

ORDINANCE NO. 2025-10-21 (6)

AN ORDINANCE AMENDING CHAPTER 10 – SUBDIVISION REGULATIONS, BY AMENDING SECTION 10.02.161 IMPROVEMENTS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council (“Council”) is the governing body for the City of Rockdale, Texas, and therefore, it must bear initial responsibility for the integrity of governance; and

WHEREAS, the subdivision ordinance regulates the pre-development process through actual development to ensure a safe and productive development; and

WHEREAS, Upon the completion of development, the city reviews and accepts all infrastructure that was installed throughout the construction phase(s); and

WHEREAS, A maintenance bond provides funding to ensure that the infrastructure that was installed may be replaced or repaired;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Section 10.02.161 Improvements. Section 10.02.161 Improvements is hereby amended as follows:

10.02.161 Improvements

(i) Maintenance bond required.

(1) Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the final, amended or short form plat where subdivision improvements were made prior to the filing of the plat for recordation, the developer shall furnish the city with a maintenance bond or other surety to assure the quality of materials and workmanship, and maintenance of all required improvements including the city’s costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the developer defaults.

(2) The maintenance bond or other surety instrument shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution.

(3) Said bond or other instrument shall be in an amount equal to ten percent (10%) of the cost of improvements verified by the city engineer and shall run for a period of two (2) calendar years measured from the date of release of the performance surety instrument, or signing and recording of the final plat whichever is later.

(4) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(5) Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of two (2) full calendar years sufficient to cover the corrected defect or failure.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or application hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

Section 7. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the September 8th, 2025.

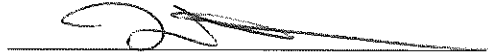
PASSED AND APPROVED on second reading on this the October 21st, 2025.

ATTEST

THE CITY OF ROCKDALE

A handwritten signature in black ink, appearing to read 'Shanna Johnson', written over a horizontal line.

Shanna Johnson
City Secretary

A handwritten signature in black ink, appearing to read 'Ward Roddam', written over a horizontal line.

Ward Roddam, Mayor