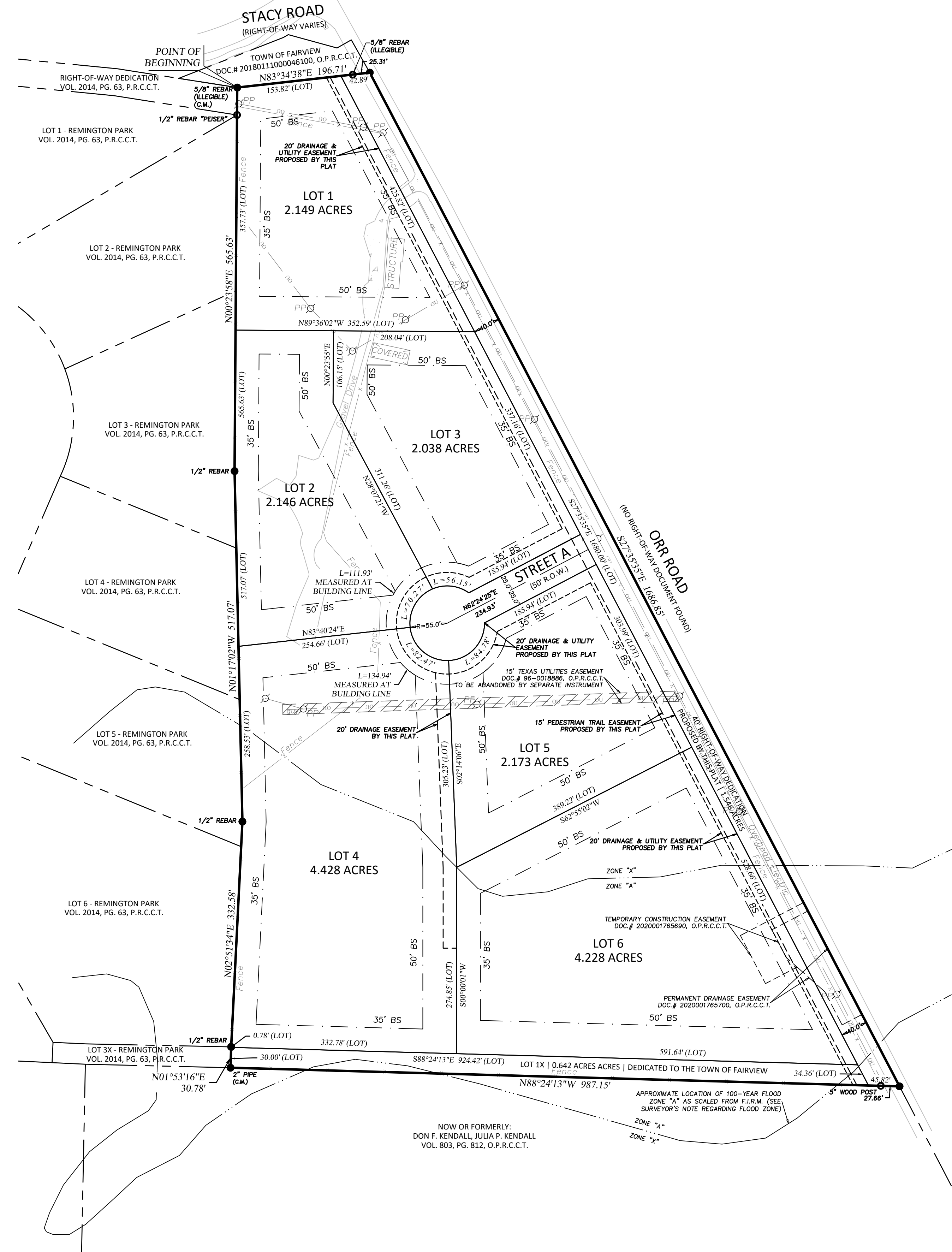
Attest: _____
Town Secretary

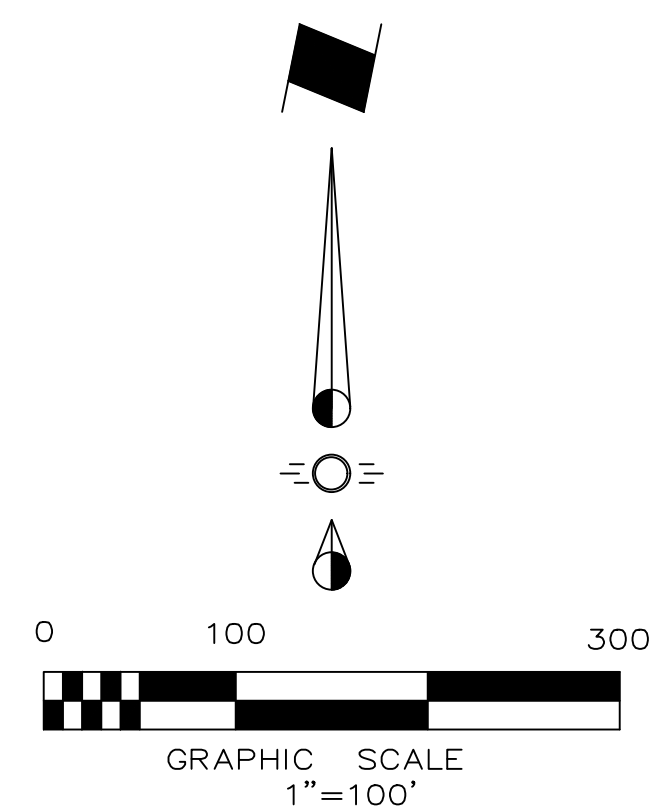
PRELIMINARY PLAT
ORR ROAD ESTATES
LOTS 1-6 AND LOT 1X
19.777 ACRES SITUATED IN THE C. BALES SURVEY, ABSTRACT #28
TOWN OF FAIRVIEW, COLLIN COUNTY, TEXAS

LEGEND OF ABBREVIATIONS

- | | |
|----------------|---|
| • D.R.C.C.T. | DEED RECORDS, COLLIN COUNTY, TEXAS |
| • P.R.C.C.T. | PLAT RECORDS, COLLIN COUNTY, TEXAS |
| • O.P.R.C.C.T. | OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS |
| • DOC.# | DOCUMENT NUMBER |
| • C.M. | CONTROLLING MONUMENT |
| • SQ. FT. | SQUARE FEET |
| • ROW | RIGHT OF WAY |
| • CRS | CAPPED REBAR SET |

NOW OR FORMERLY:
DON F. KENDALL, JULIA P. KENDALL
VOL. 803, PG. 812, O.P.R.C.C.T.





STOP!
CALL BEFORE YOU DIG





Memorandum

February 6, 2024

FROM: Town Secretary

SUBJECT: Consider, discuss, and take any necessary action on procedures related to online public meetings and citizen comments.

BACKGROUND: During the COVID-19 pandemic, the Town provided an avenue for citizens to watch and participate in Town Council meetings virtually. At the height of the pandemic, this tool was utilized by residents, but quickly dwindled as time went on with little to no use. However, due to a contract issue, the Town has not offered streaming services or online participation since the summer of 2023. We did not adopt an ongoing policy on the use of streaming meetings and public comments at the time we initially offered them as it was tied to the pandemic.

STATUS OF ISSUE: The Town has executed a new contract for streaming services and can begin to offer residents the ability to watch Council and Planning & Zoning meetings live. If the Council wishes to again offer streaming opportunities, it is requested that a Council policy be considered to reflect the intent of the Council related to public comments and how those will be provided to the Council.

In discussing this with the Town Attorney and also evaluating what other cities are allowing it is not recommended that comments from the public be included in the authorization. As the policy is written citizens would have to be physically present to be able to address the governing body during an open meeting. Citizens would not be able to virtually participate in the public comment portions of the meeting. The policy also provides that the Town will live stream all regular meetings of Town Council, regular meetings of the Planning and Zoning meetings, and all public hearings. This would not include work sessions of the Council or Planning and Zoning Commission, as those are informal and often without the use of microphones.

BUDGET: N/A

RECOMMENDATION: Consider approving the resolution adopting policy regarding

citizen participation.

Attachments:

1. Public Comment Resolution

TOWN OF FAIRVIEW, TEXAS

RESOLUTION NO. 2024-____

A RESOLUTION OF THE TOWN OF FAIRVIEW, TEXAS REGARDING PROCEDURES FOR PUBLIC MEETINGS THROUGH DIGITAL PLATFORMS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Fairview, Texas (“Town”) conducts open meetings in accordance with the Texas Government Code, Chapter 551 Open Meetings; and

WHEREAS, Section 551.007 of the Texas Open Meetings Act allows members of the public who desire to address the Town Council regarding meeting agenda items to do so, and it allows the Town Council to adopt reasonable rules regarding the public’s right to address the body; and

WHEREAS, Section 551.042 of the Texas Open Meetings Act provides for public comments and allowable responses to inquiries about a subject not on the meeting agenda; and

WHEREAS, the Town desires to establish procedures for public comments at open meetings of the Town Council.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. That the foregoing recitals are fully incorporated into the body of this resolution.

Section 2. Under Section 551.042 of the Texas Open Meetings Act, the Town will allow members of the public to address the governing body during an open meeting in-person if they so desire during a designated portion of a meeting agenda.

Section 3. The Town of Fairview, Texas, will endeavor to live-stream all regular open meetings of the Town Council and Planning & Zoning Commission. Work session meetings are not included.

Section 4. That this Resolution shall become effective from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 6th DAY OF FEBRUARY 2024.

APPROVED:

Henry Lessner, Mayor

ATTEST:

Joshua Stevenson, Town Secretary

APPROVED AS TO FORM:

Clark McCoy, Town Attorney



Memorandum

February 6, 2024

FROM: Engineering

SUBJECT: Consider, discuss, and take any necessary action regarding a change order to the Fairview Crossing construction project.

BACKGROUND: This construction project was awarded to Mario Sinacola and Sons in the amount of \$6,811,767.59 for the extension of FM1378 from SH5 to Spur 399, with a connection to Medical Center Dr.

STATUS OF ISSUE: We were aware that TxDOT would require certain improvements to Hwy 5, including the addition of a turn lane and signal improvements, in order for us to tie into the road. That is standard for the state to require such improvements. We designed the road prior to getting final feedback from TxDOT on what would be needed for the Hwy 5 connection. Kimley-Horn prepared the plans for the Hwy 5 work, as specified by TxDOT, and submitted them to TxDOT. TxDOT approved the plans and issued a permit to allow Fairview to connect to SH5.

Since Fairview Crossing was already bid out without these improvements, a change order will have to be approved for the improvements to SH5 for Fairview Crossing. The changes to the project as approved by TxDOT were priced by our contractor, Sinacola Construction, and they priced it at \$155,712.

This change order was brought to council in January and was not acted upon at that meeting. Council directed staff to get back with TxDOT to see if costs could be cut or if TxDOT had any funds to contribute.

The Mayor and Town Engineer met with TxDOT and explained the desire for financial assistance if any was available. We met with the local Area Engineer, Jennifer Vorster, PE and she explained that there are not any readily available TxDOT funds for the improvements. She did, however, give us some cost-cutting measures that they would accept to reduce the cost of the improvements.

We received a revised change order cost in the amount of \$119,265.70. If council approves the attached change order, then Kimley-Horn would submit revised plans to

TxDOT and upon approval, the existing permit to connect to SH5 would be revised to reflect the cost-saving changes. It is recommended that the council approve the change order. This work is necessary for the completion of the project. Street impact funds are available for the cost of the change order.

BUDGET: Frisco Rd Capital Improvements

RECOMMENDATION: Authorize the Town Manager to approve a change order for the Frisco Rd Reconstruction Project in the amount of \$119,265.70

Attachments:

1. Change Order NO 1_Frisco Rd SH 5 v4

Change Order Number 1

PROJECT:	FRISCO ROAD (SPUR 399 TO SH5)	Date	1/26/2024
PROJECT NUMBER:	BID # 08-79-05450		
CONTRACT AMOUNT:			
	Original Contract: \$6,811,767.59	Contract Date	March 16, 2023
	Change Order No. 001 \$119,265.70		
	Revised Contract: \$6,931,033.29		

CONTRACTOR:

Mario Sinacola \$ Sons Excavating, Inc.
10950 Research Road
Frisco, TX 75033
Phone: 972-387-3900

You are directed to make the changes noted below in the subject Contract:

Nature of Changes:

1. Changes at Frisco Road and State Highway 5 based on TxDOT comments after bidding. Improvements include signal changes, widening of pavement at SH5, revisions to asphalt transitions, base material changes, and striping changes.

Base Bid - Change Order #1												
Pay Item	Quantity					Units	Description	UNIT COST		TOTAL COST		Change in Cost
	Previous	Changes	Changes	Changes	Revised			Previous	Revised	Previous	Revised	
		June 16th	Oct 10th	26-Jan-24								
P02	1.000	0.0	0.0923		1.092	LS	GENERAL SITE PREPARATION (INCLUDES REMOVALS)	\$325,000.00	\$325,000.00	\$325,000.00	\$355,000.00	\$30,000.00
P03	1.000	0.0	0.5988		1.599	LS	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$83,500.00	\$83,500.00	\$83,500.00	\$133,500.00	\$50,000.00
P04	10,620.0	9.0	-114.0		10,515.0	CY	UNCLASSIFIED EXCAVATION	\$27.00	\$27.00	\$286,740.00	\$283,905.00	(\$2,835.00)
P05	5,620.0	124.0			5,744.0	CY	EMBANKMENT (ROADWAY) (DENSITY CONTROL) (TY D)	\$27.00	\$27.00	\$151,740.00	\$155,088.00	\$3,348.00
P07	319.0	364.0		-214.0	469.0	SY	6" HMAC (TY B)	\$41.40	\$41.40	\$13,206.60	\$19,416.60	\$6,210.00
P07A	0.0	419.4		-191.0	228.4	SY	2" HMAC (TY C)	\$0.00	\$20.82	\$0.00	\$4,756.21	\$4,756.21
P08	1,315.0		-397.0		918.0	SY	4" HMAC (TY D) (TEMPORARY AT SH5)	\$29.75	\$29.75	\$39,121.25	\$27,310.50	(\$11,810.75)
P09	23,711.0	-1,976.0			21,735.0	SY	6" LIME STABILIZED SUBGRADE (45 LBS/SY)	\$6.00	\$6.00	\$142,266.00	\$130,410.00	(\$11,856.00)
P09A	0.0	570.0		-196.0	374.0	SY	10" LIME STABILIZED SUBGRADE (7% LIME)	\$0.00	\$40.00	\$0.00	\$14,960.00	\$14,960.00
P10	670.0	-25.3		-8.7	636.0	TON	HYDRATED LIME	\$295.00	\$295.00	\$197,650.00	\$187,616.93	(\$10,033.07)
P11	270.0	1,634.0			1,904.0	SY	6" FLEXBASE (TXDOT ITEM 247)	\$20.00	\$20.00	\$5,400.00	\$38,080.00	\$32,680.00
P11A	0.0	495.0		-194.7	300.3	SY	8" FLEXBASE (TxDOT ITEM 247) (SH5 WIDENING)	\$0.00	\$60.00	\$0.00	\$18,018.00	\$18,018.00
P15	20.0	0.0	-8.0		12.0	SY	4-IN REINFORCED CONCRETE SIDEWALK (CLASS A)	\$70.00	\$70.00	\$1,400.00	\$840.00	(\$560.00)
P17	11.0	-3.0			8.0	EA	MONOLITHIC MEDIAN NOSE (TY A)	\$2,000.00	\$2,000.00	\$22,000.00	\$16,000.00	(\$6,000.00)
P18	0.0	3.0			3.0	EA	MONOLITHIC MEDIAN NOSE (TY B)	\$2,400.00	\$2,400.00	\$0.00	\$7,200.00	\$7,200.00
P20	3,786.0	250.0	-478.0		3,558.0	LF	REFL PAV MRK TY I (W) 4" SOLID	\$1.15	\$1.15	\$4,353.90	\$4,091.70	(\$262.20)
P21	2.0		-72.0		-70.0	LF	REFL PAV MRK TY I (W) 8" SOLID	\$2.30	\$2.30	\$4.60	(\$161.00)	(\$165.60)
P22	675.0	250.0	-72.0		853.0	LF	REFL PAV MRK TY I (W) 24" SOLID	\$10.25	\$10.25	\$6,918.75	\$8,743.25	\$1,824.50
P26	0.0	6.0			6.0	EA	4" RAISED PAVEMENT MARKERS CLASS A - TYPE I-C	\$4.35	\$4.35	\$0.00	\$26.10	\$26.10
P27	348.0		-7.0		341.0	EA	4" RAISED PAVEMENT MARKERS CLASS A - TYPE II-C-R	\$4.35	\$4.35	\$1,513.80	\$1,483.35	(\$30.45)
P29	28.0	28.0	-14.0		42.0	EA	4" RAISED PAVEMENT MARKERS CLASS B - TYPE II-A-A	\$4.35	\$4.35	\$121.80	\$182.70	\$60.90
P30	1,330.0		-26.0		1,304.0	EA	4" RAISED PAVEMENT MARKERS CLASS A - TYPE W	\$3.10	\$3.10	\$4,123.00	\$4,042.40	(\$80.60)

P31	770.0		-38.0		732.0	EA	4" RAISED PAVEMENT MARKERS CLASS C - TYPE W	\$3.10	\$3.10	\$2,387.00	\$2,269.20	(\$117.80)
P32	90.0		-34.0		56.0	EA	4" RAISED PAVEMENT MARKERS CLASS C - TYPE Y	\$3.10	\$3.10	\$279.00	\$173.60	(\$105.40)
P33	93.0		-12.0		81.0	EA	6" RAISED PAVEMENT MARKERS CLASS A - TYPE W	\$19.85	\$19.85	\$1,846.05	\$1,607.85	(\$238.20)
P39	1.0	1.0			2.0	EA	ROCK CHECK DAM	\$2,000.00	\$2,000.00	\$2,000.00	\$4,000.00	\$2,000.00
P40	8,180.0	405.0			8,585.0	LF	SILT FENCE	\$1.85	\$1.85	\$15,133.00	\$15,882.25	\$749.25
P41	23,030.0	4,092.0			27,122.0	SY	4-IN TOPSOIL	\$0.50	\$0.50	\$11,515.00	\$13,561.00	\$2,046.00
P42	22,955.0	4,092.0			27,047.0	SY	HYDRAULIC MULCHING	\$0.72	\$0.72	\$16,527.60	\$19,473.84	\$2,946.24
P46	77.0		81.0		158.0	LF	TYPE III BARRICADE (PERMANENT)	\$63.50	\$63.50	\$4,889.50	\$10,033.00	\$5,143.50
P47	1.0	1.0			2.0	EA	GUARD RAIL END TREATMENT	\$5,525.00	\$5,525.00	\$5,525.00	\$11,050.00	\$5,525.00
P50	0.0	230.0		-230.0	0.0	LF	METAL BEAM GUARD FENCE	\$0.00	\$99.81	\$0.00	\$0.00	\$0.00
D02	1,030.0	-27.0			1,003.0	LF	24" RCP CLASS III	\$147.00	\$147.00	\$151,410.00	\$147,441.00	(\$3,969.00)
D07	2.0	-2.0			0.0	EA	CONNECT PROP 24" RCP TO EXISTING 24" RCP	\$3,200.00	\$3,200.00	\$6,400.00	\$0.00	(\$6,400.00)
D13	2.0	-2.0			0.0	EA	TXDOT PCO CURB INLET (WITH EXTENSION)	\$11,300.00	\$11,300.00	\$22,600.00	\$0.00	(\$22,600.00)
WW2	20.0	40.0			60.0	LF	10" PVC WASTEWATER LINE (ASTM, D3034 SDR 26)	\$250.00	\$250.00	\$5,000.00	\$15,000.00	\$10,000.00
T05	205.0	30.0			235.0	LF	CONDT (PVC) (SCH 40) (3")	\$25.55	\$25.55	\$5,237.75	\$6,004.25	\$766.50
T07	60.0	-40.0			20.0	LF	CONDT (RM) (2")	\$26.23	\$26.23	\$1,573.80	\$524.60	(\$1,049.20)
T08	20.0	-20.0			0.0	LF	CONDT (RM) (3")	\$52.14	\$52.14	\$1,042.80	\$0.00	(\$1,042.80)
T09	1,240.0	-80.0			1,160.0	LF	ELEC CONDR (NO.6) BARE	\$1.73	\$1.73	\$2,145.20	\$2,006.80	(\$138.40)
T09A	0.0	1,468.0			1,468.0	LF	ELEC CONDR (NO.8) INSULATED	\$0.00	\$2.36	\$0.00	\$3,460.81	\$3,460.81
T11	1,200.0	-1,200.0			0.0	LF	TRAY CABLE (3 CONDR) (12 AWG)	\$2.89	\$2.89	\$3,468.00	\$0.00	(\$3,468.00)
T12	5.0	1.0			6.0	EA	GROUND BOX TY D (162922)W/APRON	\$1,312.80	\$1,312.80	\$6,564.00	\$7,876.80	\$1,312.80
T19	2.0	2.0			4.0	EA	VEH SIG SEC (12")LED(GRN ARW)	\$288.80	\$288.80	\$577.60	\$1,155.20	\$577.60
T24	8.0	-2.0			6.0	EA	BACKPLATE W/REF BRDR(3 SEC)(VENT)ALUM	\$208.60	\$208.60	\$1,668.80	\$1,251.60	(\$417.20)
T25A	0.0	2.0			2.0	EA	BACKPLATE W/REF BRDR(4 SEC)(VENT)ALUM	\$0.00	\$290.95	\$0.00	\$581.90	\$581.90
T26	850.0	5.0			855.0	LF	TRF SIG CBL (TY A)(14 AWG)(12 CONDR)	\$4.17	\$4.17	\$3,544.50	\$3,565.35	\$20.85
T31	925.0	-925.0		925.0	925.0	LF	VIVDS CABLE (FURNISH & INSTALL)	\$3.10	\$3.10	\$2,867.50	\$2,867.50	\$0.00
T32	4.0	-4.0		4.0	4.0	EA	VIVDS CAMERA (FURNISH & INSTALL)	\$4,641.16	\$4,641.16	\$18,564.64	\$18,564.64	\$0.00
T34	1.0	-1.0			0.0	EA	RELOCATE ITS RADIO	\$1,590.80	\$1,590.80	\$1,590.80	\$0.00	(\$1,590.80)
T35A	0.0	4.0		-4.0	0.0	EA	RADAR ADVANCE DETECTOR	\$0.00	\$17,200.55	\$0.00	\$0.00	\$0.00
T35B	0.0	1,010.0		-1,010.0	0.0	LF	RADAR ADVANCE DETECTOR COMM CABLE	\$0.00	\$3.97	\$0.00	\$0.00	\$0.00
T36	925.0	-40.0			885.0	LF	RADAR PRESENCE DETECTOR COMM CABLE	\$3.07	\$3.07	\$2,839.75	\$2,716.95	(\$122.80)
T38	860.0	-15.0			845.0	LF	PRE-EMPTION CABLE	\$3.68	\$3.68	\$3,164.80	\$3,109.60	(\$55.20)
										Sub-Total Cost for this change order		\$119,265.70

These changes result in the following adjustment of Contract Price:

Contract Price Prior to this Change Order:	\$6,931,033.29
Net Change resulting from this Change Order:	\$119,265.70
Contract Price Including this Change Order:	\$7,050,298.98
Contract Date Prior to this Change Order:	15-Mar-24
Contract Date After to this Change Order:	14-May-24
The Above Changes are Approved:	

Kimley-Horn and Associates, Inc.

By: _____

Name: Brian Rentsch, P.E. _____

Title: Project Engineer _____

Mario Sinacola and Sons Excavating, Inc.

By: _____

Name: _____

Title: _____

Town of Fairview, Texas

By: _____

Name: James Chancellor, P.E. _____

Title: Project Manager _____



Memorandum

February 6, 2024

FROM: Town Administration

SUBJECT: Discuss a review of code enforcement matters and take any necessary action.

BACKGROUND: The Council and staff held a work session to discuss the status of code enforcement and discussed actions that would address the issues and concerns that were identified. The areas that were discussed included bulk and trash, dark skies, sign ordinances, noise regulations, junk vehicles, general code enforcement processes, and education including updates to the Town web site.

STATUS OF ISSUE: based on the discussion at the work session, staff has begun working on the items that were identified for additional action. Attached you will find a spreadsheet with the action items that have been identified and a status report on the timelines for completion of the work items. We will be ready to review these at the meeting.

BUDGET: N/A

RECOMMENDATION: Discuss action plan

Attachments:

1. code enforcement action items tracking 2024 (2)

Code Enforcement Initiatives

Date:2/6/2024

Town Projects related to Code Enforcement Matters	Responsible entity	Assigned Staff	Status
Develop recommendations for council regarding changes for conflicts in lighting ordinance, including light trespass requirements.	Fairview	James Chancellor	Review and recommended changes will be developed in 2nd quarter 2024.
Review any suggested changes to codes related to installation of residential or commercial generators related to noise.	Fairview	James Chancellor	Review and recommended changes will be developed in 2nd quarter 2024.
Republic to track and report the locations of brush and bulk not picked up due to placement or size and communicate to town staff for follow up action.	Republic, Fairview	Steven Ventura	Republic to submit quarterly reports starting in 1 quarter 2024 outlining contract matters and staff to develop reporting processes internally and to council.
Additional education to be developed related to trash and bulk requirements including timing and placement of trash cans and bulk items, availability of pink tags, Additional promotion needs to be undertaken for pink tag usage.	Fairview	Steven Ventura	Additional education has been initiated in the monthly news magazine and new resident packet includes education. Updated info/illustrated examples will be posted to the water/trash webpage. Additional efforts will continue.
Review policies and ordinances related to trash can placement and bulk trash regulations	Fairview	Steven Ventura	Any changes will be considered once new tracking and enforcement measures have been evaluated. Review and recommended changes will be developed in 2nd quarter 2024.
Review noise ordinances for adoption of measurable standards related to noise enforcement	Fairview	Chris Chandler	Review and recommended changes will be developed in 2nd quarter 2024.
With addition of staff, code enforcement to review and update process for code violations and reporting.	Fairview	Code Enforcement	Staffing changes have recently occurred. New processes and reporting will be developed along with updates to the council by end of 2nd quarter 2024.

Code Enforcement Initiatives

Date:2/6/2024

Track the number of code complaints received and the resolution, action taken by town and develop reporting process	Fairview	Code Enforcement	Review and recommended changes will be developed in 2nd quarter 2024.
Update Town web site related to communications on code related requirements and dark skies requirements to better outline the requirements and cross reference with ease of finding the information from the home page.	Fairview	Karin Anderson	Review and recommended changes will be developed in 3rd quarter 2024.
Develop improved tracking of code matters generated internally and externally, and develop reporting mechanisms, both internal and for Council.	Fairview	Julie Couch	Periodic reporting will be provided as progress is underway on the the topics with all action items, with a goal to develop a finalized reporting process as the identified work items are completed.
Address conflicts in the sign regulations and better track temporary signs in conformance with the regulations.	Fairview	Israel Roberts	Review and recommended changes will be developed in 3rd quarter 2024.