A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, October 16, 2023 at 7:00 p.m.***

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

1. Call to Order

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers must observe the five (5) minute time limit.***

5. ***Consent Agenda***

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

a. Minutes of the City Council meeting of October 2, 2023
b. Minutes of the City Council briefing of October 2, 2023
c. Event application for Community Tree Lighting and Lighted Night Parade to be held November 28, 2023
d. Consider proposed Ordinance approving a request by Butcher-Robnett Realty, LLC, for a Petition for ETJ Release for approximately 15.320 acres, located directly west of 104 Berkshire Lane (Property ID 191155) – Owner: Butcher-Robnett Realty, LLC (ETJ-PTN-130-2023)
e. Consider proposed Ordinance approving a request by Turnerville Holdings, LLC, for a Petition for ETJ Release for approximately 28.064 acres, located directly east of 1105 East Sharpshire Drive (Property ID 289911) – Owner: Turnerville Holdings LLC (ETJ-PTN-132-2023)
f. Consider proposed Ordinance approving a request by OSGN Capital Investment Group, for a Petition for ETJ Release for approximately 99.170 acres, located north of 1091 East Sharpshire Drive – Owner: OSGN Capital Investment Group, Navito Development, LLC, LMC Homes, LLC, Barbara and Maxwell Wilson, and Tyler Koch and Sarah Bowman (ETJ-PTN-142-2023)

g. Consider proposed Ordinance approving a request by Catarina Abigail Threadgold, for a Petition for ETJ Release for approximately 4.7 acres, located at 1600 Broadhead Road (Property ID 148092) – Owner: Catarina Abigail Threadgold (ETJ-PTN-145-2023)
h. Consider proposed Ordinance approving a request by GRBK Edgewood, LLC, for a Petition for ETJ Release for approximately 1513.86 acres, located directly east of 1661 Gibson Road (Property ID 191369, 192086, 192087, 192094, 192097, 192098, 194358, 224198, 236821, and 294441) – Owner: GRBK Edgewood, LLC (ETJ-PTN-146-2023)
i. Consider proposed Ordinance approving a request by Grandscape Land Developers, LLC, for a Petition for ETJ Release for approximately 97.746 acres, located north of 129 Corral Road (Property ID 181006) – Owner: Grandscape Land Developers, LLC (ETJ-PTN-149-2023)
j. Consider proposed Ordinance approving a request by AGC Custom Homes Inc., for a Petition for ETJ Release for approximately 89.915 acres, located at directly north of 101 Boyce Road (Property ID 296968) – Owner: AGC Custom Homes Inc. (ETJ-PTN-152-2023)
k. Consider proposed Ordinance approving a request by LRCA Investments, LLC, for a Petition for ETJ Release for approximately 18.706 acres, located east of 229 Cimarron Meadows Drive (Property ID 295056) – Owner: LRCA Investments, LLC (ETJ-PTN- 153-2023)
l. Consider proposed Ordinance approving a request by Stella Rose Homes, LLC, for a Petition for ETJ Release for approximately 16 acres, located directly west of 3010 FM 878 (Property ID 277733) – Owner: Stella Rose Homes, LLC (ETJ-PTN-157-2023)
m. Consider acceptance of a Victims of Crime Act (V.O.C.A.) Grant Awarded to the City of Waxahachie to provide for a Mental Health Program for First Responders and their families
n. Consider authorizing funding from the Tax Increment Reinvestment Zone No. 1 (TIRZ) fund for improvements at 221A S. Highway 77
o. Consider authorizing funding from the Waxahachie Community Development Corporation (WCDC) unrestricted reserve fund balance for site lighting at Oak Lawn Park
p. Adoption of the City of Waxahachie 2024 Holiday Schedule
q. Consider proposed Resolution accepting and supporting the Runway Rehabilitation and Marking Project for Mid-Way Regional Airport
r. Consider proposed Resolution accepting and supporting the Automated Weather Observing System (AWOS) Project for Mid-Way Regional Airport and $20,000 supplemental appropriation

6. ***Introduce*** Honorary Council Member

7. ***Recognize*** outgoing Board and Commission members with more than 10 years of service

8. ***Present*** Proclamation recognizing October 23, 2023 as “African-American Cotton Pickers Day (Cotton Monday)”

9. ***Present*** Proclamation recognizing October 2023 as “National Community Planning Month”

10. ***Continue Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses

11. ***Consider*** proposed Ordinance approving ZTA-92-2023

12. ***Consider*** proposed Ordinance amending Chapter 11 Building and Community Services Fee Schedule, Ordinance No. 3376 Section 11-2 Subdivision and Development Fee Schedule of the Code of Ordinances of the City of Waxahachie; to add the Short-term Rental Registration Fee; and setting an effective date

13. ***Continue Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards (ZTA-113-2023)

14. ***Consider*** proposed Ordinance approving ZTA-113-2023

15. ***Continue Public Hearing*** on a request by Viran Nana, Developer, for a Specific Use Permit (SUP) for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023)

16. ***Consider*** proposed Ordinance approving ZDC-100-2023

17. ***Consider*** Development Agreement for ZDC-100-2023

18. ***Consider*** a request by Tim Jackson, TRCS, LLC, for a Replat of Block 10, Lot 1AR of the Original Town of Waxahachie Addition, 1 lot, being 0.980 acres, located at 216 North College Street (Property ID 217175 – Owner: City of Waxahachie (SUB-84-2023)

19. ***Public Hearing*** on a request by Jordan Cogburn, Cogburn Contracting, for a Specific Use Permit (SUP) for an Accessory Structure over 700 square feet use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 144 Homestead Lane (Property ID 269669) - Owner: Mason Tucker (ZDC-125-2023)

20. ***Consider*** proposed Ordinance approving ZDC-125-2023

21. ***Public Hearing*** on a request by Kevin Kosoris, 1020 Group LLC, for a Specific Use Permit (SUP) for a Self-Storage Facility use within a Commercial (C) zoning district located at 308 N College Street (Property ID: 170654) – Owner: Hachie Properties, LLC ETAL (ZDC-54-2023)

22. ***Consider*** proposed Ordinance approving ZDC-54-2023

23. ***Consider*** approval of a supplemental appropriation for funds to provide for contribution to The Heights, Ellis County Family Resources

24. ***Consider*** authorizing an Engineering Services Agreement Amendment No. 1 to the Distribution Line – Lofland and Ovilla Road Loop Phase 2 Project

25. ***Convene*** into Executive Session for:

- Consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

- Consultation with City Attorney to seek legal advice regarding a proposed contract for emergency services as permitted under Section 551.071, Texas Government Code

- Review Performance Evaluation for City Manager as permitted under Section 551.074, Texas Government Code

26. ***Reconvene*** and take any necessary action

27. Comments by Mayor, City Council, City Attorney and City Manager

28. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall, City of Waxahachie, Texas, a place readily accessible to the general public at all times, on October 13, 2023 at 3:30 p.m. and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amber Villarreal

_____

Amber Villarreal, TRMC, CMC
City Secretary

(5a)

City Council
October 2, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, October 2, 2023 at 7:00 p.m.

Council Members Present:	David Hill, Mayor, Council Member Place 1 Patrick Souter, Council Member Place 2 Travis Smith, Council Member Place 5
Council Members Absent:	Chris Wright, Mayor Pro Tem, Council Member Place 3 Billie Wallace, Council Member Place 4
Others Present:	Michael Scott, City Manager Albert Lawrence, Deputy City Manager Robert Brown, City Attorney Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

a. Minutes of the City Council meeting of September 18, 2023
b. Minutes of the City Council briefing of September 18, 2023
c. Event application for Strut Your Mutt 2024 to be held May 18, 2024 at Getzendaner Park
d. Event application for Trunk o' Treat at Railyard Park to be held October 21, 2023
e. Event application for Hallo-Screening with Hot 93.3 to be held October 21, 2023 at Railyard Park
f. Event application for Dedication of Bessie Coleman Memorial Bridge to be held October 21, 2023
g. Professional Services Agreement for Waxahachie Municipal Court Prosecutor

Action:
Patrick Souter moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (3-0).

6. Introduce Honorary Council Member

Council Member Patrick Souter introduced Zac Barrington as the Honorary Councilmember for October 2023. Zac is 11 years old and a sixth-grade honor student at St. Joseph Catholic School. He is the son of Craig and Jennifer Barrington, and has an older sister, Rachel, a freshman, and member of the band at Waxahachie High School. Zac enjoys playing soccer, running cross-country and track, throwing the discus, and playing the trumpet. His favorite subjects are science and history and plans to one day be a meteorologist.

On weekends, Zac enjoys kayaking, skipping rocks, playing video games with his friends, walking his cats, and catching Texas Spiny Lizards (and trying to train them as pets.) Some of his favorites include the color orange, penguins, and the movie Wall-E.

Zac has enjoyed attending recent City Council meetings with family regarding a concern in his neighborhood. He has learned about the parts of a meeting agenda, consent calendar, council member elections, and how each citizen has a voice in our local government. Zac and his family thank Council Member Souter, along with the entire City Council, for the opportunity to serve as Honorary Council Member.

7. Present Proclamation proclaiming October 5, 2023 as "Waxahachie Teachers' Day"

Mayor Hill presented a Proclamation proclaiming October 5, 2023 as "Waxahachie Teachers' Day."

8. Public Hearing on a request by Yomi Fayiga, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a General Retail (GR) zoning district located at 200 N US Highway 77 (Property ID: 227579) – Owner: Crux Investments LP (ZDC-73-2023)

The Item was presented by Executive Director of Development Services Shon Brooks.

Mayor Hill opened the Public Hearing at approximately 7:14 p.m.

There being no others to speak for or against ZDC-73-2023, Mayor Hill closed the Public Hearing at approximately 7:15 p.m.

9. Consider proposed Ordinance approving Zoning Change No. ZDC-73-2023

ORDINANCE NO. 3403

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC MESSAGE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 200 N US HIGHWAY 77, BEING PROPERTY ID 227579, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK 1 OF THE KWIK ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:
Patrick Souter moved to approve an Ordinance for ZDC-73-2023, a Specific Use Permit (SUP) request for an Electronic Message Sign use within a General Retail zoning district, subject to the conditions of the staff report, and authorize the Mayor to sign the associated documents. Motion was seconded by Travis Smith and carried unanimously (3-0).

10. Public Hearing on a request by Mahendra Kandepu, Lillian Custom Homes, for an Amendment to Ordinance No. 3105, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: Falcon's Landing A Series of EIS Development II LLC (ZDC-118-2023)

The Item was presented by Mr. Brooks and applicant Brett Hess requested approval. Mr. Hess confirmed the owner agrees to Council's request for 100% brick masonry on rear of Building D and removal of the monument sign.

Mayor Hill opened the Public Hearing at approximately 7:18 p.m.

There being no others to speak for or against ZDC-118-2023, Mayor Hill closed the Public Hearing at approximately 7:27 p.m.

11. Consider proposed Ordinance approving ZDC-118-2023

ORDINANCE NO. 3404

AN AMENDMENT TO ORDINANCE 3105 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT WITH SINGLE FAMILY-ATTACHED (SF-A) TO PLANNED DEVELOPMENT WITH SINGLE FAMILY-ATTACHED (SF-A) WITH AMENDED DEVELOPMENT STANDARDS, DETAILED SITE PLAN, ELEVATION/FAÇADE PLAN, LANDSCAPE PLAN, AND FENCING & SIGNAGE DETAILS, LOCATED AT NORTHWEST CORNER OF PETERS STREET AND PARKS SCHOOL HOUSE BOULEVARD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.662 ACRES KNOWN AS PROPERTY ID 226116 AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:
Travis Smith moved to approve ZDC-118-2023, amending Ordinance 3105, subject to the conditions of the staff report, adding 100% brick masonry to the rear of Building D, removing monument sign, and authorizing the Mayor to sign the associated documents. Motion was seconded by Patrick Souter and carried unanimously (3-0).

12. Consider Development Agreement for ZDC-118-2023

Action:
Patrick Souter moved to approve a Development Agreement for ZDC-118-2023. Motion was seconded by Travis Smith and carried unanimously (3-0).

13. Public Hearing on a request by Viran Nana. Developer, for a Specific Use Permit (SUP) for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023)

Mayor Hill announced the applicant requested to continue the Public Hearing to the October 16, 2023 City Council meeting.

Action:
Patrick Souter moved to continue the Public Hearing for ZDC-100-2023, to the October 16, 2023 City Council meeting. Motion was seconded by Travis Smith and carried unanimously (3-0).

14. Consider proposed Ordinance approving ZDC-100-2023

No action taken.

15. Consider Development Agreement for ZDC-100-2023

No action taken.

16. Consider a request by Ric Choate for a Site Plan for the Rialto Restaurant & Holding Cell Live Music Venue, located at 216 N College St. (Property ID: 217175) – Owner: City of Waxahachie (SP-104-2023)

The Item was presented by Mr. Brooks and applicant Ric Choate requested approval.

Action:
Patrick Souter moved to approve SP-104-2023, a Site Plan for the Rialto Restaurant & Holding Cell Live Music Venue. Motion was seconded by Travis Smith and carried unanimously (3-0).

17. Consider appointments to fill unexpired terms on the Waxahachie Housing Authority Board and Keep Waxahachie Beautiful Committee

The Item was presented by Mr. Scott.

WAXAHACHIE HOUSING AUTHORITY (2-year term)
Melissa Ballard, (filling unexpired term of Rosemarie Cameron until September 2024)

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)
Ron Cox (filling unexpired term of Ginger Cole until September 2024)

Action:
Travis Smith moved to approve the appointments to fill the unexpired terms, as presented. Motion was seconded by Patrick Souter and carried unanimously (3-0).

18. Comments by Mayor, City Council, City Attorney and City Manager

Mayor, City Council, City Attorney, and staff expressed their appreciation to Communications and Marketing Director Amy Borders for her service to the City of Waxahachie and wished her well on her new position with the City of Weatherford.

City Manager Michael Scott announced City Council and Planning & Zoning Commission meetings will be held at the Waxahachie Civic Center while City Hall is being renovated.

Council Member Patrick Souter recognized Anita Simpson's service as Downtown Development Director and wished her well in retirement. Mr. Souter announced the Cowboy Poet event at the Chautauqua was a success and he expressed his appreciation to Zac Barrington for participating as Honorary Council Member.

Communications and Marketing Director Amy Borders expressed her appreciation for the kind words and stated she is proud of the work accomplished during her tenure, noting it was a team effort.

Mayor David Hill noted he is proud of Honorary Council Member Zac Barrington. He thanked the Waxahachie Fire Department and Waxahachie Police Department for their work as first responders.

19. Adjourn

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
October 2, 2023

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, October 2, 2023 at 6:30 p.m.

Council Members Present:	David Hill, Mayor, Council Member Place 1 Patrick Souter, Council Member Place 2 Travis Smith, Council Member Place 5
Council Members Absent:	Chris Wright, Mayor Pro Tem, Council Member Place 3 Billie Wallace, Council Member Place 4
Others Present:	Michael Scott, City Manager Albert Lawrence, Deputy City Manager Robert Brown, City Attorney Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting

City staff briefed Council on the following October 2, 2023 regular meeting agenda items:

5. Consent Agenda
6. Introduce Honorary Council Member
7. Present Proclamation proclaiming October 5, 2023 as "Waxahachie Teachers' Day"
8. Public Hearing on a request by Yomi Fayiga, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a General Retail (GR) zoning district located at 200 N US Highway 77 (Property ID: 227579) – Owner: Crux Investments LP (ZDC-73-2023)
9. Consider proposed Ordinance approving Zoning Change No. ZDC-73-2023
10. Public Hearing on a request by Mahendra Kandepu, Lillian Custom Homes, for an Amendment to Ordinance No. 3105, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: Falcon's Landing A Series of EIS Development II LLC (ZDC-118-2023)
11. Consider proposed Ordinance approving ZDC-118-2023
12. Consider Development Agreement for ZDC-118-2023
13. Public Hearing on a request by Viran Nana. Developer, for a Specific Use Permit (SUP) for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023)
14. Consider proposed Ordinance approving ZDC-100-2023
15. Consider Development Agreement for ZDC-100-2023

16. Consider a request by Ric Choate for a Site Plan for the Rialto Restaurant & Holding Cell Live Music Venue, located at 216 N College St. (Property ID: 217175) – Owner: City of Waxahachie (SP-104-2023)
17. Consider appointments to fill unexpired terms on the Waxahachie Housing Authority Board and Keep Waxahachie Beautiful Committee

No action taken.

3. Adjourn

It was the general consensus of City Council to suspend briefings until renovations are complete at City Hall.

There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5C)

City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 10/1/23

Applicant Information

Applicant name: City of Waxahachie-Various Departments (Monica Boyd)

Are you representing the host organization? Yes ◉ No ◯

Will you be the on-site point of contact during the event? Yes ◉ No ◯

Phone: 469-309-4045 Cell:

Email: mboyd@waxahachiecvb.com

Mailing address: 2000 Civic Center Lane

Host organization name: City of Waxahachie

Alternate contact that will be on-site during the event.

On-site contact name: Wally Mendez (Downtown area) Cell:

About the Event

Event name: Community Tree Lighting & Lighted Night Parade

Date: November 28, 2023

Location: Downtown; parade from Getzendaner Park to Downtown

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: **5,000-8,000**

Description of event: **Lighted Parade & Community Tree Lighting**

	Date(s)	Start Time:	End Time:
Event Date	11-28-23	6:30	9:30
Event Set-up	11-28-23	4:00	6:00
Event Breakdown	11-28-23	9:30	10:00

How many times has this event been hosted before?

1st time ◯ 2 – 4 times ◉ 5 or more times ◯ Location:

City of Waxahachie
City Secretary's Office

Special Event Application

Choose the best description of the event:

- ◯ Festival
- ◯ Movie Screening
- ◉ Parade
- ◯ Private Event
- ◯ Run / Walk
- ◯ Birthday Party / Picnic
- ◯ Charitable / Fundraising
- ◯ Community / Neighborhood
- ◯ Concert / Live Performance
- ◯ Other:

Event activities include (check all that apply):

- ☑ Amusement rides / Inflatables
- ☑ Animals / Petting Zoo
- ☑ Announcement / Speeches
- ☐ Information / Literature Distribution
- ☐ DJ / Recorded Music
- ☑ Food – sampled, served, or sold
- ☐ Products / Services – given away, sampled, or sold
- ☑ Live music
- ☑ Street closure
- ☑ Other: Photos with Santa

The event is:

- ◯ Private
- ◯ Entry by participation or registration fee
- ◉ Free & open to the general public
- ◯ Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

_____

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99 ◯
- 100-199 ◯
- 200-299 ◯
- 300+ ◯

Provide route on attached site map.

Food / Beverage:

Will the event offer food/beverages? Yes ◉ No ○

Will event require any food preparation on-site? Yes ○ No ◉

Will alcohol be served/sold? Yes ○ No ◉

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) **Request for services is not a guarantee that staff/volunteers will be available.**

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: Waxahachie PD/Parks/Streets/Community Service

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes ◉ No ○

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: Phone number:

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes ◉ No ○

If yes, please list all streets, intersections, and parking lots that apply:

Main from Grand to Rogers. Rogers from Main to Cantrell; various others

Street closings to begin on date: 11.28.2 Start time: 5pm End time: 10pm

Will any businesses be impacted by the proposed road closure? Yes ◉ No ○

City Equipment:

Are you requesting the use of City equipment? Yes ◉ No ○

Availability is not guaranteed

Streets cannot be blocked without prior approval.

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: TBD by Matt Massey/ Gumaro Martinez/ Thomas Griffith/ Etc.

Where should equipment be dropped off & picked up?

When will the equipment be set-up? Date: _____ Time: _____

When will the equipment be removed? Date: Time:

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'? Yes ◯ No ◉

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? Generator ◯ Franchise Utilities ◯ Both ◯

List contractor / supplier: _____

Explain services in detail: _____

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of $1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

_____ _____

Signature Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

_____ _____

Signature Date

Email completed Special Events Application and site map to Jami Bonner at Jami.Bonner@waxahachie.com.

October 5, 2023

Mr. Juan Paredes
Texas Department of Transportation
124 FM 876
Waxahachie, TX 75167
juan.paredes@txdot.gov

SUBJECT: PARADE ROUTE REQUEST

Dear Mr. Paredes:

The City of Waxahachie is requesting permission to host a Christmas parade Tuesday, November 28, 2023, 6:30 pm along the following route:

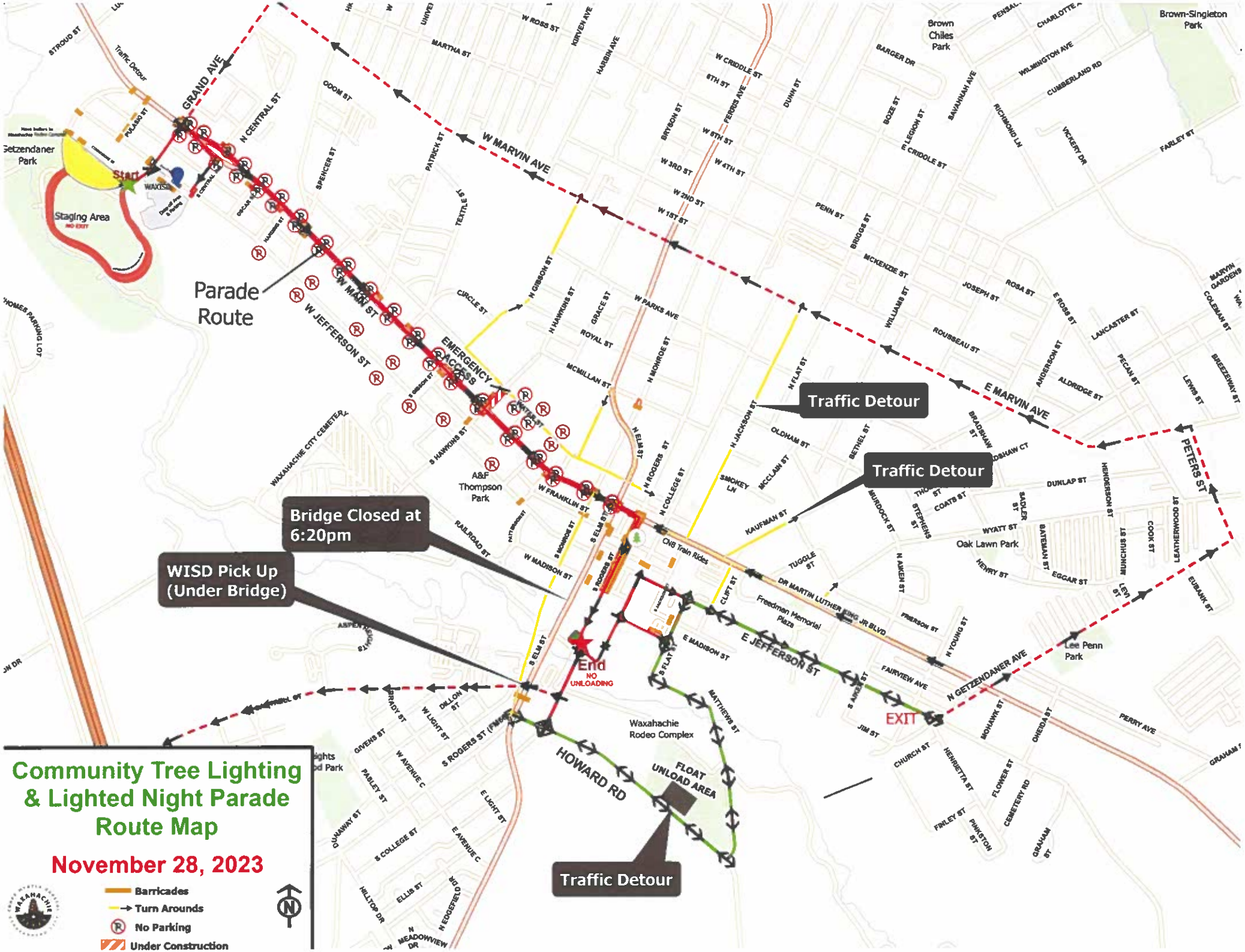
- Line up at Getzendaner Park
- Proceed North on Grand Avenue
- East on Main Street (U.S. Hwy. 287 Bus.)
- South on Rogers Street
- End at the historic train depot

We are also requesting approval of this parade route from the City of Waxahachie.

Sincerely,

Laurie Mosley
Waxahachie CVB Director

Cc: Ms. Amber Villarreal, City Secretary, City of Waxahachie
Michael Scott, City Manager, City of Waxahachie


Community Tree Lighting & Lighted Night Parade Route Map
November 28, 2023
Barricades
Turn Arounds
No Parking
Under Construction
Parade Route
Start
Staging Area
Traffic Detour
Traffic Detour
Traffic Detour
Bridge Closed at 6:20pm
WISD Pick Up (Under Bridge)
End
NO UNLOADING
EXIT
FLOAT UNLOAD AREA
GRAND AVE
W MARVIN AVE
E MARVIN AVE
W JEFFERSON ST
E JEFFERSON ST
N GETZENDANER AVE
HOWARD RD
PETERS ST
EMERGENCY ACCESS
Getzendaner Park
Brown Chiles Park
Brown-Singleton Park
A&F Thompson Park
Oak Lawn Park
Lee Penn Park
Freedman Memorial Plaza
Waxahachie Rodeo Complex
Waxahachie City Cemetery
CNB Train Rides

Texas Department of Transportation

124 F.M. 876 Waxahachie, Texas 75165 | (972) 938-1570 | WWW.TXDOT.GOV

October 10, 2023

Ms. Laurie Mosley
Convention & Visitors Bureau Director
City of Waxahachie
2000 Civic Center Lane
Waxahachie TX 75165

Dear Ms. Mosley:

Please make reference to your letter dated October 5, 2023, concerning the Waxahachie Annual Christmas Parade scheduled for Tuesday November 28, 2023 at 6:30 p.m.
We have reviewed the proposed parade route, lining up at Getzendaner Park, Proceeding North on Grand Avenue, East on Main Street (U.S. Highway 287 Business), South on Rogers Street, and ending at the historic train depot. The roadway will be closed for approximately 1 hour during the parade. We find the proposed route and schedule to be acceptable. I ask that you coordinate with the appropriate City offices to ensure that all safety measures are in place, including uniformed police officers managing traffic control at all major intersections.

We appreciate your continued emphasis on safety of the traveling public. Please let us know if we can be of further assistance.

Sincerely,

Michael O Anthony
Maintenance Section Supervisor V

Cc: Ms. Amber Villarreal, City Secretary, City of Waxahachie
Michael Scott, City Manager, City of Waxahachie, Juan Paredes, P.E.

(5d)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-130-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by Butcher-Robnett Realty, LLC, for a **Petition for ETJ Release** for approximately 15.320 acres, located directly west of 104 Berkshire Lane (Property ID 191155) – Owner: Butcher-Robnett Realty, LLC (ETJ-PTN-130-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-130-2023, *a request by* Butcher-Robnett Realty, LLC, *for a Petition for ETJ Release for approximately 15.320 acres, located directly west of 104 Berkshire Lane, authorizing the Mayor to sign the associated documents accordingly."*

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	Butcher-Robnett Realty, LLC
Property Owner(s):	Butcher-Robnett Realty, LLC
Site Acreage:	15.320 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units

SUBJECT PROPERTY

General Location:	Located directly west of 104 Berkshire Lane
Parcel ID Number(s):	191155
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

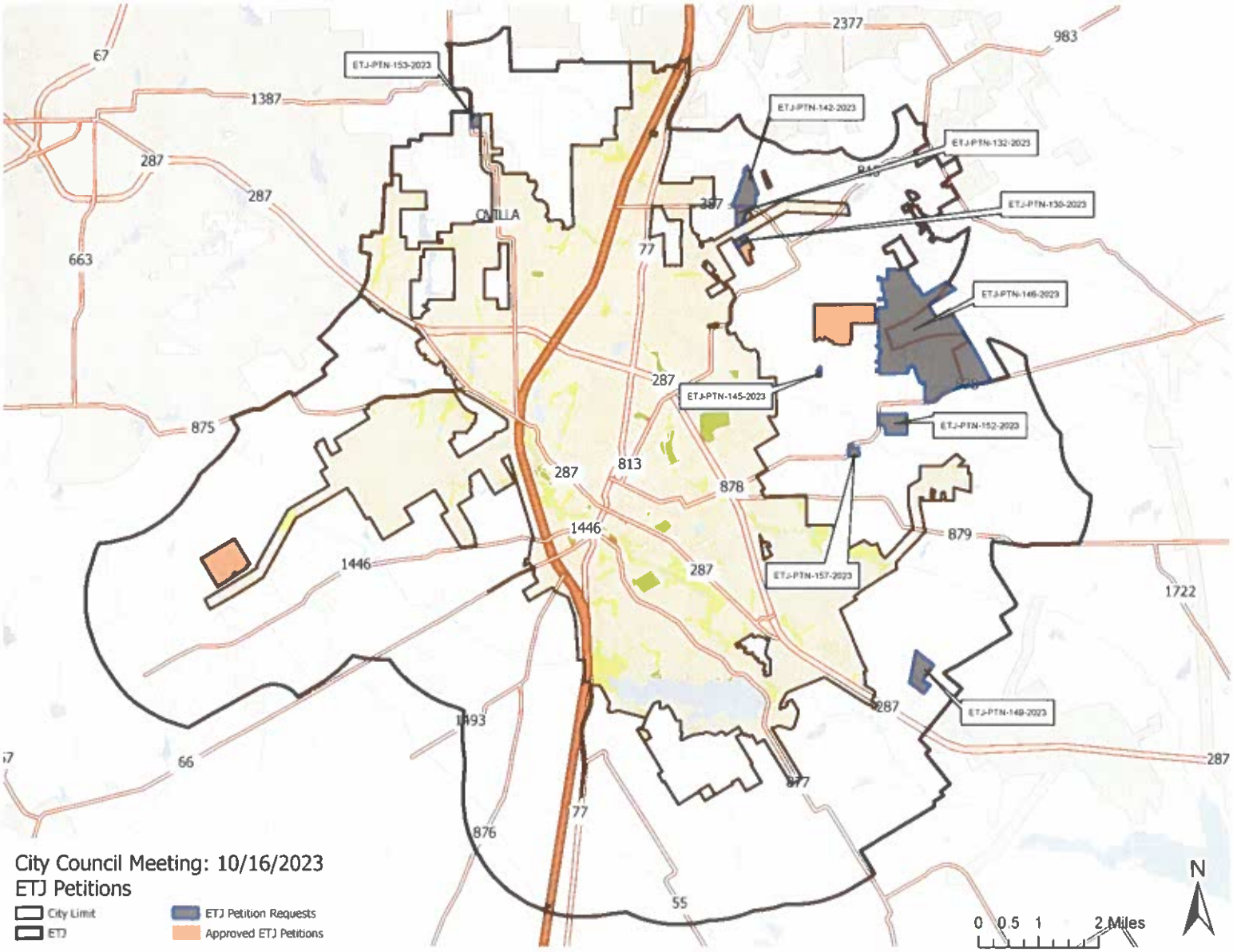
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-146-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OATILLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 15.32 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 104 BERKSHIRE LANE, KNOWN AS PROPERTY ID 191155, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

City Secretary

PROPERTY DESCRIPTION

BEING a tract of land situated in the A. Slayback Survey, Abstract Number 1005, in the City of Waxahachie, Ellis County, Texas, and being a portion of that same tract of land described by deed to Butcher-Robinett Realty, LLC as recorded under Document Number 2118327, Official Public Records, Ellis County, Texas, (O.P.R.E.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 1/2 inch iron pipe found for the north corner of the herein described tract, same being the west corner of Northeast Meadows, an addition in Ellis County, Texas, according to the plat recorded under Cabinet E, Slide 283, Plat Records, Ellis County, Texas, (P.R.E.C.T.), said point also being in the southeast line of a tract of land described by deed to Trelen Land, LLC as recorded under Document Number 2121232, (O.P.R.E.C.T.), and being in the northeast line of said Butcher-Robinett tract;

THENCE South 31 degrees 09 minutes 30 seconds East, with the southwest line of said Northeast Meadows and with the northeast line of said Butcher-Robinett tract, a distance of 577.99 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" set (hereinafter called "capped rebar set") for the north corner of a tract of land described by deed to Opal Land Holdings, LLC as recorded under Document Number 2121226, (O.P.R.E.C.T.), from which a 1/2 inch rebar found for the northernmost west corner of said Opal tract bears South 31 degrees 09 minutes 30 seconds East, a distance of 824.73 feet;

THENCE South 58 degrees 20 minutes 09 seconds West, with the northwest line of said Opal tract, a distance of 1,138.98 feet to a capped rebar set for the west corner thereof, same being in the southwest line of said Butcher-Robinett tract;

THENCE North 31 degrees 40 minutes 51 seconds West, with the southwest line of said Butcher-Robinett tract, a distance of 591.08 feet to a capped rebar set for the southernmost corner of said Trelen tract;

THENCE North 58 degrees 59 minutes 33 seconds East, with the southeast line of said Trelen tract, a distance of 1,144.53 feet, returning to the POINT OF BEGINNING and enclosing 15.320 acres (667,321 square feet) of land, more or less.

TITLE COMMITMENT NOTES

This survey was prepared with the benefit of a commitment for title insurance provided by First American Title Insurance Company, G.F. Number 5112888-4-TX CP-GL, Effective Date March 28, 2023. This commitment was relied upon for encumbrance research, and the surveyor has performed no independent title search. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey. The following exceptions from Schedule "B" were addressed as follows:

Item 10(f): Easement as recorded under Volume 643, Page 343, Official Public Records, Ellis County, Texas (easement is called to be 15' in width, centered on a water pipeline as installed. Surveyor unable to determine the exact location of the easement due to said pipeline being below the surface of the ground. Exact location to be determined by potholing and locating said pipeline easement not shown)

Item 10(g): Easements as recorded under Volume 677, Page 615, Official Public Records, Ellis County, Texas (easements do not cross or abut the subject property, not shown)

Item 10(h): Easement as recorded under Volume 677, Page 618, Official Public Records, Ellis County, Texas (easements do not cross or abut the subject property, not shown)

Item 10(i): Easement as recorded under Volume 878, Page 964, Official Public Records, Ellis County, Texas (easement is blanket in nature, furthermore, easement defines a 10' area (5' on either side of the utility line as constructed) which grantee has the right to prevent excavation and/or construction. See document for particulars. 10' area shown hereon is per overhead utility line as surveyed. Location of is approximate and for reference only)

Item 10(j): Easement as recorded under Volume 2261, Page 2014, Official Public Records, Ellis County, Texas (easement is called to be 30' in width, centered on a water pipeline as installed. Surveyor unable to determine the exact location of the easement due to said pipeline being below the surface of the ground. Exact location to be determined by potholing and locating said pipeline easement not shown)

Item 10(k): Easement as recorded under Volume 2261, Page 2017, Official Public Records, Ellis County, Texas. (easement is called to be 20' in width, centered on a water pipeline as installed. Surveyor unable to determine the exact location of the easement due to said pipeline being below the surface of the ground. Exact location to be determined by potholing and locating said pipeline easement not shown)

Item 10(l): Easement as recorded under Document Number 2235551, Official Public Records, Ellis County, Texas (easement crosses the subject property, shown hereon)

SURVEYOR'S CERTIFICATE

This is to certify that I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, have prepared this map from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision. This survey meets the minimum requirements for a Category 1A, Condition II Land Title Survey. Fieldwork was completed on February 27, 2023.

Date of Plat/Map: June 6, 2023

JOHN HENRY BARTON III 6717 — REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF TEXAS

John H. Barton III, RPLS # 6717

TERMS OF ACCEPTANCE OF SURVEY

This survey is issued pursuant to a real estate transaction and a requirement of the title commitment referenced in the "Title Commitment Notes". This survey is issued for use in such transaction. Notwithstanding any of the above statements, the surveyor has no other actual relationship with any client or entity. Revised/requested revisions by other parties must be received by or through such entity. Client is responsible for reviewing survey, including but not limited to metes and bounds, bearings, lots or setting/monument distances/spacing, certified parties, dates, improvements within thirty (30) days of the date of plat or map. After such time has passed, client receipt survey as issued, and further revisions are not endorsed by the above certification. Additional or altered amendments for title insurance will require an new or re-issued survey. Please feel free to request pricing for this at info@kwpls.com, or call (817) 864-1957.

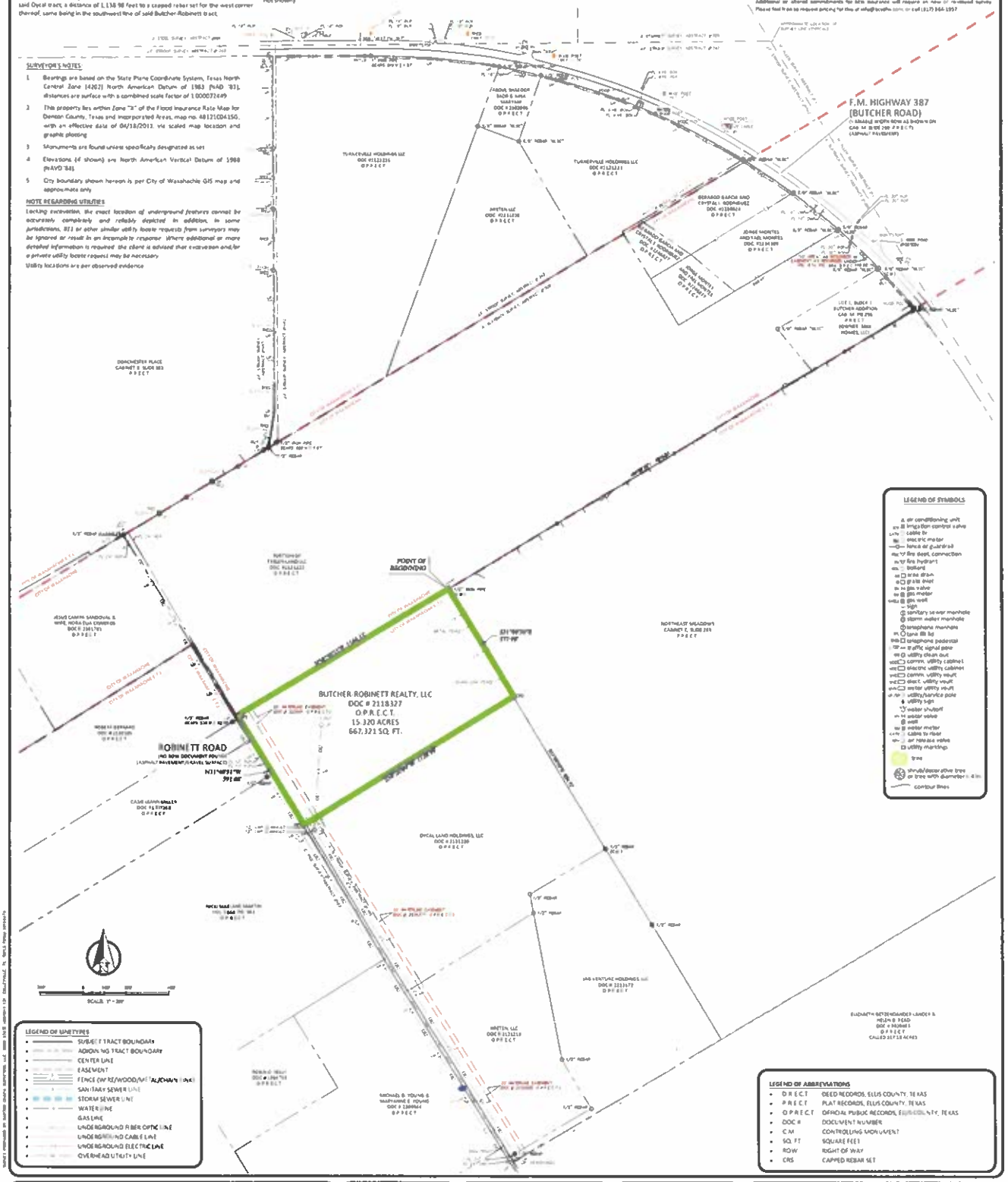
SURVEYOR'S NOTES:

1. 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 1.00007249
2. This property lies within Zone "X" of the Flood Insurance Rate Map for Dallas County, Texas and Incorporated Areas, map no. 48121C0150, with an effective date of 04/18/2013, via scaled map location and graphic plotting
3. Monuments are found unless specifically designated as set
4. Elevations (if shown) are North American Vertical Datum of 1988 (NAVD '88)
5. City boundary shown hereon is per City of Waxahachie GIS map and approximate only

NOTE REGARDING UTILITIES

Locating excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

Utility locations are per observed evidence



CATEGORY 1A, CONDITION II
LAND TITLE SURVEY

A TRACT SITUATED IN THE
A. SLAYBACK SURVEY, ABSTRACT #1005
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

Kirkman Engineering
1200 State Highway 121
Coppell, TX 75019
Phone 817-468-4960

WAXAHACHIE 179
(TRELEN RESIDUE)

WAXAHACHIE,
TEXAS

JOB NO	2023 001 290
DRAWN	BCS
CHECKED	JHB

TABLE OF REVISIONS

DATE	SUMMARY

EXHIBIT A

V01
CATEGORY 1A,
CONDITION II
LAND TITLE
SURVEY

EXHIBIT B
ETJ-PTN-130-2023 (ETJ PETITION)
City Limits
Feet
0
375
750
1,500
2,250
3,000
N
LOGAN LN
CAPITOL PKWY
MAREE CT
MAREE DR
W SHAMPSHIRE DR
HAMPSHIRE DR
S SHAMPSHIRE DR
WESTMINSTER DR
E HAMPSHIRE DR
SHARPSHIRE CT
HEARTLAND DR
BROOKSTONE DR
BROOKSTONE CT
BENT CREEK DR
BENT TREE CT
CHAZYN CT
DUBLIN CIR
KINGS CLAIR DR
FM 337
COURTNEY CIR
WILSHIRE CIR
BERKSHIRE DR
LOYCE DR
WINDSOR CIR
THAMES CIR
BAYERN CIR
ROBINE LANE
WALKOWER RANCH ST
FM 813
SWENSON RANCH RD

(5e)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-132-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by Turnerville Holdings, LLC, for a **Petition for ETJ Release** for approximately 28.064 acres, located directly east of 1105 East Sharpshire Drive (Property ID 289911) – Owner: Turnerville Holdings LLC (ETJ-PTN-132-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-132-2023, a request by Turnerville Holdings, LLC, for a Petition for ETJ Release for approximately 28.064 acres, located directly east of 1105 East Sharpshire Drive, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	Turnerville Holdings, LLC
Property Owner(s):	Turnerville Holdings, LLC
Site Acreage:	28.064 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units

SUBJECT PROPERTY

General Location:	Located directly east of 1105 East Sharpshire Drive
Parcel ID Number(s):	289911
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

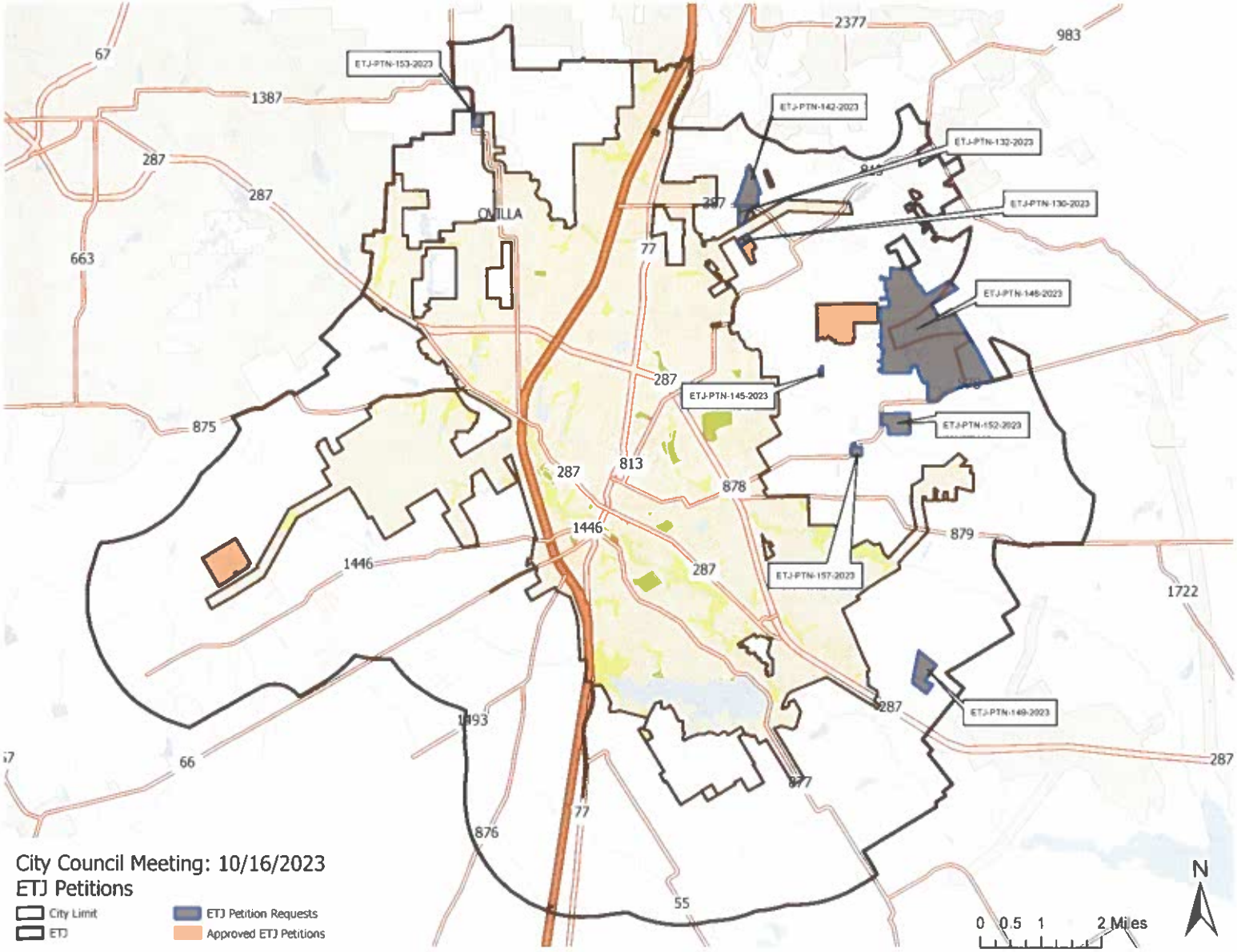
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-146-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OVILLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 28.06 ACRE TRACT OF LAND, LOCATED DIRECTLY EAST OF 1105 EAST SHARPSHIRE DRIVE, KNOWN AS PROPERTY ID 289911, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

City Secretary

EXHIBIT A

Legal Description

28.064 Acres (West Tract)

Turnerville Holdings, LLC

BEING a tract of land situated in the J.F. Stroop Survey, Abstract number 1042, Ellis County, Texas, said tract being a portion of a tract of land described by deed to Turnerville Holdings, LLC as recorded under Document Number 2121221, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), the subject tract being more particularly described by metes and bounds as follow (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 rebar with cap stamped "WLSC" found in the northeast line of said Turnerville tract, same being the northwest corner of a tract of land described by deed to Abdul Shakoor Badr and Aina Maryam as recorded under Document Number 2302086, (O.P.R.E.C.T.), and being the northeast corner of the herein described tract;

THENCE South 20 degrees 02 minutes 29 seconds West, with the northwest line of said Badr-Maryam tract, passing at a distance of 292.46 feet a 5/8 inch rebar with cap stamped "WLSC" found for the southwest corner of the said Badr-Maryam tract, same being the northwest corner of a tract of land described by deed to Jireten, LLC as recorded under Document Number 2231820, (O.P.R.E.C.T.), and continuing along the northwest line of said Jireten tract, a total distance of 1,525.43 feet to the southwest corner of the said Jireten tract, said point also being in the southeast line of said Turnerville tract;

THENCE South 58 degrees 59 minutes 33 seconds West, with the southeast line of said Turnerville tract, a distance of 587.68 feet to the southernmost corner thereof, from which a 1/2 inch iron pipe found bears South 80 degrees West, a distance of 7.87 feet;

THENCE North 00 degrees 19 minutes 10 seconds West, with the west line of said Turnerville tract, a distance of 1,784.27 feet to the northwest corner thereof;

THENCE North 89 degrees 58 minutes 22 seconds East, with the north line of said Turnerville tract, a distance of 443.88 feet to the beginning of a non-tangent curve to the right with a radius of 3,224.04 feet, a delta angle of 10 degrees 34 minutes 50 seconds, whose chord bears South 85 degrees 18 minutes 21 seconds East, a distance of 594.52 feet;

THENCE with the northeast line of said Turnerville tract, and along said non-tangent curve to the right, and arc length of 595.37 feet to the **POINT OF BEGINNING** and containing 28.064 acres (1,222,455 square feet) of land, more or less.

EXHIBIT B
0 500 1,000 2,000 3,000 4,000 Feet
ETJ-PTN-132-2023 (ETJ PETITION)
City Limits

(5f)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-142-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by OSGN Capital Investment Group, for a **Petition for ETJ Release** for approximately 99.17 acres, located north of 1091 East Sharpshire Drive – Owner: OSGN Capital Investment Group, Navito Development, LLC, LMC Homes, LLC, Barbara and Maxwell Wilson, and Tyler Koch and Sarah Bowman (ETJ-PTN-142-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-142-2023, a request by OSGN Capital Investment Group, for a Petition for ETJ Release for approximately 99.17 acres, located north of 1091 East Sharpshire Drive, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	OSGN Capital Investment Group
Property Owner(s):	OSGN Capital Investment Group
Site Acreage:	99.17 acres
Number of Lots:	67 lots
Number of Dwelling Units:	67 units

SUBJECT PROPERTY

General Location:	Located north of 1091 East Sharpshire Drive
Parcel ID Number(s):	Consisting of parcel IDs for Estates of Hidden Creek as recorded in instrument no. 2120072
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	A plat (Estates of Hidden Creek) for the subject property was recorded in May 2021.
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

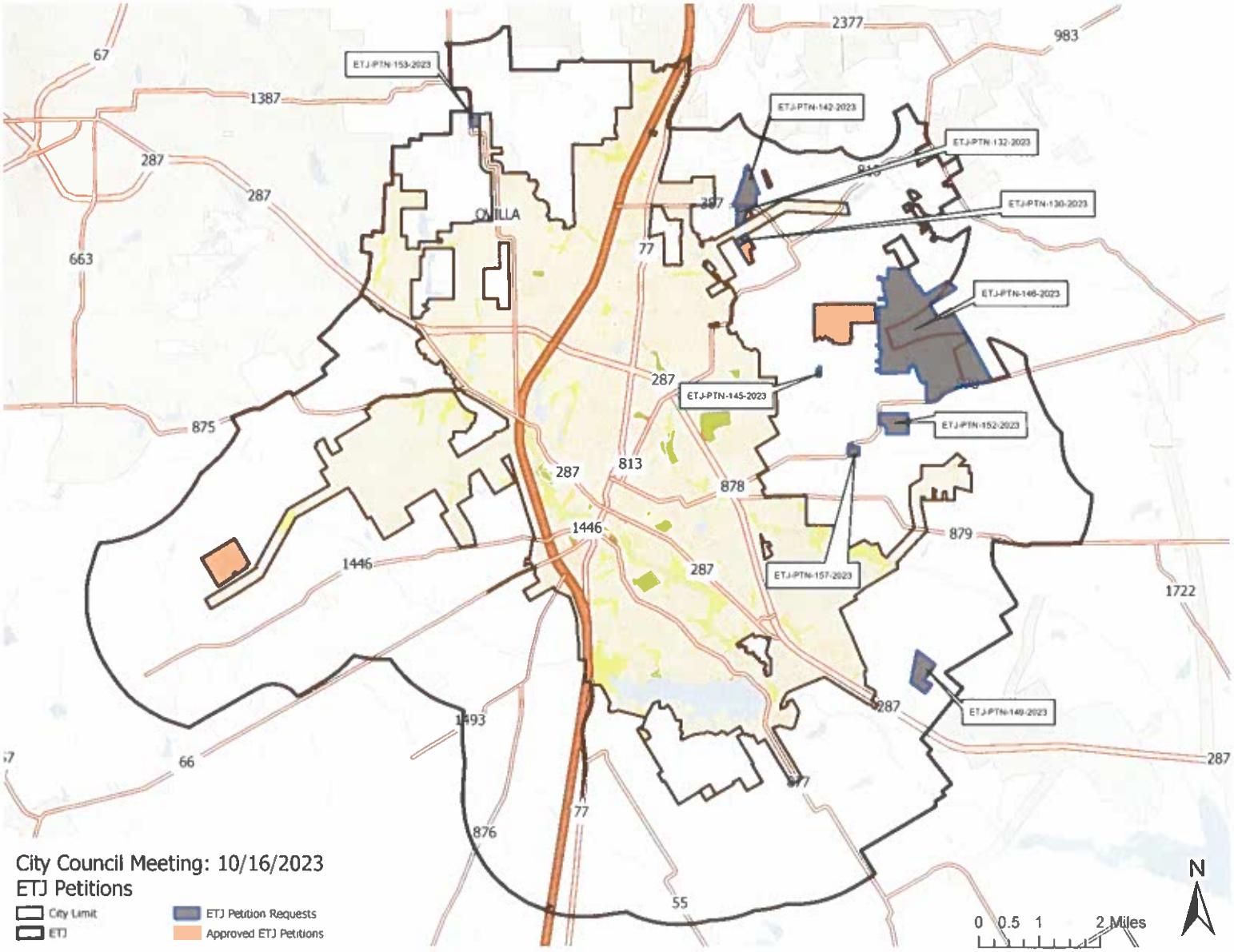
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Recorded Plat (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-148-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OAKLLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 99.17 ACRE TRACT OF LAND, LOCATED NORTH OF 1091 EAST SHARPSHIRE DRIVE, KNOWN AS ESTATES OF HIDDEN CREEK RECORDED IN INSTRUMENT NUMBER 2120072, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

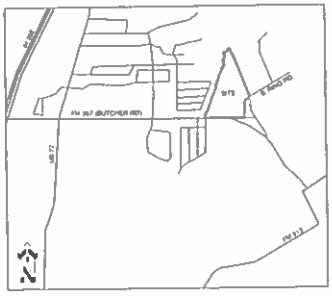
ATTEST:

_____

City Secretary

L-190
L-135

ORIGINAL FILED



VICINITY MAP
N.T.S.

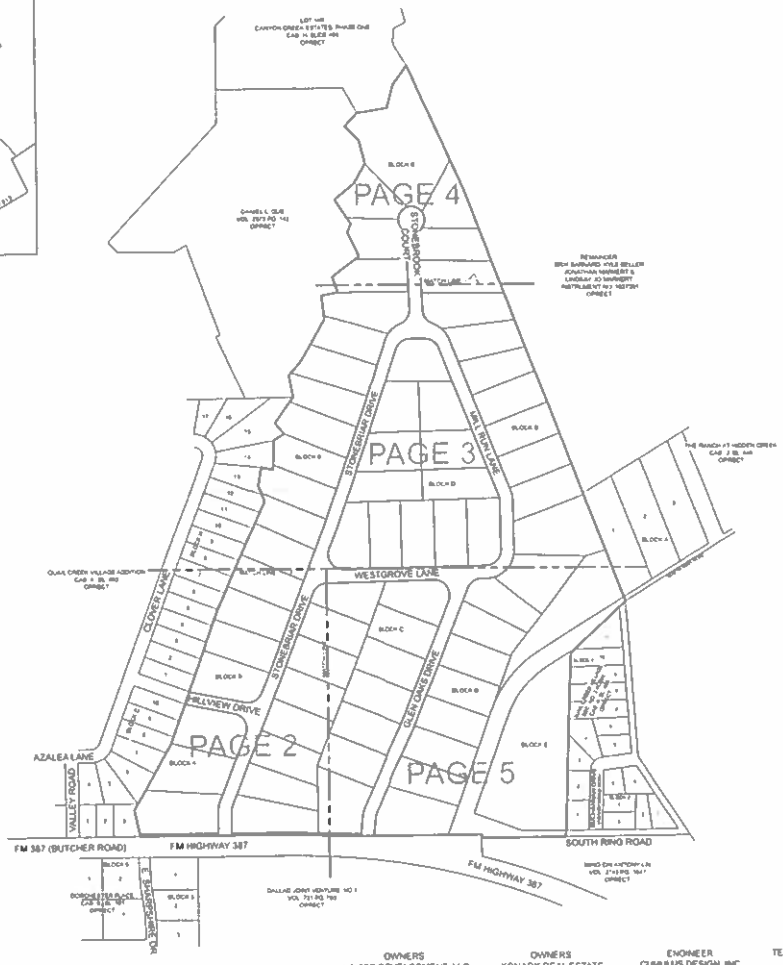


EXHIBIT A

PLAT

ESTATES OF HIDDEN CREEK

99.170 ACRES
87 RESIDENTIAL LOTS
& 2 H.O.A. LOTS
SITUATED IN THE
D. MITCHELL SURVEY ABSTRACT NO. 703
J. STEELE SURVEY ABSTRACT NO. 991
AND THE
J. STARRETT SURVEY ABSTRACT NO. 1026
ETJ CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

CASE NO. SUB-05-2020

OWNERS
NAVITO DEVELOPMENT LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220

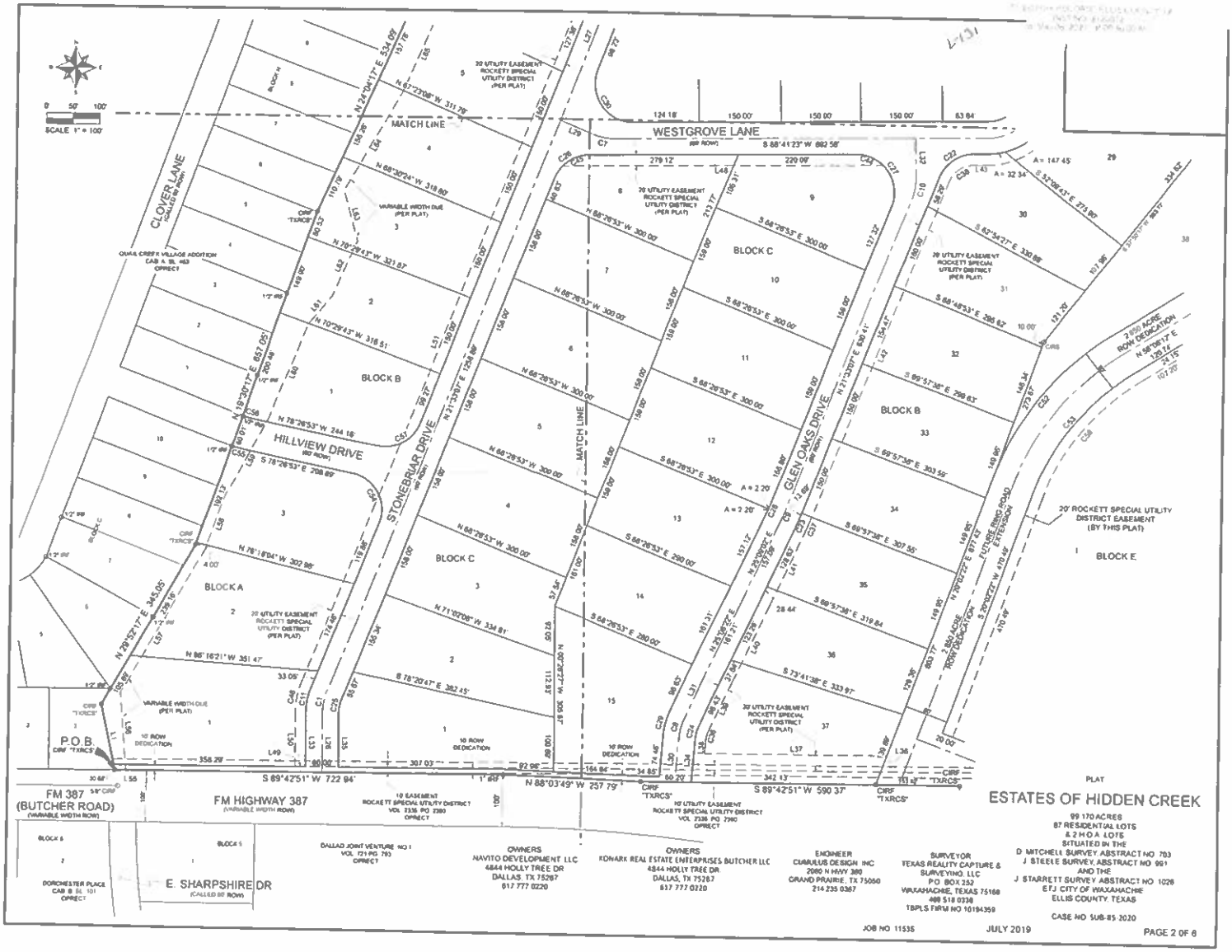
OWNERS
KONARK REAL ESTATE
ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220

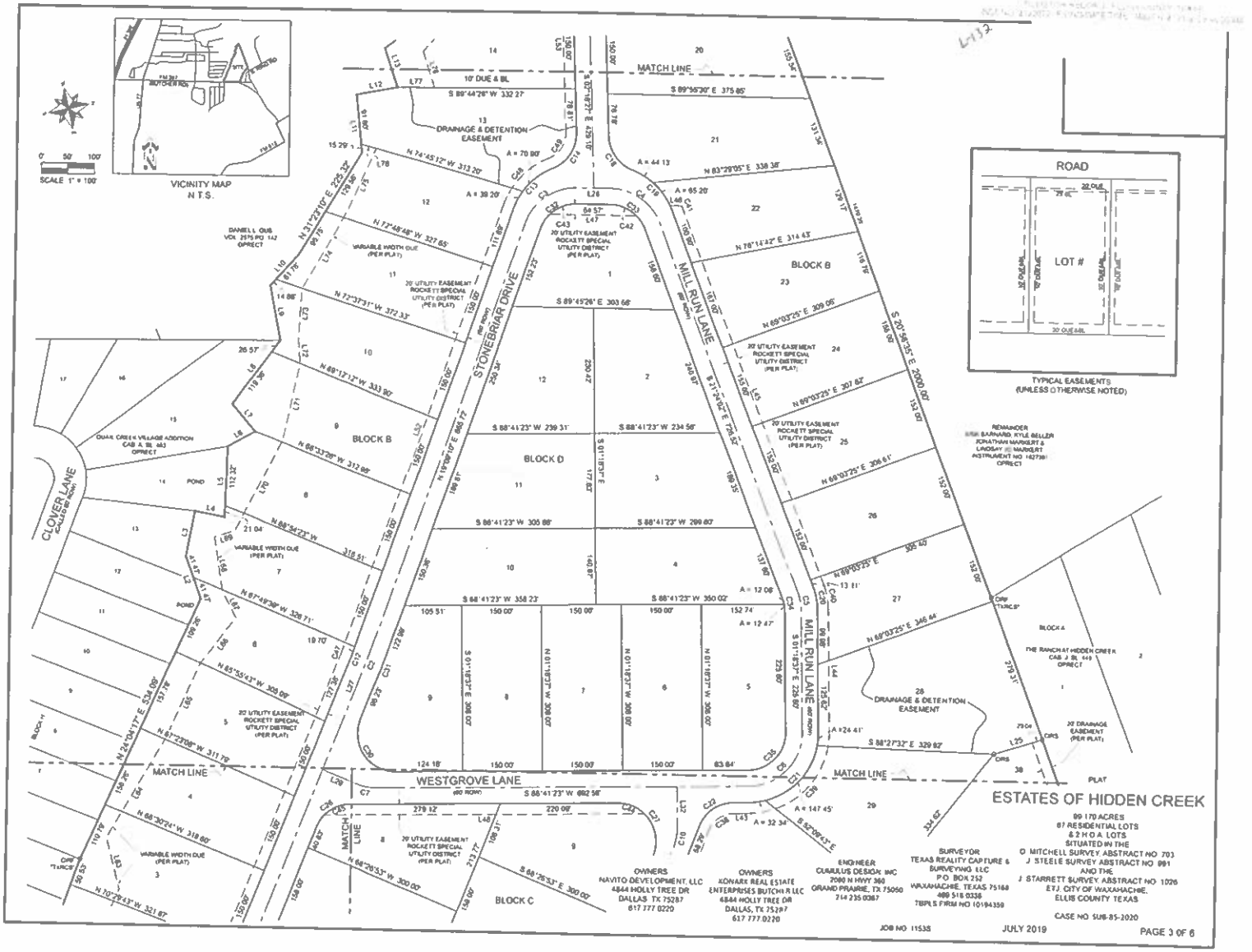
ENGINEER
CUMULUS DESIGN, INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0367

SURVEYOR
TEXAS REALITY CAPTURE &
SURVEYING LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469 518 0338
TBPLS FIRM NO 10194359

JOB NO. 1153S

JULY 2019

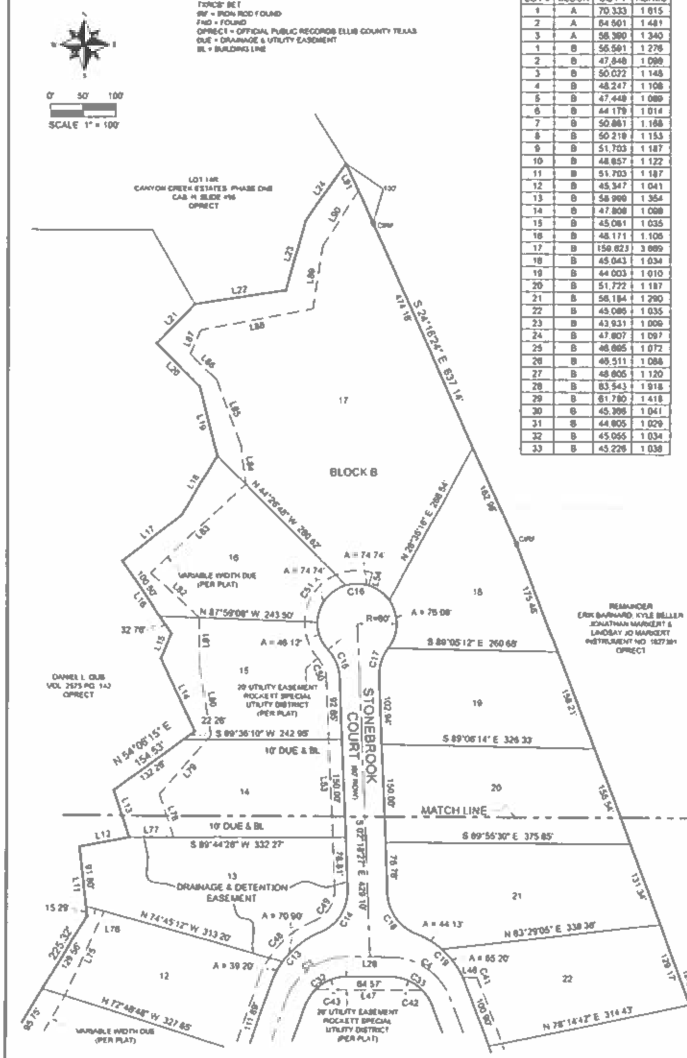

SCALE 1" = 100'
WESTGROVE LANE
MATCH LINE
CLOVER LANE
HILLVIEW DRIVE
STONEBRIAR DRIVE
GLEN OAKS DRIVE
BLOCK A
BLOCK B
BLOCK C
BLOCK E
P.O.B.
FM 387
(BUTCHER ROAD)
FM HIGHWAY 387
E. SHARPSHIRE DR
20' ROCKETT SPECIAL UTILITY DISTRICT EASEMENT (BY THIS PLAT)
OWNERS
NAVITO DEVELOPMENT LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220
OWNERS
KONARK REAL ESTATE ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220
ENGINEER
CUMULUS DESIGN INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0367
SURVEYOR
TEXAS REALITY CAPTURE & SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469 518 0338
TBPLS FIRM NO 10194359
PLAT
ESTATES OF HIDDEN CREEK
99.170 ACRES
87 RESIDENTIAL LOTS
& 2 HOA LOTS
SITUATED IN THE
D. MITCHELL SURVEY, ABSTRACT NO. 703
J. STEELE SURVEY, ABSTRACT NO. 991
AND THE
J. STARRETT SURVEY, ABSTRACT NO. 1026
ETJ CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
CASE NO. SUB-85-2020
JOB NO. 11535
JULY 2019
PAGE 2 OF 6


VICINITY MAP
N.T.S.
SCALE 1" = 100'
MATCH LINE
DRAINAGE & DETENTION EASEMENT
STONEBRIAR DRIVE
MILL RUN LANE
WESTGROVE LANE
CLOVER LANE
BLOCK B
BLOCK D
BLOCK C
BLOCK A
POND
ROAD
LOT #
TYPICAL EASEMENTS
(UNLESS OTHERWISE NOTED)
ESTATES OF HIDDEN CREEK
89.170 ACRES
87 RESIDENTIAL LOTS
& 2 H.O.A. LOTS
SITUATED IN THE
O. MITCHELL SURVEY, ABSTRACT NO. 703
J. STEELE SURVEY, ABSTRACT NO. 991
AND THE
J. STARRETT SURVEY, ABSTRACT NO. 1026
ETJ, CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS
CASE NO. SUB-85-2020
OWNERS
NAVITO DEVELOPMENT, LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
617 777 0220
OWNERS
KONARK REAL ESTATE
ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
617 777 0220
ENGINEER
CUMULUS DESIGN, INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0067
SURVEYOR
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469 518 0336
TBPLS FIRM NO 10194359
JOB NO 11538
JULY 2019
PAGE 3 OF 6

L733

LEGEND

CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
IRF = IRON ROD FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
DUE = DRAINAGE & UTILITY EASEMENT
BL = BUILDING LINE



AREA CHART			
LOT #	BLOCK	SQ FT	ACRES
1	A	70,333	1.615
2	A	64,501	1.481
3	A	58,390	1.340
1	B	55,591	1.276
2	B	47,848	1.098
3	B	50,022	1.148
4	B	48,247	1.108
5	B	47,448	1.089
6	B	44,179	1.014
7	B	50,861	1.168
8	B	50,219	1.153
9	B	51,703	1.187
10	B	48,857	1.122
11	B	51,703	1.187
12	B	45,347	1.041
13	B	58,980	1.354
14	B	47,808	1.098
15	B	45,061	1.035
16	B	48,171	1.106
17	B	150,623	3.889
18	B	45,043	1.034
19	B	44,003	1.010
20	B	51,722	1.187
21	B	56,184	1.290
22	B	45,086	1.035
23	B	43,931	1.009
24	B	47,807	1.097
25	B	46,695	1.072
26	B	46,511	1.068
27	B	48,805	1.120
28	B	83,543	1.918
29	B	61,780	1.418
30	B	45,368	1.041
31	B	44,805	1.029
32	B	45,066	1.034
33	B	45,226	1.038

AREA CHART			
LOT #	BLOCK	SQ FT	ACRES
34	B	45,819	1.052
35	B	46,964	1.078
36	B	45,722	1.050
37	B	64,458	1.480
38	B	233,413	5.358
1	C	58,994	1.354
2	C	47,085	1.081
3	C	46,864	1.076
4	C	47,400	1.088
5	C	47,400	1.088
6	C	47,400	1.088
7	C	47,400	1.088
8	C	44,777	1.028
9	C	48,309	1.109
10	C	47,700	1.095
11	C	47,700	1.095
12	C	47,700	1.095
13	C	46,905	1.077
14	C	45,885	1.053
15	C	60,683	1.393
1	D	43,727	1.004
2	D	44,029	1.011
3	D	47,495	1.090
4	D	45,831	1.052
5	D	46,328	1.064
6	D	46,200	1.061
7	D	46,200	1.061
8	D	46,200	1.061
9	D	48,517	1.114
10	D	46,782	1.074
11	D	48,456	1.112
12	D	45,551	1.046
1	E	102,468	2.352

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	100.00'	21°59'34"	38.38'	N 10°33'20" E	38.15'
C2	100.00'	2°23'57"	4.19'	N 20°21'08" E	4.19'
C3	100.00'	70°50'50"	123.65'	N 54°34'35" E	115.92'
C4	100.00'	68°35'58"	119.73'	S 55°42'01" E	112.70'
C5	100.00'	20°05'24"	35.06'	S 11°21'20" E	34.88'
C6	100.00'	90°00'00"	157.08'	S 43°41'23" W	141.42'
C7	100.00'	22°51'44"	39.90'	S 79°52'45" E	39.64'
C8	100.00'	20°18'08"	35.43'	N 14°33'38" E	35.25'
C9	100.00'	3°35'56"	6.28'	N 23°21'05" E	6.28'
C10	100.00'	22°51'44"	39.90'	N 10°07'15" E	39.64'
C11	130.00'	21°59'34"	49.90'	S 10°33'20" W	49.59'
C12	70.00'	2°23'57"	2.93'	S 20°21'08" W	2.93'
C13	130.00'	48°31'22"	110.09'	S 43°24'51" W	106.83'
C14	70.00'	69°59'59"	85.50'	S 32°41'03" W	80.28'
C15	70.00'	39°42'54"	48.52'	S 22°09'54" E	47.56'
C16	80.00'	259°25'49"	271.67'	S 07°41'34" W	92.31'
C17	70.00'	39°42'54"	48.52'	N 17°33'01" E	47.56'
C18	70.00'	67°16'51"	82.20'	N 35°58'52" W	77.56'
C19	130.00'	48°11'16"	109.33'	N 45°29'40" W	106.14'
C20	130.00'	20°05'24"	45.58'	N 11°21'20" W	45.35'
C21	130.00'	90°00'00"	204.20'	N 43°41'23" E	183.85'
C22	70.00'	67°08'16"	82.02'	N 55°07'15" E	77.41'
C23	130.00'	3°35'56"	8.17'	N 23°21'05" E	8.16'
C24	70.00'	20°18'08"	24.80'	N 14°33'38" E	24.67'
C25	70.00'	21°59'34"	26.87'	S 10°33'20" W	26.70'
C26	70.00'	67°08'16"	82.02'	S 55°07'15" W	77.41'
C27	70.00'	112°51'44"	137.89'	N 34°52'45" W	116.65'
C28	70.00'	3°35'56"	4.40'	N 23°21'05" E	4.40'
C29	130.00'	20°18'08"	46.06'	N 14°33'38" E	45.82'
C30	70.00'	112°51'44"	137.89'	N 34°52'45" W	116.65'
C31	130.00'	2°23'57"	5.44'	N 20°21'08" E	5.44'
C32	70.00'	70°50'50"	86.56'	N 54°34'35" E	81.15'
C33	70.00'	68°35'58"	83.81'	S 55°42'01" E	78.89'
C34	70.00'	20°05'24"	24.54'	S 11°21'20" E	24.42'
C35	70.00'	90°00'00"	109.96'	S 43°41'23" W	98.99'
C36	50.00'	20°18'08"	17.72'	N 14°33'38" E	17.62'
C37	150.00'	3°35'56"	9.42'	N 23°21'05" E	9.42'
C38	50.00'	67°08'16"	58.59'	N 55°07'15" E	55.29'
C39	150.00'	90°00'00"	235.62'	N 43°41'23" E	212.13'
C40	150.00'	20°05'24"	52.60'	N 11°21'20" W	52.33'
C41	150.00'	1°06'57"	2.92'	N 21°57'30" W	2.92'
C42	70.00'	44°24'55"	54.26'	S 67°47'32" E	52.92'
C43	70.00'	44°24'55"	54.26'	N 67°47'32" E	52.92'
C44	70.00'	44°24'55"	54.26'	S 66°06'10" E	52.92'
C45	70.00'	44°24'55"	54.26'	N 66°28'35" E	52.92'
C46	150.00'	21°59'34"	57.58'	N 10°33'20" E	57.23'
C47	50.00'	2°23'57"	2.09'	N 20°21'08" E	2.09'
C48	150.00'	48°31'22"	127.03'	N 43°24'51" E	123.27'
C49	50.00'	69°54'59"	61.07'	N 32°41'03" E	57.35'
C50	50.00'	39°42'54"	34.66'	N 22°09'54" W	33.97'
C51	80.00'	148°53'45"	207.90'	N 32°25'32" E	154.14'
C52	540.00'	38°03'50"	358.74'	N 38°04'17" E	352.18'
C53	460.00'	38°03'50"	305.60'	S 38°04'17" W	300.01'
C54	70.00'	100°00'00"	122.17'	S 28°26'53" E	107.25'
C55	131.99'	8°21'13"	19.24'	S 74°13'07" E	19.22'
C56	70.00'	8°55'40"	10.91'	N 73°59'03" W	10.90'
C57	70.00'	80°00'00"	97.74'	S 61°33'07" W	89.99'
C58	440.00'	38°03'50"	292.31'	N 38°04'17" E	286.96'

LINE	BEARING	DISTANCE
L1	N 12°36'43" W	123.42'
L2	N 20°07'43" W	82.94'
L3	N 10°45'17" E	84.20'
L4	S 79°07'43" E	56.35'
L5	N 01°44'17" E	113.28'
L6	N 58°58'17" E	58.08'
L7	N 40°27'43" W	65.57'
L8	N 38°28'17" E	145.83'
L9	N 10°59'21" W	103.88'
L10	N 42°25'45" E	78.64'
L11	N 06°27'34" W	107.08'
L12	N 79°17'40" E	78.87'
L13	N 18°18'09" W	75.89'
L14	N 25°29'39" W	123.53'
L15	N 23°06'26" E	41.01'
L16	N 34°16'51" W	133.28'
L17	N 51°38'59" E	115.71'
L18	N 31°00'56" E	107.73'
L19	N 14°30'57" W	107.70'
L20	N 46°26'51" W	93.41'
L21	N 44°33'19" E	84.82'
L22	N 81°17'39" E	141.92'
L23	N 15°17'55" E	109.68'
L24	N 35°09'08" E	107.58'
L25	S 72°27'38" W	84.27'
L26	N 00°28'27" W	108.22'
L27	N 21°33'07" E	98.23'
L28	N 90°00'00" E	84.57'
L29	S 88°26'53" E	88.16'
L30	N 04°24'35" E	82.03'
L31	N 24°42'41" E	98.53'
L32	N 01°18'37" W	73.94'
L33	S 00°28'27" E	108.14'
L34	S 04°24'35" W	79.57'
L35	N 00°28'27" W	108.30'

LINE	BEARING	DISTANCE
L36	N 20°02'22" E	21.35'
L37	S 89°33'33" W	337.67'
L38	N 04°24'35" E	24.78'
L39	N 24°42'41" E	98.38'
L40	N 23°05'22" E	181.03'
L41	N 25°09'02" E	157.05'
L42	N 21°33'07" E	686.45'
L43	N 88°41'23" E	25.07'
L44	N 01°18'37" W	225.80'
L45	N 21°24'02" W	740.01'
L46	N 90°00'00" W	21.94'
L47	N 90°00'00" W	182.56'
L48	S 88°41'23" W	567.20'
L49	S 89°42'51" W	20.00'
L50	N 00°28'27" W	98.09'
L51	N 21°33'07" E	1357.13'
L52	N 19°09'10" E	881.59'
L53	N 02°16'28" W	321.66'
L54	S 18°52'24" W	20.00'
L55	N 89°42'51" E	21.91'
L56	N 04°32'43" W	133.38'
L57	N 29°52'17" E	309.29'
L58	N 19°30'17" E	101.14'
L59	N 29°29'54" E	174.79'
L60	N 22°32'22" E	184.92'
L61	N 38°23'01" E	68.04'
L62	N 23°25'07" E	110.32'
L63	N 15°03'30" W	97.47'
L64	N 30°54'40" E	213.25'
L65	N 23°58'50" E	156.50'
L66	N 36°27'38" E	108.56'
L67	N 28°33'40" W	58.07'
L68	N 08°48'02" W	97.79'
L69	N 71°47'35" E	38.87'
L70	N 28°50'16" E	187.81'
L71	N 12°32'22" E	146.56'
L72	N 04°46'30" W	44.32'
L73	N 03°00'32" E	95.38'
L74	N 30°08'22" E	152.75'
L75	N 24°39'20" E	141.78'
L76	N 74°45'12" W	28.95'
L77	N 89°44'28" E	68.38'
L78	N 16°18'09" W	69.87'
L79	N 41°41'58" E	120.35'
L80	N 09°59'30" W	109.35'
L81	N 00°38'32" E	72.87'
L82	N 44°35'16" W	101.02'
L83	N 45°31'32" E	201.39'
L84	N 07°15'08" W	61.22'
L85	N 20°28'53" W	105.15'
L86	N 46°52'40" W	35.78'
L87	N 24°15'09" E	40.00'
L88	N 79°01'35" E	175.11'
L89	N 06°57'56" E	97.06'
L90	N 32°23'32" E	99.75'
L91	S 24°16'24" E	45.78'
L92	N 00°17'08" W	15.75'

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO 48139C0200F DATED JUNE 3 2013 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ONSITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN

THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE SUBDIVIDED TRACTS WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR BY THE HOMEOWNERS ASSOCIATION (HOA)

ELLIS COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF DRAINAGE WAYS FOR THE CONTROL OF EROSION LOCATED ON PRIVATE PROPERTY

ELLIS CONTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF DRAINAGE EASEMENTS OR DETENTION AREAS

LOT 13 BLOCK B AND LOT 28 BLOCK B WILL BE OWNED AND MAINTAINED BY THE H.O.A.

PLAT

ESTATES OF HIDDEN CREEK

99.170 ACRES
67 RESIDENTIAL LOTS
& 2 H.O.A. LOTS
SITUATED IN THE
D. MITCHELL SURVEY ABSTRACT NO. 703
J. STEELE SURVEY ABSTRACT NO. 991
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ETJ. CITY OF WAXAHACHIE,
ELLIS COUNTY TEXAS

CASE NO. SUB-85-2020

OWNERS
KONARE REAL ESTATE
ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
617 777 0220

OWNERS
NAVITO DEVELOPMENT LLC
4844 HOLLY TREE DR
DALLAS TX 75287
617 777 0220

ENGINEER
CUMULUS DESIGN INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0367

SURVEYOR
TEXAS REALITY CAPTURE &
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P.O. BOX 252
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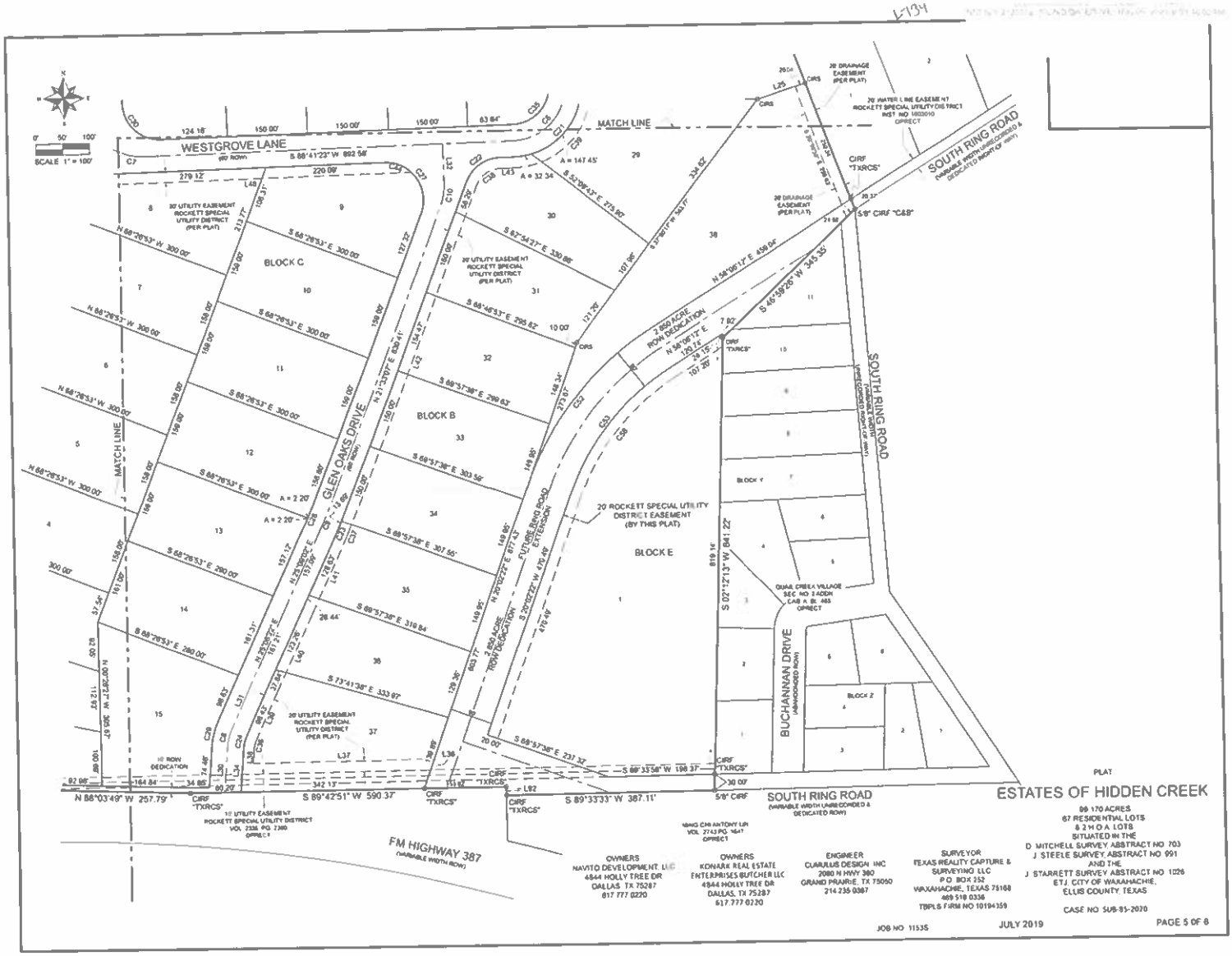
TBPLS FIRM NO 10194359


SCALE 1" = 100'
WESTGROVE LANE
MATCH LINE
SOUTH RING ROAD
GLEN OAKS DRIVE
BUCHANNAN DRIVE
FM HIGHWAY 387
BLOCK C
BLOCK B
BLOCK E
20 ROCKETT SPECIAL UTILITY DISTRICT EASEMENT (BY THIS PLAT)
FUTURE RING ROAD EXTENSION
2.860 ACRE ROW DEDICATION
QUAIL CREEK VILLAGE SEC NO 2 ADDN CAB A BL 465 OPRECT
N 88°03'49" W 257.79'
S 89°42'51" W 590.37'
S 89°33'33" W 387.11'
PLAT
ESTATES OF HIDDEN CREEK
69.170 ACRES
67 RESIDENTIAL LOTS
& 2 H O A LOTS
SITUATED IN THE
D MITCHELL SURVEY ABSTRACT NO 703
J STEELE SURVEY ABSTRACT NO 991
AND THE
J STARRETT SURVEY ABSTRACT NO 1026
ETJ, CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS
CASE NO SUB-85-2020
OWNERS
NAVITO DEVELOPMENT, LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220
OWNERS
KONARK REAL ESTATE ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
817 777 0220
ENGINEER
CURULUS DESIGN, INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0367
SURVEYOR
TEXAS REALITY CAPTURE & SURVEYING LLC
P O BOX 252
WAXAHACHIE, TEXAS 75168
469 518 0336
TBPLS FIRM NO 10194359
JOB NO 11535
JULY 2019
PAGE 5 OF 8

L735

FILED FOR RECORD ELLIS COUNTY TX
INST NO 2112072
on May 06 2021 at 09:46:00 AM

STATE OF TEXAS §
COUNTY OF ELLIS §

KNOW ALL MEN BY THESE PRESENTS

WHEREAS KONARK REAL ESTATE ENTERPRISES BUTCHER LLC AND NAVITO DEVELOPMENT LLC ARE THE SOLE OWNERS OF A TRACT OF LAND SITUATED IN THE W ALLEN SURVEY ABSTRACT NO 11 THE D MITCHELL SURVEY ABSTRACT NO 703 THE J STEELE SURVEY ABSTRACT NO 991 AND THE J STARRETT SURVEY ABSTRACT NO 1026 ELLIS COUNTY TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO KONARK REAL ESTATE ENTERPRISES BUTCHER LLC INSTRUMENT NO 1916378 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY TEXAS (OPRECT) AND ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO NAVITO DEVELOPMENT LLC RECORDED IN INSTRUMENT NO 1926786 OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE SOUTHEAST CORNER OF LOT 3 BLOCK G OF QUAIL CREEK VILLAGE ADDITION AN ADDITION TO ELLIS COUNTY ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A SLIDE 463 OPRECT FROM WHICH A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID QUAIL CREEK VILLAGE ADDITION BEARS S 12°36 47" E A DISTANCE OF 38.80 FEET

THENCE ALONG THE COMMON WEST LINE OF SAID KONARK TRACT AND THE EAST LINE OF SAID QUAIL CREEK VILLAGE ADDITION AND GENERALLY ALONG THE APPROXIMATE CALLED CENTERLINE OF A CREEK AS FOLLOWS

N 12°36 43" W A DISTANCE OF 173.42 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR A COMMON ANGLE POINT IN THE WEST LINE OF SAID KONARK TRACT AND THE EAST LINE OF SAID QUAIL CREEK VILLAGE ADDITION

N 29°52 17" E A DISTANCE OF 348.08 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR CORNER

N 18°30 17" E A DISTANCE OF 687.08 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND SET FOR CORNER

N 24°04 17" E A DISTANCE OF 534.09 FEET TO A POINT FOR CORNER IN A POND

N 39°07 43" W A DISTANCE OF 32.84 FEET TO A POINT FOR CORNER IN A POND

N 18°43 17" E A DISTANCE OF 84.26 FEET TO A POINT FOR CORNER IN A POND

S 79°07 43" E A DISTANCE OF 56.36 FEET TO A POINT FOR CORNER IN A POND

N 01°46 17" E A DISTANCE OF 133.38 FEET TO A POINT FOR CORNER IN A POND

N 38 56 17" E A DISTANCE OF 56.08 FEET TO A POINT FOR CORNER IN A POND

N 40°29 43" W A DISTANCE OF 88.50 FEET TO A POINT FOR CORNER IN A POND

N 36°26 17" E A DISTANCE OF 115.93 FEET TO A COMMON ANGLE POINT IN THE WEST LINE OF SAID KONARK TRACT THE COMMON NORTHEAST CORNER OF SAID QUAIL CREEK VILLAGE ADDITION AND THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DANIEL L GUS RECORDED IN VOLUME 2575 PAGE 142 OPRECT

THENCE CONTINUING ALONG THE COMMON WEST LINE OF SAID KONARK TRACT AND THE EAST LINE OF SAID GUS TRACT AND ALONG THE APPROXIMATE CENTERLINE OF CANYON CREEK AS FOLLOWS

N 10°30 21" W A DISTANCE OF 103.66 FEET TO A POINT FOR CORNER

N 42°25 45" E A DISTANCE OF 76.64 FEET TO A POINT FOR CORNER

N 31°23 16" E A DISTANCE OF 225.32 FEET TO A POINT FOR CORNER

N 36°27 34" W A DISTANCE OF 167.08 FEET TO A POINT FOR CORNER

N 78°17 42" E A DISTANCE OF 70.37 FEET TO A POINT FOR CORNER

N 19°18 09" W A DISTANCE OF 73.60 FEET TO A POINT FOR CORNER

N 34°08 15" E A DISTANCE OF 134.53 FEET TO A POINT FOR CORNER

N 25°29 20" W A DISTANCE OF 120.83 FEET TO A POINT FOR CORNER

N 23°08 29" E A DISTANCE OF 41.81 FEET TO A POINT FOR CORNER

N [illegible] W A DISTANCE OF [illegible] FEET TO A POINT FOR CORNER

N 51°38 56" E A DISTANCE OF 115.71 FEET TO A POINT FOR CORNER

N 31°02 56" E A DISTANCE OF 101.73 FEET TO A POINT FOR CORNER

N 14°30 57" W A DISTANCE OF 187.70 FEET TO A POINT FOR CORNER

N 46°08 51" W A DISTANCE OF 83.41 FEET TO A POINT FOR CORNER

N 44°33 11" E A DISTANCE OF 84.62 FEET TO A COMMON ANGLE POINT IN THE WEST LINE OF SAID KONARK TRACT AN ANGLE POINT IN THE EAST LINE OF SAID GUS TRACT AND AN ANGLE POINT IN THE SOUTH LINE OF LOT 14R CANYON CREEK ESTATES PHASE ONE AN ADDITION TO ELLIS COUNTY ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET K SLIDE 466 OPRECT

THENCE CONTINUING ALONG THE COMMON WEST LINE OF SAID KONARK TRACT AND THE SOUTH LINE OF SAID LOT 14R AND ALONG THE APPROXIMATE CENTERLINE OF CANYON CREEK AS FOLLOWS

N 81°12 39" E A DISTANCE OF 141.90 FEET TO A POINT FOR CORNER

N 15°17 56" E A DISTANCE OF 100.88 FEET TO A POINT FOR CORNER

N 36°08 09" E A DISTANCE OF 107.96 FEET TO THE NORTHEAST CORNER OF SAID KONARK TRACT AND THE COMMON SOUTHEAST CORNER OF SAID LOT 14R AND AN ANGLE POINT IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ERIK BARNARD KYLE BELLER JONATHAN MARKERT AND LINDSAY JO MARKERT RECORDED IN INSTRUMENT NO 1627361 OPRECT

THENCE ALONG THE EAST LINE OF SAID KONARK TRACT AND THE COMMON WEST LINE OF SAID ERIK BARNARD TRACT AS FOLLOWS

S 24°16 24" E PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR WITNESS AT A DISTANCE OF 100.00 FEET CONTINUING IN ALL A TOTAL DISTANCE OF 837.14 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR CORNER

S 39°56 36" E PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE NORTHWEST CORNER OF THE RANCH AT HIDDEN CREEK AN ADDITION TO ELLIS COUNTY TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET J SLIDE 449 OPRECT AT A DISTANCE OF 1476.35 FEET PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTH MOST NORTHEAST CORNER OF SAID NAVITO DEVELOPMENT TRACT AT A DISTANCE OF 1740.86 FEET PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE SOUTHWEST CORNER OF LOT 1 BLOCK A OF SAID THE RANCH AT HIDDEN CREEK AND THE NORTH LINE OF A 30 RIGHT-OF-WAY (ROW) DEDICATION OF SOUTH RING ROAD (A VARIABLE WIDTH PRESCRIPTIVE AND DEDICATED ROW) OF SAID THE RANCH AT HIDDEN CREEK AT A DISTANCE OF 1979.83 FEET IN ALL A TOTAL DISTANCE OF 2009.80 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "C&B" FOUND FOR A COMMON ANGLE POINT IN THE SOUTH LINE OF SAID KONARK TRACT THE SOUTHWEST CORNER OF SAID THE RANCH AT HIDDEN CREEK THE NORTHEAST CORNER OF QUAIL CREEK VILLAGE SECTION NO 2 ADDN AN ADDITION TO ELLIS COUNTY TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A SLIDE 486 OPRECT AND IN THE NORTH ROW LINE OF SAID SOUTH RING

THENCE ALONG THE EAST LINES OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON WEST LINES OF SAID QUAIL CREEK VILLAGE SECTION NO 2 ADDN AS FOLLOWS

S 46°59 39" W A DISTANCE OF 345.35 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR CORNER

S 02°13 13" W PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE INTERSECTION OF THE EAST LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE NORTH ROW LINE OF SOUTH RING ROAD (A VARIABLE WIDTH UNRECORDED AND DEDICATED ROW) AT A DISTANCE OF 811.22 FEET IN ALL A TOTAL DISTANCE OF 841.22 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE SOUTHEAST CORNER OF SAID NAVITO DEVELOPMENT TRACT THE COMMON SOUTHWEST CORNER OF SAID QUAIL CREEK VILLAGE SECTION NO 2 ADDN AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MING CHI ANTHONY LIN RECORDED IN VOLUME 2143 PAGE 1647 OPRECT AND IN SAID SOUTH RING ROAD

THENCE S 89°33 33" W ALONG THE SOUTH LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTH LINE OF SAID LIN TRACT AND ALONG SAID SOUTH RING ROAD A DISTANCE OF 307.11 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR AN ELL CORNER OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTHWEST CORNER OF SAID LIN TRACT AND IN THE NORTH ROW LINE OF SAID FM HIGHWAY 387 (BUTCHER ROAD) (A VARIABLE WIDTH ROW)

THENCE N 00°17 09" W ALONG A SOUTH LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387 A DISTANCE OF 15.75 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR AN INTERIOR ELL CORNER OF SAID NAVITO DEVELOPMENT TRACT AND A COMMON ELL CORNER OF THE NORTH ROW LINE OF SAID FM HIGHWAY 387

THENCE S 89°42 51" W ALONG THE SOUTH LINES OF SAID NAVITO DEVELOPMENT TRACT SAID KONARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387 PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR THE SOUTHWEST CORNER OF SAID NAVITO DEVELOPMENT TRACT AT A DISTANCE OF 153.82 FEET IN ALL A TOTAL DISTANCE OF 500.37 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND FOR CORNER

THENCE N 00°20 41" W ALONG A SOUTH LINE OF SAID KONARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387 A DISTANCE OF 257.75 FEET TO A 1" IRON ROD FOUND FOR CORNER

S 89°42 51" W ALONG A SOUTH LINE OF SAID KONARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387 A DISTANCE OF 722.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 99.170 ACRES OF LAND MORE OR LESS

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS

THAT KONARK REAL ESTATE ENTERPRISES BUTCHER LLC AND NAVITO DEVELOPMENT LLC DO HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS ESTATES OF HIDDEN CREEK AN ADDITION TO ELLIS COUNTY AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS AND ALLEYS SHOWN THEREON. B&H DEVELOPMENTS DOES HEREIN CERTIFY THE FOLLOWING

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT LIENS AND/OR ENCUMBRANCES
3. THE EASEMENTS AND PUBLIC USE AREAS AS SHOWN AND CREATED BY THIS PLAT ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAT
4. NO BUILDINGS FENCES TREES SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON OVER OR ACROSS THE EASEMENTS AS SHOWN
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN UNDER OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR REPAIR
6. 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 PARTICULAR UTILITIES SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND ELLIS COUNTY'S USE THEREOF
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS FENCES TREES SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING RECONSTRUCTING INSPECTING PATROLLING MAINTAINING READING METERS AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY

THIS PLAT IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES RULES REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY TEXAS

WITNESS MY HAND THIS THE 25 DAY OF March 2021

BY

KONARK SINGH
KONARK REAL ESTATE
ENTERPRISES BUTCHER LLC

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS ON THIS DAY PERSONALLY APPEARED KONARK SINGH KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED

GIVEN UNDER MY HAND AND SEAL THIS THE 25 DAY OF March 2021

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

NANCY P PATTERSON
Notary ID #7071410
My Commission Expires
February 8, 2023

BY

KONARK SINGH
NAVITO DEVELOPMENT LLC

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS ON THIS DAY PERSONALLY APPEARED KONARK SINGH KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED

GIVEN UNDER MY HAND AND SEAL THIS THE 25 DAY OF March 2021

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

NANCY P PATTERSON
Notary ID #7071410
My Commission Expires
February 8, 2023

KNOW ALL MEN BY THESE PRESENTS

THAT I TIMOTHY L JACKSON RPLS DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHIE

TIMOTHY L JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 5644

STATE OF TEXAS
TIMOTHY L JACKSON
5644
LAND SURVEYOR

DENIED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

CHAIRPERSON — DATE 9-15-20

ATTEST — DATE 4-14-21

APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS

MAYOR — DATE 9-21-20

ATTEST — DATE 4-6-21

STATE OF TEXAS
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS THE 3rd DAY OF November 2020

ATTEST

TODD LITTLE
COUNTY JUDGE

KRYSTAL VALDEZ
COUNTY CLERK
Deputy

COMMISSIONERS COURT
ELLIS COUNTY TEXAS

RANDY STINSON
COMMISSIONER PRECINCT 1

LANE GRAYSON
COMMISSIONER PRECINCT 2

PAUL PERRY
COMMISSIONER PRECINCT 3

KYLE BUTLER
COMMISSIONER PRECINCT 4

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PENDING ANY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT

DEPARTMENT OF DEVELOPMENT DIRECTOR — DATE 11/3/2020

SURVEYOR
TEXAS REALITY CAPTURE & SURVEYING LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469 518 0338
TBPLS FIRM NO 10194358

ENGINEER
CUMULUS DESIGN, INC
2080 N HWY 360
GRAND PRAIRIE, TX 75050
214 235 0367

OWNERS
NAVITO DEVELOPMENT, LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
617 777 0220

OWNERS
KONARK REAL ESTATE
ENTERPRISES BUTCHER LLC
4844 HOLLY TREE DR
DALLAS, TX 75287
617 777 0220

PLAT

ESTATES OF HIDDEN CREEK

99.170 ACRES
67 RESIDENTIAL LOTS
& 2 H.O.A. LOTS
SITUATED IN THE
D MITCHELL SURVEY, ABSTRACT NO 703
J STEELE SURVEY, ABSTRACT NO 991
AND THE
J STARRETT SURVEY, ABSTRACT NO 1026
ETJ, CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS

CASE NO SUB-85-2020

JOB NO 1153S

JULY 2019

EXHIBIT B
ETJ-PTN-142-2023 (ETJ PETITION)
City Limits
ETJ
0 1,000 2,000 4,000 6,000 8,000 Feet
W STEPHENS RD
E STEPHENS RD
SHAWNEE RD
SPRINGFIELD LAKES DR
SENECA DR
WATAUGA DR
TRACY DR
BECKY LN
SARGENT PL
CREEK DR
CREEK CIR
JANIS LN
ANITA LN
LYNN WAY
SUNRISE DR
PANORAMA LOOP
ALTONA LAKE DR
NEWCASTLE
ST. SAXON
CAMBRIDGE ST
ALLEY
DOVER DR
CHAMPIONSHEATH CIR
DIXIE LN
NORTHVIEW DR
SOUTHVIEW DR
CHESTERFIELD CIR
HILLVIEW DR
AZALEA LN
COUNTRY LN
CARLTON PKWY
REGOS ST
W BUTCHER RD
E BUTCHER RD
BUTCHER RD
JENNINGS DR
LOGAN LN
CREEKVIEW DR
LUNA DR
LAYLA DR
CARLTON PKWY
MAREE CT
MAREE DR
W SHARPSHIRE DR
HAMPSHIRE DR
WESTMINSTER DR
E SHARPSHIRE DR
STONEBROOK CT
STONEBROOK DR
MILL RUN LN
GLEN OAKS DR
S RING RD
RING RD
CLOVER LN
BUCHANAN DR
JAMES ST
RANDY RD
LAKECREST DR
LAKECREST CIR
LAKEVIEW CIR
LAKEWAY DR
TAYLOR RD
EAGLE RIDGE DR
ROBIN RIDGE DR
FM 973
CHAZLYNN CT
DUBLIN CIR
COURTNEY CIR
KINGS COURT DR
LOYCE CIR
BERKSHIRE LN
ROBNETT RD
WATSONCREEK RANCH RD
INTERSTATE 35
INTERSTATE 35 SERVICE RD
MUSTANG TRL
HIGHVIEW LN

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-145-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by Catarina Abigail Threadgold, for a **Petition for ETJ Release** for approximately 4.7 acres, located at 1600 Broadhead Road (Property ID 148092) – Owner: Catarina Abigail Threadgold (ETJ-PTN-145-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-145-2023, a request by Catarina Abigail Threadgold, for a Petition for ETJ Release for approximately 4.7 acres, located at 1600 Broadhead Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	Catarina Abigail Threadgold
Property Owner(s):	Catarina Abigail Threadgold
Site Acreage:	4.7 acres
Number of Lots:	1 lot
Number of Dwelling Units:	1 unit

SUBJECT PROPERTY

General Location:	1600 Broadhead Road
Parcel ID Number(s):	148092
Current Zoning:	ETJ
Existing Use:	Single Family Residence
Platting History:	The subject property is platted as Lot 3R, Block 1 of the Broadhead Addition
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

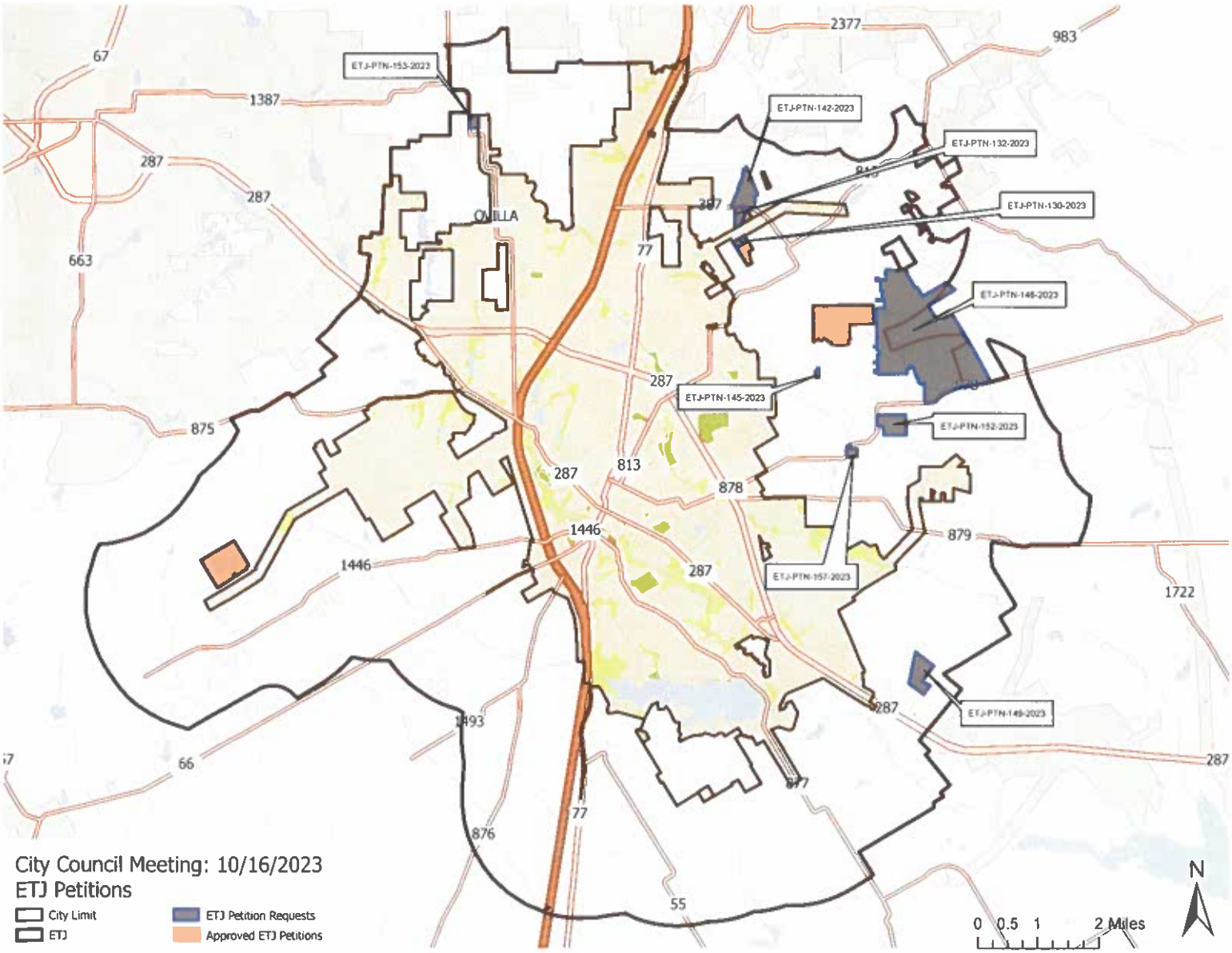
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Recorded Plat (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-155-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-148-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OXFORD
67
1387
287
663
875
1446
1893
66
876
77
55
2377
983
813
878
879
1722
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.7 ACRE TRACT OF LAND, LOCATED AT 1600 BROADHEAD ROAD, KNOWN AS PROPERTY ID 148092, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described as Lot 3R, Block 1 of the Broadhead Addition, Phase 1, according to the plat recorded in Cabinet B, Slide 153, Plat Records, Ellis County, Texas shown in Exhibit A and the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

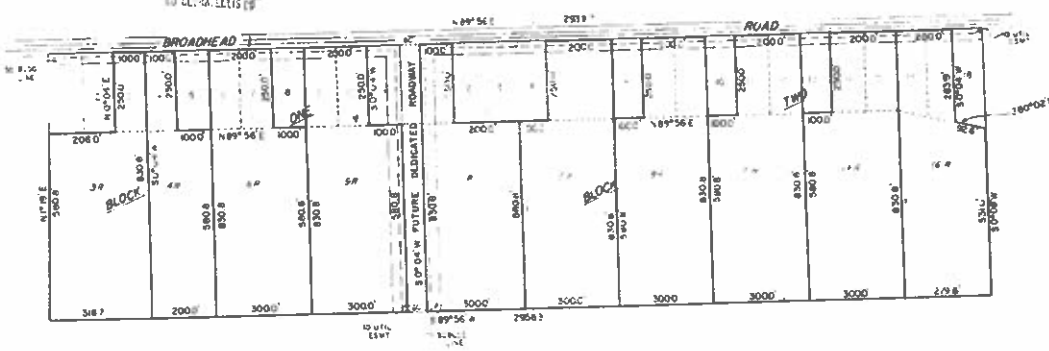
City Secretary

B-153

EXHIBIT A

17406

17406



Lots 3A, 4A, 6A & 8A, Block 1, & Lots 1A, 8A, 8A, 1A, 4A & 16A, Block 2

BROADHEAD ADDITION

PHASE ONE

Being a replat of Lots 3,4,6,7,9 & 10, Block 1 and Lots 1,5,6,8,9,11,12,14,15,16 & 17, Block 2 BROADHEAD ADDITION PHASE ONE according to plat of same in Cabinet B, Slide 36 ELLIS COUNTY, TEXAS and a part of the B.B.B. & C. RR. Co. SURVEY Abst 175

ELLIS COUNTY, TEXAS

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Broadhead Development Co. and Walter J. and Ethel H. Waters, and Timmy and Ina L. Channell being the owners of the hereon described property do hereby adopt this plat of said property, designating same as Broadhead Addition, Phase ONE, Ellis County, Texas, and do hereby dedicate to the public, use forever the Streets and Easements shown hereon.

Witness my hand this 4 day of Sept 1984.

Our Attorney-Reps.

Walter J. E. Waters — Ethel H. Waters

Timmy Channell — Ina L. Channell

Subscribed to and sworn to before me, a Notary Public in and for Ellis County, Texas, on this the 4 day of Sept 1984.

Notary Public — State of Texas — My Commission Expires 2-22-88

APPROVED:
ELLIS COUNTY COMMISSIONERS COURT ON THIS 25 DAY OF September 1984.

County Judge

Commissioner — Commissioner

Commissioner — Commissioner

FIELD NOTES AND DESCRIPTION

BEING a part of the B.B.B. & C. Railroad Co. Survey, Abstract 175, Ellis County, Texas, and being a part of the Annie Morris Estate recorded in Volume 310, Page 471, Deed Records, Ellis County, Texas, and also being a revision of Lots 3,4,6, 7,9, and 10, Block One, and 1,5,6,8,9,11,12,14,15,16, and 17, Block Two, Broadhead Addition, Phase One, as recorded in Cabinet B, Slide 36, Plat Records, Ellis County, Texas, and being more particularly described by its metes and bounds as follows:

BEGINNING at a steel rod at the Southwest corner of Lot 1, Block One, of said Broadhead Addition;
THENCE N 89°56' E, with the South line of Lot 1 and 2, Block One of said Addition, 206.0 feet to a steel rod;
THENCE N 0°04' E, 250.0 feet to a steel rod at the Northwest corner of Lot 3, Block One;
THENCE N 89°56' E, 200.0 feet to a steel rod;
THENCE S 0°04' W, 250.0 feet to a steel rod at the Southwest corner of Lot 5, Block One;
THENCE N 89°56' E, 100.0 feet to a steel rod;
THENCE N 0°04' E, 250.0 feet to a steel rod at the Northeast corner of said Lot 5;
THENCE N 89°56' E, 200.0 feet to the Northwest corner of Lot 8 of said Block;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 100.0 feet to a steel rod;
THENCE N 0°04' E, 250.0 feet to the Northeast corner of said Lot 8;
THENCE N 89°56' E, 200.0 feet to a steel rod at the Northwest corner of Lot 11, Block One;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 160.0 feet to a steel rod at the Southeast corner of Lot 1, Block Two of said Addition;
THENCE N 0°04' W, 250.0 feet to the Northwest corner of said Lot 1, Block Two;
THENCE N 89°56' E, 100.0 feet to a steel rod at the Northeast corner of Lot 2, Block Two;
THENCE S 0°04' W, 250.0 feet to a steel rod at the Southeast corner of said Lot 2, Block Two;
THENCE N 89°56' E, 300.0 feet to the Southeast corner of Lot 4, Block Two of said Addition;
THENCE N 0°04' W, 250.0 feet to the Northeast corner of said Lot 4, Block Two;
THENCE N 89°56' E, 200.0 feet to the Northwest corner of Lot 7, Block Two;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 100.0 feet to a steel rod at the Southeast corner of said Lot 7;
THENCE N 0°04' E, 250.0 feet to the Northwest corner of said Lot 7;
THENCE N 89°56' E, 200.0 feet to the Northeast corner of Lot 10, Block Two;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 100.0 feet to a steel rod at the Southeast corner of said Lot 10, Block Two;
THENCE N 0°04' E, 250.0 feet to a steel rod;
THENCE N 89°56' E, 200.0 feet to a steel rod at the Northeast corner of Lot 13, Block Two;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 100.0 feet to a steel rod at the Southeast corner of said Lot 10, Block Two;
THENCE N 0°04' E, 250.0 feet to a steel rod;
THENCE N 89°56' E, 200.0 feet to a steel rod at the Northeast corner of Lot 13, Block 2;
THENCE S 0°04' W, 250.0 feet to a steel rod;
THENCE N 89°56' E, 100.0 feet to a steel rod;
THENCE N 0°04' E, 250.0 feet to a steel rod at the Northeast corner of said Lot 13, Block Two;
THENCE N 89°56' E, 400.0 feet to a steel rod at the at the Northwest corner of Lot 14, Block Two;
THENCE S 0°04' W, 249.9 feet to a steel rod at the Southwest corner said Lot 14;
THENCE S 89°07' E, 97.6 feet to the Southeast corner of said Lot 14;
THENCE S 0°04' W, 531.0 feet to a steel rod;
THENCE S 89°56' W, 2958.3 feet to a steel rod;
THENCE N 1°19' E, 580.9 feet to the point of beginning and containing 49.4 Acres of land.

I certify that the Plat and field notes hereon are the representation of an actual and accurate survey made on the ground and that the corner monuments were properly place under my personal supervision in accordance with the Platting Rules and Regulations Order No. #504 of Ellis County, Texas.

Marrell L. Hamilton
Registered Public Surveyor
No. 1860

EXHIBIT B
MORNING LIGHT LN
JACOBS BRIDGE RD
BROADHEAD RD
LAKOTA PKWY
NATIO CT
BLACKFOOT PKWY
MUSCOGEE DR
POTEET CIR
ETJ-PTN-145-2023 (ETJ PETITION)
City Limits
0
375
750
1,500
2,250
3,000

(5h)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-146-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by GRBK Edgewood, LLC, for a **Petition for ETJ Release** for approximately 1513.86 acres, located directly east of 1661 Gibson Road (Property ID 191369, 192086, 192087, 192094, 192097, 192098, 194358, 224198, 236821, and 294441) – Owner: GRBK Edgewood, LLC (ETJ-PTN-146-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-146-2023, a request by GRBK Edgewood, LLC, for a Petition for ETJ Release for approximately 1513.86 acres, located directly east of 1661 Gibson Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	GRBK Edgewood, LLC
Property Owner(s):	GRBK Edgewood, LLC
Site Acreage:	1513.86 acres
Number of Lots:	10 lots
Number of Dwelling Units:	0 units

SUBJECT PROPERTY

General Location:	Located directly east of 1661 Gibson Road
Parcel ID Number(s):	191369, 192086, 192087, 192094, 192097, 192098, 194358, 224198, 236821, and 294441
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
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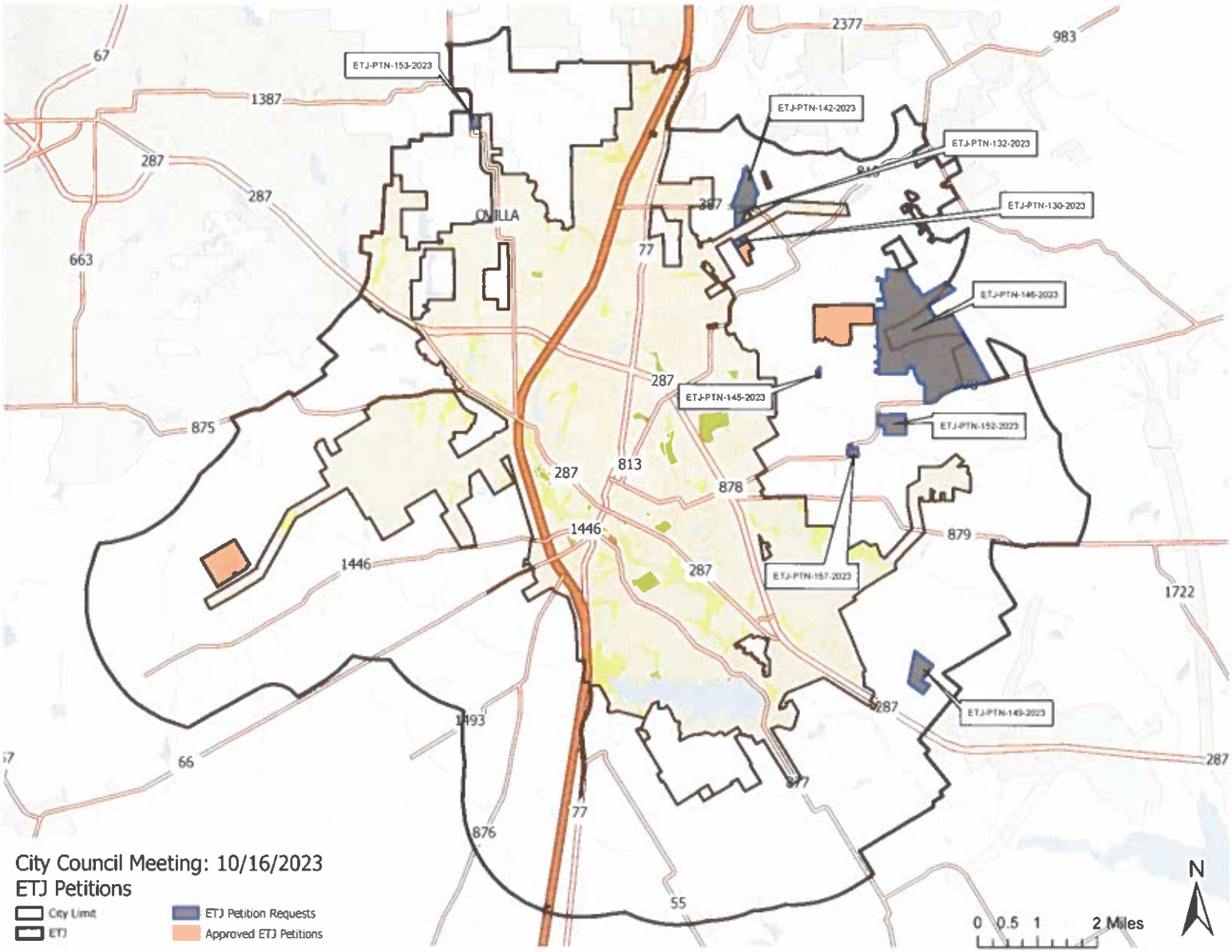
Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-146-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
ONILLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1,513.86 ACRE TRACT OF LAND, LOCATED DIRECTLY EAST OF 1661 GIBSON ROAD, KNOWN AS PROPERTY ID 191369, 192086, 192087, 192094, 192097, 192098, 194358, 224198, 236821, AND 294441, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

City Secretary

EXHIBIT A

LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE EXTRATERRITORIAL JURISDICTION

LANDPOINT

Being all that certain tract or parcel of land situated in the G. Wheelock Survey, Abstract No. 1117, Ellis County, Texas, being all of that certain called 126.166 acre tract of land described in the deed to A.P. Lawton Limited Partnership, recorded in Volume 2189, Page 1049, all of that certain called 497.266 acre tract of land described in the deed to Ben Fatto Limited Partnership, recorded in Document No. 1736457, a part of that certain called 354.175 acre tract of land described in the deed to AP OKC Warehouse Limited Partnership, recorded in Document No. 1901926, all of that certain called 95.837 acre tract, 168.702 acre tract and called 264.641 acre tract of land described in the deed to Eloy 660, LLC, recorded in Volume 2671, Page 208, and all of that certain called 55.505 acre tract of land described in the deed to Ben Fatto Limited Partnership, recorded in Document Number 1736458, Official Public Records, Ellis County, Texas and being more particularly described by metes and bounds and follows:

BEGINNING at the Southwest corner of the tract being described herein at a 1/2-inch iron rod found in the North line of that certain called 31.509 acre tract of land described in the deed to Jared Anthony Trog and Gabriela Trog, recorded in Document No. 1814285, Official Public Records, Ellis County, Texas for the Southeast corner of that certain called 1.218 acre tract of land described as Tract 1 in the deed to Dewayne Eddy, recorded in Volume 1775, Page 623, Official Public Records, Ellis County, Texas and the Southwest corner of said 126.166 acre tract of land;

THENCE N01°02'56"W, with the West line of said 126.166 acre tract of land and the East line of said 1.218 acre tract of land, a distance of 176.13 feet to a capped iron rod stamped "Petitt" found for the Northeast corner thereof;

THENCE S88°48'41"W, with the North line of said 1.218 acre tract of land, passing the Northwest corner thereof and continuing on said course for a distance of 322.79 feet to a point in Gibson Road and the West line of said 126.166 acre tract of land;

THENCE N00°46'35"W, along said Gibson Road and with the West line of said 126.166 acre tract of land, a distance of 175.15 feet to a point for corner;

THENCE N89°22'25"E, passing the Southwest corner of that certain called 1.11 acre tract of land described in the deed to Michael Carter and Teresa Carter, recorded in Document No. 1610772, Official Public Records, Ellis County, Texas and continuing on said course with the South line of said 1.11 acre tract of land, a distance of 322.06 feet to a 5/8-inch iron rod found for the Southeast corner thereof;

THENCE N01°02'00"W, with the East line of said 1.11 acre tract of land, the East line of that certain called 1.318 acre tract of land described in the deed to Emmanuel Gonzalez, recorded in Document Number 1833735, Official Public Records, Ellis County, Texas, the East line of that certain called 1.21 acre tract of land described in the deed to Landco Investments, Inc., recorded in Volume 2369, page 1695, Official Public Records, Ellis County, Texas and the East line of that certain called 1.008 acre tract of land described

in the deed to Miguel Hernandez and Sasha Lizette Aguilar, recorded in Document No. 1720996, Official Public Records, Ellis County, Texas, a distance of 675.82 feet to a nail found for the Northeast corner of said 1.008 acre tract of land;

THENCE S89°22'25"W, with the North line of said 1.008 acre tract of land, passing at 299.45 feet a capped iron rod stamped "Geer" found for the Northwest corner thereof and continuing on said course for a distance of 319.22 feet to a point in Gibson Road and the West line of said 126.166 acre tract of land;

THENCE N01°02'00"W, along said Gibson Road and with the West line of said 126.166 acre tract of land, a distance of 60.00 feet to a point for corner;

THENCE N89°22'25"E, passing the Southwest corner of that certain called 1.00 acre tract of land described in the deed to Fernando Del Bosque, recorded in Volume 2724, Page 2423, Official Public Records, Ellis County, Texas and continuing on said course with the South line of said 1.00 acre tract of land, a distance of 319.22 feet to a capped iron rod stamped "Petitt" found for the Southeast corner thereof;

THENCE N01°02'00"W, with the East line of said 1.00 acre tract of land, the East line of that certain called 1.22 acre tract of land described in the deed to Cecilio Alvarado, recorded in Volume 2454, Page 1116, Official Public Records, Ellis County, Texas, the East line of that certain called 1.21 acre tract of land described in the deed to Landco Investments, Inc., recorded in Document No. 1729290, Official Public Records, Ellis County, Texas and the East line of that certain called 1.21 acre tract of land described in the deed to Jose Luis Maldonado, recorded in Document No. 2019765, Official Public Records, Ellis County, Texas, a distance of 676.09 feet to a 5/8-inch iron rod with plastic cap stamped "Landpoint" set (herein referred to as capped iron rod set) for the Northeast corner of said 1.21 acre tract of land;

THENCE N89°22'17"E, a distance of 193.04 feet to a nail found for corner;

THENCE N00°47'32"W, a distance of 352.51 feet to a capped iron rod stamped "Geer" found in the South line of the remainder of said 354.175 acre tract for the Northwest corner of said 126.166 acre tract of land and the Northwest corner of said tract herein described;

THENCE S89°22'28"W, with the South line of said 354.175 acre tract of land, a distance of 225.71 feet to 5/8-inch iron rod found for the Southwest corner of said 354.175 acre tract of land, and the for the Southeast corner of Lot 59, Hunters Run, Phase 1, according to the plat thereof recorded in Cabinet E, Slide 81, Plat Records, Ellis County, Texas;

THENCE N00°39'00"W, with the East line of said Lot 59 and the East line of Lot 58 of said Hunters Run, a distance of 299.46 feet to a 2-inch fence corner post found in the South right-of-way line of Pecos River for the Northeast corner of said Lot 58;

THENCE S89°27'16"W, with the South right-of-way line of said Pecos River and the North line of said Lot 58, a distance of 291.00 feet to a point in Gibson Road and the West line of said 354.175 acre tract of land for the Northwest corner of said Lot 58;

THENCE N00°38'58"W, along said Gibson Road and with the West line of said 354.175 acre tract of land, a distance of 60.00 feet to a point on the North right-of-way line of said Pecos River for the Southwest corner of Lot 57 of said Hunters Run;

THENCE N89°27'16"E, with the North right-of-way line of said Pecos River and the South line of said Lot 57, passing at 39.67 feet a 3/8-inch iron rod found for reference and continuing on said course for a total distance of 291.00 feet to a 2-inch fence corner post found for the Southeast corner of said Lot 57;

THENCE N00°39'00"W, with the East line of Lots 57-46 of said Hunters Run, a distance of 2455.71 feet to a capped iron rod stamped "Dunaway" found in the South right-of-way line of Sabine Street for the Northeast corner of said Lot 46;

THENCE S89°13'32"W, with the South right-of-way line of said Sabine Street and the North line of said Lot 46, a distance of 291.00 feet to a point in said Gibson Road and the West line of said 354.175 acre tract of land for the Northwest corner of said Lot 46;

THENCE N00°39'00"W, along said Gibson Road and with the West line of said 354.175 acre tract of land, a distance of 60.00 feet to a point in the North right-of-way line of said Sabine Street for the Southwest corner of Lot 45 of said Hunters Run;

THENCE N89°13'32"E, with the North right-of-way line of said Sabine Street and the South line of said Lot 45, a distance of 291.00 feet to a capped iron rod stamped "Dunaway" found for the Southeast corner of said Lot 45;

THENCE N00°39'00"W, with the East line of Lots 45-42 of said Hunters Run, a distance of 599.52 feet to a capped iron rod stamped "Dunaway" found on the South right-of-way line of Cottonwood Street for the Northeast corner of said Lot 42;

THENCE S89°26'59"W, with the South right-of-way line of said Cottonwood Street and the North line of said Lot 42, passing at 251.68 feet a 1/2-inch iron rod found for reference and continuing on said course for a total distance of 291.00 feet to a point in said Gibson Road and the West line of said 354.175 acre tract of land for the Northwest corner of said Lot 42;

THENCE N00°39'00"W, along said Cottonwood Street and the West line of said 354.175 acre tract of land, a distance of 60.00 feet to a point in the North right-of-way line of said Cottonwood Street for the Southwest corner of Lot 41 of said Hunters Run;

THENCE N89°26'59"E, with the North right-of-way line of said Cottonwood Street and the South line of said Lot 41, passing at 39.16 feet a 3/8-inch iron rod found for reference and

continuing on said course for a total distance of 291.00 feet to a capped iron rod stamped "Petitt" found for the Southeast corner of said Lot 41;

THENCE N00°39'00"W, with the East line of said Lot 41, a distance of 140.50 feet to a 5'8-inch iron rod found in the South line of that certain called 12.918 acre tract of land described in the deed to Alfonso M. Moya and Hilda L. Moya, recorded in Document No. 1527094, Official Public Records, Ellis County, Texas, from which a capped iron rod stamped "Dunaway" found for the Northeast corner of said Lot 41 bears N00°39'00"W, a distance of 9.53 feet;

THENCE N89°19'01"E, with the South line of said 12.918 acre tract of land, a distance of 730.97 feet to a 5/8-inch iron rod found for the Southeast corner thereof;

THENCE N00°36'25"W, with the East line of said 12.918 acre tract of land, a distance of 718.28 feet to a 5/8-inch iron rod found for the Northeast corner thereof;

THENCE with the North line of said 12.918 acre tract of land, the following courses and distances:

1. S89°23'35"W, a distance of 485.96 feet to a 5/8-inch iron rod with plastic cap stamped "Landpoint" set (herein referred to as capped iron rod set) for the beginning of a curve to the left;

2. With said curve to the left, an arc length of 110.41 feet, a central angle of 23°00'10", a radius of 275.00 feet and a chord that bears S77°53'30"W, a distance of 109.67 feet to a capped iron rod set for the point of reverse curve;

3. With said reverse curve to the right, an arc length of 139.30 feet, a central angle of 23°04'00", a radius of 346.00 feet and a chord that bears S77°55'25"W, a distance of 138.36 feet to a capped iron rod set at the end of said curve;

4. S89°27'25"W, a distance of 2.46 feet to a capped iron rod set for the Southeast corner of Lot 36 of said Hunters Run and the Northwest corner of said 12.918 acre tract of land;

THENCE N00°39'00"W, with the East line of said Lot 36, a distance of 149.96 feet to a capped iron rod set for the Northeast thereof, the Southeast corner of Lot 35 of said Hunters Run and the most Southerly Southwest corner of that certain called 11.301 acre tract of land described in the deed to Albert Rodriguez and Irma Lopez, recorded in Volume 2826, Page 1018, Official Public Records, Ellis County, Texas, said point being in a curve to the right;

THENCE with the South line of said 11.301 acre tract of land, the following courses and distances:

1. With said curve to the right, an arc length of 140.38 feet, a central angle of 23°14'49", a radius of 346.00 feet and a chord that bears S78°57'11"E, a distance of 139.42 feet to a capped iron rod set for the point of reverse curve;

2. With said reverse curve to the left, an arc length of 111.73 feet, a central angle of 23°16'40", a radius of 275.00 feet and a chord that bears S 78°58'07"E, a distance of 110.96 feet to a capped iron rod set at the end of said curve;

3. N89°23'33"E, a distance of 300.66 feet to a capped iron rod stamped "Petitt" found for the Southeast corner of said 11.301 acre tract of land;

THENCE N00°32'13"W, with the East line of said 11.301 acre tract of land, a distance of 739.73 feet to a 2-inch fence corner post found for the Northeast corner thereof;

THENCE S89°06'19"W, with the North line of said 11.301 acre tract of land, a distance of 153.04 feet to a 5/8-inch iron rod found for the Southeast corner of that certain called 11.751 acre tract of land described in the deed to AKP Stillwater Partnership, recorded in Document No. 1629881, Official Public Records, Ellis County, Texas;

THENCE N01°01'25"W, with the East line of said 11.751 acre tract of land, a distance of 931.84 feet to a 5/8-inch iron rod found for the Northeast corner thereof, said point being in a curve to the right;

THENCE with the North line of said 11.751 acre tract of land, the following courses and distances:

1. With said curve to the right, an arc length of 16.22 feet, a central angle of 01° 00'17", a radius of 925.00 feet and a chord that bears N68°50'36"W, a distance of 16.22 feet to a capped iron rod found for the point of reverse curve;

2. With said reverse curve to the left, an arc length of 63.68 feet, a central angle of 03°46'51", a radius of 965.00 feet and a chord that bears N70°08'24"W, a distance of 63.67 feet to a capped iron rod set at the point of compound curve;

3. With said compound curve to the left, an arc length of 197.64 feet, a central angle of 40°45'44", a radius of 275.00 feet and a chord that bears S87°01'10"W, a distance of 191.54 feet to a capped iron rod stamped "Petitt" found for the point of reverse curve;

4. With said reverse curve to the right, an arc length of 108.31 feet, a central angle of 22°33'56", a radius of 275.00 feet and a chord that bears S78°17'57"W, a distance of 107.61 feet to a capped iron rod set at the end of said curve;

5. S89°13'33"W, a distance of 16.50 feet to a capped iron rod stamped "Petitt" found in the South right-of-way line of Nile Road for the Northeast corner of Lot 26 of said Hunters Run;

THENCE N00°39'00"W, passing at 60.00 feet a capped iron rod stamped "Dunaway" found in the North right-of-way line of said Nile Road for the Southeast corner of that certain called 1.0002 acre tract of land described in the deed to AP OKC Warehouse Limited Partnership, recorded in Document No. 1934013, Official Public Records, Ellis County, Texas, continuing on said course and with the East line of said 1.0002 acre tract of land, a distance of 210.13 feet to a capped iron rod stamped "Petitt" found for the Northeast corner thereof, the Southeast corner of that certain called 1.0002 acre tract of land described in the deed to Xavier Vasquez and Rosa Vasquez, recorded in Volume 2486, page 356, Official Public Records, Ellis County, Texas and the Southwest corner of that certain called 10.146 acre tract of land described in the deed to Jose J. Mendez, recorded in Document No. 1509657, Official Public Records, Ellis County, Texas, said point being in a curve to the right;

THENCE with the South line of said 10.146 acre tract of land, the following courses and distances:

1. With said curve to the right, an arc length of 192.57 feet, a central angle of 40° 07'21", a radius of 275.00 feet and a chord that bears S70°29'09"E, a distance of 188.66 feet to a capped iron rod stamped "Petitt" found for the point of reverse curve;

2. With said reverse curve to the left, an arc length of 116.01 feet, a central angle of 24°10'13", a radius of 275.00 feet and a chord that bears S62°53'16"E, a distance of 115.15 feet to a capped iron rod stamped "Petitt" found for the point of reverse curve;

3. With said reverse curve to the right, an arc length of 119.82 feet, a central angle of 06°41'52", a radius of 1025.00 feet and a chord that bears S71°35'55"E, a distance of 119.75 feet to a capped iron rod stamped "Petitt" found for the point of reverse curve;

4. With said reverse curve to the left, an arc length of 516.40 feet, a central angle of 33°48'51", a radius of 875.00 feet and a chord that bears S85°15'12"E, a distance of 508.94 feet to a capped iron rod found for the Southeast corner of said 10.146 acre tract of land;

THENCE N03°20'20"W, with the East line of said 10.146 acre tract of land, a distance of 508.19 feet to a capped iron rod stamped "Petitt" found for the Northeast corner thereof and the Southeast corner of that certain called 11.170 acre tract of land described in the deed to Lorena Pena Cardenas, recorded in Volume 2828, page 939, Official Public Records, Ellis County, Texas;

THENCE N02°15'32"E, with the East line of said 11.170 acre tract of land, a distance of 407.27 feet to a capped iron rod stamped "Petitt" found in the South line of Hunters Run, an unrecorded subdivision and the North line of said 354.175 acre tract of land for the Northeast corner of said 11.170 acre tract of land and the Northwest corner of said tract herein described;

THENCE S85°07'30"E, with the South line of said Hunters Run and the North line of said 354.175 acre tract of land, a distance of 1792.20 feet to a 5/8-inch iron rod found in Norman Road, in the West line of that certain called 14.00 acre tract of land described in the deed to Phuoc Phan, recorded in Document No. 1835842, Official Public Records, Ellis County, Texas for the Northeast corner of said 354.175 acre tract of land and the Northeast corner of said tract herein described;

THENCE S29°53'46"E, along said Norman Road, with the West line of said 14.00 acre tract of land and the East line of said 354.175 acre tract of land, passing at a distance of 1431.09 feet to a 1/2-inch iron rod found for the North corner of that certain called 497.266 acre tract of land described in the deed to Ben Fatto Limited Partnership, recorded in Document No. 1736457, Official Public Records, Ellis County, Texas and the East corner of said 354.175 acre tract of land, continuing on said course a total distance of 1560.13 feet to a capped iron rod set on the South side of said Norman Road for the South corner of said 14.00 acre tract of land and a reentrant corner of said 497.266 acre tract of land;

THENCE N58°48'21"E, along said Norman Road, with the Southeasterly line of said 14.00 acre tract of land and the Northwesterly line of said 497.266 acre tract of land, a distance of 142.34 feet to a capped iron rod set on the North side of said Norman Road for the West corner of that certain called 49.384 acre tract of land described in the deed to Russell Larry Scott, recorded in Document No. 1902921, Official Public Records, Ellis County, Texas and the most Northerly Northeast corner of said 497.266 acre tract of land;

THENCE S31°00'27"E, along said Norman Road, with the Southwesterly line of said 49.384 acre tract of land and a Northeasterly line of said 497.266 acre tract of land, a distance of 963.96 feet to a 1-inch bolt found for the South corner of said 49.384 acre tract of land and the West corner of that certain called 55.505 acre tract of land described in the deed to Ben Fatto Limited Partnership, recorded in Document No. 1736458, Official Public Records, Ellis County, Texas;

THENCE N58°48'21"E, with the Southeasterly line of said 49.384 acre tract of land and the Northwesterly line of said 55.507 acre tract, a distance of 2412.81 feet to a 1-inch iron pipe found in the Southwesterly line of Lot 33, The Hart Farm, Phase 3, according to the plat thereof recorded in Cabinet A, Slide 719, said Plat Records, for the East corner of said 49.384 acre tract of land and the North corner of said 55.505 acre tract of land;

THENCE S49°52'11"E, with the Northeasterly line of said 55.505 acre tract of land and the Southwesterly line of said Lot 33, a distance of 993.83 feet to a 1/2-inch iron rod found

in the Northwesterly line of that certain called 20.000 acre tract of land described as Tract 1 in the deed to Brett Allen Wilt, recorded in Document No. 1708749, Official Public Records, Ellis County, Texas, for the South corner of said Lot 33 and the East corner of said 55.505 acre tract of land;

THENCE S58°53'00"W, with the Southeasterly line of said 55.505 acre tract of land, the Northwesterly line of said 20.000 acre tract of land part of the way and the Northwesterly line of that certain called 105.241 acre tract of land described in the deed to Carol Elaine Allen Leamon, recorded in Volume 2782, Page 1761, Official Public Records, a total distance of 2734.11 to a 1/2-inch iron rod found on the North side of said Norman Road for the South corner of said 55.505 acre tract of land and the West corner of said 105.241 acre tract;

THENCE S31°17'33"E, along said Norman Road, with the Southwesterly line of said 105.241 acre tract of land and a Northeasterly line of said 497.266 acre tract of land, a distance of 1298.57 feet to a 1/2-inch iron rod found for the South corner of said 105.241 acre tract of land and a reentrant corner of said 497.266 acre tract of land;

THENCE N59°40'07"E, along said Norman Road, with the Southeasterly line of said 105.241 acre tract of land and a Northwesterly line of said 497.266 acre tract of land, a distance of 1351.72 feet to a 1/2-inch iron rod found for the West corner of that certain called 80.79 acre tract of land described in the deed to Barry Derlon Tutor, recorded in Document No. 1825168, Official Public Records, Ellis County, Texas and the most Easterly Northeast corner of said 497.266 acre tract of land;

THENCE S31°43'38"E, along said Norman Road, with the Northeasterly line of said 497.266 acre tract of land, the Southwesterly line of said 80.79 acre tract of land and the Southwesterly line of that certain called 213.8792 acre tract of land described in the deed to Boris Henry McRight and Judy K. Evans, recorded in Volume 1364, Page 724, Official Public Records, Ellis County, Texas, passing at 3040.30 feet a 1/2-inch iron pipe found for the South corner of said 213.8792 acre tract of land and the West corner of that certain called 159.735 acre tract of land described as Tract 1 in the deed to Daniel R. Juricek and wife, Patricia G. Juricek, recorded in Volume 1406, page 685, Deed Records, Ellis County, Texas, continuing on said course and with the Southwesterly line of said 159.735 acre tract of land for a total distance of 3151.78 feet to a capped iron rod set for the Northeast corner of that certain called 168.702 acre tract of land described in said Volume 2671, page 208 and the most Easterly Southeast corner of said 497.266 acre tract of land, from which a 1-inch iron rod found for reference bears S34°43'38"E, a distance of 14.41 feet;

THENCE along the East line of the 168.702 acre tract and the centerline of Norman Drive the following courses and distances:

1. S30°39'07"E a distance of 980.55 feet to a calculated point;

2. S28°14'46"E a distance of 3056.88 feet to a capped iron rod set for the southwest corner of the 168.702 acre tract and being in the north right-of-way line of F.M. Hwy 878;

THENCE along the south line of the 168.702 acre tract, same being the north right-of-way line of F.M. Hwy 878 the following courses and distances:

1. S73°57'38"W a distance of 56.26 feet to a capped iron rod set for a point of curvature;

2. Along a curve to the right, having a radius of 1868.56 feet, an arc length of 110.59 feet, a delta angle of 3°23'27", and a chord which bears S75°53'28"W a distance of 110.57 feet to a capped iron rod set for a point of tangency;

3. S77°32'30"W a distance of 1214.19 feet to a capped iron rod set for a point of curvature;

4. Along a tangential curve to the right, having a radius of 5689.89 feet, an arc length of 528.16 feet, a delta angle of 5°19'06", and a chord which bears S80°16'32"W a distance of 527.97 feet to a capped iron rod set for a point of tangency;

5. S82°37'43"W a distance of 490.94 feet a capped iron rod set for the Southwest corner of said 168.702 acre tract, same being the Southeast corner of a 264.641 acre tract of land conveyed to Eloy 660, LLC by deed of record in Volume 2671, Page 208 of the Official Public Records of Ellis County, Texas;

THENCE along the south line of the 264.641 acre tract, same being the north right-of-way line of F.M. Hwy 878 the following courses and distances:

1. S82°51'22"W a distance of 24.30 feet to a to capped iron rod set;

2. S83°30'22"W a distance of 185.20 feet to a to a capped iron rod set for a point of curvature;

3. Along a tangential curve to the left, having a radius of 1185.92 feet, an arc length of 338.69 feet, a delta angle of 16°21'48", and a chord which bears S75°15'36"W a distance of 337.54 feet to a capped iron rod set for a point of tangency;

4. S67°07'22"W a distance of 397.60 feet to a nail found;

5. S67°01'47"W a distance of 933.79 feet to a capped iron rod set for a point of curvature;

6. Along a tangential curve to the left, having a radius of 1949.86 feet, an arc length of 673.81 feet, a delta angle of 19°47'59", and a chord which bears S57°09'22"W a distance of 670.47 feet to a 1/2-inch iron rod found for a point of tangency;

7. S47°13'07"W a distance of 354.73 feet to a 1/2-inch iron rod found for a point of curvature;

8. Along a tangential curve to the right, having a radius of 778.51 feet, an arc length of 564.07 feet, a delta angle of 41°30'49", and a chord which bears S69°26'15"W a distance of 551.81 feet capped iron rod set for a point of curvature;

9. S88°25'07"W a distance of 297.12 feet to 1/2-inch iron rod found at the Southwest corner of said 264.641 acre tract and a South corner of that certain called 497.266 acre tract of land conveyed to Ben Fatto Limited Partnership by instrument of record in Document No. 1736457 of the Official Public Records of Ellis County, Texas;

THENCE S87°56'24"W, with the North right-of-way line of said F.M. 878 and the South line of said 497.266 acre tract of land, a distance of 60.03 feet to a 1/2-inch iron rod found for the Southeast corner of that certain called 5.01 acre tract of land described in the deed to Gerald Buckner and wife, Cindy L. Buckner, recorded in Volume 1996, Page 1641, Official Public Records, Ellis County, Texas and the most Southerly Southwest corner of said 497.266 acre tract of land;

THENCE N01°04'28"W, with the East line of said 5.01 acre tract of land, the East line of the remainder of that certain called 182.79 acre tract of land described as Tract One in the deed to Aztec Development Company, LLC, recorded in Volume 1410, Page 33, Official Public Records, Ellis County, Texas and a West line of said 497.266 acre tract of land, a distance of 1677.60 feet to a 5/8-inch iron rod with plastic cap stamped "Landpoint" set (herein referred to as capped iron rod set) for corner;

THENCE N05°39'37"E, with the East line of the remainder of said 182.79 acre tract of land and a West line of said 497.266 acre tract of land, a distance of 28.49 feet to a capped iron rod set at a point of intersection of the south line of the 497.266 acre tract and the centerline of Boyce Creek for the southeast corner of said 95.837 acre tract;

THENCE along the south line of 95.837 acre tract, same being the north line of the remainder of 182.79 acre tract with the centerline of Boyce Creek the following courses and distances:

1. N76°16'02"W a distance of 29.33 feet to calculated point;

2. S69°16'57"W a distance of 19.24 feet to a calculated point;

3. S28°15'39"W a distance of 26.75 feet to a calculated point;

4. S21°43'43"W a distance of 71.62 feet to a calculated point;
5. S52°41'05"W a distance of 56.12 feet to a calculated point;
6. S74°31'06"W a distance of 95.74 feet to a calculated point;
7. N87°36'50"W a distance of 20.42 feet to a calculated point;
8. N68°42'13"W a distance of 117.67 feet to a calculated point;
9. N49°33'26"W a distance of 56.92 feet to a calculated point;
10. N47°02'49"W a distance of 90.98 feet to a calculated point;
11. N48°56'30"W a distance of 53.87 feet to a calculated point;
12. N34°28'48"W a distance of 67.81 feet to a calculated point;
13. N23°09'19"W a distance of 66.73 feet to a calculated point;
14. N00°38'39"W a distance of 56.83 feet to a calculated point;
15. N10°49'08"W a distance of 154.35 feet to a calculated point;
16. N48°19'35"W a distance of 33.66 feet to a calculated point;
17. N52°34'38"W a distance of 41.03 feet to a calculated point;
18. N16°34'06"W a distance of 56.89 feet to a calculated point;
19. N26°28'32"W a distance of 59.84 feet to a calculated point;
20. N20°33'47"W a distance of 153.08 feet to a calculated point;
21. N30°30'59"W a distance of 102.08 feet to a calculated point;
22. N22°22'15"W a distance of 78.09 feet to a calculated point;
23. N01°41'20"E a distance of 54.12 feet to a calculated point;
24. N11°24'58"W a distance of 111.33 feet to a calculated point;
25. N10°38'51W a distance of 54.35 feet to a calculated point;

26. N32°00'22"W a distance of 95.43 feet to a calculated point;

27. N04°31'42"E a distance of 97.72 feet to a calculated point;

28. N05°32'52" E a distance of 110.26 feet to a calculated point;

29. N10°42'23"W a distance of 30.45 feet to a calculated point;

30. N53°20'43"W a distance of 46.32 feet to a calculated point;

31. N83°56'28"W a distance of 79.63 feet to a calculated point;

32. N65°10'23"W a distance of 27.86 feet to a calculated point;

33. N46°53'40"W a distance of 86.81 feet to calculated point;

34. N33°47'04"W a distance of 32.53 feet to a calculated point;

35. N19°34'13"W a distance of 33.71 feet to a calculated point;

36. N81°41'19"W a distance of 25.54 feet to a calculated point;

37. S89°47'57"W a distance of 23.41 feet to a calculated point;

38. S67°17'27"W a distance of 40.31 feet to a calculated point;

39. S37°36'55"W a distance of 36.86 feet to a calculated point;

40. S08°05'38"W a distance of 23.37 feet to a calculated point;

41. S33°19'31"E a distance of 37.60 feet to a calculated point;

42. S48°29'29"E a distance of 47.28 feet to a calculated point;

43. S15°23'05"E a distance of 44.63 feet to a calculated point;

44. S39°24'12"W a distance of 45.46 feet to a calculated point;

45. S77°30'09"W a distance of 47.68 feet to a calculated point;

46. S72°04'17"W a distance of 67.61 feet to a calculated point;

47. S41°33'59"W a distance of 18.03 feet to a calculated point;

48. N69°16'08"W a distance of 48.08 feet to a calculated point;

49. N77°19'06"W a distance of 97.66 feet to calculated point at the intersection of the centerline of Boyce Creek and the east line of a said 126.166 acre tract of land said calculated point being the Southwest corner of the 95.837 acre tract and the Northeast corner of the remainder of 182.79 acre tract;

THENCE S05°44'06"W, with the East line of said 126.166 acre tract of land and the West line of said 95.837 acre tract of land, a distance of 515.56 feet to a 1-inch axle found for the Northeast corner of that certain called 78.158 acre tract of land described as Tract 1 in the deed to Mary Lou Barron McBurnett, recorded in Volume 1063, Page 780, Deed Records, Ellis County, Texas, the Southeast corner of said 126.166 acre tract of land and the Southeast corner of said tract herein described;

THENCE S88°48'13"W, with the South line of said 126.166 acre tract of land, the North line of said 78.158 acre tract of land and the North line of said 31.509 acre tract of land, passing at a distance of 1436.21 feet a 1-inch iron pipe found for the Northwest corner of said 78.158 acre tract of land and the Northeast corner of said 31.509 acre tract of land, continuing on said course for a total distance of 2495.89 feet to the **POINT OF BEGINNING** and containing 1513.859 acres of land.

The herein referenced tract is referenced to State Plane Coordinates, Texas North Central Zone, 4202.

EXHIBIT B
ETJ-PTN-146-2023 (ETJ PETITION)
ETJ
City Limits
Feet
0
1,500
3,000
6,000
9,000
12,000

(5i)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-149-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by Grandscape Land Developers, LLC, for a **Petition for ETJ Release** for approximately 97.74 acres, located north of 129 Corral Road (Property ID 181006) – Owner: Grandscape Land Developers, LLC (ETJ-PTN-149-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-149-2023, a request by Grandscape Land Developers, LLC, for a Petition for ETJ Release for approximately 97.74 acres, located north of 129 Corral Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	Grandscape Land Developers, LLC
Property Owner(s):	Grandscape Land Developers, LLC
Site Acreage:	97.74 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 unit

SUBJECT PROPERTY

General Location:	Located north of 129 Corral Road
Parcel ID Number(s):	181006
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Not within a CCN Service Area

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

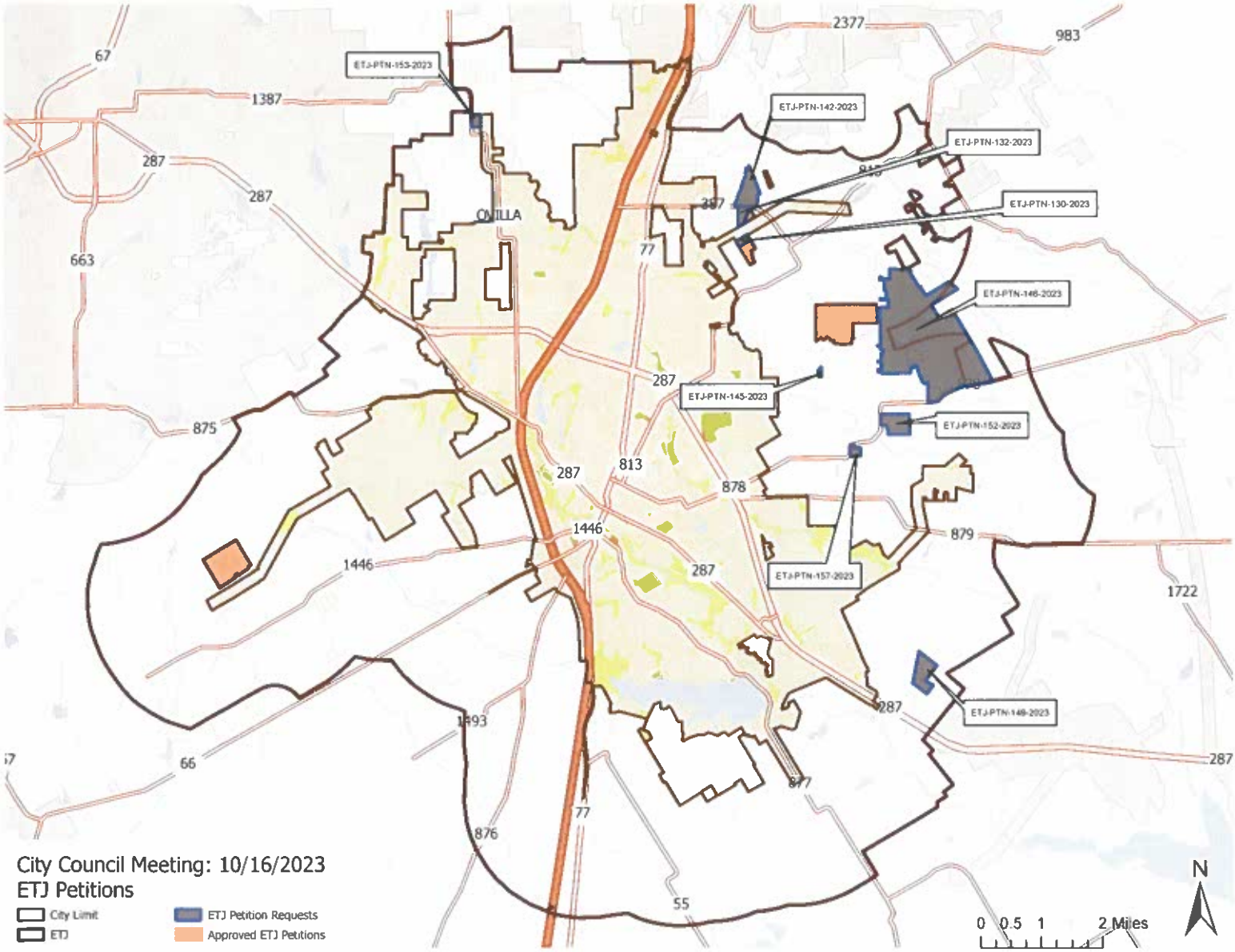
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-146-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OVILLA
2377
983
67
1387
287
663
77
875
813
878
879
1446
1722
1493
66
876
55
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 97.74 ACRE TRACT OF LAND, LOCATED AT 129 CORRAL ROAD, KNOWN AS PROPERTY ID 181006, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

City Secretary

EXHIBIT A

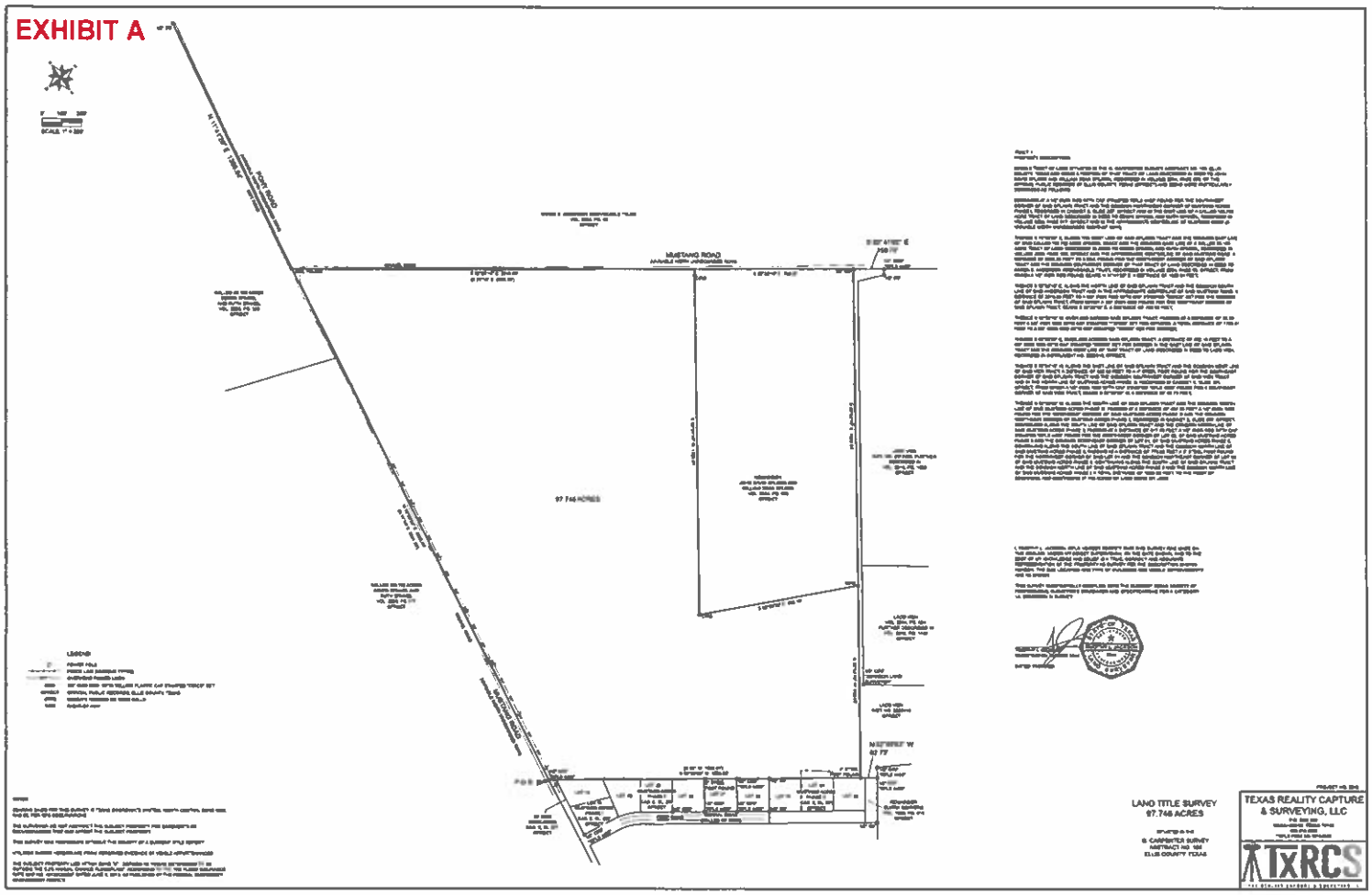

MUSTANG ROAD
97.746 ACRES
LAND TITLE SURVEY
97.746 ACRES
TEXAS REALITY CAPTURE
& SURVEYING, LLC
TxRCS

EXHIBIT B
0 500 1,000 2,000 3,000 4,000 Feet
ETJ-PTN-149-2023 (ETJ PETITION)
ETJ
City Limits
N

(5j)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-152-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by AGC Custom Homes Inc., for a **Petition for ETJ Release** for approximately 89.91 acres, located directly north of 101 Boyce Road (Property ID 296968) – Owner: AGC Custom Homes Inc. (ETJ-PTN-152-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-152-2023, a request by AGC Custom Homes Inc., for a Petition for ETJ Release for approximately 89.91 acres, located directly north of 101 Boyce Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	AGC Custom Homes Inc.
Property Owner(s):	AGC Custom Homes Inc.
Site Acreage:	89.91 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 unit

SUBJECT PROPERTY

General Location:	Located directly north of 101 Boyce Road
Parcel ID Number(s):	296968
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Not within a CCN Service Area

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

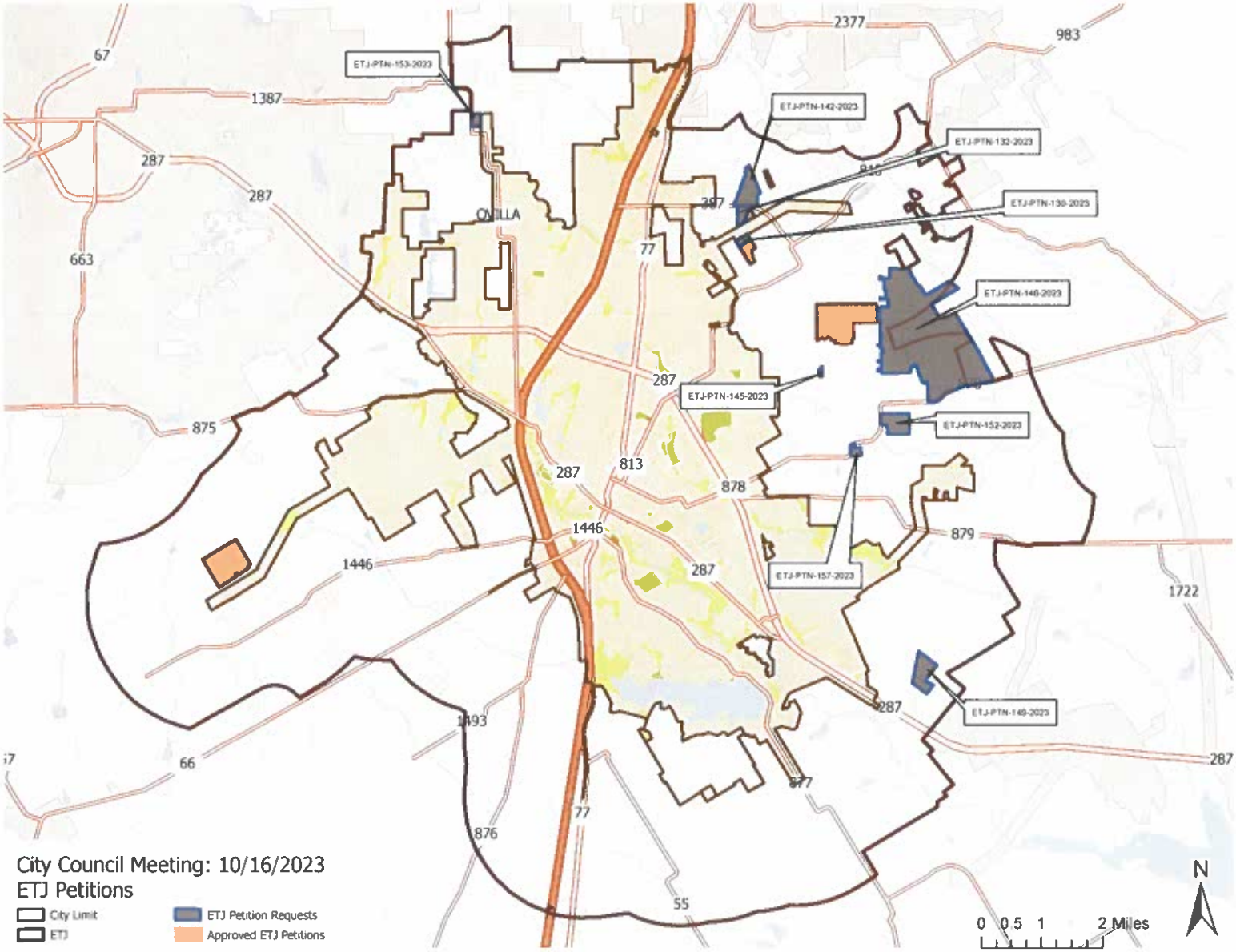
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-148-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OVILLA
2377
983
67
1387
287
663
77
875
813
878
879
1446
1722
1193
66
876
55
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 89.91 ACRE TRACT OF LAND, LOCATED DIRECTLY NORTH OF 101 BOYCE ROAD, KNOWN AS PROPERTY ID 296968, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

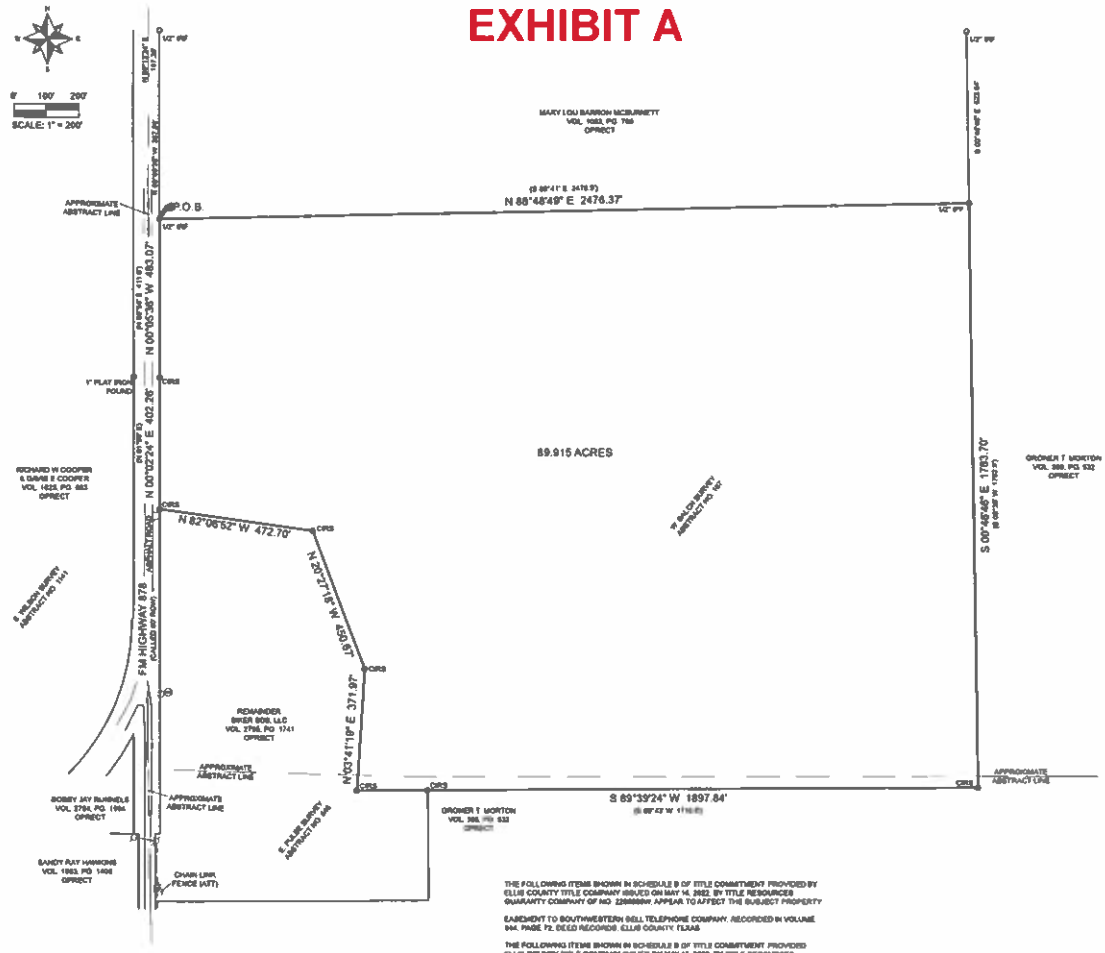
MAYOR

ATTEST:

_____

City Secretary

EXHIBIT A



PROPERTY DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE W. BALCH SURVEY, ABSTRACT NO. 107 AND THE E. PULSE SURVEY ABSTRACT NO. 846, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO SHIER BOB, LLC, RECORDED IN VOLUME 2786, PAGE 1741, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID SHIER BOB TRACT AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO MARY LOU BARRON MCBURNETT, RECORDED IN VOLUME 1083, PAGE 766, OPRECT AND IN THE EAST RIGHT OF WAY (ROW) LINE OF FM HIGHWAY 878 (A CALLED 60' ROW), FROM WHICH A 1/2" IRON ROD FOUND, BEARS N 00°05'36" W, A DISTANCE OF 387.69 FEET AND N 00°13'24" E, A DISTANCE OF 157.39 FEET;

THENCE N 88°48'49" E, ALONG THE NORTH LINE OF SAID SHIER BOB TRACT AND THE COMMON SOUTH LINE OF SAID MCBURNETT TRACT, A DISTANCE OF 2476.37 FEET TO A 1/2" IRON PIPE FOUND FOR THE NORTH-EAST CORNER OF SAID SHIER BOB TRACT AND THE COMMON SOUTHEAST CORNER OF SAID MCBURNETT TRACT AND IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO GRONER T. MORTON, RECORDED IN VOLUME 999, PAGE 532, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND, BEARS N 88°48'49" W, A DISTANCE OF 994.76 FEET;

THENCE S 00°46'48" E, ALONG THE EAST LINE OF SAID SHIER BOB TRACT AND THE COMMON WEST LINE OF SAID MORTON TRACT, A DISTANCE OF 1783.70 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID SHIER BOB TRACT AND A COMMON INTERIOR ELL CORNER OF SAID MORTON TRACT;

THENCE S 89°39'24" W, ALONG THE SOUTH LINE OF SAID SHIER BOB TRACT AND A COMMON NORTH LINE OF SAID MORTON TRACT, PASSING AT A DISTANCE OF 1882.38 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR AN INTERIOR ELL CORNER OF SAID SHIER BOB TRACT AND A COMMON NORTHWEST CORNER OF SAID MORTON TRACT, A TOTAL DISTANCE OF 1897.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE N 03°41'19" E, OVER AND ACROSS SAID SHIER BOB TRACT, A DISTANCE OF 371.97 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE N 20°27'18" W, OVER AND ACROSS SAID SHIER BOB TRACT, A DISTANCE OF 459.61 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE N 82°06'52" W, OVER AND ACROSS SAID SHIER BOB TRACT, A DISTANCE OF 472.70 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE WEST LINE OF SAID SHIER BOB TRACT AND THE COMMON EAST ROW LINE OF SAID FM HIGHWAY 878;

THENCE N 00°02'24" E, ALONG THE WEST LINE OF SAID SHIER BOB TRACT AND THE COMMON EAST ROW LINE OF SAID FM HIGHWAY 878, A DISTANCE OF 402.26 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE N 00°05'36" W, ALONG THE WEST LINE OF SAID SHIER BOB TRACT AND THE COMMON EAST ROW LINE OF SAID FM HIGHWAY 878, A DISTANCE OF 483.07 FEET TO THE POINT OF BEGINNING, AND CONTAINING 89.915 ACRES OF LAND MORE OR LESS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY

TIMOTHY L. JACKSON
REGISTRATION NO. 6044
DATED [illegible]

LEGEND:

- ELECTRIC METER
- FIRE HYDRANT
- POWER POLE
- WATER VALVE
- FENCE LINE (VARIOUS TYPES)
- OVERHEAD UTILITY LINES
- CIRS — 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
- OPRECT — OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
- (DOC) — INDICATE RECORD OR DEED CALLS
- ROW — RIGHT-OF-WAY

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83. PER GPS OBSERVATIONS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT PROVIDED BY ELLIS COUNTY TITLE COMPANY ISSUED ON MAY 16, 2022, BY TITLE RESOURCES GUARANTY COMPANY OF NO. 2208888W, FOR RESEARCH OF EASEMENTS

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0280F DATED JUNE 3, 2013 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY ELLIS COUNTY TITLE COMPANY ISSUED ON MAY 16, 2022, BY TITLE RESOURCES GUARANTY COMPANY OF NO. 2208888W, APPEAR TO AFFECT THE SUBJECT PROPERTY

EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 944, PAGE 72, DEED RECORDS, ELLIS COUNTY, TEXAS

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED ELLIS COUNTY TITLE COMPANY ISSUED ON MAY 16, 2022, BY TITLE RESOURCES GUARANTY COMPANY OF NO. 2208888W, APPEAR TO NOT HAVE AN AFFECT THE SUBJECT PROPERTY
EASEMENT TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 368, PAGE 247, DEED RECORDS, ELLIS COUNTY, TEXAS

RIGHT OF WAY DEED TO THE STATE OF TEXAS, RECORDED IN VOLUME 405, PAGE 309, DEED RECORDS, ELLIS COUNTY TEXAS

EASEMENT TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 412, PAGE 511, DEED RECORDS, ELLIS COUNTY TEXAS

EASEMENT TO ROCKETT SPECIAL UTILITY DISTRICT, RECORDED IN VOLUME 1813, PAGE 334, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS

LAND TITLE SURVEY
89.915 ACRES
SITUATED IN THE
W BALCH SURVEY, ABSTRACT NO. 107
AND THE
E PULSE SURVEY, ABSTRACT NO. 846
ELLIS COUNTY, TEXAS

PROJECT NO. 2164

TEXAS REALITY CAPTURE & SURVEYING, LLC
P.O. BOX 555
ENNIS, TEXAS 75119
972.219.3002
TBPLS FIRM NO 10194000

TxRCS
TEXAS REALITY CAPTURE & SURVEYING

EXHIBIT B
GIBSON RD
RIOS RD
YOUNGBLOOD RD
FM 678
OLD BOYCE RD
WILLOW LN
BOYCE RD
STELLA ROSE CT
ICE RD
ETJ-PTN-152-2023 (ETJ PETITION)
ETJ
City Limits
0 1,000 2,000 4,000 6,000 8,000 Feet

(5K)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-153-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by LRCA Investments, LLC, for a **Petition for ETJ Release** for approximately 18.70 acres, located east of 229 Cimarron Meadows Drive (Property ID 295056) – Owner: LRCA Investments, LLC (ETJ-PTN- 153-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-153-2023, a request by LRCA Investments, LLC, for a Petition for ETJ Release for approximately 18.70 acres, located east of 229 Cimarron Meadows Drive, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	LRCA Investments, LLC
Property Owner(s):	LRCA Investments, LLC
Site Acreage:	18.70 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units

SUBJECT PROPERTY

General Location:	Located east of 229 Cimarron Meadows Drive
Parcel ID Number(s):	295056
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted.
CCN Service Area:	Sardis-Lone Elm Water Supply Corporation

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

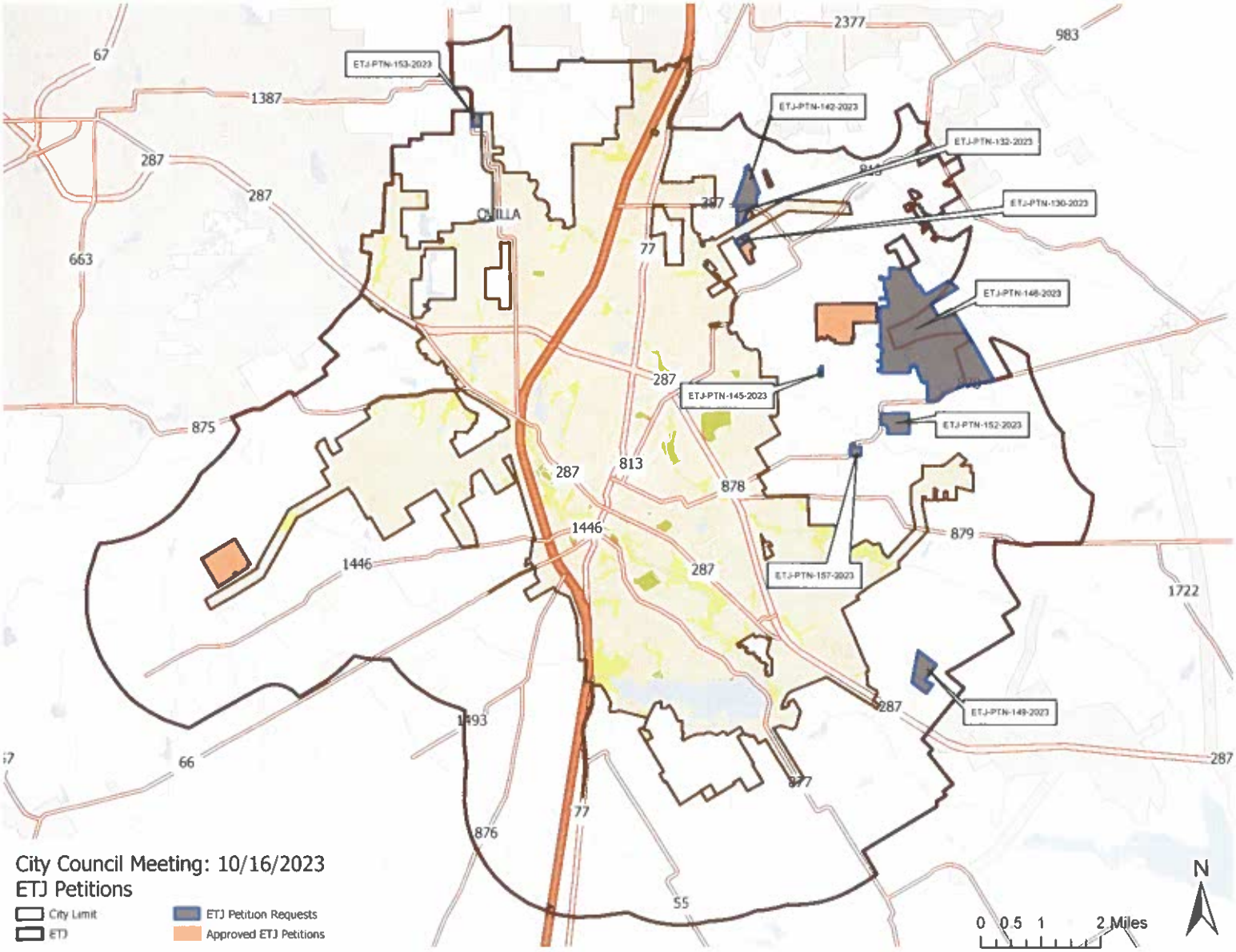
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-148-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
OXILLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 18.70 ACRE TRACT OF LAND, LOCATED EAST OF 229 CIMARRON MEADOWS DRIVE, KNOWN AS PROPERTY ID 295056, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

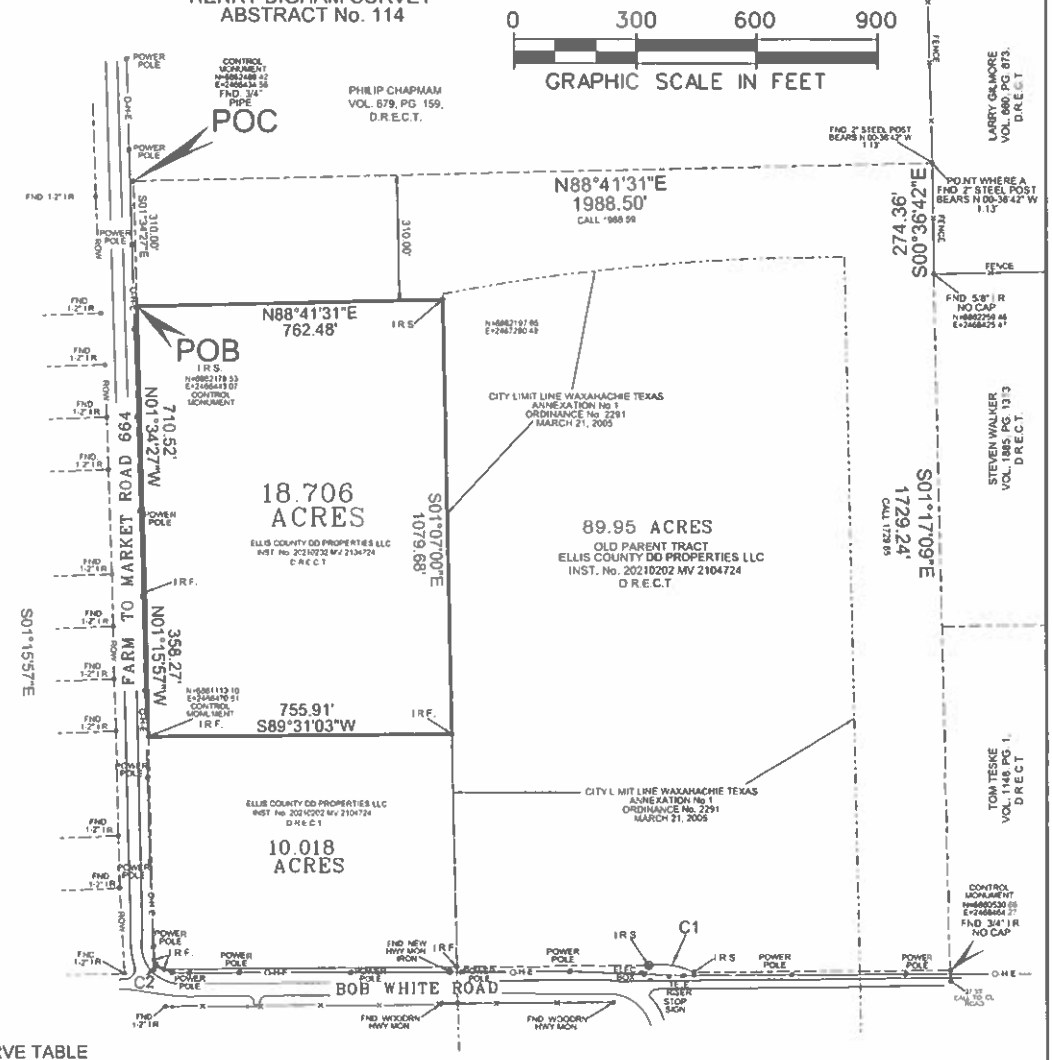
ATTEST:

_____

City Secretary

EXHIBIT A

HENRY BIGHAM SURVEY
ABSTRACT No. 114



CURVE TABLE

Curve	Delta	Radius	Length	Chord Bearing	Distance
CURVE C1	34° 23' 37"	194.50 L	116.76	N 81° 23' 44" W	115.01
CURVE C2	89° 14' 53"	23.66 R	36.85	N 45° 52' 27" W	33.24

This survey was executed with the benefit of a title commitment furnished by Fidelity National Title Insurance Company, under GF No. 022-52604, Effective June 23, 2022, and Issued July 8, 2022, and relied upon for all matters of record

SCHEDULE B

Right of Way Easement to Sardis Lone Elm water Supply Corporation, recorded in Vol 1450, Pg. 615, of the Deed Records of Ellis County, Texas, does not affect this tract of land (10a)

LEGAL DESCRIPTION

BEING a 18.706 acre tract of land situated in the HENRY BIGHAM SURVEY, ABSTRACT NUMBER 114, of Ellis County, Texas, and being part of that certain 89.95 acre tract of land as conveyed by deed to ELLIS COUNTY DD PROPERTIES LLC., as recorded in Instrument No.20210202-MV-2104724, of the Deed Records of Ellis County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of said 89.95 acre tract of land, at a found 3/4" iron pipe, said iron pipe is also situated on the East right of Way Line of Farm to Market Road 664;

THENCE S 01 deg. 34 min. 27 sec. E, along said East R.O.W. Line of FM 664, a Dist. of 310.00', to a set 1/2" iron rod with an Orange BLS 5251 Cap, and the Point of Beginning of this tract of land;

THENCE N 88 deg. 41 min. 31 sec. E, a Dist. of 762.48', to a set 1/2" iron rod with Orange BLS 5251 Cap, for a corner;

THENCE S 01 deg. 07 min. 00 sec. E, a Dist. of 1079.68', to a found 1/2" iron rod with Orange BLS 5251 Cap, for a corner;

THENCE S 89 deg. 31 min. 03 sec. W, Dist. of 755.91', to a found 1/2" iron rod with Orange BLS 5251 Cap, for a corner, situated on the East R.O.W. Line of FM 664;

THENCE N 01 deg. 15 min. 57 sec. W, along the East R.O.W. Line of FM 664, a Dist. of 358.27', to a found 1/2" iron rod with Orange BLS 5251 Cap, for a corner;

THENCE N 01 deg. 34 min. 27 sec. W, continuing along the East R.O.W. Line of FM 664, a Dist. of 710.52', to the Point of Beginning, and containing 18.706 acres of land more or less.

Flood Statement

According to the Flood Insurance Rate Map for Ellis County, Texas and Incorporated Areas, Community Panel No. 48139-C0175-F, effective date June 3rd, 2013, this property is located in zone "X", (Areas determined not to be in the flood plain)

* The above referenced FEMA flood insurance rate map is for use in administering the "NFIP" It does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surfaces or subsurface conditions existing on or near the subject property which are not studied or addressed as part of the "NFIP"

Blocking the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the floodway is prohibited.

* The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across said lots.

I hereby state that this survey was made on the ground of the property described hereon, and is to the best of my knowledge correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as shown hereon. Surveyed on the ground in July 2022.

Christopher Kinny Bradley

Christopher Kinny Bradley, RPLS #5251

STATE OF TEXAS
REGISTERED
CHRISTOPHER KINNY BRADLEY
5251
PROFESSIONAL
LAND SURVEYOR

This survey also substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition II Survey.

REFERENCE DATUM

1. Bearings, Distances and Coordinates shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone Grid and based on the North American Datum of 1983
2. Access to the property is along F.M. 664, (A Public Right of Way) and a variable width R.O.W.
3. All irons set (I.R.S.), and irons found (I.R.F.), are 1-2" Iron Rods with Orange BLS 5251 Caps.

BRADLEY LAND SERVICE
P.O. BOX 279
ALVARADO, TEXAS, 76009
817-819-7392
FIRM No. 10194652

PROJECT NO	2022004	DATE	
DRAWN BY	CKB		
APPROVED BY			
DATE	07-08-2022		

EXHIBIT B
ETJ-PTN-153-2023 (ETJ PETITION)
ETJ
City Limits
0 500 1,000 2,000 3,000 4,000 feet
MASON LN
MALLORY CT
MELISSA DR
MALLORY DR
OXFORD RANCH RD
CAMBRIDGE CT
WALES CT
FLYING G RANCH
DEVONSHIRE DR
KELLY DR
O'BRIEN RD
BERKELEY DR
CARDIFF LN
S WESTMORELAND RD
MULKEY RD
PATRICK RD
CROSS CREEK DR
BOB WHITE RD
CHAMBERS BAY CIR
ROSS CREEK DR
REEF DR
DAVENPORT DR
TAMARRON DR
SIERRA LN
TAMARRON MEADOWS DR
FM 664
BOB WHITE RD
HORSESHOE MEADOWS DR
EAST DR
KNAPP DR
BRICKE

(5L)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-157-2023

MEETING DATE(S)

City Council: October 16, 2023

CAPTION

Consider proposed Ordinance approving a request by Stella Rose Homes, LLC, for a **Petition for ETJ Release** for approximately 16.0 acres, located directly west of 3010 FM 878 (Property ID 277733) – Owner: Stella Rose Homes, LLC (ETJ-PTN-157-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-157-2023, a request by Stella Rose Homes, LLC, for a Petition for ETJ Release for approximately 16.0 acres, located directly west of 3010 FM 878, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:	Stella Rose Homes, LLC
Property Owner(s):	Stella Rose Homes, LLC
Site Acreage:	16.0 acres
Number of Lots:	13 lots
Number of Dwelling Units:	13 units

SUBJECT PROPERTY

General Location:	Located directly west of 3010 FM 878
Parcel ID Number(s):	277733
Current Zoning:	ETJ
Existing Use:	Undeveloped Land
Platting History:	The subject property was not previously platted. However, the City Council approved a plat (SUB-56-2020) for the subject property on October 4, 2021. The plat has yet to be recorded with the County Clerk's Office.
CCN Service Area:	Rockett Special Utility District

Site Aerial:

PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

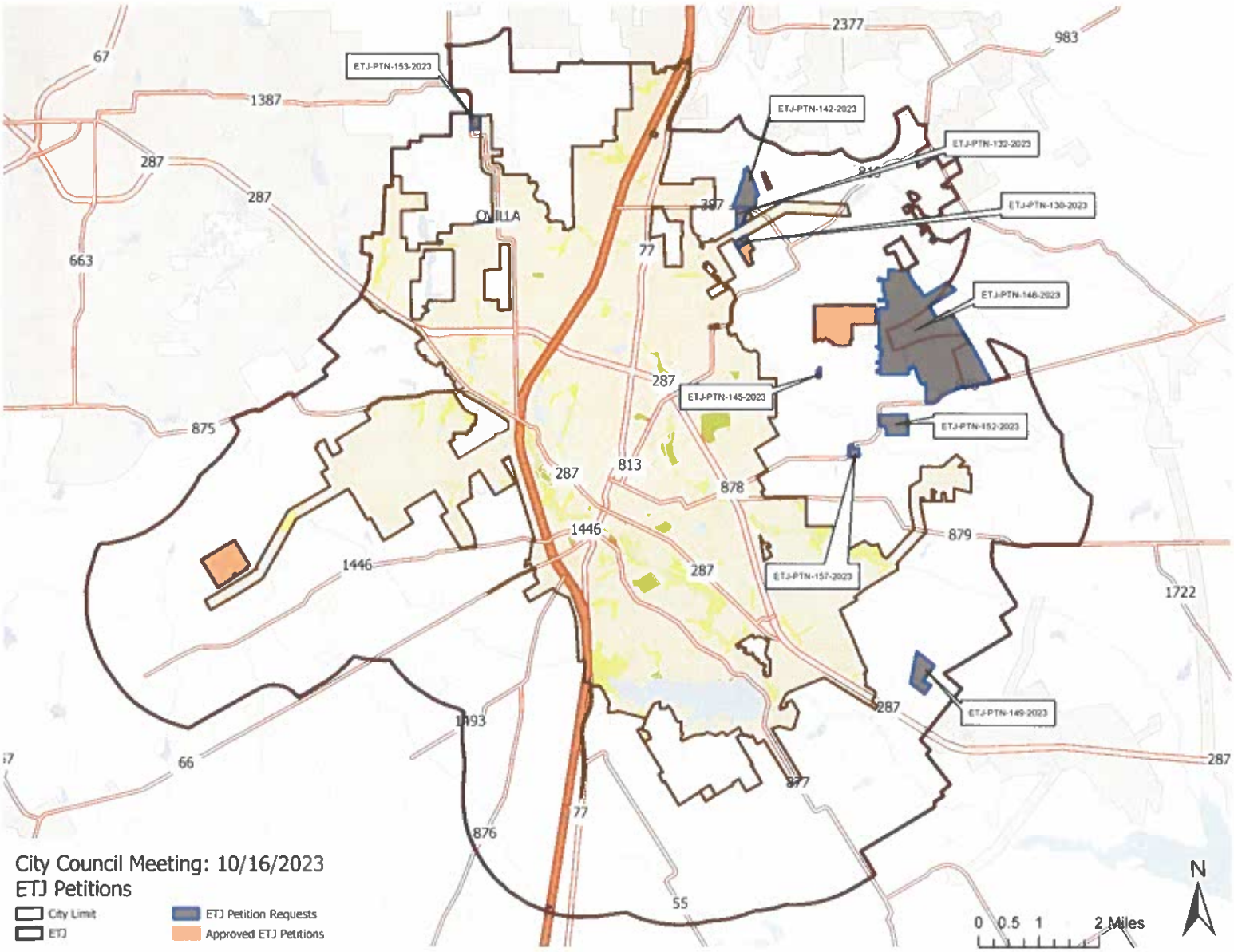
ATTACHED EXHIBITS

1. ETJ Petition Map for October 16, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Eleana Tuley, AICP
Senior Planner
eleana.tuley@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com


ETJ-PTN-153-2023
ETJ-PTN-142-2023
ETJ-PTN-132-2023
ETJ-PTN-130-2023
ETJ-PTN-146-2023
ETJ-PTN-145-2023
ETJ-PTN-152-2023
ETJ-PTN-157-2023
ETJ-PTN-149-2023
ONILLA
City Council Meeting: 10/16/2023
ETJ Petitions
City Limit
ETJ
ETJ Petition Requests
Approved ETJ Petitions
0 0.5 1 2 Miles
N

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 16.0 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 3010 FM 878, KNOWN AS PROPERTY ID 277733, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

> All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____

MAYOR

ATTEST:

_____

City Secretary

EXHIBIT A

PROPERTY DESCRIPTION:

BEING A TRACT OF LAND SITUATED IN THE T. JACKSON SURVEY, ABSTRACT NO. 574, ELLIS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO STELLA ROSE HOMES, LLC, RECORDED IN INSTRUMENT NO. 1929508, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR A NORTHEAST CORNER OF SAID STELLA ROSE TRACT IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BARRY WILLIAMS AND MARY WILLIAMS, RECORDED IN VOLUME 1846, PAGE 1369, OPRECT, IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY NO. 878 (A CALLED 80' ROW), FROM WHICH A 1/2" IRON ROD FOUND FOR THE CALLED NORTHWEST CORNER OF SAID WILLIAMS TRACT BEARS N 09°31'49" W, 1.4';

THENCE S 09°31'49" E, ALONG AN EAST LINE OF SAID STELLA ROSE TRACT AND THE COMMON WEST LINE OF SAID WILLIAMS TRACT, PASSING AT A DISTANCE OF 288.95 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID WILLIAMS TRACT AND A COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JACOB ALAN WESTHOFF AND SARAH M. JAFFA, RECORDED IN INSTRUMENT NO. 1709327, OPRECT, CONTINUING ALONG SAID STELLA ROSE TRACT AND THE COMMON WEST LINE OF SAID WESTHOFF TRACT, A TOTAL DISTANCE OF 423.65 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID STELLA ROSE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID WESTHOFF TRACT;

THENCE N 80°26'17" E, ALONG A NORTH LINE OF SAID STELLA ROSE TRACT AND THE COMMON SOUTH LINE OF SAID WESTHOFF TRACT, A DISTANCE OF 533.39 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID STELLA ROSE TRACT AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED DONALD E. BUSBY AND JANE E. BUSBY, RECORDED IN INSTRUMENT NO. 1930918, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID WESTHOFF TRACT AND THE COMMON NORTHWEST CORNER OF SAID BUSBY TRACT, BEARS N 80°26'17" E, A DISTANCE OF 38.51 FEET;

THENCE S 01°07'24" E, ALONG THE EAST LINE OF SAID STELLA ROSE TRACT AND THE COMMON WEST LINE OF SAID BUSBY TRACT, A DISTANCE OF 723.90 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID STELLA ROSE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID BUSBY TRACT;

THENCE S 88°52'36" W, ALONG THE SOUTH LINE OF SAID STELLA ROSE TRACT, A DISTANCE OF 902.14 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID STELLA ROSE TRACT AND THE COMMON EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JAMES L. BARNES AND DAPHNE BARNES, RECORDED IN VOLUME 631, PAGE 187, OPRECT, FROM WHICH A 1" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID BARNES TRACT BEARS S 00°44'03" E, A DISTANCE OF 157.21 FEET;

THENCE N 00°44'03" W, ALONG A WEST LINE OF SAID STELLA ROSE TRACT AND THE COMMON EAST LINE OF SAID BARNES TRACT, A DISTANCE OF 41.89 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET IN THE EAST ROW LINE OF SAID F.M. HIGHWAY NO. 878, FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 341.56 FEET, A CHORD WHICH BEARING N 11°46'36" E, A CHORD LENGTH OF 144.52 FEET;

THENCE, ALONG THE WEST LINE OF STELLA ROSE TRACT AND THE COMMON EAST OF SAID F.M. HIGHWAY NO 878, AS FOLLOWS:

ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 145.62 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

N 00°24'21" W, A DISTANCE OF 642.99 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 232.84 FEET, A CHORD BEARING N 39°44'09" E, A CHORD LENGTH OF 300.21 FEET;

ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 326.25 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

N 79°52'39" E, A DISTANCE OF 76.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.000 ACRES OF LAND MORE OR LESS.

EXHIBIT B
BOYCE RD
STELLA ROSE CT
FM 978
DUBAN RD
N
0 500 1,000 2,000 3,000 4,000 Feet
ETJ-PTN-157-2023 (ETJ PETITION)

(5m)

Memorandum

To: Honorable Mayor and City Council

From: Joe Wiser, Chief of Police

Thru: Michael Scott, City Manager

Date: October 5, 2023

Re: Consider Acceptance of a Victims of Crime Act, (V.O.C.A.) Grant Awarded to the City of Waxahachie to Provide for a Mental Health Program for First Responders and Their Families

---

Recommended Motion: "I move to accept the V.O.C.A. grant awarded to the City of Waxahachie to provide mental health services to first responders and their families and authorize the City Manager and/or Mayor to sign any necessary documents."

Item Description: Consider acceptance of a V.O.C.A. Grant in the amount of $105,300 for a First Responders Mental Health Program.

Item Summary: Grant funding previously awarded for a first responders mental health program was not renewed by the state. This program afforded first responders the opportunity to reach out confidentially for professional care when faced with mental well-being challenges. When the funding was terminated, so was this effective program.

A combined effort involving the City's Emergency Management Department, Fire Department, and Police Department resulted in the awarding of a grant from the Office of the Governor in the amount of $105,300 earmarked for a revamped Mental Health Program for our first responders and their families. The grant will work to ensure first responders and their families have access to mental health services for immediate, short-term, and follow-up care. The grant provides for both preventive and responsive mental health services.

Fiscal Impact: As the grant is being provided without a local government match, the $105,300 grant is awarded to the City of Waxahachie without a fiscal impact to the City's budget.

(5n)

Memorandum

To: Honorable Mayor and City Council

From: Gumaro Martinez, Executive Director of Parks & Leisure Services

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Consider $10,824 Funding Request from the TIRZ Fund Balance for Improvements at 221 S. US Highway 77

Recommended Motion: "I move to approve funding from the TIRZ fund balance in the amount of $10,824 for the improvements presented, and authorize the City Manager to execute all documents as necessary."

Item Description: Consider authorizing funding from the TIRZ fund balance in the amount of $10,824 to pay for half the cost of parking and sidewalk improvements at 221 S. US Highway 77.

Item Summary: The proposed improvements stem from a change in the use of the current facility. Upon application for a Certificate of Occupancy (CO), the permit review called for improved parking, the addition of a sidewalk, and relocation of the building's entrance.

The project was presented to the TIRZ Board on October 9th for their consideration by representatives of Sides Heritage Properties, LLC. The funding request was unanimously approved by a 4-0 vote. The total cost of the presented improvements is $24,402; however, only 50% of the costs for the concrete parking lot and sidewalk were included for consideration after working with staff to refine the initial request. The TIRZ board appreciated the fact that the applicant was not requesting the full amount.

Fiscal Impact: The $10,824 request would be funded by the TIRZ fund and there is a sufficient fund balance to cover the expense.

Memorandum

To: Honorable Mayor and City Council

From: Kyle Cooper, Senior Director of Parks and Recreation

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Consider $140,490 Supplemental Appropriation from WCDC Unrestricted Reserve Fund Balance for Site Lighting at Oak Lawn Park

---

Recommended Motion: "I move to approve a supplemental appropriation from the WCDC unrestricted reserve fund balance in the amount of $140,490.00 for the Oak Lawn Park site lighting project and authorize the City Manager to execute all documents as necessary."

Item Description: Consider the authorization of funding from the Waxahachie Community Development Corporation (WCDC) unrestricted reserve fund balance in the amount of $140,490 for the installation of site lighting at Oak Lawn Park.

Item Summary: Oak Lawn Park has undergone significant enhancements in recent years, including a basketball court, an expanded parking area, a welcoming pavilion, and various improvements to its amenities. However, the absence of adequate lighting prevents the park from reaching its full potential as a community asset.

Installing proper lighting in the park has several practical benefits. It enables people to make the most of the park's amenities and provides families with the opportunity to visit the park later in the evening to escape the summer heat. This promotes physical activity, strengthens community connections, and ensures enjoyable experiences for individuals of all age groups.

Furthermore, the presence of adequate lighting enhances safety and security in the park after dark. Well-lit areas create a comfortable environment for evening walkers, joggers, and families, thereby enhancing community security.
Staff will ensure proper measures are taken during the design phase to minimize light pollution to the surrounding neighborhood.

This item was discussed by the City Council during the FY23-24 budget process and was presented for consideration to the WCDC Board on October 10th, and they unanimously approved the $140,490 supplemental appropriation from the WCDC unrestricted reserved fund balance.

Fiscal Impact: The WCDC unrestricted reserve fund balance has sufficient capacity to fund the Oak Lawn Lighting Project. The specific line item subject to increase by $140,490 is 208-000-57400 Improvements Other Than Buildings.

(5p)

Memorandum

To: Honorable Mayor and City Council

From: Lindsey Mearns, Senior Director of Human Resources & Civil Service

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: City of Waxahachie 2024 Holiday Schedule

Recommended Motion: "I move to adopt the proposed 2024 Holiday Schedule"

Item Description: City of Waxahachie 2024 Holiday Schedule including the addition of Juneteenth as a City observed holiday.

Item Summary:
Since 2020, the City hall observed a total of eleven (11) official holidays each year including:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day

During the 2023 budget process, there was discussion among City Council regarding the addition of Juneteenth as a City observed holiday. Adding Juneteenth as a City observed holiday will increase the total number of City observed holidays to 12.

Attached is the proposed 2024 Holiday Schedule. We appreciate your consideration of this addition.

City of Waxahachie 2024 Holiday Schedule

The following holidays will be observed by the City of Waxahachie in 2024:

- **New Year's Day**
  Monday, January 1, 2024
- **Martin Luther King Jr. Day**
  Monday, January 15, 2024
- **Good Friday**
  Friday, March 29, 2024
- **Memorial Day**
  Monday, May 27, 2024
- **Juneteenth**
  Wednesday, June 19, 2024
- **Independence Day**
  Thursday, July 4, 2024
- **Labor Day**
  Monday, September 2, 2024
- **Veteran's Day**
  Monday, November 11, 2024
- **Thanksgiving Day**
  Thursday, November 28, 2024
- **Day after Thanksgiving Day**
  Friday, November 29, 2024
- **Christmas Eve**
  Tuesday, December 24, 2024
- **Christmas Day**
  Wednesday, December 25, 2024

Please contact the Human Resources Office with any questions.

401 S. Rogers * P.O. Box 757 * Waxahachie, Texas 75168-0757 * (469) 309-4190 * (469) 309-4003 Fax

(59)

Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Consider Resolution Accepting and Supporting Runway Rehabilitation and Marking Project for Mid-Way Regional Airport

---

Recommended Motion: "I move to approve a resolution accepting and supporting the Runway Rehabilitation and Marking Project for Mid-Way Regional Airport."

Item Description: Consider a resolution accepting and supporting the Runway Rehabilitation and Marking Project for Mid-Way Regional Airport.

Item Summary: The Runway Rehabilitation and Marking Project is a planned comprehensive rehabilitation of the airport runway, parallel taxi-way, and surrounding apron area at Mid-Way Regional Airport.

The project is part of the airport's five-year plan under the Texas Department of Aviation Capital Improvement Program. State funds will cover 90% of the cost and the airport will have to contribute at 10% local match.

The total cost of the project is estimated to be $787,101, with the Airports total share being $97,350. This project includes both the engineering and construction phases of the project. This was a planned expense and was included in the FY 2023-24 adopted Mid-Way Regional Airport Budget.

The next step is to have the Cities of Waxahachie and Midlothian approve the resolution accepting and supporting the project. The City of Midlothian approved the resolution on October 10th. Staff recommends approval.

Fiscal Impact: This is a planned expense and is included in the FY 2023-24 Mid-Way Regional Airport Budget.

RESOLUTION NO.

A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT RUNWAY REHABILITATION AND MARKING PROJECT AND THE REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.

WHEREAS, the City of Midlothian and City of Waxahachie intends to make certain improvements to the Mid-Way Regional Airport; and

WHEREAS, the general description of the project is described as: Rehabilitate and Mark Runway 18-36, Parallel Taxiway and Apron Area; and

WHEREAS, the City of Midlothian and City of Waxahachie intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project costs are estimated to be $787,101, and the City of Midlothian and City of Waxahachie will be responsible for 10% of the total project costs currently estimated to be $97,350; and

WHEREAS, the City of Midlothian and City of Waxahachie names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF MIDLOTHIAN AND CITY OF WAXAHACHIE hereby directs the Airport Manager to execute on behalf of the City of Midlothian and City of Waxahachie, at the appropriate time, and with the appropriate authorizations of this governing body, all contract and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Mid-Way Regional Airport.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2023.

_____
David Hill, Mayor, City of Waxahachie

ATTEST:

_____
Amber Villarreal, City Secretary, City of Waxahachie

(5r)

Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Consider Resolution Accepting and Supporting the Automated Weather Observing System (AWOS) Project for Mid-Way Regional Airport and $20,000 Supplemental Appropriation

---

Recommended Motion: "I move to approve a resolution accepting and supporting the Automated Weather Observing System and approve a supplemental appropriation from the Airport Fund unrestricted reserve in the amount of $20,000 to fund Mid-Way Regional Airport's local match contribution to the project."

Item Description: Consider a resolution accepting and supporting the Automated Weather Observing System (AWOS) Project for Mid-Way Regional Airport and approve a supplemental appropriation from the Airport Fund unrestricted reserve in the amount of $20,000 to fund the airport's 10% local match contribution to the project.

Item Summary: The current AWOS at Mid-Way Regional Airport is an aging system with issues that cause frequent downtime. Earlier this year, the Airport Manager and Airport Board explored multiple funding options to replace it. Through this effort, airport staff was able to secure a grant through the Airport Project Participation Agreement with the Texas Department of Transportation.

The total project cost is estimated at $200,000, with 90% of the funding coming from the state grant. The remaining 10% local match of $20,000 will be covered by the Airport Fund.

The next step is to have the Cities of Waxahachie and Midlothian approve the resolution accepting and supporting the project. Midlothian approved the resolution on October 10th.

In addition, since this grant was identified late last fiscal year, the Airport is proposing to utilize the Mid-Way Regional Airport's unrestricted reserve fund balance to cover the local match. The City of Waxahachie prepares and manages the airport budget/fund per the Joint Airport Agreement. Staff is requesting a supplemental appropriation from the Airport Fund to cover this expense.

Replacing the AWOS with a modern and reliable functioning system will ensure the continued safety of operations at the airport. Staff recommends approval.

Fiscal Impact: The proposed supplemental appropriation to cover the grant's local match of $20,000 would be funded from the Mid-Way Regional Airport unrestricted reserve fund balance. The fund has sufficient fund balance to cover the supplemental appropriation and will have no effect on the City of Waxahachie General Fund unrestricted reserve.

RESOLUTION NO.

A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT AUTOMATED WEATHER OBSERVING SYSTEM PROJECT AND REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.

WHEREAS, the City of Midlothian and City of Waxahachie desires to install an automated weather observing system at the Mid-Way Regional Airport; and

WHEREAS, the total project cost is estimated to be $200,000; and

WHEREAS, the City of Midlothian and City of Waxahachie hereby offers 10% of project costs to match 90% state funds, currently estimated to be $20,000 in local funds; and

WHEREAS, local funds will be available to meet project expenditures; and

WHEREAS, the City of Midlothian and City of Waxahachie agree to operate and maintain the installed automated weather observing system for the useful life of the asset; and

WHEREAS, the City of Midlothian and City of Waxahachie intends to request financial assistance from the Texas Department of Transportation for installation of the automated weather observing system for these improvements; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF MIDLOTHIAN AND CITY OF WAXAHACHIE hereby directs the Airport Manager to execute on behalf of the City of Midlothian and City of Waxahachie, at the appropriate time, and with the appropriate authorizations of this governing body, all contract and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Mid-Way Regional Airport.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2023.

_____
David Hill, Mayor, City of Waxahachie

ATTEST:

_____
Amber Villarreal, City Secretary, City of Waxahachie

(8)

PROCLAMATION

WHEREAS, African-American Cotton Pickers Day was created in October 2020 and recognized on the 4th Monday in October (Cotton Monday), representing the height of the cotton-picking season. The day was established by Dallas Historian, Professor Clarence Glover, Jr., who served as a former Adjunct Professor of African American Studies at Southern Methodist University and Special Assistant to the General Superintendent for Multicultural Education for Dallas ISD; and

WHEREAS, the day pays homage to African-Americans who raised and picked cotton, during slavery and Jim Crow, which served as the foundation for the development of America's economic system from the 1830's to 1960's. The day also recognizes the history of cotton in West Africa where it has been a part of the culture of African people for many years; and

WHEREAS, African-American Cotton Pickers Day was created to inspire all Americans to study, recognize, and appreciate the contributions of African-Americans to the cotton industry, as well as the impact on the economic, political, educational, religious, culture, and intercultural relations; and

WHEREAS, in recognition of this day, people are encouraged to wear black and white clothing made of 100% cotton to represent African-Americans and the cotton they picked; and

WHEREAS, African-America Cotton Pickers Day should be celebrated/observed in homes, schools, as well as religious and community organizations, by recognizing the thousands of named and unnamed African-Americans who raised and picked cotton during slavery and Jim Crow; and

WHEREAS, people are encouraged to research and identify the many institutions and products developed in America. Schools should explore STEAM (Science, Technology, Engineering, Arts, and Math) careers created by cotton, both farming and industrial, for today's students, particularly African-American students. Surviving African-American cotton pickers are encouraged to share their stories; and

WHEREAS, the African-American Cotton Picker for 2023 is Frank "Chipo" Bailey, of Waxahachie, Texas and the Honorable Mention Cotton Picker of the Year is Alice Polk of Teague, Texas; and

WHEREAS, a dedication ceremony was recently held on September 7, 2023 for the COTTON INDUSTRY IN ELLIS COUNTY, Texas, as the largest cotton producing county in America, and a Texas State Historical Marker was unveiled from the Texas Historic Commission.

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council do hereby proclaim Monday, October 23, 2023 as

"AFRICAN-AMERICAN COTTON PICKERS DAY (COTTON MONDAY)"

Proclaimed this 16th day of October 2023.

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

(9)

PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people live, work and play; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Waxahachie, Texas; and

WHEREAS, we recognize the many valuable contributions made by the professional community and regional planners of the City of Waxahachie, Texas and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council hereby designated the month of October 2022 as

"COMMUNITY PLANNING MONTH"

in the City of Waxahachie, Texas, in conjunction with the celebration of National Community Planning Month.
Proclaimed this 16th day of October 2023.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

(10)

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-92-2023 Zoning Text Amendment

MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

City Council: October 16, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses.

RECOMMENDED MOTION

"I move to approve ZTA-92-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses; authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on August 15, 2023, the Commission voted 4-3 resulting in a recommendation for non-support of case number ZTA-92-2023.

PLANNING ANALYSIS

The City Council has directed the Planning staff to create Short-Term Rental regulations and to generate a corresponding ordinance due to numerous citizen inquiries and concerns regarding the absence of such Short-Term rental regulations in Waxahachie. The City Council has met with staff and legal counsel several times in the past few months in hopes of understanding Short-Term Rental impacts on neighborhoods and how the city anticipates the implementation of the draft regulatory measures for Short-Term Rental uses.

On July 17, 2023, the City Council implemented a temporary ban on new short-term rentals of dwelling units. This was the first step in the regulatory measures for Short-Term Rentals (STR) and allowed staff additional time to generate the attached Short-Term Rental ordinance.

A joint meeting between the City Council and the Planning & Zoning Commission was held on September 11, 2023, to discuss Short-Term Rentals. The purpose of the meeting was to gather feedback from the public and allow the City Council, Planning & Zoning Commission, and staff to discuss any concerns or comments regarding the matter. The meeting was well-attended by the public.

On September 18, 2023, City Council extended the moratorium until November 1, 2023, based on feedback received from the STR Town Hall meeting. The city staff was also directed to amend the STR ordinance in accordance with City Council's feedback.

The purpose of this Zoning Text Amendment is to:

1. Define Short Term Rentals and other relative terms identified with an STR use.
2. Add a SUP requirement to the Use Charts for STR use and add a 500-foot notification requirement.
3. Created restrictions for STR uses.
4. Create an annual registration requirement process for STRs.
5. Identify a Violation policy for unlawful use of a STR.
6. Create a Suspension and Revocation process for STR registration.
7. Creation of an appeal process for registration denial.
8. Create a registration fee for STR registration.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of the Zoning Code Text Amendment ZTA-92-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses.

ATTACHED EXHIBITS

1. ZTA-92-2023 STR Ordinance
2. Adopted STR Moratorium

STAFF CONTACT INFORMATION

Prepared by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Executive Director of Development Services
sbrooks@waxahachie.com

(11)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO CREATE SHORT-TERM RENTAL DEFINITIONS, USE REGULATIONS, AND REGISTRATION FEE, SECTION 3.27, SECTION 4.03 USE CHARTS RELATED TO SHORT-TERM RENTAL USES, PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("**City Council**") has adopted a comprehensive zoning ordinance ("**Zoning Ordinance**"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on August 15, 2023, and a public hearing was held by the City Council on October 16, 2023, with respect to the proposed textual changes ZTA-92-2023 to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article III (Zoning Districts) is hereby amended to add the following section 3.27 as set forth in Exhibit A attached hereto.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and the development of property maybe known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage.

PASSED, APPROVED, AND ADOPTED on this 16th day of October, 2023.

_____
MAYOR

ATTEST:

_____
City Secretary

EXHIBIT A

Sec. 3.27. Short-Term Rentals

(a) General purpose and description:

(i) The purpose of this section is to establish regulations for the registration, inspections, and use of short-term rentals within the residential and non-residential zoning districts within the City of Waxahachie. The requirements of this section apply only to short-term rentals, as defined in this section. Nothing in this section, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than thirty (30) consecutive days, or any other applicable provision of the City of Waxahachie ordinances.

(b) Definitions:

(i) For the purpose of this Section, the following definitions apply:

1) *Administrator* means the City Manager and/or the City Manager's designee.

2) *Advertise* means the written, audio, oral, or other methods of drawing the public's attention, whether by brochure, written literature, signage or any type, or online posting to a short-term rental website in order to promote the availability of the short-term rental.

3) *Bedroom* means the living area(s) of the dwelling unit designated and furnished for primarily sleeping only, with proper egress as required by the International Residential Code.

4) *City Official* means an employee, officer, or any person whose salary is payable, in whole or in part, from the City treasury or otherwise appointed by the City of Waxahachie as its representative authorized to act on its behalf.

5) *Hotel occupancy tax* means the hotel occupancy tax as defined in Chapter 30 of the Waxahachie Code of Ordinances and Chapter 156 of the Texas Tax Code.

6) *Local emergency contact* means an individual other than the applicant, who resides within twenty (20) miles of the short-term rental property, and who is designated by the owner/applicant to act as the owner's authorized agent with unrestricted legal authority to act on the owner's behalf if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

7) *Occupant* means any individual person living, sleeping or possessing the short-term rental property or portion thereof.

8) *Owner* means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.

9) *Party* means a social gathering of people or special event, including those who have not rented the residence, for the primary purpose of eating, drinking, socializing or entertaining in any form or fashion in a manner that is disruptive to the surrounding properties.

10) *Premise* means property, a lot, plot or parcel or land, including any structures or portions of structures thereon.

11) *Short-term rental* means the rental of any residence or a portion of a residence or a residential structure for a period of less than thirty (30) consecutive days. The definition of a short-term rental does not include the following:

    a) A unit that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space, or event space purpose or another similar use;

    b) A residential structure or portion of a residence that is not designed or intended for habitation purposes;

    c) A bed and breakfast as defined in Article IV of Appendix A of the City of Waxahachie Zoning Ordinance; or

    d) A hotel/residence hotel.

12) *Short-term rental operator* means the person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization who receives payment for operating a dwelling unit, or portion thereof, as a short-term rental unit. Short-term rental operator must be the property owner of the short-term rental.

(c) Short-term rental requirements prior to registration:

(i) Short-term rentals existing as of October 16, 2023 are required to obtain approval of a Specific Use Permit (SUP) by the City Council, with the exception of all short-term rentals located within the Central Area (CA) zoning district. Once the approval of a SUP for the short-term rental is obtained, the SUP and short-term rental registration requirements as indicated in section *(e)* of Section 3.27 must be completed by May 31, 2024 if located within a residential zoning district, as specified in section (d)(i) below (and otherwise prohibited by this ordinance).

1) The notice for the public hearing for the SUP shall be sent to owners, as documented on the most recently approved ad valorem tax roll of the City, of lots that are within five-hundred feet (500') of the property for which the short-term rental SUP has been submitted.

2) Short-term rentals not in existence on October 16, 2023, are required to obtain approval of a SUP by the City Council. Once the approval of a SUP for the short-term rental is obtained, the SUP and short-term rental registration requirements as indicated in section *(e)* of Section 3.27 must be completed to operate a short-term rental.

3) Any residence within an area zoned Residential that is not operating as a short-term rental on October 16, 2023, however, was previously purchased and intended to operate as a short-term rental may still apply for a SUP. The owner must demonstrate that the intended use of the residence was for short-term rental purposes and will be operational by January 1, 2024. A residence that makes an application to operate a short-term rental that rents or is otherwise used for a period of thirty (30) days or longer does not indicate intent to operate as a short-term rental. A statement of intent without demonstrating significant efforts towards doing so may meet the demonstration of intent provided there is sufficient tangible evidence of such demonstrated to occur within the previous ninety (90) days of the date of this Ordinance.

4) The approved SUP is non-transferable. If there is a change in ownership of the property to which the SUP has been issued including to an affiliated party such as a family member or business organization that is owned partially or in its entirety by the previous owner, the new property owner shall submit a new SUP application with the Planning Department within thirty (30) calendar days of the change of ownership. The fact that the property has previously been issued an SUP has no bearing on the issuance of a new SUP. If the property is located within an area with zoning that prohibits short-term rentals, as described in this section, and changes ownership, it is not eligible to apply for a SUP or operate as a short-term rental.

(d) Prohibited short-term rentals

(i) Unless otherwise provided herein, it shall be unlawful for any owner or person to advertise, offer to rent or rent, lease, sublease, license, or sublicense, grant any right, or allow any property to be operated or used as a short-term rental in the following zoning districts:

1) Future Development (FD)

2) Rural Residential (RR)

3) Single-Family Dwelling-1 (SF-1)

4) Single-Family Dwelling-2 (SF-2)

5) Single-Family Dwelling-3 (SF-3)

6) Two-Family Dwelling (2F)

(ii) It shall be unlawful for any owner or person to advertise, offer to rent or rent, lease, sublease, license, or sublicense, grant any right, or allow any property to be operated or used as an unregistered short-term rental.

(iii) In the event that any existing short-term rental is deemed to be a nuisance and law enforcement has responded to complaints regarding the short-term rental being a nuisance, and the complaints have been substantiated by law enforcement or other City Official, on three (3) or more occasions within the twelve (12) calendar months preceding October 16, 2023, SUP or registration will not be considered or permitted for this use at the location determined to be a nuisance. For purposes of this Ordinance, a "nuisance" shall be defined and shall mean as follows:

1) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof;

2) Any noise of the character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities; or

3) Any violation of law at the short-term rental as witnessed by law enforcement or by a complaining witness that has personal knowledge of said violation and submits a sworn statement or testimony.

(e) Short-term rental registration requirements

(i) No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense, or grant any right to access or utilize a residential property within the city as a short-term rental for which an approval of a Specific Use Permit by the City Council has not been granted and registration has not been properly made and filed with the Planning Department of the City of Waxahachie. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

1) Name, address, phone number, and email address of the property owner of the short-term rental property;

   a) If the property owner is not the short-term rental operator, a Property Owner Affidavit will be required at the time of registration.

2) If the owner is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the owner;

3) Name, address, phone number, and email address of the designated local emergency contact;

4) A submission of a floor plan of the dwelling with a dimensional room layout;

5) Site plan and/or survey of the property indicating the maximum number of vehicles that can be legally parked on the property without encroaching onto the streets, sidewalks, or alleys; other public rights-of-way or public property;

6) A submission of the informational brochure as described in section (k)(i) below;

7) Receipt of payment of hotel occupancy taxes to the City of Waxahachie Finance Department as required under Chapter 30 of the City of Waxahachie Code of Ordinances and Chapter 156 of the Texas Tax Code, which for the imposition of a hotel occupancy tax under Chapters 351 or 352, or other law, "hotel" includes a short-term rental. In this subsection, "short-term rental" means the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101 of the Texas Tax Code;

8) Receipt of payment of short-term rental registration fee;

9) Any information change provided in a short-term rental registration must be reported to the city within thirty (30) days and continuously updated as changes occur;

10) The local emergency contact information must be provided on an 8 1/2" by 11" document, and displayed on the interior and exterior sides of the structure, no more than two-feet (2') from the front door; and

11) Proof of insurance coverage of a minimum of $1 million per occurrence.

(ii) Registration approval will be provided with a documented registration number. This number must be displayed with the registration in a visible location directly adjacent to the primary entrance of the short-term rental.

(f) Right to inspect the premise

(i) The City of Waxahachie reserves the right, with reasonable notice to the owner, to inspect the residential premises to determine compliance with this section as well as the most recent version of the International Property Maintenance Code.

1) If only a portion of the premises is offered for rent, then that portion, plus shared amenities and points of access may be inspected.

2) If, upon completion of an inspection, the premises is found to violate one or more provisions of any applicable federal, state, or city regulations, codes or ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.

(g) Restrictions on short-term rentals

(i) Limit on occupants allowed. No more than two adult guests per bedroom as noted on the required floor plan required to be submitted herein, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that:

1) A maximum occupancy of ten (10) persons, including adults, children, and the owner. A visual inspection of more than ten (10) persons by a city employee at the premise is subject to the issuance of a citation to the owner and short-term rental operator for violating this section.

(ii) A short-term rental may include multiple bedrooms, but a short-term rental cannot rent simultaneously to more than one group under separate contacts, bookings or appointments. There shall be no overlap between rentals or partial rentals of the short-term rental property.

(h) Limit on number of vehicles

(i) There shall be one (1) off-street parking space per bedroom provided and a total of no more than five (5) off-street parking provided, not including any vehicles owned by the owner; provided, however, such off-street parking may not be on grass or other surface that is not commonly used for parking of vehicles as indicated herein.

1) Golf carts, ATVs, recreational vehicles and trailers are prohibited.

(i) Placement, storage, and maintenance of refuse and recycling polycarts

(i) All refuse must be placed in sealed, leak proof plastic bags and contained in the appropriate polycarts as provided by the City and/or their representative with the lids completely closed to prevent the disbursement of trash though such means as weather events or by animals. In the event the refuse will not fit in its entirety within the polycart, such refuse shall be transported from the location by such time the occupants of the short-term rental depart the premises. Additional polycarts may be obtained for an additional fee. All refuse and recycling polycarts shall be placed at the prescribed locations at 6:45 a.m. on the day of their scheduled collection. It shall be unlawful for any customer to place any refuse or recycling polycarts at the prescribed location prior to 7:00 p.m. the day before the scheduled collection. All polycarts shall be collected from their prescribed location no later than 9:00 p.m. on the collection day. The owner and/or local emergency contact shall be responsible for the placement, storage, and maintenance of refuse and recycling polycarts.

(j) Other restrictions. It is unlawful:

(i) To promote, advertise or offer a short-term rental without first registering, by this Section, the property in which the rental is to occur; any type of documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this ordinance;

1) To operate a short-term rental that does not comply with all applicable city, state and federal laws and codes;

2) To operate a short-term rental without paying the required hotel occupancy taxes or such other fees and charges legally collectible by a governmental entity;

3) To operate a short-term rental without a Specific Use Permit (SUP) approved by the City Council;

4) To operate a short-term rental without insurance coverage of a minimum of $1 million;

5) To offer or allow the use of a short-term rental for the sole or primary purpose of having a party, social or entertainment venue, or otherwise requires a permit or license pursuant to

the city ordinance, state law, or rule for a retail, restaurant, banquet space or other similar use;

6) To fail to include a written prohibition against the use of a short-term rental for having a party, social, or entertainment venue in every advertisement, listing, or other publication offering the premises for rent;

7) To fail to provide an explanation of occupancy restrictions, parking restrictions, use restrictions and solid waste collection procedures in the lease/rental agreement, as well as, any penalties for violations;

8) To permit the use of short-term rental for the purpose of temporary or transition housing for sex offenders; operating a structured sober, recovery, or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; operating as a sexually oriented business; or otherwise using the short-term rental for any illegal activity as deemed by a governmental entity;

9) For an owner or person to rent or lease for less than twenty-four (24) hours;

10) To park on unimproved surfaces, driveways, sidewalks, alleys, or other public rights-of-way or public property; and/or

11) To advertise, offer to rent, lease, sublease, license, or sublicense a portion of the premise. A short-term rental operator may not simultaneously rent the premise to two or more parties.

(k) Brochure, safety and security features

(i) Informational brochure. Each registrant operating a short-term rental shall provide guests a brochure that includes the following:

1) The registrant's 24-hour contact information;

2) A local emergency contact's 24-hour contact information if the owner is not within twenty (20) miles when guests are renting the premises;

3) The overnight and daytime occupancy limits for the short-term rental premise;

4) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and refuse collection procedures and schedules;

5) Use of the short-term rental premise for the purpose of having a party, social, or entertainment venue is prohibited;

6) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers and instructions for obtaining severe weather, natural, or manmade disaster alerts and updates; and

7) In the event any information contained within the informational brochure is no longer valid, the corrected information should be included therein the sooner of (i) thirty (30) days of when the information was no longer valid; or (ii) the first renting of the premises after the information is no longer valid.

(ii) Safety features. Each short-term rental registrant shall provide, in the premises, working smoke detectors and/or carbon monoxide alarms in accordance with adopted codes, and one working fire extinguisher. The premises shall otherwise comply with applicable City of Waxahachie Code of Ordinance requirements, including but not limited, to Building and Fire Codes.

(iii) Security features. Each short-term rental registrant shall provide functional security cameras that monitor and record, at a minimum, the primary entrances and exits of the premises. Recordings must be saved, maintained and available for viewing for a minimum of sixty (60) days.

(l) Registration terms, fees, and renewal

(i) All registrations approved under this ordinance shall be valid for a period of one (1) year from the date of issuance unless revoked or suspended.

(ii) The registration fee for a short-term rental shall be paid, with a late fee of three (3) times the established fee if applicable, in addition to the registration fee.

(iii) The registration fee is non-refundable and non-transferable.

(iv) Upon receipt of an application for renewal of the registration, the Administrator or their designee may deny the renewal if there is reasonable cause to believe that:

1) The registrant has plead no contest to, plead guilty to or been convicted of a violation of any ordinance of the city, state, or federal law on the premises or has permitted such a violation on the premises by any other person or failed to otherwise abide by the terms of this Ordinance including, but not limited to, paying taxes, fees or other charges legally chargeable by a governmental entity; or

2) There are grounds for suspension, revocation, or other registration sanction as provided in this Section; or

3) A previous violation of this ordinance within the previous 12-month time period.

(m) Violations and penalties

(i) Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of $2,000.00 for each offense, and each and every day such violation shall continue to be deemed to constitute a separate offense. Warnings, citations, and revocations may be issued to short-term rental premise owners, operators, lessors, agents, occupants, tenants, and/or guests, depending on the nature of the violation. Short-term rental premise owners are ultimately responsible for compliance with the requirements and restrictions imposed upon a short-term rental by this Section and for the conduct of their dwelling operators, lessors, agents, occupants, tenants, and guests, regardless of whether the owners are present at the short-term rental premise.

(n) Suspension and revocation of short-term rental registration

(i) The Administrator, or their designee, may suspend and/or revoke a short-term rental registration if: it is determined the activities set forth have occurred at the short-term rental; or a short-term rental unit is listed on a hosting platform or advertised elsewhere without being registered, or is perpetuating conditions interfering with the use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Waxahachie.

(ii) Conditions interfering with use and enjoyment of properties within the vicinity of a short-term rental include, but are not limited to:

1) The occurrence of any of the activities set forth in the City of Waxahachie Code of Ordinances including, but not limited to, noise disturbance, nuisance, drug offenses, or disorderly conduct;

2) Occupancy by a number of short-term rental users exceeding either 1) the maximum number included in the application for the short-term rental permit or 2) the maximum occupancy permitted pursuant to this chapter;

3) Parking of motor vehicles exceeding either 1) the maximum number included in the application for the short-term rental permit or 2) the maximum number of motor vehicles permitted at any short-term rental pursuant to this section;

4) Uninvited entry of short-term rental occupants upon private property within 500 feet of the short-term rental;

5) Knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit by city ordinance, state law, or rule for a retail, restaurant, banquet space, or other similar use; and/or

6) Knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, or operating a sober living home.

(iii) In addition to Section 3.27, a violation of any of the conditions within a twelve (12) month time period shall result in progressive enforcement:

1) Upon the first violation, the owner shall receive a written notice of violation that includes a description of enforcement for future violations, and subject to a fine up to $500.00.

2) Upon the second violation, the owner shall receive a written notice of violation that includes a description of enforcement for future violations, and subject to a fine up to $1000.00.

3) Upon the third violation, the registration for the short-term rental shall be terminated, and the short-term rental host will be prohibited from re-applying for a new registration for six (6) months from the date of termination and subject to a fine up to $2,000.00.

(iv) During the time period that a short-term rental registration is suspended or revoked, it shall be unlawful to advertise, offer to rent or rent, lease, sublease, license or sublicense the residential property, within the city as a short-term rental.

(o) Physical conversion of premises prohibited.

(i) It shall be unlawful for an owner or operator or any person to convert a garage to a living space, remodel, renovate, enlarge or otherwise modify premises to add additional bedrooms for use as a short-term rental.

(ii) It shall be unlawful for an owner, operator or any person to pave or otherwise cover previous soil to create additional on-premises parking without the prior approval of the City of Waxahachie.

(p) Appeal of denial, suspension or revocation of registration.

(i) In the event, an applicant has been denied registration, or if a registration has been suspended or revoked, the party affected shall have the right to appeal to the City Council from such denial, revocation, or suspension within ten (10) business days. Notice of appeal shall be filed with the Administrator. The Administrator shall provide for a hearing with the City Council on the appeal in accordance with the provisions of this Section. The burden of proof in such an appeal shall be upon the appellant to show the denial or revocation was arbitrary or unreasonable.

(q) Enforcement

(i) The owner of an existing short-term rental, as of October 16, 2023, must receive an approved Specific Use Permit (SUP) and complete the registration process no later than May 31, 2024, to continue to operate the short-term rental.

1) The SUP for a short-term rental is non-transferrable. If a SUP was previously approved for a property within the prohibited zoning districts listed in Section 3.27.c.i and there has been a change in ownership, the new owner(s) shall not operate the residence as a short-term rental and is not eligible to apply for a SUP. The SUP is attached to the property owner and not the land.

2) All properties located within the Central Area (CA) zoning district are exempt from seeking a SUP approval as the short-term rental use is allowed by right; however, must complete the registration process no later than May 31, 2024.

(ii) The owner of an existing short-term rental, as of October 16, 2023, within the Single-Family Dwelling-1 (SF-1), Single-Family Dwelling-2 (SF-2), Single-Family Dwelling-3 (SF-3), Rural Residential (RR), Two-Family Dwelling (2F), and Future Development (FD) Zoning Districts who have not received an approved SUP and have not completed the registration process by the end of business day, May 31, 2024, shall cease all operations immediately.

(iii) The owner of a new short-term rental, as of or after October 16, 2023, shall adhere to Section 3.27.

(r) Use Charts (Exhibit B)

Exhibit B

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
4.03a – Residential Type Uses																						
Short-Term Rentals							S	S	S	S	S	S	S	S	S	•	S	S	S	S	S	1 space per bedroom; 5 spaces maximum

CITY OF WAXAHACHIE, TEXAS
ORDINANCE NO. 3401

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING ORDINANCE NO. 3383 BY EXTENDING THE INTERIM BAN ON NEW SHORT-TERM RENTALS, AND ON CURRENT SHORT-TERM RENTALS THAT HAVE BEEN DETERMINED TO BE A NUISANCE, TO NOVEMBER 1, 2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 17, 2023, the City of Waxahachie, Texas ("**City**"), enacted Ordinance No. 3383 which, among other matters, imposed a moratorium on new short-term rentals ("**STRs**") in the City; and

WHEREAS, Ordinance No. 3383 provides that the moratorium shall expire with no further action of the City being required at 12:01 a.m. on October 1, 2023; and

WHEREAS, the City continues to gather information on STRs from a variety of sources, including residents and others with interests in the regulation of STRs; and

WHEREAS, to provide additional time for the City to continue its research and to gather more public input, the City desires to extend Ordinance No. 3383, and the moratorium it provides, until November 1, 2023.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
EXTENSION OF ORDINANCE NO. 3383

Ordinance No. 3383, Section 2, Subpart C, is hereby amended to read as follows:

C. The moratorium imposed by this Ordinance shall expire with no further action of the City being required at 12:01 a.m. on November 1, 2023.

SECTION 3
EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Waxahachie, Texas, this the 18 day of September, 2023.

CITY OF WAXAHACHIE, TEXAS

DAVID HILL, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM

ROBERT F. BROWN, CITY ATTORNEY

(12)

Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, AICP, LEED-AP, CNU-A, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Short-Term Rental Registration Fee Ordinance

Recommended Motion: "I move to approve the creation of a Short-Term Rental Registration Fee and authorize the Mayor to execute all required documents."

Item Description: Consider approving an ordinance creating a Short-Term Rental (STR) Registration Fee to accompany the recently adopted Short-Term Rental Ordinance.

Item Summary: The Short-Term Registration fee will be an annual fee expected to be paid by all registered STR operators. The fee has been discussed as part of the recent STR Ordinance process, specifically Zoning Text Amendment ZTA-92-2023.

Fiscal Impact: The Short-Term Rental Registration Fees will be utilized to cover the expenses of registration and ensure compliance with STR regulations.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11 BUILDING AND COMMUNITY SERVICES FEE SCHEDULE, ORDINANCE NO. 3376 SECTION 11-2 SUBDIVISION AND DEVELOPMENT FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; TO ADD THE SHORT-TERM RENTAL REGISTRATION FEE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie has adopted a fee schedule, which is to be amended periodically with updated fees. This revision amends the existing Code of Ordinances Section 11-2 Subdivision and Development Fee Schedule; and

WHEREAS, while the existing Section 11-2 Subdivision and Development Fee Schedule of the City of Waxahachie remain intact, the fee schedule of Section 11-2 is to be amended accordingly to add a short-term rental registration and renewal fee.

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

SECTION 1. Existing Section 11.2, "Subdivision and Development Fee Schedule," of the Code of Ordinances of the City of Waxahachie, Texas, is hereby amended to include the Short-Term Rental Registration Fee and Renewal to read as follows:

Sec. 11.2 – Subdivision and Development Fee Schedule.

.....

Other Fees

Short-Term Rental Registration Fee and Renewal	*$500.00 annually*

SECTION 2. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 16TH DAY OF OCTOBER, 2023.

APPROVED:

_____
DAVID HILL, MAYOR

ATTEST:

_____
AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM:

_____

ROBERT BROWN, CITY ATTORNEY

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-113-2023 Zoning Text Amendment

MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

City Council: October 16, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards. (ZTA-113-2023) to update the Lighting and Glare Standards.

RECOMMENDED MOTION

"I move to approve ZTA-113-2023, a request by the City of Waxahachie for a textual amendment to the Zoning Ordinance, Ordinance No. 3020, to amend Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on August 29, 2023, the Commission voted 5-0 to recommend approval of case number ZTA-113-2023.

Staff has revised the attached ordinance based on feedback received during the City Council briefing session held on September 5, 2023.

PLANNING ANALYSIS

The Lighting and Glare standards in the Zoning Ordinance need to be revised to establish consistent requirements for residential and non-residential lighting installation projects.

The purpose of this Zoning Text Amendment is to:

1. Create lighting definitions.
2. Identify Lighting Plan requirements.
3. Reference prohibited lighting.
4. Reference Exemptions.
5. Add violation language.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of Zoning Code Text Amendment ZTA-113-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to amend Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards.

ATTACHED EXHIBITS

1. ZTA-113-2023 Lighting Ordinance

STAFF CONTACT INFORMATION

Prepared by:
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Reviewed by:
Shon Brooks, AICP
Executive Director of Development Services
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(14)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO ARTICLE VI PERFORMANCE STANDARDS, REPEALING AND REPLACING, SECTION 6.03 LIGHTING AND GLARE STANDARDS; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("**City Council**") has adopted a comprehensive zoning ordinance ("**Zoning Ordinance**"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on August 29, 2023, and a public hearing was held by the City Council on October 16, 2023, with respect to the proposed textual changes ZTA-113-2023 to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article VI (Performance Standards), Section 6.03 - Lighting and Glare Standards, is hereby repealed and replaced as shown in Exhibit A.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and the development of property maybe known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

PASSED, APPROVED, AND ADOPTED on this 16th day of October, 2023.

_____
MAYOR

ATTEST:

_____
City Secretary

EXHIBIT A

Section 6.03 – Lighting and Glare Standards

(a) *General purpose and description:*

(i) The purpose and intent of this section to establish regulations and standards that will reduce light pollution generated by residential and non-residential lighting fixtures and devices by creating standards for controlling lighting and glare that are set forth to reduce the annoyance and inconvenience to property owners, their tenants and occupants, and traffic hazards to motorists and the general public. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties by their owners and occupants while requiring adequate levels of lighting of parking areas.

(b) *Definitions:*

(i) For the purposes of this Section, the following definitions apply:

1) *Administrator* means the City Manager and/or the City Manager's designee.

2) *Cutoff fixture* means a light fixture distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle ten (10) degrees below such horizontal plan at all lateral angels around the fixture. Cutoff fixtures shall be fully shielded.

3) *Fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, reflector, or mirror, and a refractor or lens.

4) *Flood lamp* means a form of lighting designed as outdoor lighting to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturer.

5) *Foot-candle* means a unit of light measurement equal to one lumen per square foot.

6) *Glare* means the brightness of a light source that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

7) *Light* trespass means unwanted light emitted by a lighting installation that shines beyond the boundaries of the property on which the installation is sited.

8) *Lumen* means a unit of measurement of light. One lumen equals one foot-candle falling onto one square foot of area.

9) *Luminaire* means a lighting fixture complete with the light source or lamp, the reflector for directing the light, an aperture (with or without a lens), the outer shell or housing for lamp alignment and protection, an electrical ballast if required, and connection to a power source.

10) *Nuisance glare* means glare that a) creates an annoyance or aggravation but does not create a potentially hazardous situation, or b) creates an annoyance or aggravation that

impairs or impedes a person's right of quiet enjoyment of his/her property. It shall not be necessary for a violation to be the result of intentional acts of the property owner to create the nuisance glare.

11) *Photometric plan* means a gridded layout that shows the measurement of light throughout the property. The plan shows how a lighting system will look at the project site, and show the spread, uniformity, and foot-candles of lighting.

12) *Spillover light* means artificial light that falls outside of the intended area to be lighted.

13) *Watt* means a standard unit of power (energy per unit time), the equivalent of one joule per second.

(c) *Nonresidential site lighting and glare standards:*

(i) For all proposed new non-residential construction or commercial additions to existing facilities, all new outdoor lighting fixtures, including but not limited to replacement light fixtures, shall meet the requirements of this Section

(ii) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25-foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential properties.

(iii) All off-street parking areas for nonresidential uses in nonresidential districts that are used after dark shall be illuminated beginning one-half (½) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting shall be directed or shielded in such a manner as to not interfere in any form or fashion with traffic movement on adjacent streets or other areas where vehicles commonly operate. Lighting within the parking areas shall meet the following minimum requirements:

(iv) Intensity:

1) Minimum at any point on the parking area surface to be at least 0.6-foot candles initial, and at least 0.3-foot candles maintained or one-third (1/3) of the average, whichever is greater.

2) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light upon any adjacent residentially zoned area.

(v) Exterior Lighting Plan

1) Lighting plan

a) Contact information including name of applicant, address, and telephone number;

b) Proposed uses of outdoor lights involved;

c) Types of lamps used, including manufacturers' part number;

d) Type of light fixtures used, including manufacturers' model number and specifications;

e) Initial lumens of lamp or lamps and associated maximum light loss factors;

f) Minimum illuminance, maximum illuminance, and average maintained illuminance for the site;

g) Illuminance levels at each property line;

h) Aiming and shielding instructions for floodlighting or spotlighting;

i) The location of all buildings, parking spaces, parking aisles, walkways, landscape beds, flags, or statues, and if applicable, any areas dedicated to the outdoor storage or display on the lot or parcel; and

j) Types of each light fixtures, keyed to a light fixture schedule and pictures, and cutsheets or line drawings of the proposed light fixtures.

2) Light Fixture Schedule indicates fixture type keyed to the plan, the quantities and types of lamps to be used in each fixture along with the rated lumen output of the lamps, the shielding category in which the light fixtures belong (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixtures.

3) Cutsheets indicate photometric distribution data stated in iso foot candle diagrams within the lighting plan.

4) Photometric Plan showing the initial horizontal illuminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than ten (10) feet apart and covering the entire site (excluding buildings) and extending a minimum of twenty (20) feet beyond the lot or parcel property line. The maximum and minimum illuminance values within each specific use area shall be clearly distinguished. Photometric plans for sites with existing pole-mounted lighting within fifty (50) feet of the property line shall include this existing lighting in the calculation. When photometric data for the existing fixtures is not available, photometry for a similar fixture may be used. The fixture(s) used to represent existing lighting shall be included on the lighting fixture schedule and designated as "existing."

(vi) Height:

1) On tracts or lots over three (3) acres in size, the maximum height for light sources is thirty (30) feet.

2) On tracts or lots less than three (3) acres, the maximum height for light sources is twenty (20) feet.

3) Special lighting or lighting higher than thirty (30) feet may be approved by the Administrator, as specifically noted on a site plan.

(vii) This section does not include lighted signs. Refer to Appendix A, Article V, Section 5.08 for Sign Regulations.

(d) *Residential lighting and glare standards:*

(i) Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1) Direct lighting over ten (10) feet in height shall be shielded from adjacent property(ies).

2) No light source shall exceed twenty (20) feet in height. Street lights and other traffic safety lighting are exempt from this standard.

3) Lighting shall not directly shine on adjacent dwellings which creates a nuisance.

4) A nuisance created by light:

a) Which, if measured at the property line adjacent to a residentially-zoned property or adjacent to a property used for residential purposes, is in excess of 0.25 of one-foot candle;

(ii) Intensity:

1) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light.

(e) *Luminaires:* Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires, installed and maintained to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts are prohibited except for temporary lighting, as provided in 6.03(h).

(f) *Measurement*

(i) *Metering equipment*: Lighting levels shall be measured in foot-candles with a direct-reading, portable.

(ii) *Method of foot-candle measurement*: The meter sensor shall not be more than six (6) inches above ground level in a horizontal position or six (6) feet in a vertical position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

(g) *Prohibited Lighting*

(i) A person commits an offense if the person has or places outdoor lighting on a property that involves or utilizes the following:

1) Any light source above 315 lumens that is not aimed to prevent light trespass or glare beyond the property boundary;

2) Any lighting source above 315 lumens unless it is shielded sufficiently such that the luminous elements (lamp, reflective surfaces or lens cover) of the fixture are not visible from any other property;

3) The operation of searchlights, strobes, or pulsating lights;

4) The use of low-pressure sodium bulbs as a light source;

5) An unshielded lighting source or drop lens above 315 lumens;

6) Any light or combination of lighting that creates a nuisance or

7) Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceed requirements defined as a residential outdoor lighting nuisance.

(ii) A foot-candle reading as performed in accordance with Section 6.03(f) and found to be in excess of those amounts defined as a residential outdoor lighting nuisance glare shall be prima facie evidence of violation of this chapter.

(h) *Exemptions*

(i) The following shall be exempt from the requirements of this section:

1) All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires.

2) All hazard-warning luminaires required by federal regulatory agencies, provided that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task

3) Other municipal or state lighting installed for the benefit of public health, safety, and welfare.

4) All fixtures installed by public agencies, their agents, or contractors to illuminate public streets; provided, however, that compliance with this section is nevertheless encouraged to the extent feasible.

5) Luminaires used to illuminate the flag of the United States of America or of the state.

(i) *Violations, legal actions and penalties.*

(i) Property owners who install lighting fixtures after the effective date of the ordinance from which this section is derived and are found to be noncompliant shall receive written notification and will be given 90 calendar days from the date of such written notification to bring the lighting system into compliance.

1) *Violation.* It shall be a civil infraction for any person to violate any of the provisions of this section. Each and every day during which the violation continues shall constitute a separate offense.

2) *Legal actions.* If, after investigation, the code enforcement officer finds that any provision of the section is being violated, notice shall be given by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 90 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the 90-day period, the code enforcement officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this section and to collect the penalties for such violations.

3) *Penalties.* A violation of this section or any provision hereof shall be punishable by a fine of not more than two thousand dollars ($2,000.00) for each offense. Each day of

violation after the expiration of the 90-day period provided in subsection (2) of this section shall constitute a separate offense for the purpose of calculating the civil penalty.

(15)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-100-2023

MEETING DATE(S)

Planning & Zoning Commission: September 26, 2023

City Council: October 16, 2023

CAPTION

Public Hearing on a request by Viran Nana. Developer, for a **Specific Use Permit (SUP)** for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023)

RECOMMENDED MOTION

"I move to deny ZDC-100-2023, a Specific Use Permit (SUP) for a car wash use."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a car wash use (Q Car Wash) within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street.

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on September 26, 2023, the Commission voted 5-1 to recommend approval of case number ZDC-100-2023, subject to staff comments.

At the Planning and Zoning Commission meeting held on October 2, 2023, the City Council voted 3-0 to continue this case to the October 16, 2023 City Council meeting per the Applicant's request.

CASE INFORMATION

Applicant: Viran Nana, Developer for Q Car Wash

Property Owner(s): Buffalo Creek Plaza, LLC

Site Acreage: 1.05 acres

Current Zoning: General Retail (GR)

Requested Zoning: GR with a specific use permit (SUP) for a Car Wash Use

SUBJECT PROPERTY

General Location: Generally located on the southeast corner of Indian Drive and Brown Street

Parcel ID Number(s): 295113

Existing Use: Undeveloped Land

Development History:

A plat (SUB-175-2021) for the subject property was recorded in May 20, 2022.

Adjoining Zoning & Uses:

Table 1. Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Prospective QuikTrip
East	GR	Undeveloped Land
South	GR	Undeveloped Land
West	GR	Undeveloped Land

Future Land Use Plan:

Mixed-Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

Access to the subject property is planned from Brown Street (an 80-foot Major Collector) and Indian Drive (an 80-foot Major Collector). However, direct access to the subject is only from Indian Drive.

Site Image:

PLANNING ANALYSIS

Purpose of the Request

The Applicant is requesting a specific use permit for a car wash use (Q Car Wash) within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street. Per the City of Waxahachie Zoning Ordinance, the specific use permit for a car wash requires City Council approval.

Proposed Use

The Q Car Wash will have an automatic tunnel car wash (3,976 square feet) and 25 vacuum bays. Q Car Wash has several locations in the Dallas Fort-Worth Metroplex and is seeking approval of a SUP to open its 17th location in Waxahachie. The car wash is accessible from Brown Street through a cross-access driveway from the adjoining property on the south. The car wash has direct access from Indian Drive through the driveway within their property's limits. The business will generally operate from 8 a.m. to 9 p.m. Monday through Saturday and 7 a.m. to 7 p.m. on Sunday. The Applicant anticipates having three to six employees on site during operating hours. No detail services are proposed as part of the car wash.

The proposed project has satisfied all the requirements of the zoning ordinance, including but not limited to parking (1 space required / 5 provided), stacking (7 required / 7 provided for each stacking lane), and landscaping requirements.

Proposed Elevations

The Applicant has provided two sets of architectural elevations. Both elevations have the same building design and exterior finishing materials, except the color scheme for each option is different. Option 1 uses a brown color palette, and option 2 uses a gray color palette. The building predominantly comprises brick, stone, and stucco with fiber cement siding as an accent. The percentages for the proposed exterior finishing materials are in the table below. At the September 26, 2023 Planning and Zoning Commission meeting, the Commission chose option 2.

Table 2. Exterior Finishing Materials for Architectural Elevations (Option 1 and 2)

	North Elevation	South Elevation	East Elevation	West Elevation
Brick	1,260 SF (55%)	1,612 SF (68%)	313 SF (65%)	420 SF (77%)
Stone	776 SF (34%)	138 SF (6%)	17 SF (5%)	124 SF (23%)
Three Step Stucco	126 SF (6%)	447 SF (19%)	N/A	N/A
Fiber Cement Siding (Accent)	116 SF (5%)	173 SF (7%)	145 SF (30%)	N/A

Percentages do not include the surface area for windows, doors and signage.

Staff Recommendation

Staff has prepared a saturation map to show the total number of car wash businesses in the city. There are 14 car wash businesses, most along US Highway 77. The nearest car wash business (The Wash on Brown) is half a mile from the subject property. After careful consideration and analysis, staff recommends denial of the proposed SUP request for the car wash due to the existing number of car washes in the area. Staff is concerned that the construction of an additional car wash at this location would lead to an oversaturation of car wash uses in the area.

On February 20, 2023, the City Council denied an SUP request (ZDC-173-2022) for a car wash use (Clear Water Express Car Wash) located directly north of 500 N US Highway 77. The SUP request was denied on the following factors:

- At time of the request, the Applicant had not provided staff with filed copies of the mutual access easements for the prosed cross access to the site nor confirmation from the adjoining property owners indicating they were amenable to granting said mutual access easements.

- The Applicant requested a variance from the minimum building setbacks required adjacent to the residential uses located east of the property.
- Concerns regarding over saturation of car wash uses in the area.
- Concerns regarding the compatibility of the use within the proposed location. Specifically, the light and noise from the car wash posing a nuisance to adjoining residential uses and the lack of direct access to Highway 77.

On December 20, 2021, the City Council denied an SUP request (ZDC-189-2021) for a car wash use (Crape Myrtle Express Car Wash) located south of North Grove Boulevard and east of Highway 77. The City Council denied the SUP request because it was not the highest and best use for the location. The subject property was more conducive and appropriate for retail, restaurant, and other commercial services. Additionally, the project received a few letters of opposition from the surrounding property owners.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff received six letters of support for this request from the property owner (Buffalo Creek Plaza, LLC). The owner owns the subject property and five additional properties within the 200-foot notification area.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends denial of the SUP request.

If the City Council chooses to recommend approval of the SUP request, staff recommends the following conditions:

1. The Applicant shall execute a mutually agreed upon development agreement.
2. The subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Architectural Elevations.
3. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

ATTACHED EXHIBITS

1. Dev. Agmt. / SUP Ordinance
2. Location Map (Exhibit A)
3. Site Plan (Exhibit B)
4. Landscape Plan (Exhibit C)
5. Architectural Elevations (Exhibit D)
6. Operational Plan
7. Saturation Map
8. Letters of Support

STAFF CONTACT INFORMATION

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Reviewed by:
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Senior Director of Planning
jennifer.pruitt@waxahachie.com

(116)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A CAR WAS USE (Q CAR WASH) WITHIN A GENERAL RETAIL DISTRICT (GR) LOCATED ON THE SOUTHEAST CORNER OF BROWN STREET (FM 813) AND INDIAN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.05 ACRES KNOWN AS PROPERTY ID 295113, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-100-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the City Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from GR to GR, with an SUP in order to allow a car wash use on the following property: Property ID 295113, which is shown on the location map (Exhibit A), site plan (Exhibit B), landscape plan (Exhibit C), and architectural elevations (Exhibit D).

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A CAR WASH USE (Q CAR WASH) USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement is required.

2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-100-2023.

3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Architectural Elevations.

4. The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.

5. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B, C, and D.

7. The Applicant shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C – Landscape Plan and maintain the landscaping required for screening at all times.

8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

9. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

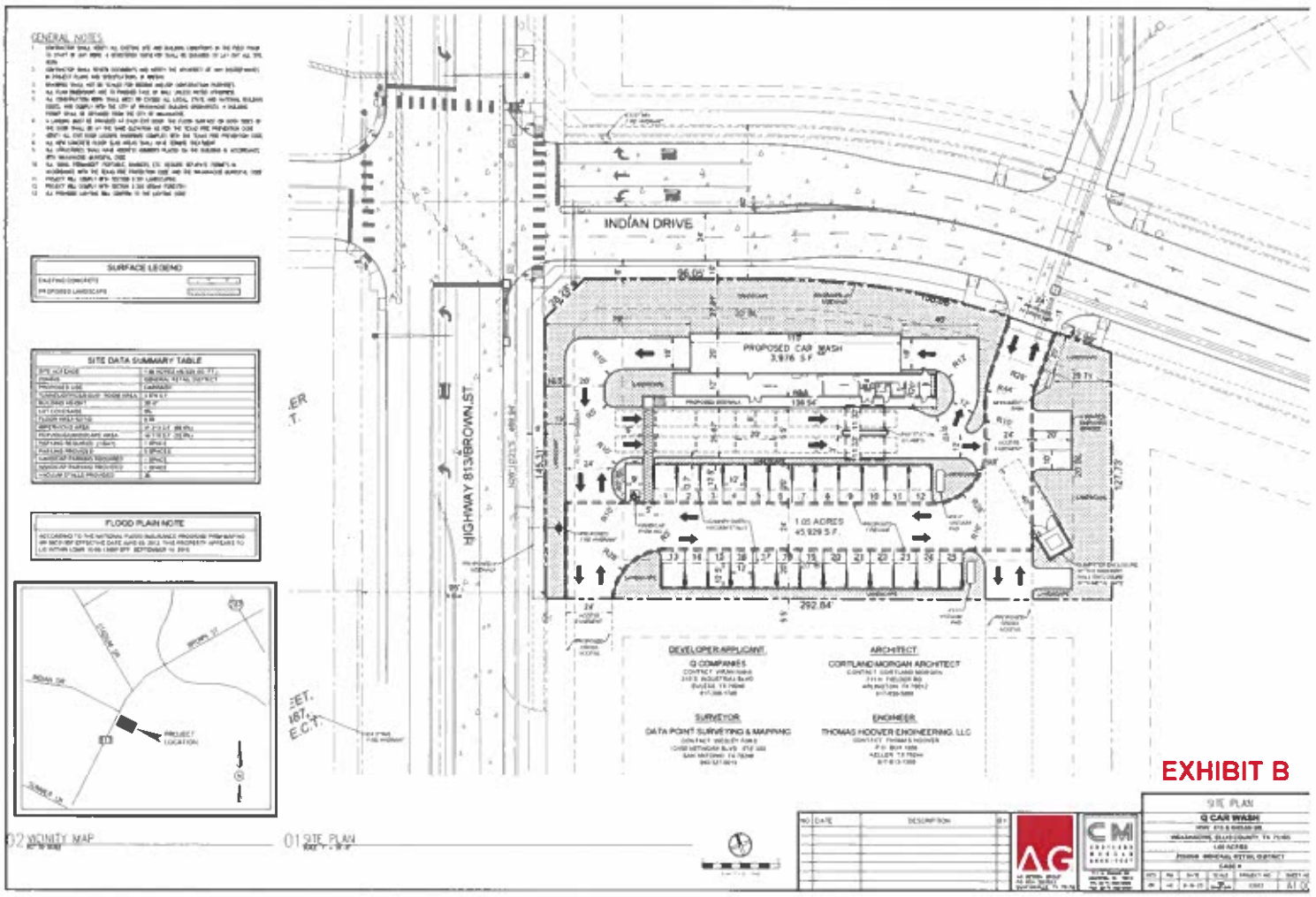
PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

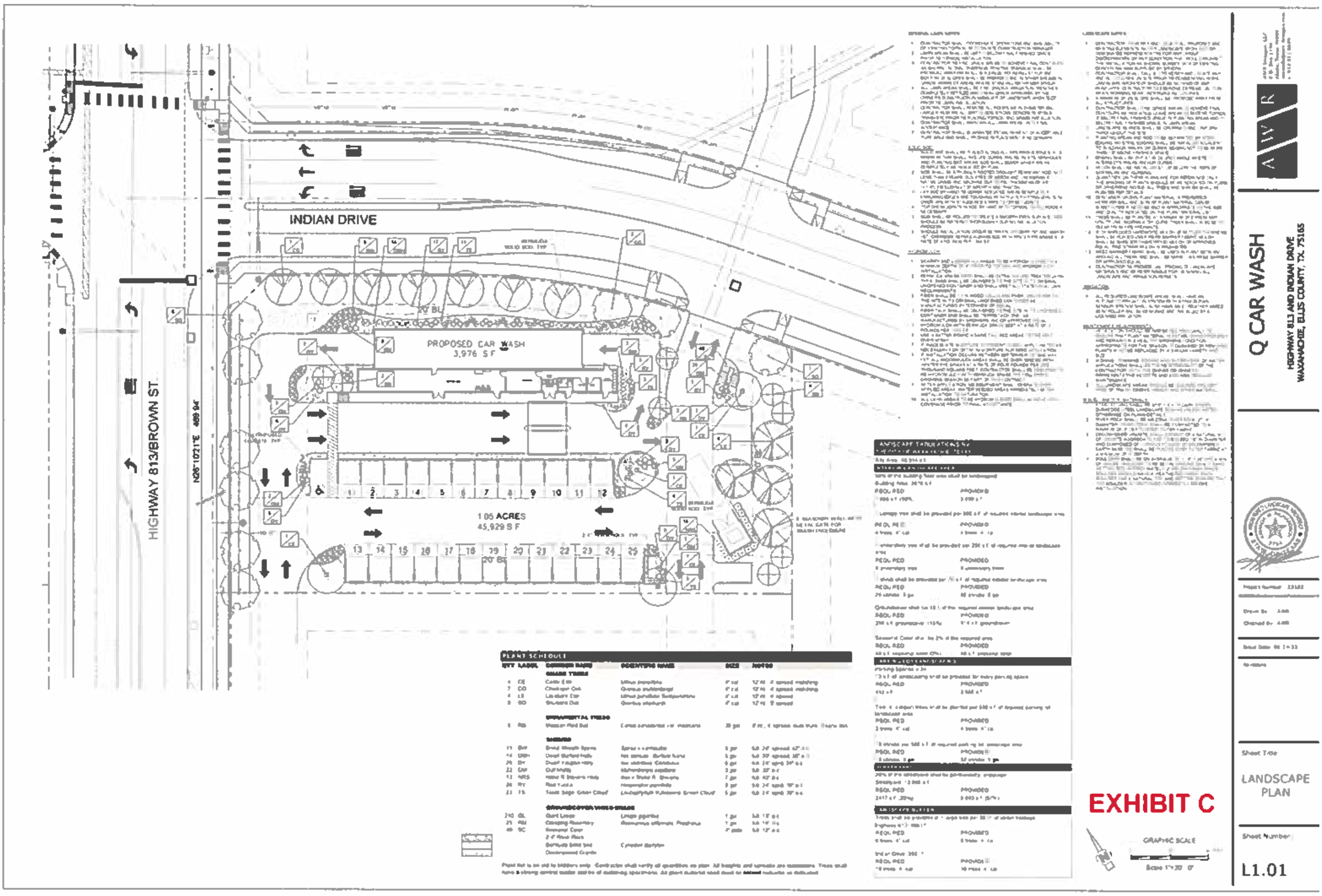
_____
MAYOR

ATTEST:

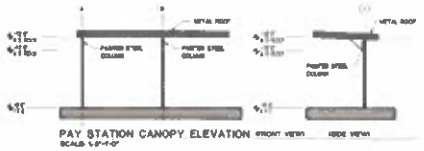
_____
City Secretary

EXHIBIT A
INDIAN DR
BROWN ST
MUSTANG CREEK DR
PROFESSIONAL PL
E US HIGHWAY 67 BYP
0 125 250 500 750 1,000 Feet
ZDC-100-2023 (SUP)


GENERAL NOTES
SURFACE LEGEND
SITE DATA SUMMARY TABLE
FLOOD PLAIN NOTE
INDIAN DRIVE
HIGHWAY 813/BROWN ST
PROPOSED CAR WASH
3,976 S.F.
1.05 ACRES
45,929 S.F.
292.84'
DEVELOPER/APPLICANT
Q COMPANIES
ARCHITECT
CORTLAND MORGAN ARCHITECT
SURVEYOR
DATA POINT SURVEYING & MAPPING
ENGINEER
THOMAS HOOVER ENGINEERING, LLC
PROJECT LOCATION
02 VICINITY MAP
01 SITE PLAN
SITE PLAN
Q CAR WASH
EXHIBIT B



INDIAN DRIVE
HIGHWAY 813/BROWN ST
PROPOSED CAR WASH
3,976 S F
1.05 ACRES
45,929 S F
PLANT SCHEDULE
Q CAR WASH
HIGHWAY 813 AND INDIAN DRIVE
WAXAHACHIE, ELLIS COUNTY, TX 75165
LANDSCAPE PLAN
EXHIBIT C
L1.01

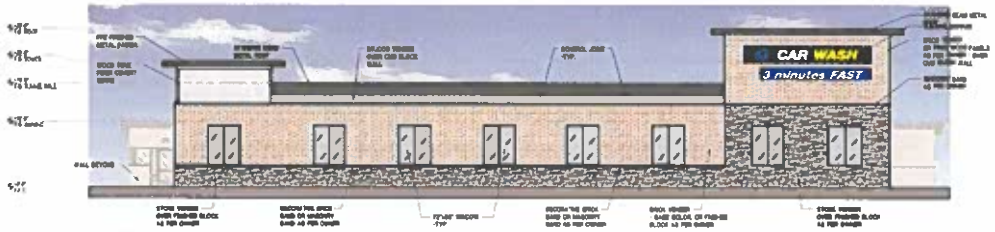


PAY STATION CANOPY ELEVATION (FRONT VIEW) (SIDE VIEW)
SCALE: 1/8"=1'-0"

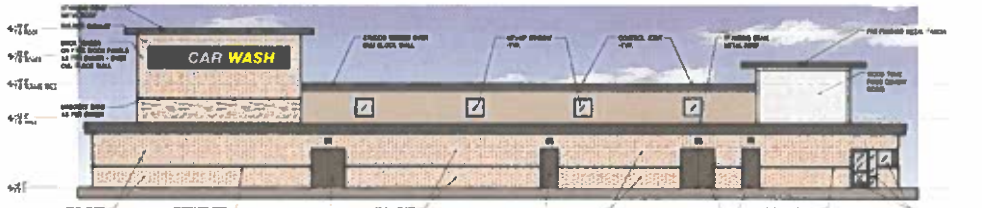
EXTERIOR MATERIALS/COLORS LEGEND	N ELEVATION	S ELEVATION	E ELEVATION	W ELEVATION
TOTAL FACADE AREA	2,650 S.F.	2,600 S.F.	604 S.F.	740 S.F.
DOORS/WINDOWS	372 S.F.	330 S.F.	89 S.F.	197 S.F.
FACADE AREA EXCLUDING DOORS AND WINDOWS	2,278 S.F. (100%)	2,270 S.F. (100%)	475 S.F. (100%)	543 S.F. (100%)
PRIMARY MASONRY TOTALS - BRICK	1,204 S.F. (53%)	1,812 S.F. (80%)	313 S.F. (66%)	419 S.F. (77%)
PRIMARY MASONRY TOTALS - STONE	774 S.F. (34%)	136 S.F. (6%)	12 S.F. (2%)	124 S.F. (23%)
PRIMARY MASONRY TOTALS - TYPE STEP STUCCO	128 S.F. (5%)	867 S.F. (38%)	N/A	N/A
ACCENT MATERIAL TOTALS (MAX. 10%)	146 S.F. (6%)	173 S.F. (7%)	145 S.F. (32%)	N/A

WEST ELEVATION
SCALE: 1/8"=1'-0"

EAST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"

PROPOSED MATERIALS

A-G DESIGN GROUP LLC
PO BOX
DUNCANVILLE, TX

Q CARWASH
HWY. 813 & INDIAN DR.
WAXAHACHIE, ELLIS COUNTY, TX 75165

EXTERIOR ELEVATIONS

A5.01

EXHIBIT D

Q CAR WASH, WAXAHACHIE

OPERATIONAL PLAN

About Us:

- Q Car Wash is an express car wash operator in DFW Metroplex with 11 operating location and 5 under construction. Located in different parts of metroplex in cities such as Arlington, Grand Prairie, Fort Worth, Dallas, Duncanville, Mesquite, White Settlement, Benbrook and Grapevine.
- We are an Ecofriendly express car wash chain where we recycle almost 80 percent of water that undergoes three phase settlement process in reclaim tanks which are 2000 gallons each with Sand Separator/Interceptor.
- All chemicals used in our washes are biodegradable and environmental friendly.
- We use all electric equipment, which is an upgrade of hydraulic equipment that most of the car wash use, thereby making it less noisy. Our blowers which are the noisiest piece of equipment has silencers on them.

Proposed Hours of Operations

Following are our proposed hours of operations:

Monday to Saturday – 8 AM to 9 PM.

Sunday – 7 AM to 7 PM.

Number of Employees:

We plan to create 15 full time jobs in the City of Waxahachie. We will have at least 3 to 6 employees on site at all times to ensure smooth operations.

Compatibility with Adjoining Uses:

Our car wash will perfectly align with the adjoining use of Automobile /Gas Station. Other car washes within the vicinity have a completely different business model and do not provide all facilities like Q Car Wash. The car count and demographics suit perfectly for a car wash at this location.

Company's Business Plan:

We plan to provide not only a clean and shiny carwash to the residents of City of Waxahachie but also provide great customer service. There may be a lot of car washes that were denied but our location fits perfectly with adjoining uses without any interference with residential neighborhoods.

Express Tunnel Car Washes are approximately 24 yrs old in the USA. The first one opened in 2000 in Baton Rouge, Louisiana. These new model tunnel car washes are faster, more efficient and more economical, providing a much better car wash experience.

Other Self-Serve Car Washes are outdated, inefficient and often provide poor experience. Nationwide, the new express tunnel car washes are being embraced by customers very positively.

Waxahachie is a great growing community with a population of approx.. 40,000 residents. Each Express Tunnel Car Wash could be supported easily by 12,000 to 15,000 residents. With Waxahachie growing over 40,000 residents, it has **only two tunnel express car washes**. One is Wash Masters – Waxahachie which is approx. 4 miles to the North (different market) and the second one is Take 5 Car Wash – Waxahachie which has a small tunnel and is 1.5 miles away, North of Hwy 287.

Our Express Tunnel Car Washes will also recycle 80 percent of the water used and in addition, we will have an instant water usage digital 10T Meter and app on our phone to constantly monitor our water usage – making us more responsible in our water usage.

(17)

STATE OF TEXAS	§	**DEVELOPMENT AGREEMENT**
	§	**FOR Q CAR WASH**
COUNTY OF ELLIS	§	

This Development Agreement for Q Car Wash ("**Agreement**") is entered between Buffalo Creek Plaza LLC ("**BCP**" or "**Developer**"), and the City of Waxahachie, Texas ("**City**"). BCP and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. BCP is the owner of approximately 1.05 acres of real property located in the southeast corner of Brown Street and Indian Drive, Parcel Number 295113 in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a specific use permit ("SUP") for a car wash use (Q Car Wash). The Property is currently zoned General Retail by the City, and is anticipated to have the SUP reviewed on October 16, 2023.

2. The planned use for the Property is for an SUP to allow for a car wash use (Q Car Wash). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards and provides BCP with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of BCP and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No._____** (the "**Q Car Wash SUP Ordinance**"), a copy of which is attached hereto as ***Exhibit A*** and which contains the negotiated zoning and development standards for Q Car Wash.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Q Car Wash SUP Ordinance as contractually-binding obligations between the City of Waxahachie and BCP, and to recognize BCP's reasonable investment-backed expectations in the Q Car Wash SUP Ordinance.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. **Incorporation of Premises.** The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. **Term.** This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. **Agreements.** The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations: The negotiated and agreed upon zoning and development standards contained in the Q Car Wash SUP Ordinance, which incorporated by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

(A) The development shall conform to the site plan approved by the City Council under case number ZDC-100-2023.

(B) The development shall adhere to the following plans approved by City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Architectural Elevations.

(C) The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.

(D) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

(E) The Applicant shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C – Landscape Plan and maintain the landscaping required for screening at all times.

(F) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Development Agreement shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Architectural Elevations. Where regulations are not specified in Exhibits B, C, and D, the development shall adhere to the regulations of the General Retail Zoning District and the City of Waxahachie Zoning Ordinance in the future.

(G) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

In consideration of BCP's agreement in this regard, the City of Waxahachie agrees that BCP has reasonable investment-backed expectations in the Q Car Wash SUP Ordinance and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Q Car Wash SUP Ordinance without impacting BCP's reasonable investment-backed expectations.

Section 4. Miscellaneous

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon BCP and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars ($100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least $100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least $100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By:_____
Michael Scott, City Manager

Date:_____

ATTEST:

By:_____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____day of _____, personally appeared Michael Scott, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

DEVELOPER:

Buffalo Creek Plaza LLC,

By:_____

Name:_____

Its:_____

Date:_____

STATE OF _____ §
§
COUNTY OF _____ §

Before me, the undersigned authority, on this _____day of _____, personally appeared _____, representative of Buffalo Creek Plaza, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

Planning & Zoning Department

Plat Staff Report

Case: SUB-84-2023

MEETING DATE(S)

Planning & Zoning Commission: October 10, 2023

City Council: October 16, 2023

CAPTION

Consider recommendation of a request by Tim Jackson, TRCS, LLC, for a **Replat** of Block 10, Lot 1AR of the Original Town of Waxahachie Addition, 1 lot, being 0.980 acres, located at 216 North College Street (Property ID 217175 – Owner: City of Waxahachie (SUB-84-2023)

RECOMMENDED MOTION

*"I move to approve SUB-84-2023 for a **Replat** of Block 10, Lot 1AR of the Original Town of Waxahachie Addition, subject to the condition of the staff report, authorizing the Mayor to sign the associated documents accordingly."*

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on October 10, 2023, the Commission voted 7-0 to recommend approval of case number SUB-84-2023, subject to staff comments.

APPLICANT REQUEST

The applicant requests to replat the subject property into one (1) lot for non-residential use. Also, the applicant requests a petition of relief from Appendix C – III. Subdivision Design Standards – Section 3.3.a – Easements, to eliminate the requirement to dedicate a 15' utility easement along North College Street & North Jackson Street.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	City of Waxahachie
Site Acreage:	0.980 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units
Park Land Dedication:	N/A; the site has been developed previously
Adequate Public Facilities:	Adequate public facilities are available to the subject property

SUBJECT PROPERTY

General Location:	216 North College Street
Parcel ID Number(s):	217175

Current Zoning: Central Area (CA)

Existing Use: Office use

Platting History: This lot was previously recorded with the Original Town of Waxahachie Addition.

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to replat the subject property into one (1) lots for non-residential use.

The applicant requests a petition of relief from Section 3.3.a – Easements of the Waxahachie Subdivision Ordinance, to eliminate the requirement to dedicate a 15' utility easement along N College Street & N Jackson Street. The Waxahachie Subdivision Ordinances requires an easement across lots or centered along rear or side lot lines be provided for utilities where necessary, and shall be of such widths as may be reasonably necessary for the utility or utilities using same.

Staff is in support of this relief request once the applicant submits letter(s) of no objection from utility companies indicating that they do not object to the proposed plat without the 15' utility easement required by this Section 3.3.a of the Waxahachie Subdivison Ordinance.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the Plat with the following conditions.

1. Per Section 3.3.a of the Waxahachie Subdivision Ordinance, the applicant shall submit letter(s) of no objection from utility companies.

ATTACHED EXHIBITS

1. Replat (Exhibit A)
2. Existing Conditions Exhibit (Exhibit B)

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department with one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
   a. If comments were not satisfied, then applicant will be notified to make corrections.
   b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

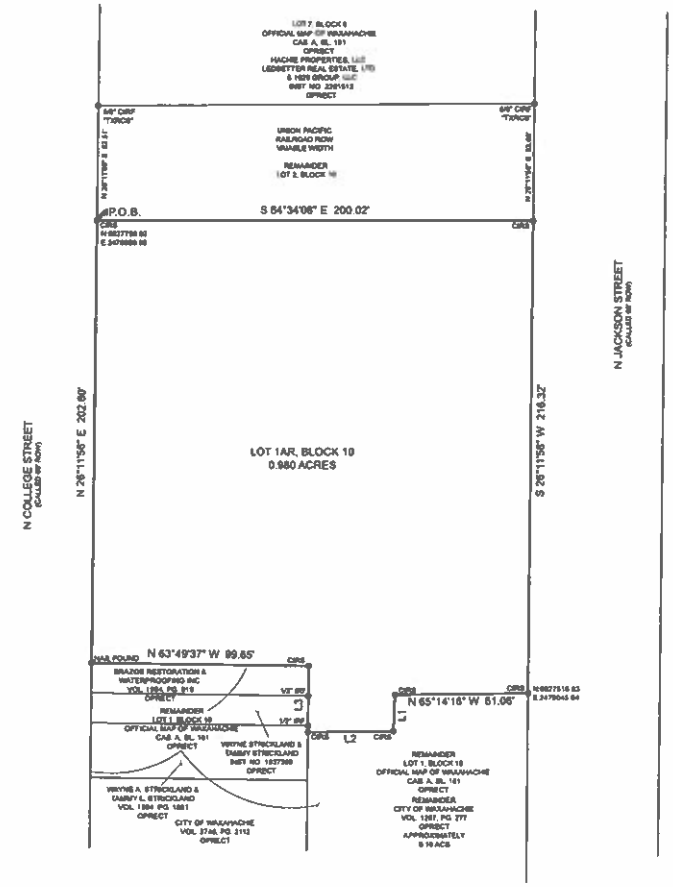
1. The applicant has submitted original copies of the tax certificate(s).

STAFF CONTACT INFORMATION

Prepared by:
Oanh Vu
Planner
oanh.vu@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

VICINITY MAP
NOT TO SCALE



LEGEND

CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TARCE" SET
FND = FOUND
IRF = IRON ROD FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
VOL. = VOLUME
PG. = PAGE
CAB. = CABINET
SL. = SLIDE

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE FIRE FLOOD INSURANCE RATE MAP NO 48139C0195F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

LINE	BEARING	DISTANCE
L1	S 27°53'57" W	10.53'
L2	N 63°14'18" W	30.81'
L3	N 26°10'23" E	30.29'

OWNERS
CITY OF WAXAHACHIE
P.O. BOX 757
WAXAHACHIE, TX 75168
214.914.8083

SURVEYOR
TEXAS REALTY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0336
TBPLS FIRM NO 10194366

REPLAT
ORIGINAL TOWN OF WAXAHACHIE BLOCK 10, LOT 1AR

0.980 ACRES
BEING A REPLAT OF PART OF LOT 1 & LOT 2
BLOCK 10
OF THE OFFICIAL MAP OF WAXAHACHIE
SITUATED IN
E. ROGERS SURVEY, ABSTRACT NO. 896
CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS

ZONED CA
1 NON-RESIDENTIAL LOT

CASE NO. SUB-04-2023

JOB NO. 2316A | SEPTEMBER 2023 | PAGE 1 OF 2

STATE OF TEXAS :
COUNTY OF ELLIS : KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, THE CITY OF WAXAHACHIE IS THE OWNER OF A TRACT OF LAND SITUATED IN THE E. ROGERS SURVEY, ABSTRACT NO 896, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF LOT 1, BLOCK 10, OFFICIAL MAP OF WAXAHACHIE, CABINET A, SLIDE 191, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (CORRECT) AND A PORTION OF LOT 3, BLOCK 10 OF SAID OFFICIAL MAP OF WAXAHACHIE, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 1634, PAGE 1133, CORRECT AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 688, PAGE 686, CORRECT AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 1267, PAGE 277, CORRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND IN THE EXISTING SOUTH RIGHT-OF-WAY (ROW) LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW – BEING 25' SOUTH OF THE CENTERLINE OF THE SAID S - AND IN THE WEST ROW LINE OF N COLLEGE STREET (A CALLED 60' ROW), FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND IN THE NORTH ROW LINE OF SAID RAILROAD ROW, BEARS N 26° 11'56" E, A DISTANCE OF 52.51 FEET;

THENCE S 64°34'08" E, ALONG THE NORTH LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON SOUTH ROW LINE OF SAID UPRR ROW, A DISTANCE OF 200.02 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND IN THE WEST ROW LINE OF N JACKSON STREET (A CALLED 60' ROW), FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND IN THE NORTH ROW LINE OF SAID UPRR ROW, BEARS N 26° 11'56" E, A DISTANCE OF 53.08 FEET;

THENCE S 26° 11'56" W, ALONG THE EAST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON WEST ROW LINE OF SAID N JACKSON STREET, A DISTANCE OF 218.33 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

THENCE OVER AND ACROSS SAID CITY OF WAXAHACHIE TRACT, AS FOLLOWS:

N 65°14'16" W, A DISTANCE OF 61.06 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

S 21°53'37" W, A DISTANCE OF 16.66 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

N 65°14'16" W, A DISTANCE OF 36.81 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN A WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO WAYNE A. STRICKLAND AND TAMMY L. STRICKLAND, RECORDED IN VOLUME 1904, PAGE 1991, CORRECT (FURTHER DESCRIBED AS STRICKLAND TRACT 1);

THENCE N 26°10'23" E, ALONG A WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST LINE OF SAID STRICKLAND TRACT 1, PASSING AT A DISTANCE OF 2.91 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STRICKLAND TRACT 1 AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WAYNE STRICKLAND AND TAMMY STRICKLAND, RECORDED IN INSTRUMENT NO. 1937398, CORRECT (FURTHER DESCRIBED AS STRICKLAND TRACT 2), PASSING AT A DISTANCE OF 18.39 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STRICKLAND TRACT 2 AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO BRAZOS RESTORATION & WATERPROOFING INC., RECORDED IN VOLUME 1984, PAGE 910, CORRECT, CONTINUING ALONG THE WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST LINE OF SAID BRAZOS TRACT, A TOTAL DISTANCE OF 30.39 FEET TO A POINT IN A BUILDING FOR AN INTERIOR ELL CORNER OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTHEAST CORNER OF SAID BRAZOS TRACT;

THENCE N 63°46'37" W, ALONG THE SOUTH LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTH LINE OF SAID BRAZOS TRACT, A DISTANCE OF 99.05 FEET TO A NAIL FOUND FOR THE SOUTHWEST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTHWEST CORNER OF SAID BRAZOS TRACT AND IN THE EAST ROW LINE OF SAID N COLLEGE STREET;

THENCE N 26° 11'56" E, ALONG THE WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST ROW LINE OF SAID N COLLEGE STREET, A DISTANCE OF 202.98 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.990 ACRES OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT THE CITY OF WAXAHACHIE, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS ORIGINAL TOWN OF WAXAHACHIE, BLOCK 10, LOT 1AR, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTH SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, 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 PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS

WITNESS, MY HAND, THIS THE _____ DAY OF _____ 2023

_____
MICHAEL SCOTT
CITY MANAGER

STATE OF TEXAS :
COUNTY OF ELLIS:

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MICHAEL SCOTT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____ 2023.

_____
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

_____
TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY _____ _____
CHAIRPERSON DATE

_____ _____
ATTEST DATE

OWNERS:
CITY OF WAXAHACHIE
P.O. BOX 757
WAXAHACHIE, TX 75168
214.914.8083

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0330
TBPLS FIRM NO 10194369

REPLAT
ORIGINAL TOWN OF WAXAHACHIE BLOCK 10, LOT 1AR

0.990 ACRES
BEING A REPLAT OF PART OF LOT 1 & LOT 2
BLOCK 10
OF THE OFFICIAL MAP OF WAXAHACHIE
SITUATED IN
E. ROGERS SURVEY, ABSTRACT NO. 896
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

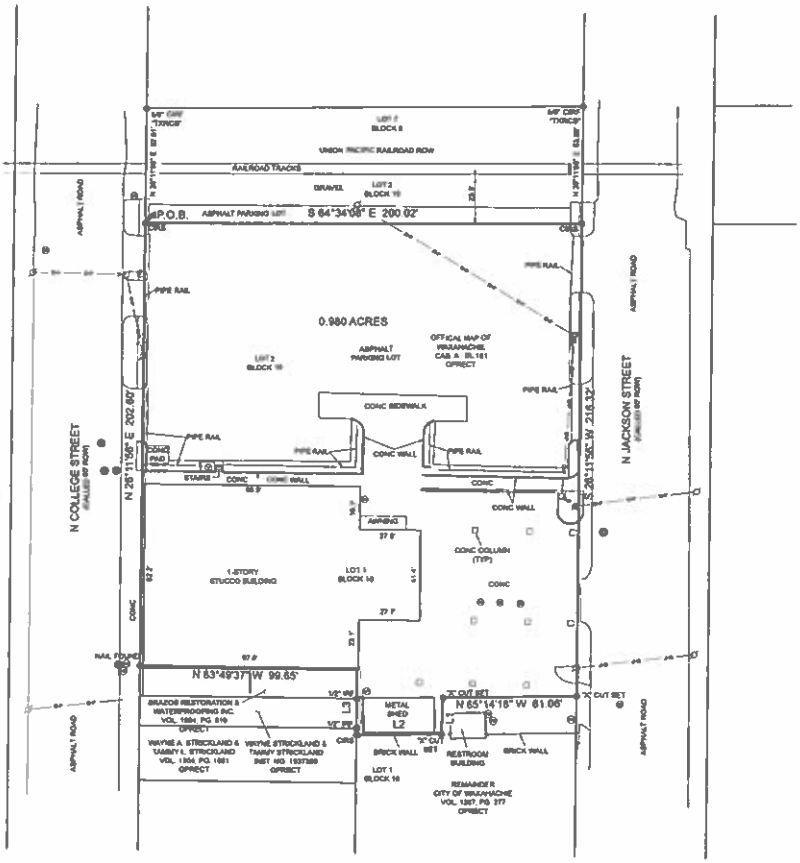
ZONED CA
1 NON-RESIDENTIAL LOT

CASE NO. SUB-04-2023

JOB NO 2315A JUNE 2023 PAGE 2 OF 2

0' 15' 30'

SCALE 1" = 30'



LEGEND:

- CONCRETE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- LIGHT POLE
- POWER POLE
- RAILROAD CROSSING ARM
- SANITARY SEWER MANHOLE
- VAULT
- WATER METER
- WATER VALVE
- FENCE LINE (VARIOUS TYPES)
- OVERHEAD POWER LINES

CIRS	5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
CIRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
OPRECT	OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
(XXX)	INDICATE RECORD OR DEED CALLS
ROW	RIGHT-OF-WAY

PROPERTY DESCRIPTION:

BEING A TRACT OF LAND SITUATED IN THE E. ROGERS SURVEY, ABSTRACT NO. 896, CITY OF WAXAHACHIE, ELLIS COUNTY TEXAS AND BEING A PORTION OF LOT 1, BLOCK 10, OFFICIAL MAP OF WAXAHACHIE, CABINET A, SLIDE 161, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY TEXAS (OPRECT) AND A PORTION OF LOT 2, BLOCK 10 OF SAID OFFICIAL MAP OF WAXAHACHIE, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 1884, PAGE 1133, OPRECT AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 999, PAGE 468, OPRECT, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 1267, PAGE 277, OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND IN THE EXISTING SOUTH RIGHT-OF-WAY (ROW) LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW - BEING 32' SOUTH OF THE CENTERLINE OF THE RAILS - AND IN THE WEST ROW LINE OF N. COLLEGE STREET (A CALLED 60' ROW), FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND IN THE NORTH ROW LINE OF SAID RAILROAD ROW BEARS N 26°11'59" E, A DISTANCE OF 32.51 FEET;

THENCE S 64°34'08" E, ALONG THE NORTH LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON SOUTH ROW LINE OF SAID UPRR ROW, A DISTANCE OF 200.02 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND IN THE WEST ROW LINE OF N. JACKSON STREET (A CALLED 60' ROW), FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" FOUND IN THE NORTH ROW LINE OF SAID UPRR ROW, BEARS N 26°11'59" E, A DISTANCE OF 53.98 FEET;

THENCE S 26°11'59" W, ALONG THE EAST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON WEST ROW LINE OF SAID N. JACKSON STREET, A DISTANCE OF 215.32 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

THENCE OVER AND ACROSS SAID CITY OF WAXAHACHIE TRACT, AS FOLLOWS:

N 65°14'18" W, A DISTANCE OF 61.06 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

S 27°33'37" W, A DISTANCE OF 16.88 FEET TO AN "X" CUT IN CONCRETE SET FOR CORNER;

N 65°14'18" W, A DISTANCE OF 38.81 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN A WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO WAYNE A. STRICKLAND AND TAMMY L. STRICKLAND, RECORDED IN VOLUME 1884 PAGE 1881, OPRECT (FURTHER DESCRIBED AS STRICKLAND TRACT 1);

THENCE N 26°18'23" E, ALONG A WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST LINE OF SAID STRICKLAND TRACT 1, PASSING AT A DISTANCE OF 2.81 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STRICKLAND TRACT 1 AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WAYNE STRICKLAND AND TAMMY STRICKLAND, RECORDED IN INSTRUMENT NO. 1997389, OPRECT (FURTHER DESCRIBED AS STRICKLAND TRACT 2), PASSING AT A DISTANCE OF 16.55 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STRICKLAND TRACT 2 AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO BRAZOS RESTORATION & WATERPROOF INC., RECORDED IN VOLUME 1884, PAGE 810, OPRECT, CONTINUING ALONG THE WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST LINE OF SAID BRAZOS TRACT, A TOTAL DISTANCE OF 36.26 FEET TO A POINT IN A BUILDING FOR AN INTERIOR ELL CORNER OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTHEAST CORNER OF SAID BRAZOS TRACT;

THENCE N 63°49'37" W, ALONG THE SOUTH LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTH LINE OF SAID BRAZOS TRACT, A DISTANCE OF 99.85 FEET TO A NAIL FOUND FOR THE SOUTHWEST CORNER OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON NORTHWEST CORNER OF SAID BRAZOS TRACT AND ON THE EAST ROW LINE OF SAID N. COLLEGE STREET;

THENCE N 26°11'59" E, ALONG THE WEST LINE OF SAID CITY OF WAXAHACHIE TRACT AND THE COMMON EAST ROW LINE OF SAID N. COLLEGE STREET, A DISTANCE OF 198.60 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.980 ACRES OF LAND MORE OR LESS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5944
DATED 09/19/2023

STATE OF TEXAS
TIMOTHY L. JACKSON
5944
REGISTERED
LAND SURVEYOR

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202 NAD 83, PER GPS OBSERVATIONS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0180F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

LINE	BEARING	DISTANCE
L1	S 27°33'37" W	16.88'
L2	N 63°14'18" W	38.81'
L3	N 26°18'23" E	30.26'

LAND TITLE SURVEY
0.980 ACRES
SITUATED IN THE
E. ROGERS SURVEY
ABSTRACT NO. 896
ELLIS COUNTY, TEXAS

PROJECT NO. 2311

TEXAS REALITY CAPTURE & SURVEYING, LLC

TxRCS

(19)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-125-2023

MEETING DATE(S)

Planning & Zoning Commission:	October 10, 2023
City Council:	October 16, 2023

CAPTION

Public Hearing on a request by Jordan Cogburn, Cogburn Contracting, for a Specific Use Permit (SUP) for an Accessory Structure over 700 square feet use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 144 Homestead Lane (Property ID 269669) - Owner: Mason Tucker (ZDC-125-2023)

RECOMMENDED MOTION

"I move to approve of ZDC-125-2023, a Specific Use Permit (SUP) for an Accessory Structure over 700 Square Feet use within a Planned Development – Single Family-1 (PD-SF-1), subject to the conditions the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on October 10, 2023, the Commission voted 7-0 to recommend approval of case number ZDC-125-2023, subject to staff comments.

APPLICANT REQUEST

The Applicant requests approval of a Specific Use Permit (SUP) to allow for an Accessory Structure over 700 Square Feet use for Mason Tucker at 144 Homestead Lane.

CASE INFORMATION

Applicant:	Jordan Cogburn, Cogburn Contracting
Property Owner(s):	Mason Tucker
Site Acreage:	1.00 acres
Current Zoning:	PD-SF-1
Requested Zoning:	PD-SF-1 with a specific use permit (SUP) for an Accessory Structure over 700 square feet

SUBJECT PROPERTY

General Location:	144 Homestead Lane
Parcel ID Number(s):	269669
Existing Use:	Residential use

Development History: The subject property was platted as Lot 10, Block A of the Homestead Estates in 2017

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-1	Residential use
East	PD-SF-1	Residential use
South	PD-SF-1	Residential use
West	PD-SF-1	Residential use

Future Land Use Plan: Residential Neighborhood

Comprehensive Plan: This placetype serves to create neighborhoods built with a traditional walkable block/street grid network that allows some variation in housing typologies. Although this placetype will predominantly consist of traditional single family detached housing, denser housing types are encouraged such as duplex, cottage courts, and townhomes. Both residential and commercial uses need to be context-sensitive. Commercial uses in this placetype may be a small pop-up facility or a home converted to a small store front. Walkability is key for neighborhood commercial uses so that they are accessible from surrounding neighborhoods.

Thoroughfare Plan: The primary access to the subject property is through Old Italy Road.

Site Image:

PLANNING ANALYSIS

The applicant is requesting a specific use permit to construct an accessory structure greater over 700 square feet on the rear side of single-family residential lot at 144 Homestead Lane. Per the City of

Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a Specific Use Permit (SUP) to be approved by City Council.

Proposed Use:
According to the Ellis County Appraisal District, the single-family dwelling has an approximate size of 2,620 square feet, and the proposed accessory structure has an area of 1,710 square feet and have an exterior of metal panels. The owner plans to utilize the accessory structure for storing household items, tools, lawn equipment, and vehicles, and serve as a personal workshop space. There will not be plumbing added to the accessory structure. The structure will be situated at the back of the property, towards the southeastern part of the lot. A comparable, 2,500-square-foot accessory structure was approved in 2022 near the subject property

The applicant has confirmed to staff that the structure will not be used as a dwelling and will not be metered, sold, or leased separately from the existing home.

PUBLIC NOTIFICATIONS
To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of publishing this report, Staff received 1 letter of support.

RECOMMENDATION
Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The accessory structure shall obtain a permit from the City of Waxahachie Building Department before constructing the accessory structure.

ATTACHED EXHIBITS
1. PON Response(s)
2. SUP Ordinance
3. Location map (Exhibit A)
4. Survey (Exhibit B)
5. Floorplan/Exterior elevations (Exhibit C)

APPLICANT REQUIREMENTS
1. If approved by City Council, the Applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Oanh Vu
Planner
oanh.vu@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(20)

ORDINANCE NO.

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT - SINGLE-FAMILY DWELLING-1 (PD-SF-1) ZONING DISTRICT AT 144 HOMESTEAD LANE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.000 ACRES KNOWN AS PROPERTY ID 269669, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-125-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the City Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-SF-1 to PD-SF-1, with a SUP in order to allow an Accessory Structure Greater Than 700 Square Feet use on the following property: Property ID 269669, which is shown on the Location Map (Exhibit A), in accordance with the Survey as Exhibit B, the Floorplan and Exterior elevations attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE (MASON TUCKER) IN THE PLANNED DEVELOPMENT - SINGLE-FAMILY DWELLING-1 (PD-SF-1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.

2. The accessory structure shall not be used for commercial purposes.

3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.

4. The accessory structure shall obtain a permit from the City of Waxahachie Building Department before constructing the accessory structure.

5. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Survey, Exhibit C – Floorplan/Exterior elevations,

6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

7. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Survey and Exhibit C – Floorplan/Exterior elevations. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the Planned Development- Single Family-1 (PD-SF-1) Zoning District shall apply to this development.

8. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business of establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six (6) months, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner.

4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____
MAYOR

ATTEST:

_____
City Secretary

EXHIBIT A - LOCATION MAP
ARIA DR
VALLAGHAN DR
Alden Dr
LAGRANGE DR
SAWPER DR
DOLLAR ST
WILLOW REST DR
MITCHELL AVE
0 225 450 900 1,350 1,800 Feet
ZDC-125-2023 (SUP

Mason Tucker

EXHIBIT B - SURVEY

SURVEY PLAT

lo. 2007149W

1 Lane, Waxahachie, Texas.

rcel of land being known and designated as LOT 10, BLOCK A, HOMESTEAD ESTATES, an hachie, Ellis County, Texas, according to the Plat thereof recorded in Cabinet J, Slide 91 through ty, Texas.

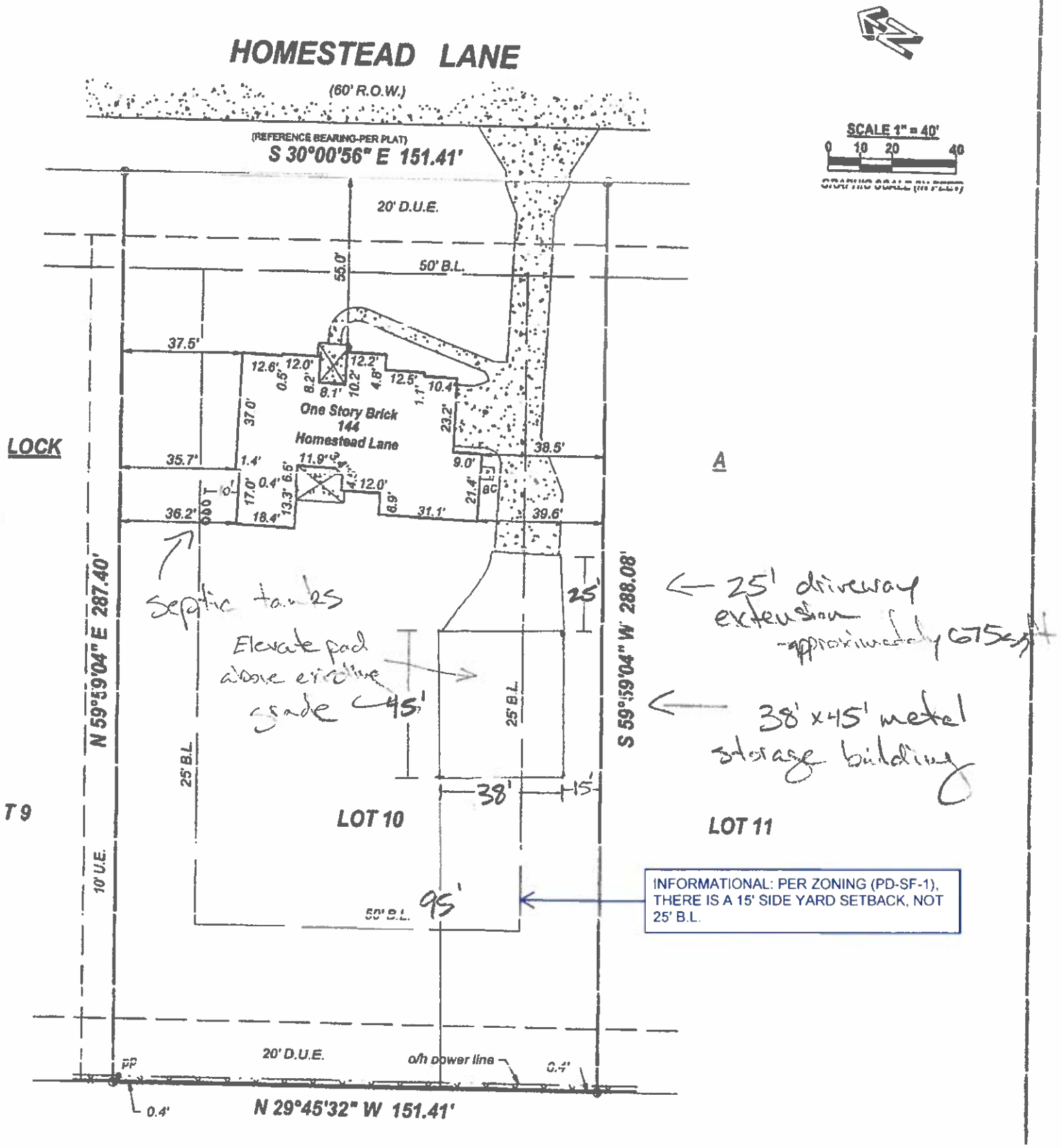
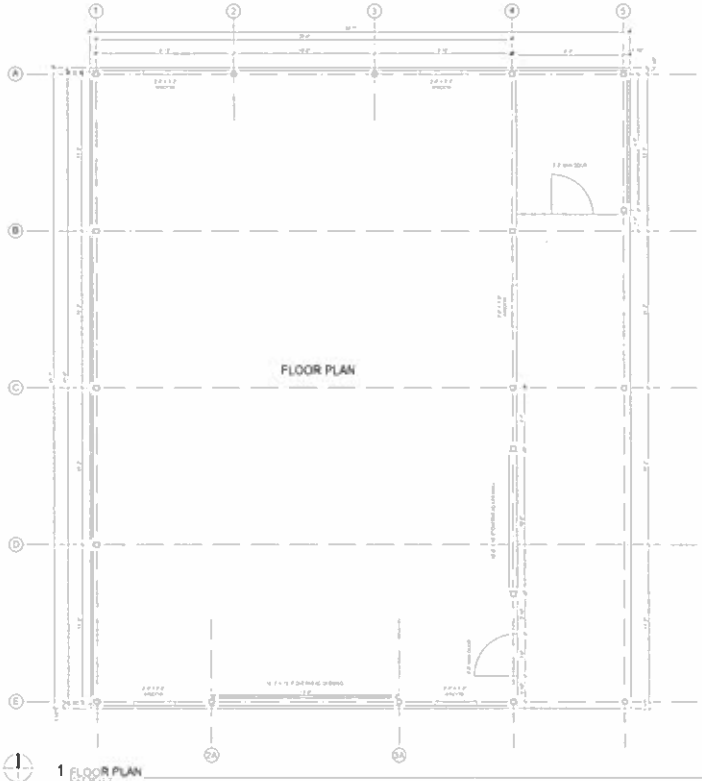


EXHIBIT C - FLOOR PLAN & EXTERIOR ELEVATIONS



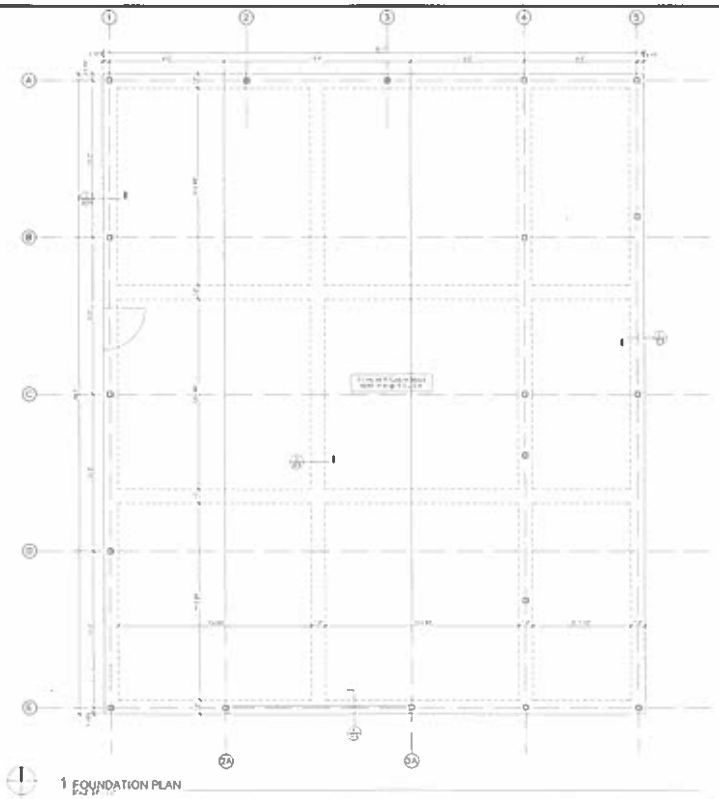
1 FLOOR PLAN

BAKER, HAMPTON & BROWN

Jordan Cogburn
MILLER METAL BUILDINGS
144 Homestead Lane Weatherford TX 75165

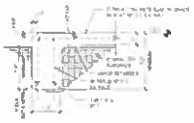
FLOOR PLAN

S1.0



north

1 FOUNDATION PLAN



2 TYPICAL PERIMETER GRADEBEAM

3 TYPICAL INTERIOR GRADEBEAM

4 TYPICAL PERIMETER GRADEBEAM AT DOOR

GENERAL

1. ALL CONCRETE SHALL BE CLASS A, 3000 PSI, 28 DAY STRENGTH, 6 SACK MIX, 5 ± 1 SLUMP, 1 1/2" MAX AGGREGATE, 4% ± 1% AIR ENTRAINED, 6 GALLONS WATER PER SACK MAX, PER ACI 318-95 AND ACI 301-96.
2. ALL REINFORCING STEEL SHALL BE GRADE 60 DEFORMED BARS, ASTM A615.
3. ALL REINFORCING STEEL SHALL BE SUPPORTED AND SECURED IN ACCORDANCE WITH ACI 318-95 AND ACI 301-96.
4. ALL REINFORCING STEEL SHALL HAVE A MINIMUM COVER OF 3" UNLESS OTHERWISE NOTED.
5. ALL REINFORCING STEEL SHALL BE LAP SPLICED A MINIMUM OF 40 DIAMETERS UNLESS OTHERWISE NOTED.
6. ALL REINFORCING STEEL SHALL BE CONTINUOUS AROUND CORNERS.
7. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CONTROL JOINTS.
8. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CONSTRUCTION JOINTS.
9. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH EXPANSION JOINTS.
10. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SLEEVES.
11. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH PIPES.
12. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CONDUITS.
13. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH BOLTS.
14. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH ANCHORS.
15. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH WELDS.
16. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH PLATES.
17. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SHEETS.
18. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH BLOCKS.
19. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH WALLS.
20. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH FLOORS.
21. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CEILINGS.
22. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH ROOFS.
23. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH FOUNDATIONS.
24. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH GRADEBEAMS.
25. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH PIERS.
26. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH COLUMNS.
27. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH BEAMS.
28. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SLABS.
29. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH DECKS.
30. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH PAVEMENT.
31. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SIDEWALKS.
32. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CURBS.
33. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH GUTTERS.
34. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH DRAINS.
35. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH PIPES.
36. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH CONDUITS.
37. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH BOLTS.
38. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH ANCHORS.
39. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH WELDS.
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46. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH ROOFS.
47. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH FOUNDATIONS.
48. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH GRADEBEAMS.
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52. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SLABS.
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99. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH BEAMS.
100. ALL REINFORCING STEEL SHALL BE CONTINUOUS THROUGH SLABS.

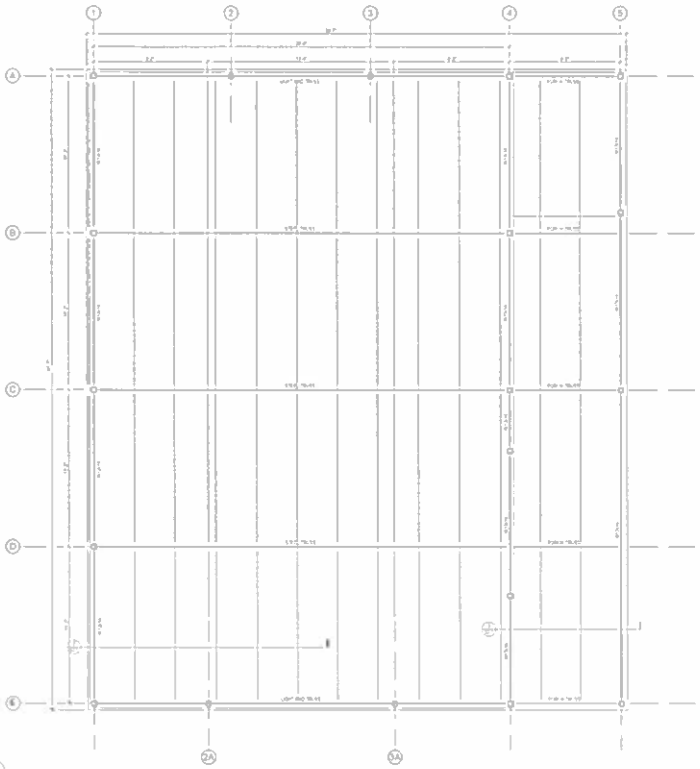
BARRY, HAMPTON & BROWN
engineering and consulting

Jordan Cogburn
MILLER METAL BUILDINGS
144 Homestead Lane Waxahachie TX 75165

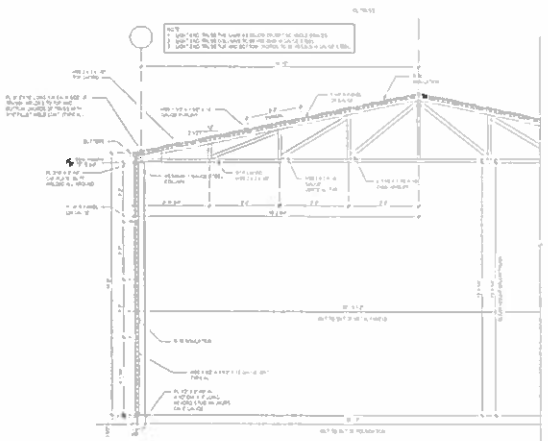
FOUNDATION PLAN

Date	Description

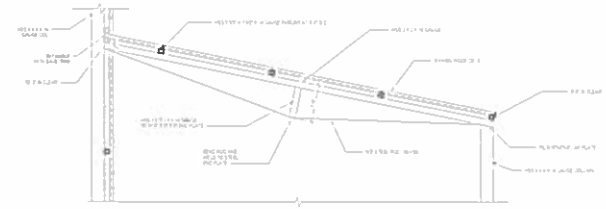
S2.0



1 FRAMING PLAN



2 STEEL TRUSS



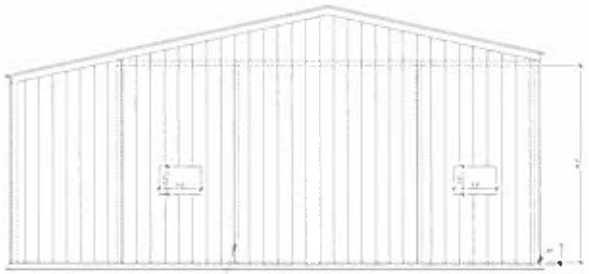
3 RAFTER SECTION

BHB
BARRS, HAMPTON & BROWN
engineering

Jordan Cogburn
MILLER METAL BUILDINGS
144 Homesteader Lane Vilaulaache TX 75185

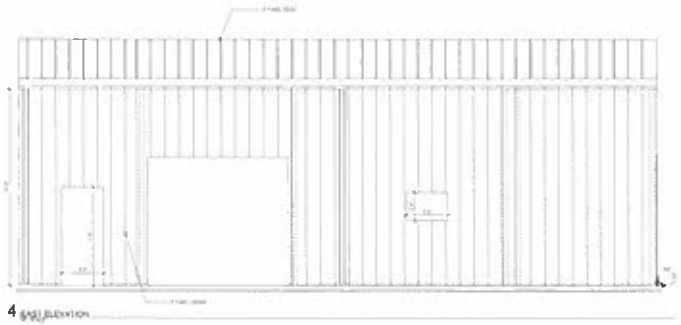
FRAMING PLAN

S2.1

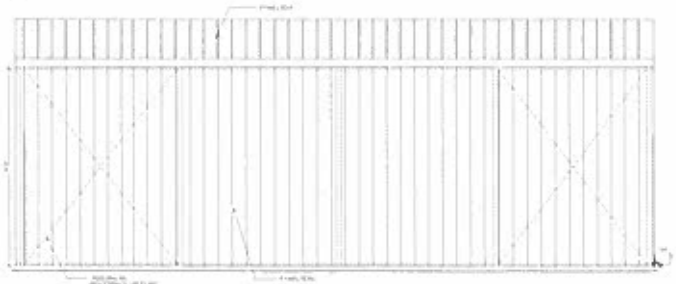


2 NORTH ELEVATION

1 SOUTH ELEVATION



4 WEST ELEVATION



3 EAST ELEVATION

BARR, HAMPTON & BROWN
engineering and surveying

Jordan Cogburn
MILLER METAL BUILDINGS
144 Homestead Lane Waxahachie TX 75165

ELEVATIONS

S2.10

RECV'D 10/2/2023

EXHIBIT D - PON RESPONSES

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-125-2023

HANSBERRY KENNETH E
202 Valley View Dr
Waxahachie, TX 75167-4838

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 10, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 16, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

> Request by Jordan Cogburn, Cogburn Contracting, for a **Specific Use Permit (SUP)** for an **Accessory Structure over 700 square feet** use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 144 Homestead Lane (Property ID 269669) - Owner: Mason Tucker (ZDC-125-2023) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-125-2023 **City Reference: 269685**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 4, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☒ OPPOSE

Comments: KEH ANYTHING THAT KEEPS ~~I PLAN TO SPEND 3/4 OF ONE Million Dollars TO LOOK AT AN EYE SORE ... REALLY ...~~

KEH

Signature

10/02/2023

Date

KENNETH HANSBERRY

Printed Name and Title

112 SANDERS DRIVE, WAXAHACHIE TX 75165

Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(21)

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-54-2023

MEETING DATE(S)

Planning & Zoning Commission: October 10, 2023

City Council: October 16, 2023

CAPTION

Public Hearing on a request by Kevin Kosoris, 1020 Group LLC, for a **Specific Use Permit (SUP)** for a Self-Storage Facility use within a Commercial (C) zoning district located at 308 N College Street (Property ID: 170654) – Owner: Hachie Properties, LLC ETAL (ZDC-54-2023) Staff: Zack King

RECOMMENDED MOTION

While City staff maintains that the request, as presented, does not represent the highest and best use of this property, should the Council choose to approve the SUP request, staff recommends the following motion and the conditions below:

- *"I move to approve ZDC-54-2023, a Specific Use Permit (SUP) request for a Self-Storage Facility at 308 N College Street, subject to the conditions of the staff report."*

  Conditions:

  1. The self-storage facility use shall be restricted to the portion of the building specifically identified in the Floor Plan exhibit. The self-storage facility use shall require approval of an amended SUP to expand beyond the area identified in the Floor Plan exhibit.
  2. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction of the self-storage facility.

If the Council chooses deny the SUP request, staff recommends the following motion:

- *"I move to deny ZDC-54-2023, a Specific Use Permit (SUP) request for a Self-Storage Facility at 308 N College Street."*

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on October 10, 2023, the Commission voted 6-1 to recommend approval of case number ZDC-54-2023, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for a Self-Storage Facility use within a Commercial (C) zoning district located at 308 N College Street.

CASE INFORMATION

Applicant: Brett Hess

Property Owner(s): Hachie Properties, LLC ETAL

Site Acreage: 1.95 acres

Current Zoning: Commercial (C)

Requested Zoning: Commercial (C) with SUP for a Self-Storage Facility use.

SUBJECT PROPERTY

General Location: 308 N College Street

Parcel ID Number(s): 170654

Existing Use: The former CA Wilson building is currently vacant.

Development History: The property was formerly occupied by CA Wilsons Appliance Store and was platted as part of the Original Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Commercial (C)	United States Postal Service
East	Commercial (C)	Vacant Land & Newness of Life Bible Church
South	Central Area (CA)	Rialto Restaurant & Holding Cell Live Music Venue (Under Construction)
West	Commercial (C)	Love Your Neighbor Thrift & The Drawing Room Salon

Future Land Use Plan: Downtown

Comprehensive Plan: It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan: The subject property is accessible via N College Street and N Jackson St.

Site Image:

PLANNING ANALYSIS

Proposed Use:

The applicant proposes to remodel a portion of the former CA Wilsons building at 308 N College Street for use as a Self-Storage Facility. The Waxahachie Zoning Ordinance requires approval of a Specific Use Permit (SUP) for self-storage uses located in commercial zoning districts.

The southern half of the existing building, totaling approximately 15,000 square feet, is proposed to be repurposed as a self-storage facility with approximately 115 individual units. This area was formerly used as warehouse space for CA Wilson's. No entrances for the self-storage facility are proposed on N College Street. Two pedestrian entrances are proposed facing N Jackson Street and one pedestrian entrance is proposed on the southern side of the building facing the railroad tracks. A single loading area with a roll-up door is proposed along N Jackson Street.

Site Improvements:

As part of the remodeling of the existing building, the applicant is proposing façade and landscape improvements for the property. Specifically, the applicant is proposing additional landscaping along N College Street and along the southern face of the building. Several planter boxes for shrubs and seasonal color are also proposed on the existing sidewalk adjacent to the building storefront on College Street. Additional landscaping is also proposed to screen the new dumpster enclosure for the property.

The applicant is also proposing façade improvements for the existing building. The applicant is proposing to refurbish and paint the brick façade facing N College Street. The applicant also proposes to add new awnings covering the storefronts facing N College Street. Additionally, the applicant proposes to paint a mural featuring the Interurban Railway on the portion of the building used for self-storage that faces N College Street. The proposed mural can be referenced in the renderings attached below.

Variance Request:
The applicant is seeking a reduction in the required number of parking spaces for the subject property. The subject property has sufficient parking to satisfy the requirement for the self-storage facility. However, the owner intends to renovate the existing building to house additional tenants. Specifically, the owner is proposing to add three (3) additional suites to the building to house a retail establishment, a gym, and a medical office. These specific uses push the property's total parking requirement to 132 spaces. The owner is seeking a variance with this SUP to allow for only 75 total parking spaces on the property.

Staff Concerns:
Staff does have concerns with the compatibility of the proposed use and the adjacent downtown area. The subject property is designated in the Downtown Placetype by the 2023 Future Land Use Plan (FLUP). This placetype calls for adaptive reuse and redevelopment of existing properties in a way that compliments the existing mix of uses in the historic downtown core. The proposed self-storage facility is a reuse of a currently vacant building; but it is not an adaptive reuse that could continue to evolve as the downtown core expands. For example, shell retail or office spaces have the ability to support a diverse variety of uses throughout the lifespan of a property. A self-storage facility is a use that does not offer this same level of adaptability in the future. Due to this, staff is concerned that the self-storage facility does not represent the highest and best use of the property. If approved, it is likely that the self-storage use would persist in the building indefinitely and eliminate the possibility of further adaptive reuse of the space in the future.

PUBLIC NOTIFICATIONS
To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES
Staff has received three (3) letters of support and one (1) letter of opposition for the SUP request.

RECOMMENDATION
While City staff maintains that the request, as presented, does not represent the highest and best use of this property, should the Council choose to approve the SUP request, staff recommends the following conditions be added to the motion for approval:

Conditions:
1. The self-storage facility use shall be restricted to the portion of the building specifically identified in the Floor Plan exhibit. The self-storage facility use shall require approval of an amended SUP to expand beyond the area identified in the Floor Plan exhibit.
2. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction of the self-storage facility.

ATTACHED EXHIBITS

1. Public Notification Responses
2. SUP Ordinance
3. Exhibit A – Location Map
4. Exhibit B – Site Plan
5. Exhibit C – Floor Plan
6. Exhibit D – Landscape Plan
7. Exhibit E – Façade Enhancements (Renderings)

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2023

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 10, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 16, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

> Request by Kevin Kosoris, 1020 Group LLC, for a **Specific Use Permit (SUP)** for a Self-Storage Facility use within a Commercial (C) zoning district located at 308 N College Street (Property ID: 170654) – Owner: Hachie Properties, LLC ETAL (ZDC-54-2023) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-54-2023 **City Reference: 170695**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 4, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☑ SUPPORT ☐ OPPOSE

Comments: Requesting the City to designate an alleyway on the South side of building. There is no other cross street between Oldham & Main.

Signature: [signature] Date: 9-26-23

Printed Name and Title: Greg Nelich Managing Partner Address: 1023 W Main St.

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2023

AUTREY DUSTIN D & JAMES D PATE
200 S Elm St
Waxahachie, TX 75165-3606

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 10, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 16, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-54-2023 **City Reference: 297097**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 4, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☐ OPPOSE

Comments:
Contrary to what City Staff may think about the best use for this property, This developer has a great record in our community

Signature: Dusty Autrey
Date: 10-4-23
Printed Name and Title: Dusty Autrey – Prop owner
Address: 301 N College

It is a crime to knowingly submit a false zoning reply form (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

October 9th, 2023

To Whom It May Concern:

Subject: No Objection Letter

Re: Parking variance request for 308 College St

I fully support the parking variance request for Shelby Symmetry. Our company will soon be opening our 4th retail location in Waxahachie. After signing our lease agreement, we learned we would be connected to a gym. We find this to be a huge benefit and we were thrilled to start our business relationship with Shelby Symmetry. We work closely with the gyms two of our other locations are currently connected to and we can attest that peak times for their clients are before our store opens and after our store has closed. We have zero concerns about our customers finding parking. The 308 College shopping center will be comprised of cohesive businesses, and we all need Shelby Symmetry to be part of this one stop health and wellness destination for our community.

I confirm and agree that I have no objections to this variance being granted.

Respectfully,

Chesley Hiles

(Full Name)

(Signature)

RECVD 10/11/23

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2023

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 10, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 16, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-54-2023 **City Reference: 170653**

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☐ SUPPORT ☒ OPPOSE

Comments: Do not feel appropriate for things coming to the area in the future

Signature: [signature] Date: 10/10/23

Printed Name and Title: Brad Yates

Address: Box 2868 Waxahachie, TX. 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(22)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SELF-STORAGE FACILITY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 308 N COLLEGE STREET, BEING PROPERTY ID 170654, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 3B, 4, 5, 6, AND 7, BLOCK 8 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as C; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-54-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from C to C, with a SUP in order to permit a Self-Storage Facility use on the following property: Lots 3B, 4, 5, 6 and 7, Block 8 of the Town Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Floor Plan attached as Exhibit C, the Landscape Plan attached as Exhibit D, and the Façade Enhancements (Renderings) attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A SELF-STORAGE FACILITY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The development shall adhere to the City Council approved Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C – Floor Plan, Exhibit D – Landscape Plan, and Exhibit E – Façade Enhancements (Renderings).

2. The self-storage facility use shall be restricted to the portion of the building specifically identified in the Floor Plan attached as Exhibit C. The self-storage facility use shall require approval of an amended SUP to expand beyond the area identified in the Floor Plan exhibit.

3. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction of the self-storage facility.

4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

5. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Floor Plan, Exhibit D – Landscape Plan, and Exhibit E – Façade Enhancements (Renderings). Where regulations are not specified in Exhibits B, C, D, E, or this Zoning Ordinance, the regulations of the Commercial (C) Zoning District shall apply to this development.

6. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.

_____
MAYOR

ATTEST:

_____
City Secretary

Exhibit A - Location Map

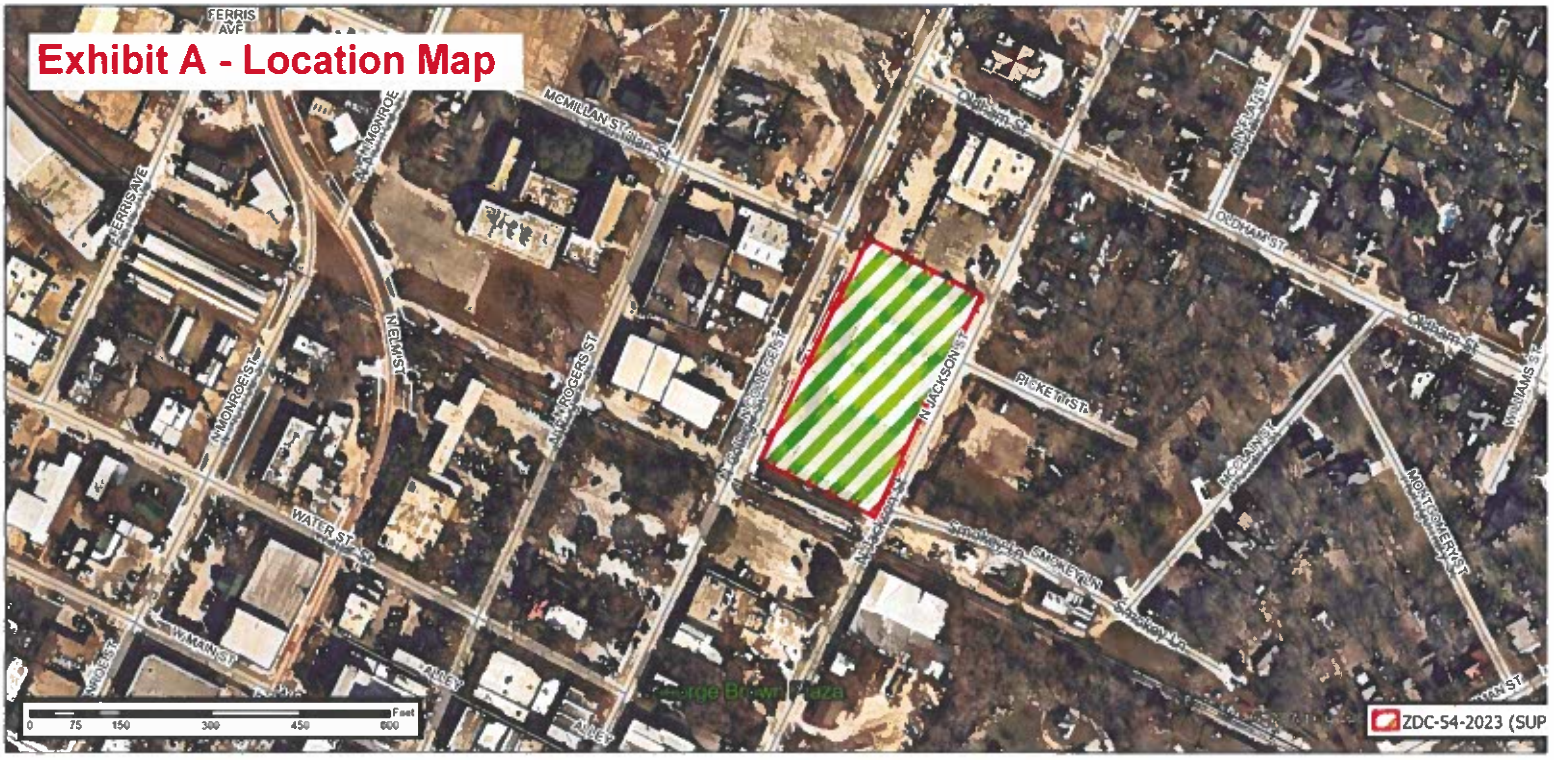


Exhibit B - Site Plan

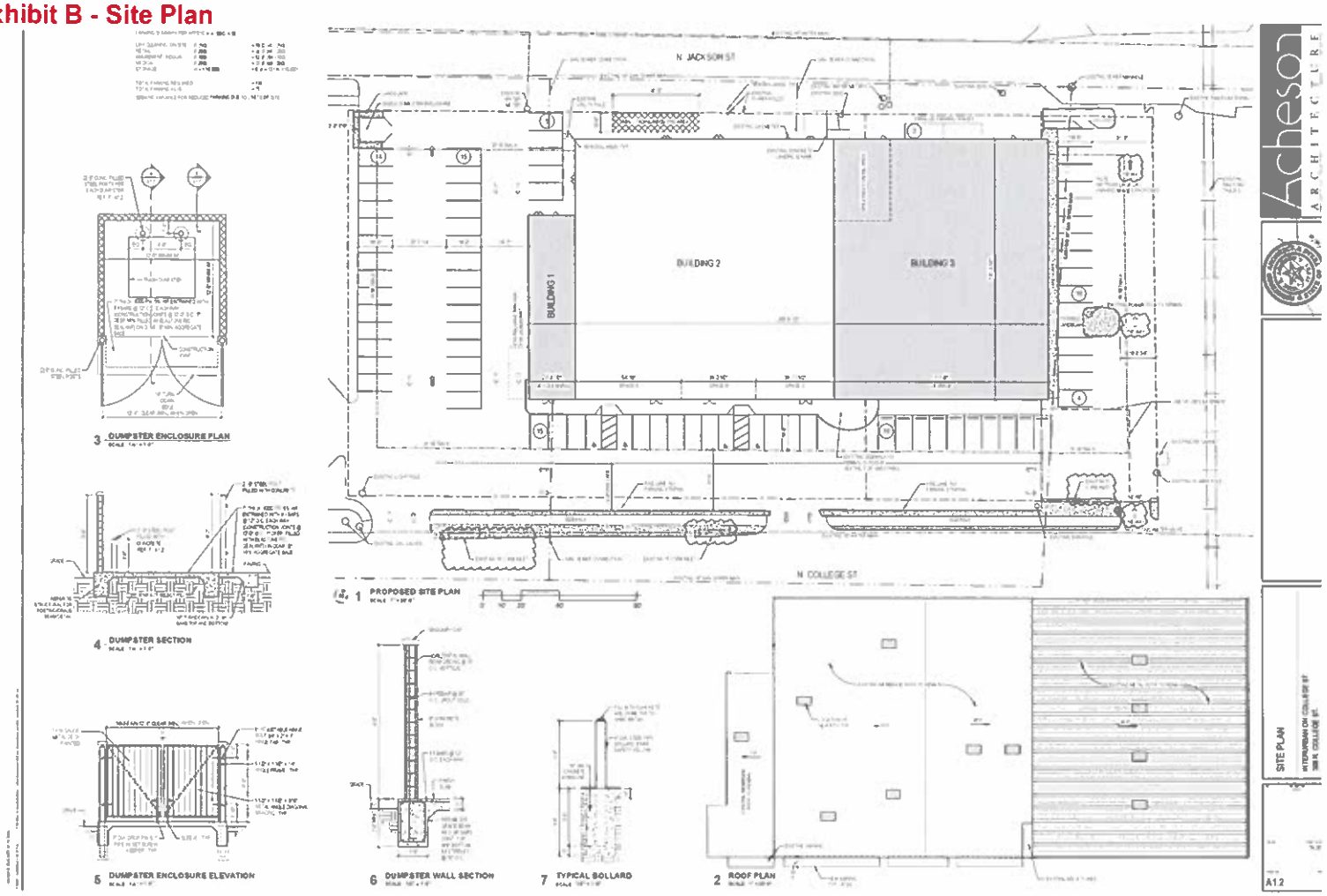


Exhibit C - Floor Plan

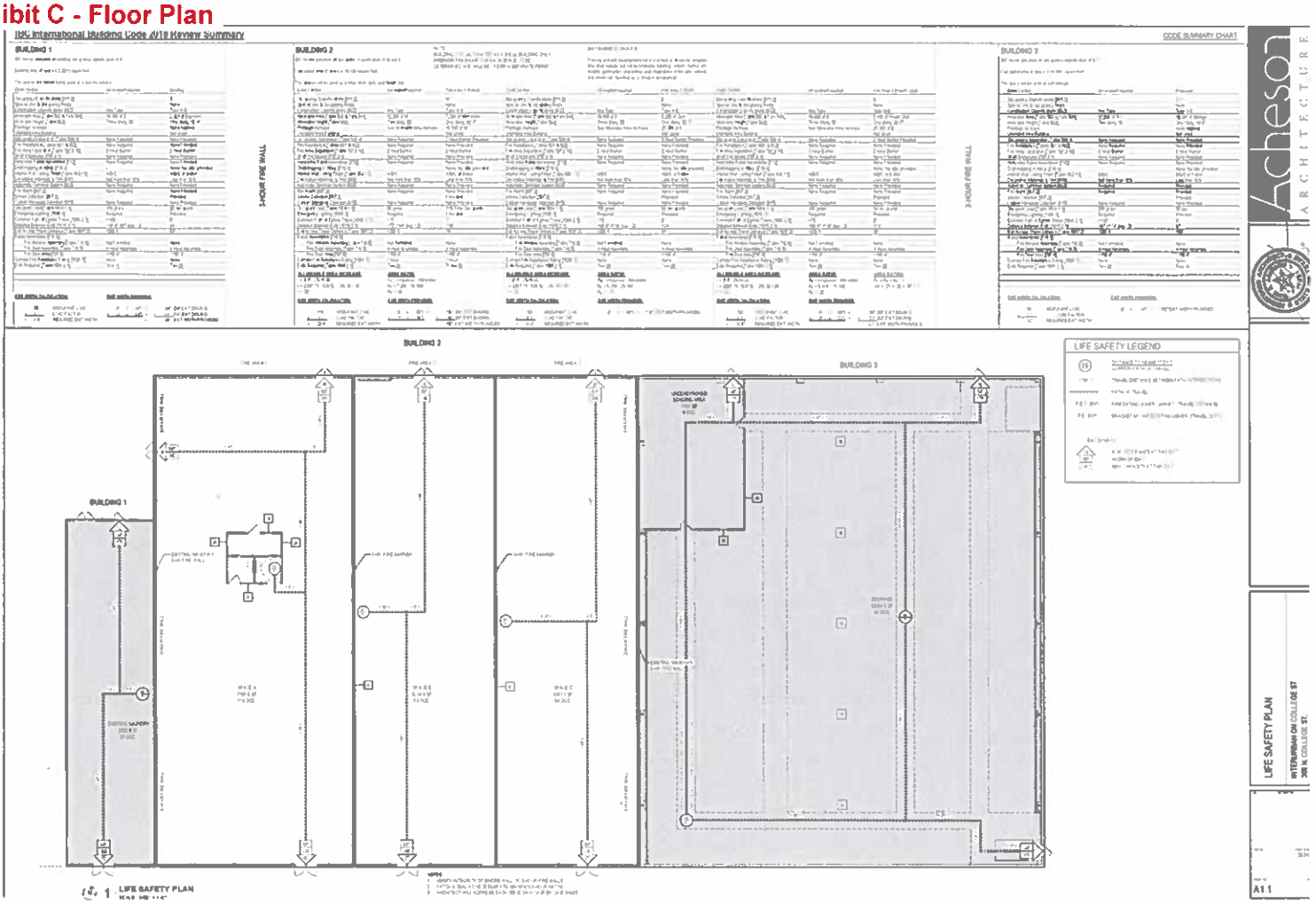
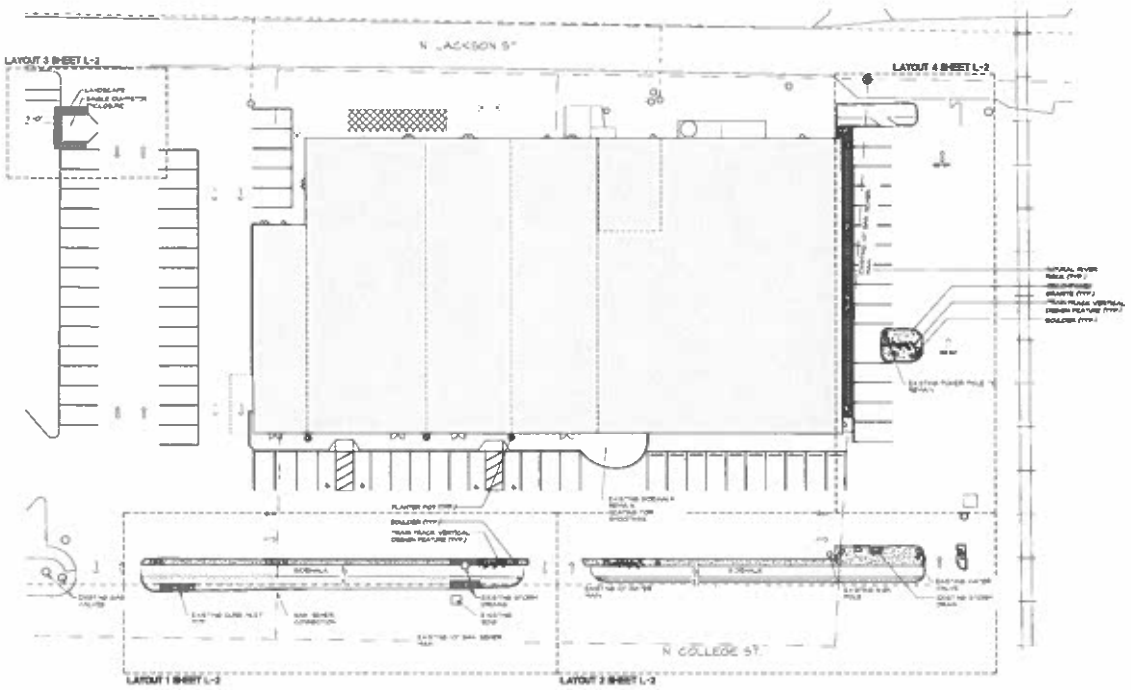


Exhibit D - Landscape Plan



LANDSCAPE MATERIAL LIST

KEY	QUAN	MATERIAL NAME	SIZE/REMARK	TYPE
CA-07	10	Calamagrostis acutiflora 'Karl Foerster' Karl Foerster's Feather Reed Grass	5'-0 -1 24" O.C.	5 GAL
HP	8	Hesperaloe parviflora Red Yucca	3'-0-22 24" O.C.	5 GAL
JMSR	1	Juniperus horizontalis 'Blue Rug' Blue Rug Juniper	8'-0 12" O.C.	5 GAL
JVTR	3	Juniperus virginiana 'Taylor' Taylor Juniper	1-0 -1	3 GAL
LIMP		Liquidambar styraciflua 'Rotundiloba' Rotundiloba Gumball	6-10 -1 TRUNK HT.	B&B or
LT	35	Lagerstroemia 'Tuscarora' Tuscarora Crape Myrtle	15' CAL. PER TRUNK	30 GAL
MP	81	Muhlenbergia capillaris Compacta Compact Texas Ranger Sedge	24-30 -1 36" O.C.	5 GAL
MTMS	27	Muhlenbergia lindheimeri Pink Muhly Grass	2-0 -1 34" O.C.	1 GAL
PT-LG	39	Pennisetum setaceum 'Rubrum' Rubrum Fountain Grass	4-0 -1 24" O.C.	1 GAL
COMPOST		25% Black Kow	3 CY	BAG
* SOIL	3	Soil Preparation Grade	CY	3" DEPTH
* RIVER ROCK	3	Native Grey Boulder (1-6")	CY	3" DEPTH
BOULDERS	36	3'-0 -48	EA	
* PLANTER POTS	3	24"x24" or better or, p-p-p	EA	

*THESE ITEMS ARE COMPLETE IN PLACE PER DETAIL S-SERIES
+ HEIGHT S=SPREAD CAL=CAL PER O.C. CN=CENTER Approximate B&B=BALLED
# BALLED CAL. BALLOON A. ALTERNATE NUMBER ONE

MATERIALS LEGEND

EXISTING SOD TO REMAIN

RECOMMENDED GRAVEL COLOR
2 CY TOTAL

RIVER ROCK NATIVE BRAIN TONES
2 CY TOTAL

NOTE
SHOWN IS SEEKING LANDSCAPE ORDINANCE VARIANCE FOR THE MINIMAL REQUIRED LANDSCAPE AREA CANOPY TREES ORNAMENTAL TREES OR SHRUBS DUE TO EXISTING SITE CONDITIONS

DUTY OF COOPERATION

COPYRIGHT NOTICE

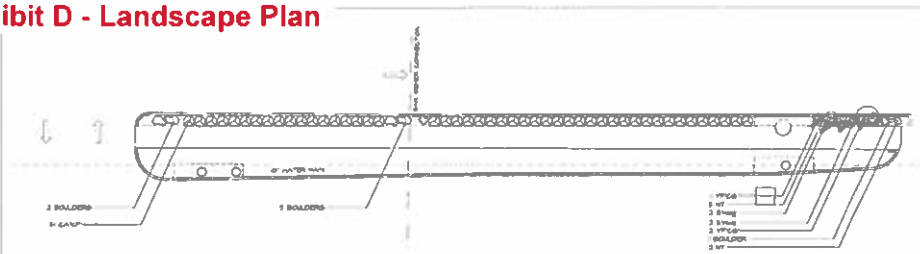
BASE INFORMATION

COLLEGE ST.
THE INTERURBAN

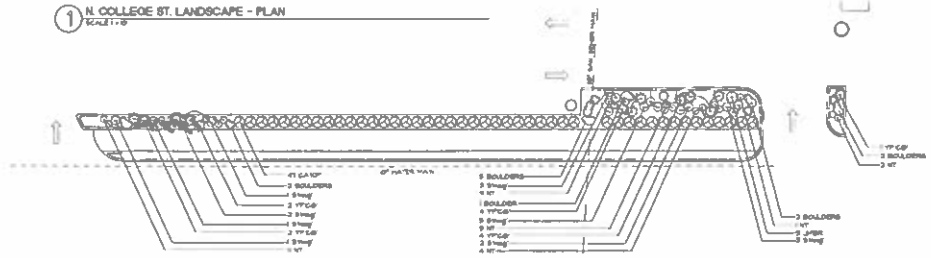
Texas811
Know what's below
Call before you

Landscape Plan

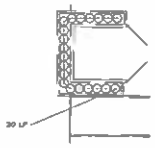
Exhibit D - Landscape Plan



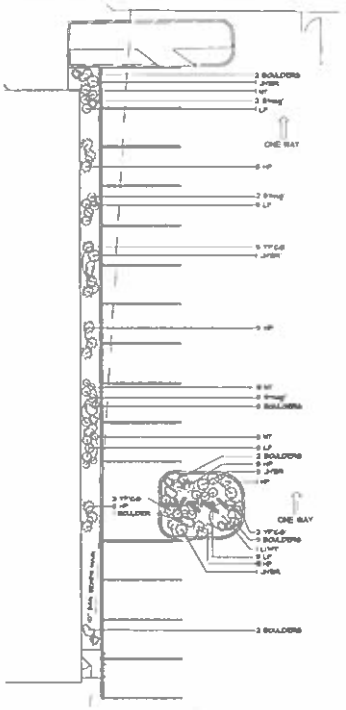
1 N. COLLEGE ST. LANDSCAPE - PLAN
SCALE 1"=8'



2 N. COLLEGE ST. LANDSCAPE - PLAN CONT.
SCALE 1"=8'



3 N. COLLEGE ST. LANDSCAPE - PLAN CONT.
SCALE 1"=8'



4 SOUTH LANDSCAPE - PLAN CONT.
SCALE 1"=8'

LANDSCAPE MATERIAL LIST

QTY	SCAN	MATERIAL NAME	SIZE/REMARK	TYPE
CAUP	15	Calamagrostis acutiflora 'Karl Foerster' Karl Foerster's Feather Reed Grass	6'-0" O.C. 24" O.C.	5 GAL
HP	6	Hesperaloe parviflora Red Yucca	3'-0" O.C. 24" O.C.	5 GAL
JVBR	7	Juniperus virginiana 'Blue Ray' Blue Ray Juniper	8'-0" O.C. 8'-0" O.C.	15 GAL
JVSR	3	Juniperus virginiana 'Sky Rocket' Sky Rocket Juniper	3'-0" O.C.	5 GAL
LMT		Leucophyllum minus MHC Cinnamon Green Mist & Multicolor	6'-0" O.C. TRIM HT. 15" CAL. MIN TRUNK	5 GAL 30 GAL
LP	99	Liriopsis m. 'Pillsbury Composite' Compact Texas Ranger Sedge	24-30" O.C. 30" O.C.	1 GAL
MT	21	Nassella tenuissima Mexican Feather Grass	24" O.C. 24" O.C.	1 GAL
SYMB	21	Symphoricarpos orbiculatus 'Hallbert' Hallbert Coral Berry	24" O.C. 24" O.C.	1 GAL
TTCG	23	Tecoma stans grandiflora 'Gold Bells' Gold Bells Yellow	3'-0" O.C. 24" O.C.	5 GAL
COMPOST		534 Basic Tu Nature	3 CY	BAG
* DG		18 Gold Decomposed Granite	6 CY	3" DEPTH
* RIVER ROCK		3 Yellow Brown Tones 7"-9"	6 CY	6" DEPTH
BOULDERS		38 Site Varies	EA	
* PLANTER POTS		9 30"X30 Glazed Ceramic	EA	

**NOTE: THIS ARE COMPLETE IN PLACE PER DETAIL SHEETS
* HIGHER SPREAD CAL CAL PER SQ. ON LOWER Approximate. SHB SALLED
* BALANCED BAL BALLER & ALTERNATE NUMBER ONE

MATERIALS LEGEND

EXISTING SOD TO REMAIN

DECOMPOSED GRANITE GOLD
3 C.Y. TOTAL

RIVER ROCK NATIVE BROWN TONES
32 C.Y. TOTAL

NOTE
UNDER 8 SERVING LANDSCAPE ORDINANCE VARIANCE FOR THE MINIMAL REQUIRED LANDSCAPE AREA, CANOPY TREES ORNAMENTAL TREES OR SHRUBS DUE TO EXISTING SITE CONDITIONS

DUTY OF COOPERATION

COPYRIGHT NOTICE

BASE INFORMATION

COLLEGE ST.
THE INTERURBAN

L-2

Exhibit D - Landscape Plan

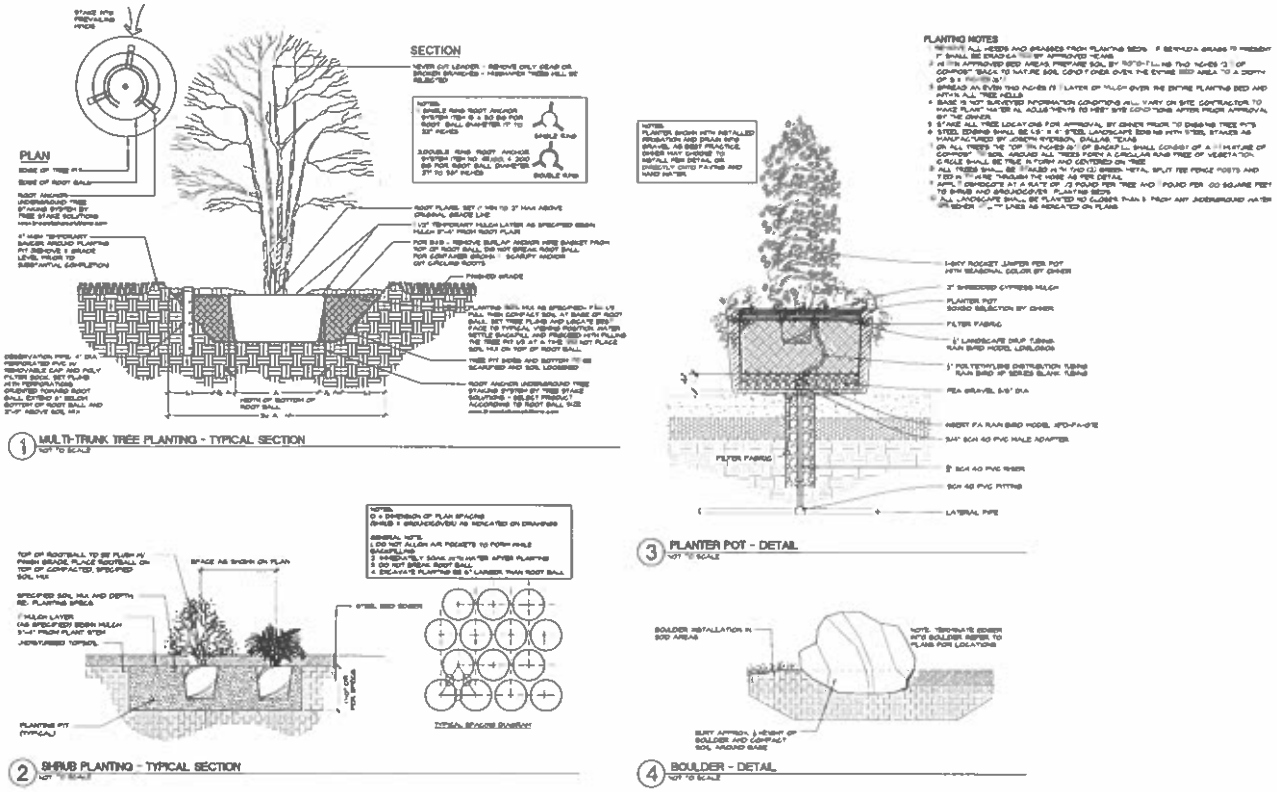


Exhibit D - Landscape Plan

DROUGHT TOLERANT COLOR INTEREST, GRASSES & YUCCAS

Color Gaurd Yucca

Salvia, Sage, or Verbena

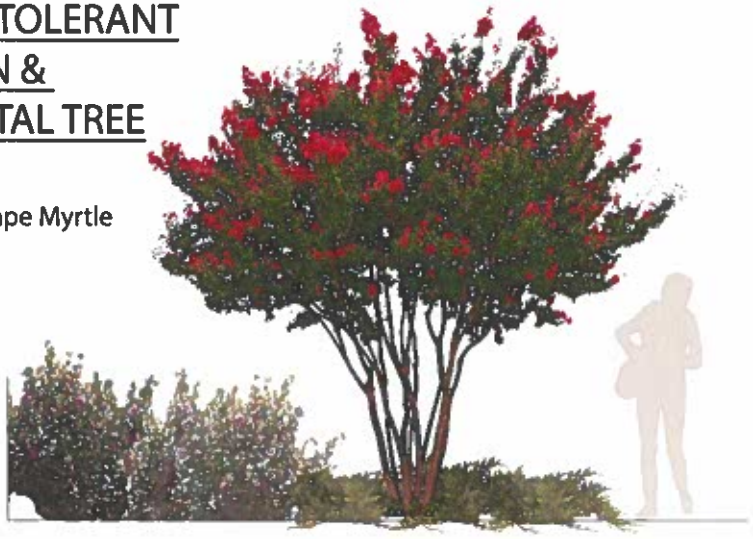
Mexican Feather Grass

Karl Foerster Grass

Red Yucca

DROUGHT TOLERANT EVERGREEN & ORNAMENTAL TREE

Crape Myrtle



Possible plant materials list; species and quantities may vary in final planting installation per Owner's recommendations.

Texas Sage

Blue Rug or Andorra Juniper

Hi View Real Estate

PROJECT NAME:
308 INTERURBAN ON COLLEGE ST.
DATE: JUNE 27, 2023

janescodesigns
LANDSCAPE ARCHITECTURE DESIGN CONSULTANT

Exhibit E - Facade Enhancements (Renderings)

Exhibit E - Facade Enhancements (Renderings)

Exhibit E - Facade Enhancements (Renderings)

Exhibit E - Facade Enhancements (Renderings)

Exhibit E - Facade Enhancements (Renderings)

(23)

Memorandum

To: Honorable Mayor and City Council

From: Joe Wiser, Chief of Police

Thru: Michael Scott, City Manager

Date: October 5, 2023

Re: Consider Approval of a Supplemental Appropriation for Funds to Provide for Operational Costs for The Heights, Ellis County Family Resources

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Recommended Motion: "I move to approve a supplemental appropriation in the amount of $50,000 to provide for funding for The Heights, Ellis County Family Resources and authorize the City Manager and/or Mayor to sign the associated memorandum of understanding."

Background Information: According to the Texas Department of Public Safety 1,095 cases of domestic violence were reported in Ellis County in 2022. The Waxahachie Police Department reported 251 of those cases. Second only to the Ellis County Sheriff's Office, with 300 cases reported in that same year. Of those 1,095 reported cases in Ellis County, 4 were reported deaths.

Seeing a growing need for services for victims of domestic violence, and recognizing a void in those services in the Ellis County area, The Heights was formed to fill that void. The Heights has provided over 7,000 service hours to victims and their family members since the beginning of 2022. The need in our county continues to increase as the population continues to grow.

Services provided by The Heights include: Victim Advocacy and Case Management, Healthcare, Food and Clothing Assistance, Childcare, Transitional Housing, Spiritual Direction, Counseling, Law Enforcement Assistance, Legal Assistance, Parenting and Relationship Education, Education, Job Training.

The Heights is a local resource for families in Ellis County, and was formed by a group of community leaders whose mission is to provide victims of family abuse with streamlined services model that guide them to safety and hope. The Heights is a Multi-Agency Center intended to unite the resources available to victims in one location. The Heights is Nationally Affiliated with the Alliance for Hope International, and they embody the family justice model; a best-practices model for family abuse intervention and prevention by the U.S. Department of Justice.

Item Description: Consider approval of a supplemental appropriation from the General Fund Unrestricted Reserve to provide funding to The Heights - Ellis County Family Resources in the amount of $50,000.

Item Summary: The approved FY 2023-24 budget did not include funding to provide for operational costs in partnership with The Heights Ellis County Family Resources. Since adoption of the City's budget, city staff was approached by The Heights, with a request to aid in the funding of operational costs associated with providing these invaluable services. Upon approval, the City of Waxahachie would join the cities of Midlothian, Ennis, and the county of Ellis, in providing funds to the organization for their on-going operating expenses. The requested supplemental appropriation in the amount of $50,000 by agreement under a Memorandum of Understanding would provide for operational costs incurred during the 2023-2024 budget year. Funding for future year's services from the Heights will be considered annually with the adoption of the City's annual budget process.

Fiscal Impact: The $50,000 supplemental appropriation is proposed to be funded from the General Fund - Unrestricted Reserves. There are sufficient funds available to fund this request. Future funding will be considered annually.

MEMORANDUM OF UNDERSTANDING

Between The Heights Ellis County Family Resources and The City Of Waxahachie

Whereas, The Heights Ellis County Family Resources, (hereinafter referred to as "The Heights") and The City of Waxahachie, (hereinafter referred to as "COW"), find their missions congruent and capabilities complimentary; and,

Whereas, The Heights and COW have a mutual interest in providing services to assist victims of crime and more specifically to victims of domestic abuse;

THEREFORE, THE HEIGHTS AND COW AGREE AS FOLLOWS:

I. Term of agreement

The initial term of this agreement shall be for one (1) year from the date signed. The agreement will also auto renew annually for subsequent one-year terms unless terminated utilizing the terms set forth in section five (V.) "Procedures and Amendments and Termination".

II. Services to be provided

For the purpose of this partnership each organization will provide the following services on an "as needed basis":

The Heights:

Provide domestic abuse victims and their children referred by COW (through the Waxahachie Police Department and other departments of the city) with a comprehensive intake process that includes homicide risk assessment, short term safety, and long-term plans of services. The Heights direct services include:

1) Victim Advocacy & Case Management

2) Healthcare

3) Food & Clothing Assistance

4) Childcare

5) Transitional Housing

6) Spiritual direction

7) Counseling

8) Law Enforcement Assistance

9) Legal Assistance

10) Parenting & Relationship Education

11) Education

12) Job Training

City of Waxahachie:

A. Provide awareness to the City of The Heights as a resource for victims of domestic violence.

B. Provide referrals of those impacted by domestic abuse to The Heights

C. Provide annual funding to The Heights for domestic abuse services in the amount of: $50,000

III. Exchange of Information

Information acquired by either The Heights or COW on citizens to be served will be mutually accessible to provide an integrated approach to citizen support and to avoid unnecessary duplication of services.

This information will be shared only to the extent permitted by regulations requiring confidentiality of participant records. The Heights and COW will cooperate in sharing information on the status and outcome of services provided.

IV. Evaluation and Review

In order to provide a vehicle for on-going evaluation, review, and discussion of operational issues, both parties agree to communicate on a regular basis to discuss issues related to the implementation of this agreement to best meet the current and future needs of the community and victims being served.

V. Procedures for Amendments and Termination

This agreement may be amended by mutual consent by both parties. This agreement and any amendments thereof shall remain in effect and automatically renew annually until terminated by either party upon thirty (30) days written notice to the other party.

In witness whereof, the parties have affixed their signatures as written below:

_____ _____

COW Representative Michael Scott Date

_____ _____

The Heights Executive Director Jennifer Salzman Date

(24)

Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: October 16, 2023

Re: Consider Authorizing Engineering Services Agreement Amendment No. 1 to the Distribution Line – Lofland and Ovilla Road Loop Phase 2 Project

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Motion: "I move to authorize Engineering Services Agreement Amendment No.1 with Birkhoff, Hendricks, and Carter L.L.P. for the Distribution Line – Lofland and Ovilla Road Loop Phase 2 Project in an amount not to exceed $63,000 and authorize the City Manager to execute all necessary documents."

Item Summary: A portion of the City's existing wastewater collection system is in conflict with the proposed F.M. 664 Texas Department of Transportation (TxDOT) Right-of-Way (ROW), and proposed roadway improvements. A contract amendment to the Lofland and Ovilla Road Loop Phase 2 water project, is necessary for Birkhoff, Hendricks, and Carter L.L.P (BHC) to include engineering services for the relocation of two wastewater lines outside of TxDOT ROW and into a new City easement. Cost of the additional engineering services is not to exceed $63,000. The majority of the existing sewer line is located within a City easement, thus the portion within the easement is eligible for TxDOT cost reimbursement.

Item Description: Two sections of 8-inch and a 10-inch wastewater lines need to be relocated due to proposed TxDOT improvements to F.M. 664. The 8-inch wastewater line is located along the east property line of the Faith Family Academy tract near the intersection of U.S. 287 Bypass and F.M. 664. The 10-

inch sanitary sewer line is located near the intersection of Oregon Trail and F.M. 664. This amendment to the existing engineering services agreement for the Distribution Line – Lofland and Ovilla Road Loop Phase 2 Project will allow BHC to provide design services, construction administration, and coordination with TxDOT on the cost reimbursement agreement.

Fiscal Impact: The proposed engineering services contract amendment is $63,100. City staff recommends reallocating $63,100 from the project's construction budget to cover the additional engineering services. No additional funds for the overall project are requested. The project's construction is funded through 2023 Bond Fund. The city will apply for cost reimbursement from TxDOT for the easement acquisition and wastewater line relocation.