

RESOLUTION NO. 05-146

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED INTERLOCAL AGREEMENT WITH THE COUNTY OF GALVESTON TO REGULATE SUBDIVISION PLATS WITHIN EXTRATERRITORIAL JURISDICTION THE CITY OF TEXAS CITY, TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, regulates subdivisions within its City limits and its extraterritorial jurisdiction pursuant to Chapter 212 of the Texas Local Government Code; and,

WHEREAS, the County of Galveston regulates subdivisions within unincorporated limits of the County pursuant to Chapter 232 of the Texas Local Government Code; and,

WHEREAS, the Texas Local Government Code § 242.001(d)(4) provides that the City and the County may enter into an agreement that:

- (A) establishes one office that is authorized to:
 - (i) accept plat applications for tracts of land located in the City's extraterritorial jurisdiction; and,
 - (ii) collect municipal and county plat application fees in a lump-sum amount; and,
 - (iii) provide applicants one response indicating approval or denial of the plat application; and,
- (B) establishes a consolidate and consistent set of regulations related to plats and subdivisions as authorized by Chapter 212, Chapter 232 and other statutes applicable to municipalities and counties that will be enforced in the City's extraterritorial jurisdiction.

WHEREAS, the current Interlocal Agreement establishes two sets of criteria with one more restrictive set for subdivisions west of Hwy 146 and one set for subdivisions east of Hwy 146; and,

WHEREAS, the City would like to amend the agreement to utilize one set of criteria for all subdivisions within the City's extraterritorial jurisdiction by deleting the set that governs West of State Highway 146; and,

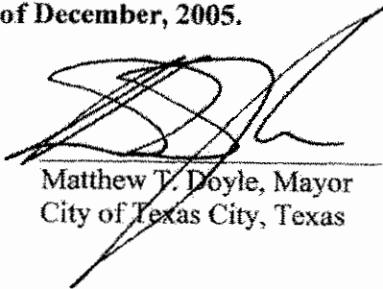
WHEREAS, it is in the best interest of the City of the City of Texas City, Texas, to enter into an amended Interlocal Agreement with the County of Galveston to regulate subdivision plats within the extraterritorial jurisdiction of the City of Texas City, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

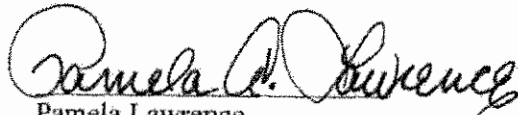
SECTION 1: That the City Commission hereby authorizes the Mayor to execute an Interlocal Agreement with the County of Galveston to regulate subdivision plats within the extraterritorial jurisdiction of the City of Texas City, Texas as described in Exhibit "A", attached hereto and made a part hereof for all intents and purposes.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

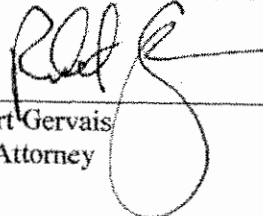
PASSED AND ADOPTED this 7th day of December, 2005.

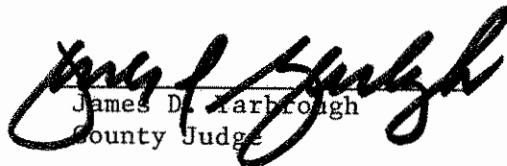

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:


Pamela Lawrence
City Secretary

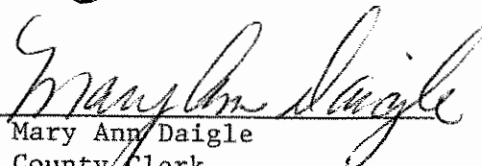
APPROVED AS TO FORM:


Robert Gervais
City Attorney


James D. Farbrough
County Judge

January 25, 2006
Date

ATTEST:


Mary Ann Daigle
County Clerk

be found of record in the Minutes of the Commissioners' Court under Film Code #300-20-2062 et seq.

JK
AMMENDMENT

Additional Subdivision Regulation

I. In the City's extraterritorial jurisdiction north of Dickinson Bayou ~~and West of State Highway~~ (DELETE) the County will enforce the following additional regulations:

- all subdivision streets shall be constructed of a concrete pavement with concrete curbs in accordance with all applicable County standards and specifications.
- the minimum width of residential streets measured from the back of curb to back of curb is:
 - 30 feet minor residential street
 - 37 feet collector street
 - 48 feet thoroughfare (arterial)
- boulevards may be utilized for collector or thoroughfare streets in accordance with applicable County standards and specifications.
- no open drainage ditches shall be utilized in the design of internal subdivision drainage.
- drainage will be sheet flow, gutter flow, or in underground concrete storm sewers in accordance with applicable County standards and specifications.
- Lot dimensions shall be:
 - a) Standard size lots shall have a minimum area of 6000 square feet, shall be at least 100 feet deep and shall be at least 50 feet wide at the front building line.
 - b) Small size lots (Patio Homes) shall have a minimum area of 4500 square feet; shall be at least 90 feet deep and shall be at least 40 feet wide at the front building line provided the lot is within a subdivision of less than 10 acres and the subdivision is
 - c) Unsewered lots -- where a lot is served by a private on-site sanitary sewer system, said lot shall have a 2.0 acre minimum land area and a minimum 200 feet width at the front building line.
 - d) Road Frontage -- all lots shall have a minimum 30 feet frontage upon a public improved street or an approved private street owned and maintained by a homeowner's association.

RESOLUTION NO. 02-135

COPY

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY OF GALVESTON TO REGULATE SUBDIVISION PLATS WITHIN EXTRATERRITORIAL JURISDICTION THE CITY OF TEXAS CITY, TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

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WHEREAS, the County of Galveston regulates subdivisions within unincorporated limits of the County pursuant to Chapter 232 of the Texas Local Government Code; and,

WHEREAS, the Texas Local Government Code § 242.001(d)(4) provides that the City and the County may enter into an agreement that:

- (A) establishes one office that is authorized to:
 - (i) accept plat applications for tracts of land located in the City's extraterritorial jurisdiction; and,
 - (ii) collect municipal and county plat application fees in a lump-sum amount; and,
 - (iii) provide applicants one response indicating approval or denial of the plat application; and,

(B) establishes a consolidate and consistent set of regulations related to plats and subdivisions as authorized by Chapter 212, Chapter 232 and other statues applicable to municipalities and counties that will be enforced in the City's extraterritorial jurisdiction.

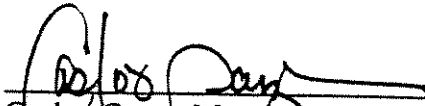
WHEREAS, it is in the best interest of the City of the City of Texas City, Texas, to enter into an Interlocal Agreement with the County of Galveston to regulate subdivision plats within the extraterritorial jurisdiction of the City of Texas City, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby authorizes the Mayor to execute an Interlocal Agreement with the County of Galveston to regulate subdivision plats within the extraterritorial jurisdiction of the City of Texas City, Texas.


SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 23rd day of October, 2002.



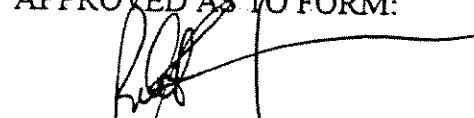
Carlos Garza, Mayor
City of Texas City, Texas

ATTEST:



Pamela Lawrence
City Secretary

APPROVED AS TO FORM:



Robert Gervais
City Attorney

The State of Texas

§

County of Galveston

§

§

**Contract to Provide Joint Regulation of Subdivisions
Within Extraterritorial Jurisdiction
of the City of Texas**

This Agreement is entered into between the **County of Galveston**, and the **City of Texas City** as required by §242.001(d)(4) of the Texas Local Government Code.

Recitals

The City of Texas City regulates subdivisions within its city limits and its extraterritorial jurisdiction pursuant to Chapter 212 of the Texas Local Government Code.

The County of Galveston regulates subdivisions within unincorporated limits of the county pursuant to Chapter 232 of the Texas Local Government Code.

Texas Local Government Code §242.001(d)(4) provides that the City and the County may enter into an agreement that:

(A) establishes one office that is authorized to:

- (i) accept plat applications for tracts of land located in the city's extraterritorial jurisdiction;
- (ii) collect municipal and county plat application fees in a lump-sum amount; and
- (iii) provide applicants one response indicating approval or denial of the plat application; and

(B) establishes a consolidated and consistent set of regulations related to plats and subdivisions as authorized by Chapter 212, Chapter 232 and other statutes applicable to municipalities and counties that will be enforced in the city's extraterritorial jurisdiction.

The parties wish to enter into such an agreement. Accordingly, the parties agree as follows:

General Subdivision Regulations

The County will:

- accept plat applications for tracts of land located in the city's extraterritorial jurisdiction;
- collect municipal and county plat application fees in a lump-sum amount; and
- provide applicants one response indicating approval or denial of the plat application.

The County will enforce the regulations it adopted on March 3, 1997. These regulations may

be found of record in the Minutes of the Commissioners' Court under Film Code #300-20-2062 et.seq.

Additional Subdivision Regulation

I. In the City's extraterritorial jurisdiction north of Dickinson Bayou and ~~West of State Highway 146~~ the County will enforce the following additional regulations:

- all subdivision streets shall be constructed of a concrete pavement with concrete curbs in accordance with all applicable County standards and specifications.
- the minimum width of residential streets measured from the back of curb to back of curb is:
 - 30 feet minor residential street
 - 37 feet collector street
 - 48 feet thoroughfare (arterial)
- boulevards may be utilized for collector or thoroughfare streets in accordance with applicable County standards and specifications.
- no open drainage ditches shall be utilized in the design of internal subdivision drainage.
- drainage will be sheet flow, gutter flow, or in underground concrete storm sewers in accordance with applicable County standards and specifications.
- Lot dimensions shall be:
 - a) Standard size lots shall have a minimum area of 6000 square feet, shall be at least 100 feet deep and shall be at least 50 feet wide at the front building line.
 - b) Small size lots (Patio Homes) shall have a minimum area of 4500 square feet; shall be at least 90 feet deep and shall be at least 40 feet wide at the front building line provided the lot is within a subdivision of less than 10 acres and the subdivision is
 - c) Unsewered lots – where a lot is served by a private on-site sanitary sewer system, said lot shall have a 2.0 acre minimum land area and a minimum 200 feet width at the front building line. A variance may be granted under guidelines of Texas City Ordinance No. 01-08, Section 1 (2) Unsewered Lots, Variance (1) –(9) dated 3/21/01.
 - d) Road Frontage – all lots shall have a minimum 30 feet frontage upon a public improved street or an approved private street owned and maintained by a homeowner's association.

- Minimum Building Setbacks shall be delineated on the plat and shall be:
 - 25 feet front building line
 - 20 feet rear building line
 - 5 feet side building line
 - 25 feet side building line on street side of corner lots
- All building lines shall be a minimum 60 feet from any petrochemical or gas pipeline easement.
- Plats consisting of more than 10 residential lots of less than 1 acre shall include sidewalks complying with Texas Architectural Barriers standards and shall be installed on both sides of each street. A homeowners association shall assess fees and maintain the sidewalks.
- For plats consisting of more than 10 residential lots, street lights shall be installed at all street intersections, street dead ends and mid-block of streets greater than 600 feet between intersections. A homeowners association shall assess fees and pay for all continued costs of operating and maintaining the lights.
- A residential subdivision plat with a master plan capacity of over 200 lots shall dedicate ½ acre of recreational greenspace for each 200 lots, pro rated, to be owned and maintained by a homeowners association.
- Where public water system is available, fire hydrants shall be installed within 300 feet (as measured along street right-of-way) to each dwelling unit. Fire hydrants shall be placed on 6" minimum water mains-looped when possible.

II In the City's extraterritorial jurisdiction north of Dickinson Bayou and East of State Highway 146 the County will enforce the following additional regulations:

- Where public water system is available, fire hydrants shall be installed within 300 feet (as measured along street right-of-way) to each dwelling unit. Fire hydrants shall be placed on 6" minimum water mains-looped when possible.

Term of Agreement

The term of this Agreement is for one year from the date of execution, after which it will renew automatically for another term unless terminated.

Either party to this Agreement may terminate the Agreement at the end of any term without cause by notifying the other party not later than 45 days prior to the end of the term. But, both parties agree that the right to terminate this agreement does not avoid the statutory duty of the County and City to have a written agreement providing for subdivision regulation within the City's extraterritorial jurisdiction.

In Witness Whereof, the governing bodies of both the County and the City have approved and adopted this Agreement and have caused this Agreement to be executed. It shall become effective upon the date that the latter of the two parties have signed this Agreement.



Attest:
Patricia Ritchie
Patricia Ritchie
County Clerk

By: *Kenneth Clark*
County of Galveston
Kenneth Clark, Acting County Judge
October 28, 2002
Date of Execution

Carlos Garza
City of Texas City
Carlos Garza, Mayor
Oct. 27, 2002
Date of Execution

Subdivision Agreement Texas City

ORDINANCE NO. 01-08

AN ORDINANCE AMENDING CHAPTER 110. *SUBDIVISIONS*, SECTION 110-42 (f)(2) "SANITARY SEWER SYSTEM", SECTION 110-42(l)(2), "UNSEWERED LOTS" AND CHAPTER 122. *UTILITIES*, SECTION 122-34, "REGULATIONS FOR PROPERTY WHERE PUBLIC SEWER IS NOT AVAILABLE," OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, BY INCORPORATING GALVESTON COUNTY HEALTH DISTRICT PERMIT APPROVALS AND PROVIDING FOR VARIANCES FROM THE TWO-ACRE AND 200-FOOT-WIDTH REQUIREMENTS UNDER CERTAIN CONDITIONS; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, due and proper notice has been given and public hearing held and all other required action taken to amend the Code of Ordinances of the City of Texas City, Texas, and it is the considered opinion of the City Commission that said Ordinance be amended and changed as follows for the public welfare, good, economy, and enjoyment.

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

SECTION 1: That Chapter 110. *Subdivisions*, Section 110-42 (f)(2) "Sanitary Sewer System" and (l) (2), "Unsewered Lots," are hereby amended as follows:

"Sec. 110-42. Standards and specifications for improvements.

(f) Sanitary Sewer System

(2) Connections with the sanitary sewer system shall be required, except where the director of utilities determines that the connection will require unreasonable expenditure when compared with other methods of sewage disposal. Where on-site sanitary sewer facilities ~~septic tanks~~ are installed, ~~the subdivider shall conduct percolation tests under the supervision of the director of utilities in order to determine the adequacy of proposed lot sizes. If a sanitary sewage disposal system is to be installed,~~ the plans for the system must be approved by the ~~state health department~~ Galveston County Health District in accordance with all State and County laws, rules and regulations, prior to approval of the final plat by the commission.

(1) Lots.

(2) Unsewered lots. Where off-lot sewerage is not required, and is not provided, residential lots shall have an area of at least two acres, and shall be at least 200 feet wide. ~~Where, as the result of the percolation test prescribed in subsection (f)(2) of this section, the director of public works deems the minimum lot area insufficient, the commission shall require additional area sufficient to accommodate the sanitary facilities deemed necessary by the director of public works. In the case of irregularly shaped lots, the~~ The minimum width shall be measured at the front building line. All on-site sanitary sewer facilities shall be approved by the Galveston County Health District.

Variances: The City Commission may authorize a variance from the two-acre or 200 foot width requirements for on-site sanitary sewer facilities when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the findings required in this section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside at the proposed location, and the probable effect of the variance upon the public health, safety, convenience and welfare in the vicinity. The planning board shall first review the request for a variance and make a written recommendation to the City Commission. No variance shall be granted unless the Commission finds:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.
- (5) The Galveston County Health District approves the on-site sanitary sewer facilities;
- (6) Applicant agrees that, if platting is required by State law or City Ordinance, any granting of a variance is conditional on the property being platted, approved by the City, and recorded in the Galveston County Deed Records;
- (7) Applicant has paid all property taxes;
- (8) The property is in excess of 1.0 acres of undeveloped land area- excluding water bodies (ponds, lakes, streams, etc.); and,
- (9) One of the following guidelines applies:

* a. The subject property perimeter is bounded by undevelopable property which if it were combined with the subject property would cause it to exceed the ordinance requirement. Undevelopable property includes natural bodies of water, highway, railway, or other right of way, or other characteristics of the land that substantially prevent the property from being developed by any property owner.

* b. Other factors (other than economic hardship) exist that would prohibit the Applicant from purchasing enough additional property to meet the ordinance requirements.

(b) The findings of the City Commission, together with the specific facts upon which the findings are based, shall be incorporated into the official minutes of the commission meeting at which the variance is granted. Variances may be granted only when in harmony with the general purpose and intent of the City Code, so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship."

SECTION 2: That Chapter 122. *Utilities*, Section 122-34, "Regulations for Property Where Public Sewer is Not Available," is hereby amended as follows:

"Sec. 122-34. Regulations for property where public sewer is not available.

(a) In cases of undivided land, where there is no main or lateral sewer of the city sewer system within the distance provided by section 122-33, no building shall be constructed thereon unless the tract contains at least two acres of land and has a width of at least 200 feet measured at the front building line ~~fronting on a street or road constructed to city specifications.~~

(b) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$200.00.

(c) Variances: The City Commission may authorize a variance from the two-acre or 200 foot width requirements for on-site sanitary sewer facilities when, its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the findings required in this section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside at the proposed location, and the probable effect of the variance upon the public health, safety, convenience and welfare in the vicinity. The planning board shall first review the request for a variance and make a written recommendation to the City Commission. No variance shall be granted unless the Commission finds:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;

- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;
- (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.
- (5) The Galveston County Health District approves the on-site sanitary sewer facilities;
- (6) Applicant agrees that, if platting is required by State law or City Ordinance, any granting of a variance is conditional on the property being platted, approved by the City and recorded in the Galveston County Deed Records;
- (7) Applicant has paid all property taxes;
- (8) The property is in excess of 1.0 acres of undeveloped land area- excluding water bodies (ponds, lakes, streams, etc.); and,
- (9) One of the following guidelines applies:

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b. Other factors (other than economic hardship) exist that would prohibit the Applicant from purchasing enough additional property to meet the ordinance requirements.

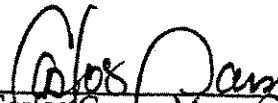
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SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.


SECTION 5: That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

PASSED ON FIRST READING this 21st day of February, 2001.



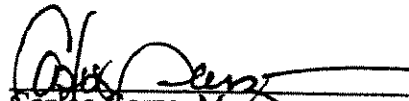
Carlos Garza, Mayor
City of Texas City, Texas

ATTEST:




Pamela A. Lawrence
City Secretary

PASSED ON SECOND READING this 7th day of March, 2001.



Carlos Garza, Mayor
City of Texas City, Texas

ATTEST:



Pamela A. Lawrence
City Secretary

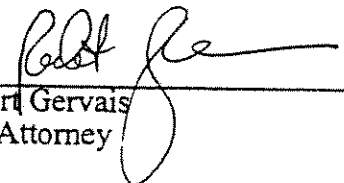
PASSED AND FINALLY ADOPTED this 21st day of March, 2001.

Carlos Garza, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:



Robert Gervais
City Attorney

be found of record in the Minutes of the Commissioners' Court under Film Code #300-20-2062 et.seq.

Additional Subdivision Regulation

I. In the City's extraterritorial jurisdiction north of Dickinson Bayou and West of State Highway 146 the County will enforce the following additional regulations:

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 - d) Road Frontage -- all lots shall have a minimum 30 feet frontage upon a public improved street or an approved private street owned and maintained by a homeowner's association.

*Mike F.
What happened
to remaining
part of this section?
JFM*