

# **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, December 18, 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 December 4, 2023
  - b. Event application for King Day March/Parade to be held January 15, 2024
  - c. Proposed Ordinance approving a request by Old Maypearl Road LLC for a Petition for ETJ Release for approximately 293.843 acres, located southwest of the intersection of Old Maypearl Road and Cunningham Meadows Road (Property ID 183334) – Owner: Old Maypearl Road LLC (ETJ-PTN-147-2023)
  - d. Proposed Ordinance approving a request by Harlan Properties, Inc. for a Petition for ETJ Release for approximately 17.680 acres, located north of 630 and 641 Wales Court (Property ID 181695) – Owner: Harlan Properties, Inc. (ETJ-PTN-159-2023)
  - e. Proposed Ordinance approving a request by Johnny Fussell for a Petition for ETJ Release for approximately 47.919 acres, located north of the intersection of Wilson Road and Ryder Lee Lane (Property ID 192131) – Owner: Fuquez Property Company No. 105, LLC (ETJ-PTN-182-2023)
  - f. Proposed Ordinance approving a request by Esher, LTD for a Petition for ETJ Release for approximately 81.950 acres, located east of F.M. 876 and north of Grainery Road (Property ID 183342) – Owner: Esher, LTD (ETJ-PTN-185-2023)

- g. Proposed Ordinance approving a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 854.319 acres, located directly north of West Sterrett Road and east of Patrick Road (Property ID 184434, 184443, 271638, 284715, 290304) – Owners: CSAS 269, LP, SRP SS, LLC, and Sterrett Road Partners, LP (ETJ-PTN-186-2023)
  - h. Proposed Ordinance approving a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 479.381 acres, located directly west of 813 Windham Road (Property ID 138308, 188546, 190063, 297156) – Owners: Wax 480 Partners, LLC and BBCP FTW 117, LLC (ETJ-PTN-187-2023)
  - i. Mobile Home License Renewals for 2024
  - j. Approve a Service Agreement for an HVAC Compressor Replacement and authorize a supplemental appropriation to the FY23-24 Civic Center Budget
- 6. ***Introduce*** Honorary Council Member
- 7. ***Public Hearing*** on a request by Stephen Lin, P.E., CDS Muery, for a Specific Use Permit (SUP) for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage (Holt Cat) use within a Light Industrial-1 (LI-1) zoning district located at 550 Austin Road (Property ID: 254632) – Owner: PC5 Properties LLC (ZDC-82-2023)
- 8. ***Consider*** proposed Ordinance approving ZDC-82-2023
- 9. ***Consider*** Development Agreement for ZDC-82-2023
- 10. ***Consider*** proposed Ordinance amending Appendix C Subdivisions, Section 7.2 Schedule of Filing Fees
- 11. ***Consider*** award of a construction contract to Schofield Civil Construction, Inc. for the Robert W. Sokoll Water Treatment Plant Tube Settlers and Sodium Hypochlorite Tanks Replacement Project and the related supplemental appropriation
- 12. ***Consider*** revised agreement between Rockett Special Utility District and City of Waxahachie amending the Administration Fees associated with the billing of Wastewater Service and Garbage Collection
- 13a. ***Consider*** the inclusion of City-owned property (Parcel 193904), 407 W. Jefferson, The Ellis County Women’s Building, within the proposed Historic Overlay
- 13b. ***Consider*** the inclusion of a portion of City-owned property (Parcel 171053), 455 S. College, Railyard Park, within the proposed Historic Overlay
- 13c. ***Consider*** the inclusion of a portion of City-owned property (Parcel 252537), Railyard Park, within the proposed Historic Overlay
- 13d. ***Consider*** the inclusion of City-owned property (Parcel 289894), 300 Smokey Lane, within the proposed Historic Overlay
- 13e. ***Consider*** the inclusion of City-owned property (Parcel 189786), 308 Smokey Lane, Texaco Bulk Plant facility, within the proposed Historic Overlay
- 14. Comments by Mayor, City Council, City Attorney and City Manager

15. 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

(5a)

City Council  
December 4, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, December 4, 2023 at 7:00 p.m.

Council Members Present: 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

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**

Mayor Hill gave the invocation. Mayor Pro Tem Chris Wright 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 November 20, 2023
- b. Ratify the City Manager's execution of Affidavits opting out of the PFAS class actions relative to 3M and DuPont

Council Member Travis Smith amended the November 20, 2023 minutes as follows:

Action:

Chris Wright moved to approve the textual amendments to the City of Waxahachie Code of Ordinances, Chapter 4 – Alcoholic Beverages as presented and authorize the Mayor and/or City Manager to execute all documents as necessary. Motion was seconded by Patrick Souter and was approved and carried 3-0 with Billie Wallace and Travis Smith abstaining with three ayes.

A call for opposed or abstaining votes was not made.

(5a)

**Action:**

*Billie Wallace moved to approve all items on the Consent Agenda as amended and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**6. Introduce Honorary Council Member**

Mayor Hill announced there was not an Honorary Council Member in attendance.

**7. Present Proclamation recognizing November 26, 2023 as “Waxahachie Rebekah Lodge No. 381 Day”**

Mayor Hill presented a Proclamation recognizing November 26, 2023 as “Waxahachie Rebekah Lodge No. 381 Day.”

**8. Public Hearing on a request by Jared Ruffin, Ruffin Holdings LLC for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, located at 115 Dean Box Drive (Property ID 291054) - Owner: Ruffin Holdings LLC (ZDC-31-2023)**

The Item was presented by Senior Director of Planning Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:11 p.m.

There being no others to speak for or against ZDC-31-2023, Mayor Hill closed the Public Hearing at approximately 7:11 p.m.

**9. Consider proposed Ordinance approving ZDC-31-2023**

**ORDINANCE NO. 3431**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT DISTRICT - GENERAL RETAIL (PD-GR) LOCATED AT 115 DEAN BOX DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.37 ACRES KNOWN AS PROPERTY ID 291054, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Billie Wright moved to approve an Ordinance for ZDC-31-2023, a Zoning Change from a General Retail zoning district to a Planned Development-General Retail zoning district, subject to the conditions of the staff report. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**10. Consider Development Agreement for ZDC-31-2023**

(5a)

**Action:**

*Billie Wallace moved to approve the Development Agreement for ZDC-31-2023. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 11. Consider a request by a majority of the qualified voters of approximately 263.60 acres annexed by the City in 2005 to disannex the property from the City pursuant to Texas Local Government Code Section 43.141 (ANX-DNX-76-2023)**

The Item was presented by Ms. Pruitt.

**Action:**

*Travis Smith moved to deny Disannexation Request ANX-DNX-76-2023. Motion was seconded by Billie Wallace and carried unanimously (5-0).*

- 12. Consider proposed ordinance for a disannexation request for approximately 9.952 acres, located at 611 Wilson Road, pursuant to Texas Local Government Code Section 43.141. (ANX-DNX-154-2023)**

The Item was presented by Ms. Pruitt.

**ORDINANCE NO. 3432**

**AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF LOT 1, BLOCK A OF THE FUQUEZ ADDITION, SITUATED AT 611 WILSON ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, WITHIN THE BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE AND SETTING AN EFFECTIVE DATE.**

**Action:**

*Billie Wallace to approve an Ordinance for ANX-DNX-154-2023, a Disannexation Request for the Fuquez Addition and authorize the City Manager and/or Mayor to execute any necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

- 13. Consider proposed Ordinance for a disannexation request for approximately 45.096 acres, generally located East of East Haven Road and South of Hunter Pass (Property ID: 180774, 183003, 257627) – Owner: GRBK Edgewood LLC (ANX-DNX-184-2023)**

The Item was presented by Ms. Pruitt.

**ORDINANCE NO. 3433**

**AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF CERTAIN TRACTS OF LANDS SITUATED EAST OF EAST HAVEN ROAD AND SOUTH OF HUNTER PASS, AND BEING PART OF THE W. BASKINS SURVEY, ABSTRACT NO. 145, THE J.R. LANGFORD SURVEY, ABSTRACT NO. 635, THE J. RIGGS SURVEY, ABSTRACT NO. 923, THE S.C. WHITE SURVEY, ABSTRACT NO. 1250, THE N.H. WHITTENBERG SURVEY, ABSTRACT NO. 1128, THE ELLIS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 328, THE J.J. YOUNG SURVEY, ABSTRACT NO. 1199, THE W.**

(5a)

**STEWART SURVEY, ABSTRACT NO. 956, AND THE S.M. DURRETT SURVEY, ABSTRACT NO. 272, WAXAHACHIE, ELLIS COUNTY, TEXAS, WITHIN THE BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE AND SETTING AN EFFECTIVE DATE.**

**Action:**

*Billie Wallace moved to approve an Ordinance for ANX-DNX-184-2023, a Disannexation for approximately 45.096 acres owned by GRBK Edgewood, LLC and authorize the City Manager and/or Mayor to execute any necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**14. Consider approving a contract for ambulance services with Allegiance Mobile Health and related supplemental appropriation**

The Item was presented by Fire Chief Ricky Boyd.

**Action:**

*Patrick Souter moved to approve the award of a contract for Emergency Ambulance Service with Allegiance Mobile Health and the related supplemental appropriation of \$6,582 from the General Fund unrestricted reserve and authorize the Mayor and/or City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**15. Consider proposed Ordinance amending Chapter 4 ½ “Ambulances and Emergency Medical Service” of the City of Waxahachie Code of Ordinances**

The Item was presented by Chief Boyd.

**ORDINANCE NO. 3434**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 4-1/2 OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, CONCERNING AMBULANCES AND EMERGENCY MEDICAL SERVICE BY AMENDING USE, AND SETTING AN EFFECTIVE DATE, DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.**

**Action:**

*Patrick Souter moved to approve the Ordinance amending Section 4 ½ of the Code of Ordinances of the City of Waxahachie concerning Ambulances and Emergency Medical Service. Motion was seconded by Billie Wallace and carried unanimously (5-0).*

**16. Consider award of a construction contract to J & L Construction, LLC. for the 2021 Water and Sanitary Sewer Replacement Project**

The item was presented by Senior Director of Utilities Kumar Gali.

**Action:**

(5a)

*Billie Wallace moved to award a construction contract with J & L Construction, LLC. for \$2,259,392.97 and additional construction contingency in the amount of \$120,000 for the 2021 Water and Sanitary Sewer Replacement Project and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**17. Consider proposed Paving Plan for the Waxahachie 287 Retail development, located directly south of 131 Village Parkway**

The Item was presented by Ms. Pruitt

**Action:**

*Billie Wallace moved to approve the Paving Plan for the Waxahachie 287 Retail development. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**18. Consider proposed Resolution authorizing an Advance Funding Agreement with the Texas Department of Transportation**

The Item was presented by Senior Director of Parks and Recreation Kyle Cooper.

**RESOLUTION NO. 1356**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCE FUNDING AGREEMENT FOR GRANT FUNDS WITH THE STATE OF TEXAS FOR THE CONSTRUCTION OF MIDLOTHIAN TO WAXAHACHIE TRAIL; PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Patrick Souter moved to approve a resolution authorizing the Mayor and/or City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation for grant funds for the construction of a portion of the Midlothian - Waxahachie Regional Veloweb shared-use trail. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**19. Comments by Mayor, City Council, City Attorney and City Manager**

Council Member Travis Smith requested additional funding for Christmas lights in Downtown Waxahachie through a partnership with building owners and Council Member Patrick Souter echoed his comments.

City Council and City Management thanked City staff for their work on the success of the Christmas Parade.

City Attorney Robert Brown wished everyone a Merry Christmas and Happy New Year.

Council Member Patrick Souter recognized members of the Waxahachie Arts Council and announced their current events: Fort Worth Symphony Association Christmas Concert, Bethlehem Revisited, and Historic Waxahachie, Inc Christmas Tour of Homes.



(5a)

Mayor Pro Tem Chris Wright thanked Fire Chief Ricky Boyd for his work on the new emergency services contract and noted the regional trail to Midlothian will be beneficial for everyone. Mayor David Hill recognized Duane and Nancy Bourdo from Rhode Island in attendance and welcomed them to Waxahachie.

**20. Adjourn**

There being no further business, the meeting adjourned at 7:44 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5b)



City of Waxahachie  
City Secretary's Office

Special Event Application

Date submitted \_\_\_\_\_

### Applicant Information

Applicant name: Waxahachie Branch NAACP 6240

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing address: P.O. Box 478

Host organization name: Same

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

On-site contact name: \_\_\_\_\_

Cell: \_\_\_\_\_

### About the Event

Event name: King Day Parade/March

Date: January 15, 2024

Location: Ellis County Courthouse Square

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

Anticipated attendance: 100 or more

Description of event: Parade/March will begin at 100 W Main Street and proceed East on Main Street/MLK Blvd travel to MLK Blvd and Graham Street where Parade/March ends.

	Date(s)	Start Time:	End Time:
Event Date	01/15/2024	11:00 AM	12:30 PM
Event Set-up	SAME		
Event Breakdown	NONE		

How many times has this event been hosted before?

1<sup>st</sup> time ☐

2 – 4 times ☐

5 or more times ☒

Location: Same as above.

(5b)



City of Waxahachie  
City Secretary's Office

Special Event Application

**Choose the best description of the event:**

- |   |  |
|---|--|
| <input type="radio"/> Festival          | <input type="radio"/> Birthday Party / Picnic    |
| <input type="radio"/> Movie Screening   | <input type="radio"/> Charitable / Fundraising   |
| <input checked="" type="radio"/> Parade | <input type="radio"/> Community / Neighborhood   |
| <input type="radio"/> Private Event     | <input type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk        | <input type="radio"/> Other:                     |

**Event activities include (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Amusement rides / Inflatables                    | <input type="checkbox"/> Food – sampled, served, or sold                    |
| <input type="checkbox"/> Animals / Petting Zoo                            | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches               | <input type="checkbox"/> Live music   |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure                          |
| <input checked="" type="checkbox"/> DJ / Recorded Music                   | <input type="checkbox"/> Other:   |

**The event is:**

- |  |  |
|--|--|
| <input type="radio"/> Private                                    | <input checked="" type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> 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)

11:00 am    1 mile    5K    Other distance

Please indicate your expected attendance:

Number of participants:

- |         |                                  |
|---------|----------------------------------|
| 1-99    | <input checked="" type="radio"/> |
| 100-199 | <input type="radio"/>            |
| 200-299 | <input type="radio"/>            |
| 300+    | <input type="radio"/>            |

**Provide route on attached site map.**

(5b)



City of Waxahachie  
City Secretary's Office

Special Event Application

**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: 1-10 Date(s) & time(s): 01/15/2024  
Volunteers How many: 1-10 Date(s) & time(s): 01/15/2024  
Private security How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_  
Company name: \_\_\_\_\_

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: \_\_\_\_\_

**MLK BLVD and Intersecting Streets.**

Street closings to begin on date: 01/15/24 Start time: 11 am End time: 12 noon

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: Unsure Barricades How many: Unsure





City of Waxahachie  
City Secretary's Office

Special Event Application

(5b)

Other: \_\_\_\_\_

Where should equipment be dropped off & picked up? \_\_\_\_\_

When will the equipment be set-up?

Date: 01/15/24

Time: 10:30 am

When will the equipment be removed?

Date: 01/15/24

Time: 12 Noon

**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, its 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 or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, its officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Betty Square Coleman

Signature

11/25/2023

Date

**Contract Agreement**

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

Betty Square Coleman

Signature

11/25/2023

Date

Email completed Special Events Application and site map to  
Jami Bonner at [Jami.Bonner@waxahachie.com](mailto:Jami.Bonner@waxahachie.com).

(5b)

**Bonner, Jami**

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**From:** Bonner, Jami  
**Sent:** Thursday, December 7, 2023 11:57 AM  
**To:** Betty Square Jefferson;  
**Cc:** Villarreal, Amber  
**Subject:** 1-15-24 King Day March

Hello Betty,

City staff is supportive of the King Day March with a WPD squad car leading east on MLK Blvd. and a WFD engine following, as held in previous years. MLK Blvd./Main St. will not be closed to traffic thus cones and barricades are not necessary.

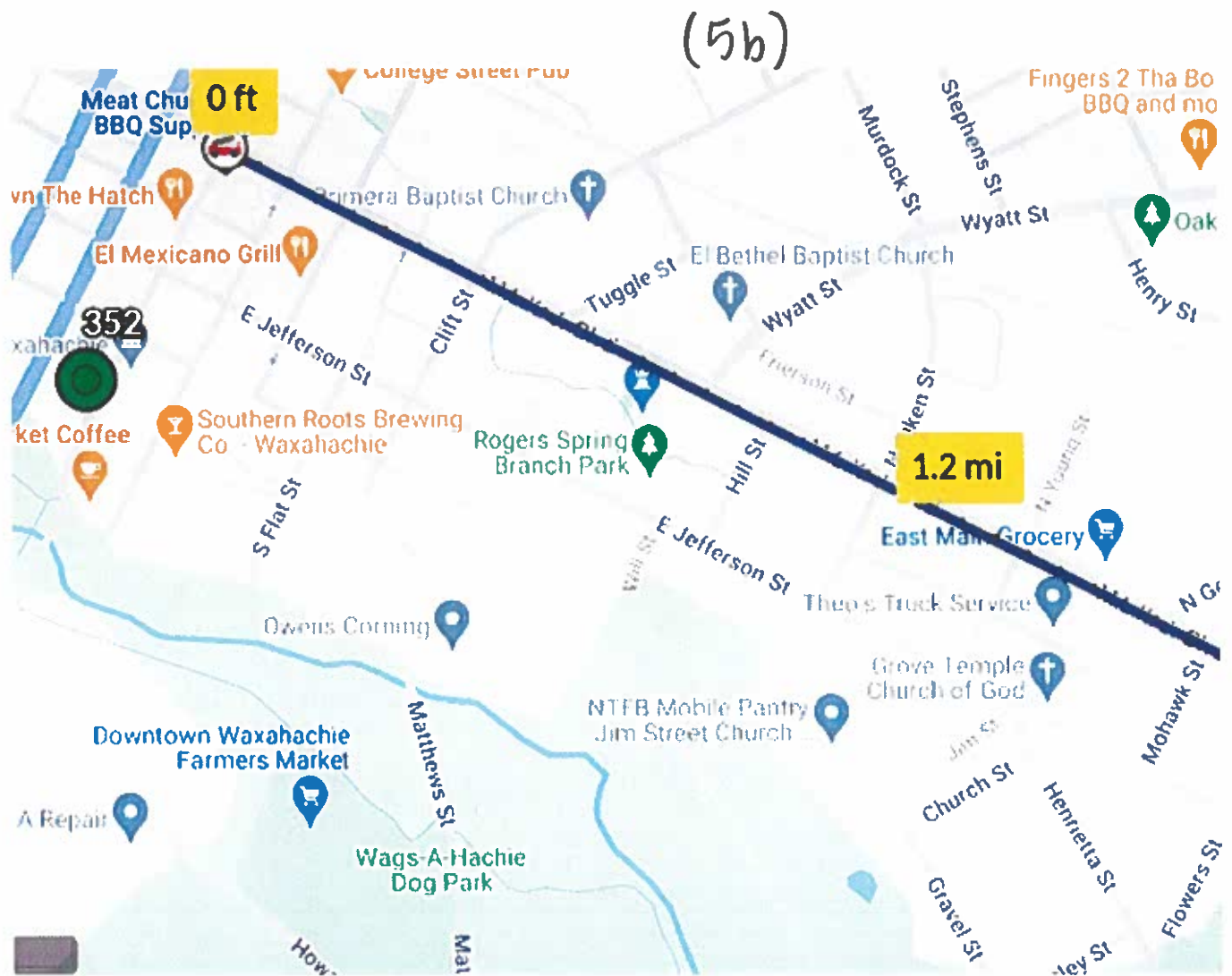
We have several requests for clarification. **Please reply to the following by 5:00 pm on Monday, December 11<sup>th</sup>.**

- Please be specific with any/all requests (personnel, equipment, etc.) from the City. For example, the application indicates a request for "1-10" event staff. If you are requesting City staff to be present, please indicate the exact number you are requesting and the proposed duties.
- Is the applicant planning any activities to be held at Lee Penn Park? If so, please provide a detailed site map with activities and start/end times. (announcements/speeches, DJ/recorded music, information/literature distribution)
- Is the applicant planning any activities be held at the Ellis County Courthouse prior to the start of the march? (announcements/speeches, DJ/recorded music, information/literature distribution)
- Where will staging be held for the start of the march/procession?
- Where is the march/procession ending? How will participants return to vehicles at the Courthouse?

The application will be considered by City Council on **Monday, December 18<sup>th</sup>**. If approved, staff will refer to the application to address any requests. It is important to be thorough and detailed. ***Staff is unable to accommodate requests not approved by Council.***

The following will be conditions of approval:

- Please 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 event date and location on the certificate and submit as soon as possible.
- TxDOT approval letter – contact information below
  - Juan Paredes – [juan.paredes@txdot.gov](mailto:juan.paredes@txdot.gov)
  - Michael Anthony – [michael.anthony@txdot.gov](mailto:michael.anthony@txdot.gov)
- If any activities will be held on Ellis County Courthouse property, a permission letter from Ellis County is required.
- Detailed site map. Below is the proposed route of the march. Please add any additional activities. Including anything planned at Lee Penn Park.



Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

*We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)*

(5c)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-147-2023



#### MEETING DATE(S)

City Council:

November 20, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Old Maypearl Road LLC, for a **Petition for ETJ Release** for approximately 293.843 acres, located southwest of the intersection of Old Maypearl Road and Cunningham Meadows Road (Property ID 183334) – Owner: Old Maypearl Road LLC (ETJ-PTN-147-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-147-2023, a request by Old Maypearl Road LLC, for a Petition for ETJ Release for approximately 293.843 acres, located southwest of the intersection of Old Maypearl Road and Cunningham Meadows Road, authorizing the Mayor to sign the associated documents accordingly."*

#### APPLICANT REQUEST

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

#### CASE INFORMATION

**Applicant:** Old Maypearl Road LLC

**Property Owner(s):** Old Maypearl Road LLC

**Site Acreage:** 293.843 acres

**Number of Lots:** 1 lots

**Number of Dwelling Units:** 0 units

#### SUBJECT PROPERTY

**General Location:** Southwest of the intersection of Old Maypearl Road and Cunningham Meadows Road

**Parcel ID Number(s):** 183334

**Current Zoning:** ETJ

**Existing Use:** Undeveloped Land

**Platting History:** A Land Use Study for Cunningham Estates was approved for the property in 2021; but the property remains unplatted.

**CCN Service Area:** Buena Vista-Bethel WSC



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 December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

### **STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP

Senior Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

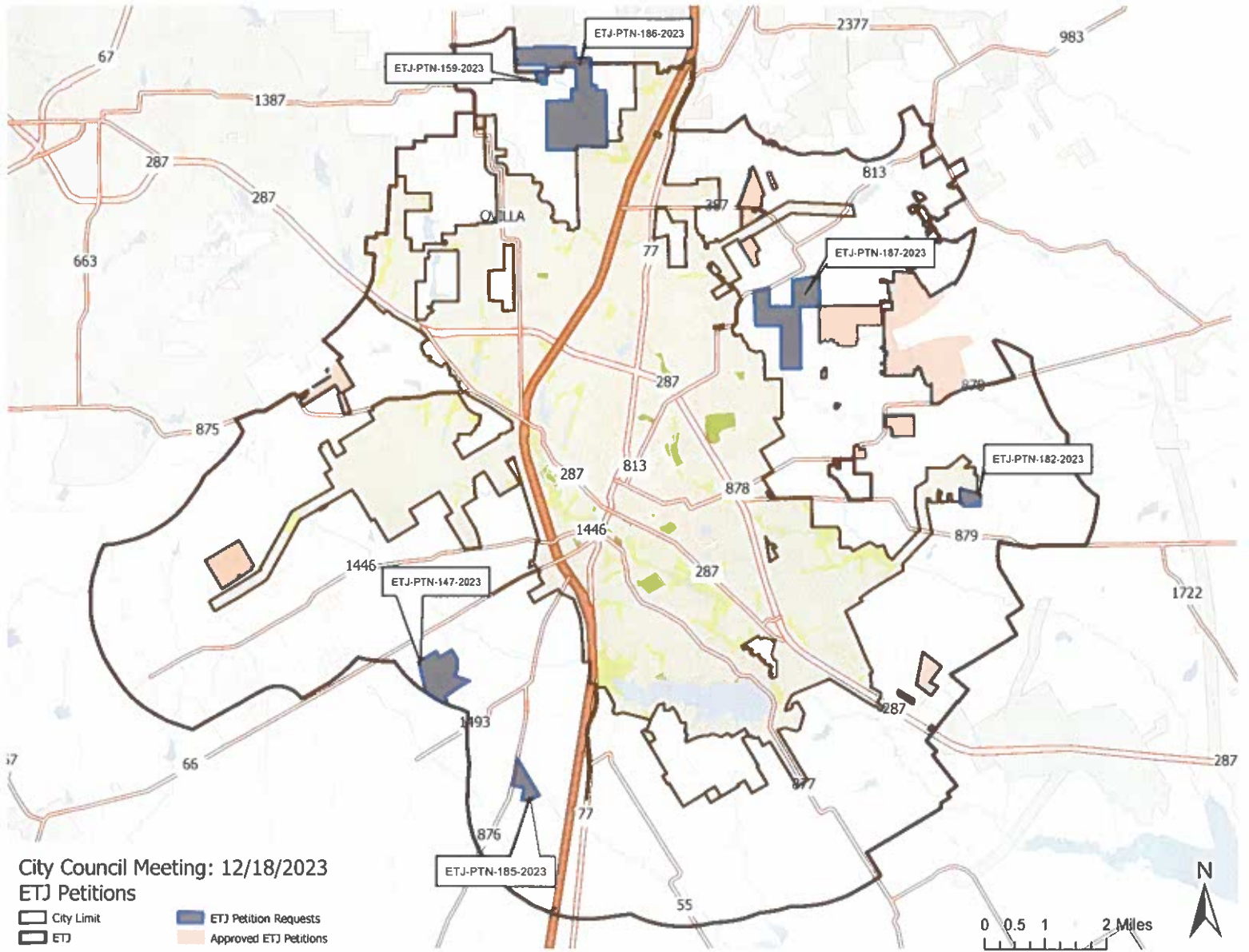
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5c)



(5c)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 293.843 ACRE TRACT OF LAND, LOCATED SOUTHWEST OF THE INTERSECTION OF OLD MAYPEARL ROAD AND CUNNINGHAM MEADOWS ROAD, KNOWN AS PROPERTY ID 183334, 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# Exhibit A - Legal Description

(5c)



O'NEAL SURVEYING  
COMPANY, LLC  
TBPES FIRM NO. 10194132  
[WWW.ONEALSURVEYING.COM](http://WWW.ONEALSURVEYING.COM)

W. LOCKWOOD SURVEY, ABSTRACT NO. 647 &  
A. FERGUSON SURVEY, ABSTRACT NO. 350

ELLIS COUNTY, TEXAS

## METES AND BOUNDS DESCRIPTION

**BEING** 293.843 ACRES OF LAND SITUATED IN THE W. LOCKWOOD SURVEY, ABSTRACT NO. 647 AND THE A. FERGUSON SURVEY, ABSTRACT NO. 350, ELLIS COUNTY, TEXAS, BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN DEED TO REED LAND MANAGEMENT, LTD, RECORDED IN VOLUME 2010, PAGE 1091, OFFICIAL PUBLIC RECORDS ELLIS COUNTY, TEXAS, (O.P.R.E.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF CUNNINGHAM ESTATES PHASE ONE AND THE NORTHEAST CORNER OF THE REMAINDER OF SAID REED LAND MANAGEMENT, LTD TRACT FOR THE **POINT OF BEGINNING**;

**THENCE** ALONG THE COMMON LINE OF SAID CUNNINGHAM ESTATES PHASE ONE AND SAID REED LAND MANAGEMENT, LTD TRACT THE FOLLOWING TWENTY-FOUR (24) COURSES AND DISTANCES;

1. SOUTH 31 DEGREES 00 MINUTES 18.00 SECONDS EAST, A DISTANCE OF 610.00 FEET;
2. NORTH 58 DEGREES 59 MINUTES 42.00 SECONDS EAST, A DISTANCE OF 1247.97 FEET;
3. SOUTH 30 DEGREES 28 MINUTES 50.00 SECONDS EAST, A DISTANCE OF 960.18 FEET;
4. SOUTH 59 DEGREES 31 MINUTES 10.00 SECONDS WEST, A DISTANCE OF 17.01 FEET;
5. SOUTH 18 DEGREES 38 MINUTES 21.62 SECONDS WEST, A DISTANCE OF 166.05 FEET;
6. SOUTH 34 DEGREES 51 MINUTES 03.05 SECONDS EAST, A DISTANCE OF 36.33 FEET;
7. SOUTH 09 DEGREES 12 MINUTES 14.79 SECONDS EAST, A DISTANCE OF 145.30 FEET;
8. SOUTH 05 DEGREES 12 MINUTES 28.44 SECONDS WEST, A DISTANCE OF 89.12 FEET;
9. SOUTH 20 DEGREES 11 MINUTES 04.61 SECONDS EAST, A DISTANCE OF 53.30 FEET;
10. SOUTH 47 DEGREES 33 MINUTES 19.45 SECONDS WEST, A DISTANCE OF 107.16 FEET;
11. SOUTH 17 DEGREES 41 MINUTES 29.40 SECONDS EAST, A DISTANCE OF 139.46 FEET;
12. SOUTH 31 DEGREES 27 MINUTES 41.27 SECONDS EAST, A DISTANCE OF 112.39 FEET;
13. SOUTH 19 DEGREES 40 MINUTES 41.75 SECONDS WEST, A DISTANCE OF 36.04 FEET;
14. SOUTH 56 DEGREES 00 MINUTES 22.60 SECONDS WEST, A DISTANCE OF 117.00 FEET;
15. SOUTH 05 DEGREES 38 MINUTES 05.85 SECONDS EAST, A DISTANCE OF 64.90 FEET;

## Exhibit A - Legal Description

(5c)



O'NEAL SURVEYING  
COMPANY, LLC  
TBPELS FIRM NO. 10194132  
[WWW.ONEALSURVEYING.COM](http://WWW.ONEALSURVEYING.COM)

16. SOUTH 15 DEGREES 04 MINUTES 01.48 SECONDS EAST, A DISTANCE OF 78.16 FEET;
17. SOUTH 23 DEGREES 16 MINUTES 53.39 SECONDS WEST, A DISTANCE OF 25.43 FEET;
18. SOUTH 52 DEGREES 38 MINUTES 12.35 SECONDS WEST, A DISTANCE OF 53.35 FEET;
19. SOUTH 04 DEGREES 41 MINUTES 36.21 SECONDS WEST, A DISTANCE OF 58.49 FEET;
20. SOUTH 55 DEGREES 55 MINUTES 50.42 SECONDS WEST, A DISTANCE OF 42.33 FEET;
21. SOUTH 20 DEGREES 17 MINUTES 23.54 SECONDS WEST, A DISTANCE OF 72.28 FEET;
22. SOUTH 43 DEGREES 10 MINUTES 51.07 SECONDS WEST, A DISTANCE OF 286.12 FEET;
23. SOUTH 72 DEGREES 38 MINUTES 21.73 SECONDS EAST, A DISTANCE OF 455.86 FEET;
24. SOUTH 72 DEGREES 38 MINUTES 21.73 SECONDS EAST, A DISTANCE OF 1063.03 FEET TO THE NORTH LINE OF A TRACT OF LAND DESCRIBED AS TRACT 4 IN DEED TO YANCEY-CUNNINGHAM FAMILY, LP, RECORDED IN VOLUME 2273, PAGE 941, DEED RECORDS, ELLIS COUNTY, TEXAS (D.R.E.C.T.);

**THENCE ALONG THE COMMON LINE OF SAID REED LAND MANAGEMENT, LTD TRACT AND SAID TRACT 4 THE FOLLOWING FIFTEEN (15) COURSES AND DISTANCES;**

1. SOUTH 61 DEGREES 14 MINUTES 40.00 SECONDS WEST, A DISTANCE OF 964.91 FEET;
2. SOUTH 56 DEGREES 03 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 1670.54 FEET;
3. SOUTH 27 DEGREES 59 MINUTES 49.00 SECONDS EAST, A DISTANCE OF 321.98 FEET;
4. SOUTH 20 DEGREES 43 MINUTES 16.00 SECONDS EAST, A DISTANCE OF 68.00 FEET;
5. SOUTH 14 DEGREES 50 MINUTES 16.00 SECONDS EAST, A DISTANCE OF 136.80 FEET;
6. SOUTH 07 DEGREES 46 MINUTES 16.00 SECONDS EAST, A DISTANCE OF 141.70 FEET;
7. SOUTH 05 DEGREES 14 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 142.50 FEET;
8. SOUTH 16 DEGREES 51 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 95.40 FEET;
9. SOUTH 31 DEGREES 28 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 91.90 FEET;
10. SOUTH 44 DEGREES 44 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 94.30 FEET;
11. SOUTH 67 DEGREES 39 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 138.30 FEET;
12. SOUTH 77 DEGREES 33 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 118.90 FEET;
13. SOUTH 54 DEGREES 13 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 90.30 FEET;
14. SOUTH 22 DEGREES 37 MINUTES 44.00 SECONDS WEST, A DISTANCE OF 80.80 FEET;



## Exhibit A - Legal Description

(5C)



O'NEAL SURVEYING  
COMPANY, LLC  
TBPELS FIRM NO. 10194132  
[WWW.ONEALSURVEYING.COM](http://WWW.ONEALSURVEYING.COM)

15. SOUTH 04 DEGREES 34 MINUTES 42.00 SECONDS WEST, A DISTANCE OF 324.25 FEET TO THE NORTH LINE OF A TRACT OF LAND DESCRIBED AS TRACT 6 IN DEED TO YANCEY-CUNNINGHAM FAMILY, LP, RECORDED IN VOLUME 2273, PAGE 941, D.R.E.C.T.

**THENCE** SOUTH 57 DEGREES 57 MINUTES 40.00 SECONDS WEST, ALONG THE COMMON LINE OF SAID TRACT 6 AND SAID REED LAND MANAGEMENT, LTD TRACT, A DISTANCE OF 175.03 FEET TO THE SOUTHWEST CORNER OF SAID REED LAND MANAGEMENT, LTD TRACT;

**THENCE** NORTH 30 DEGREES 28 MINUTES 19.00 SECONDS WEST, ALONG THE WEST LINE OF SAID REED LAND MANAGEMENT, LTD TRACT, A DISTANCE OF 2315.48 FEET;

**THENCE** CONTINUING ALONG SAID WEST LINE, NORTH 60 DEGREES 14 MINUTES 07.00 SECONDS WEST, A DISTANCE OF 26.38 FEET;

**THENCE** CONTINUING ALONG SAID WEST LINE, NORTH 13 DEGREES 09 MINUTES 18.00 SECONDS WEST, A DISTANCE OF 2756.45 FEET TO THE COMMON LINE OF A TRACT OF LAND DESCRIBED IN DEED TO LU ANN ADAY, RECORDED IN VOLUME 2513, PAGE 519, D.R.E.C.T. AND SAID REED LAND MANAGEMENT, LTD TRACT;

**THENCE** NORTH 58 DEGREES 59 MINUTES 42.00 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 1832.97 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 293.843 ACRES OF LAND MORE OR LESS.

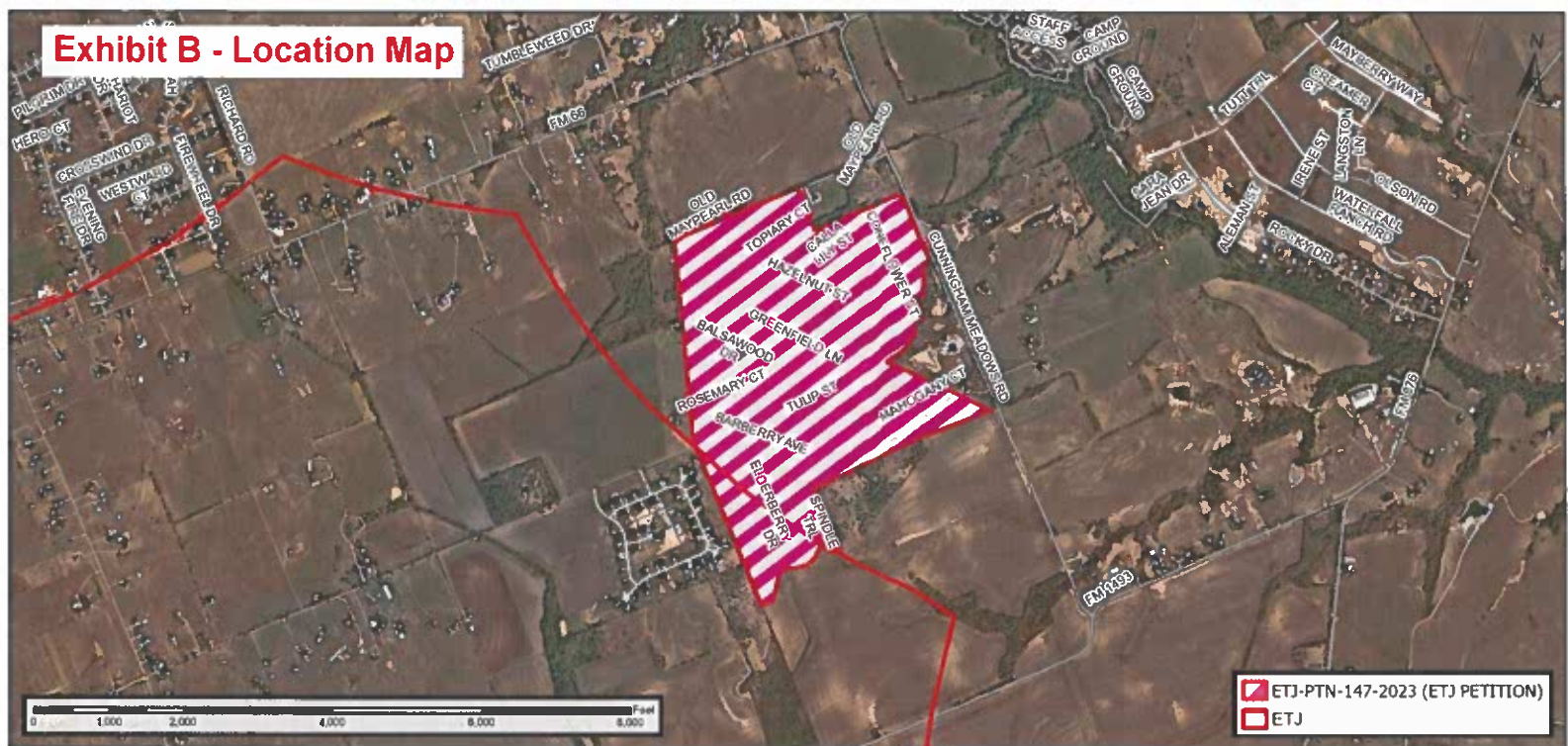
ALL BEARINGS AND DISTANCES SHOWN HEREIN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011), CENTRAL ZONE (4203).

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

TREVOR JOSHUA CHERAMIE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6560  
O'NEAL SURVEYING COMPANY, LLC  
TBPLS FIRM NO. 10194132



### Exhibit B - Location Map



(5d)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-159-2023



#### MEETING DATE(S)

City Council:

December 18, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Harlan Properties, Inc., for a **Petition for ETJ Release** for approximately 17.680 acres, located directly north of 630 and 641 Wales Court (Property ID 181695) – Owner: Harlan Properties, Inc. (ETJ-PTN-159-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-159-2023, a request by Harlan Properties, Inc., for a Petition for ETJ Release for approximately 17.680 acres, located directly north of 630 and 641 Wales Court, 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:** Harlan Properties, Inc.

**Property Owner(s):** Harlan Properties, Inc.

**Site Acreage:** 17.680 acres

**Number of Lots:** 1 lots

**Number of Dwelling Units:** 0 units

#### SUBJECT PROPERTY

**General Location:** Located directly north of 630 and 641 Wales Court

**Parcel ID Number(s):** 181695

**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.

The subject property lies within City of Waxahachie ETJ and City of Oak Leaf ETJ; therefore, the application is strictly for the portion that is located within City of Waxahachie ETJ.

**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 of Waxahachie's ETJ.

**ATTACHED EXHIBITS**

1. ETJ Petition Map for December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Boundary Survey (Exhibit A)
4. Location Map (Exhibit B)

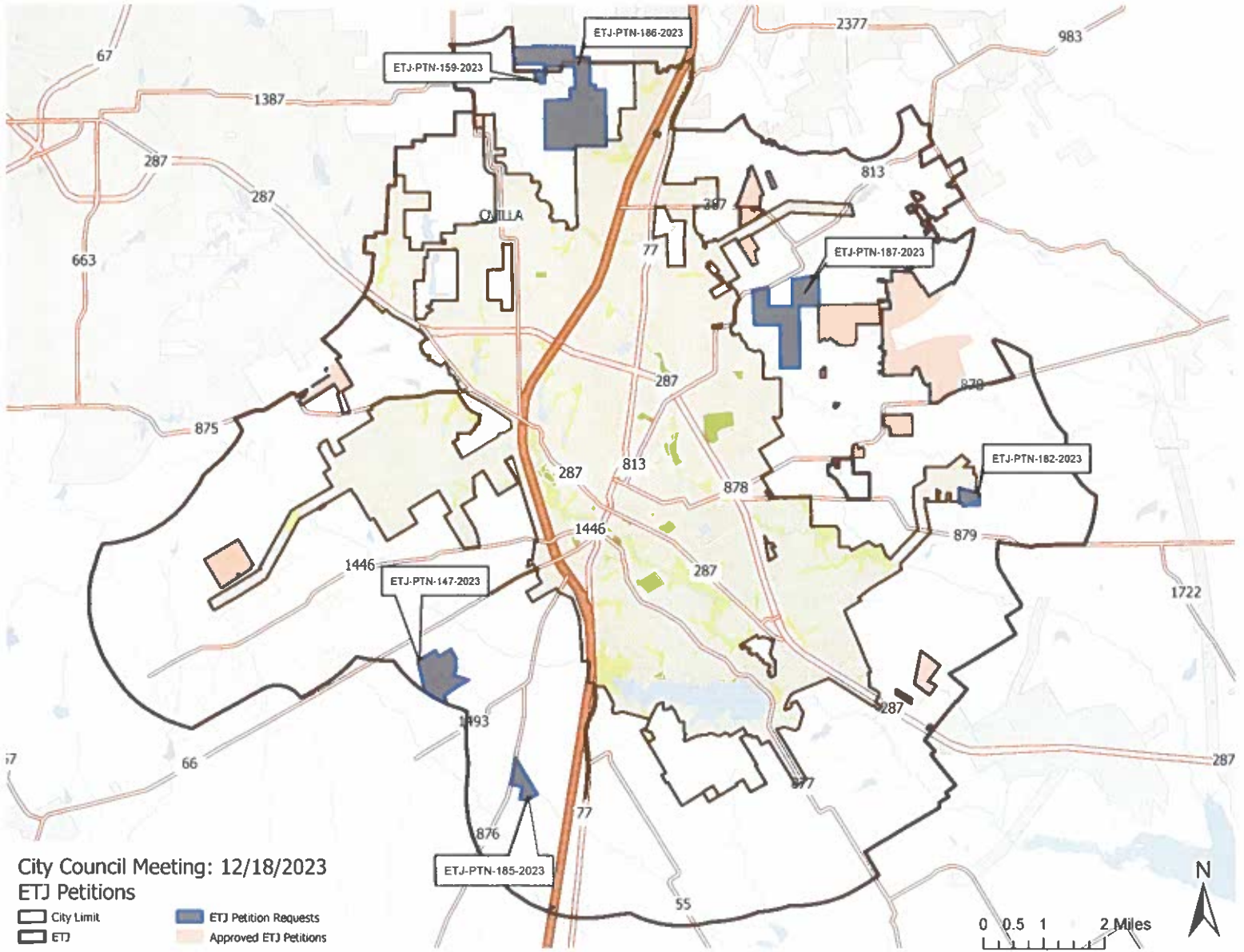
**STAFF CONTACT INFORMATION***Prepared by:*

Oanh Vu  
Planner  
[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5d)



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 8.02 ACRE TRACT OF LAND, LOCATED AT 181 BUCHANAN DRIVE, KNOWN AS PROPERTY ID 198475, 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, case number ETJ-PTN-159-2023, 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 18<sup>th</sup> day of December, 2023.

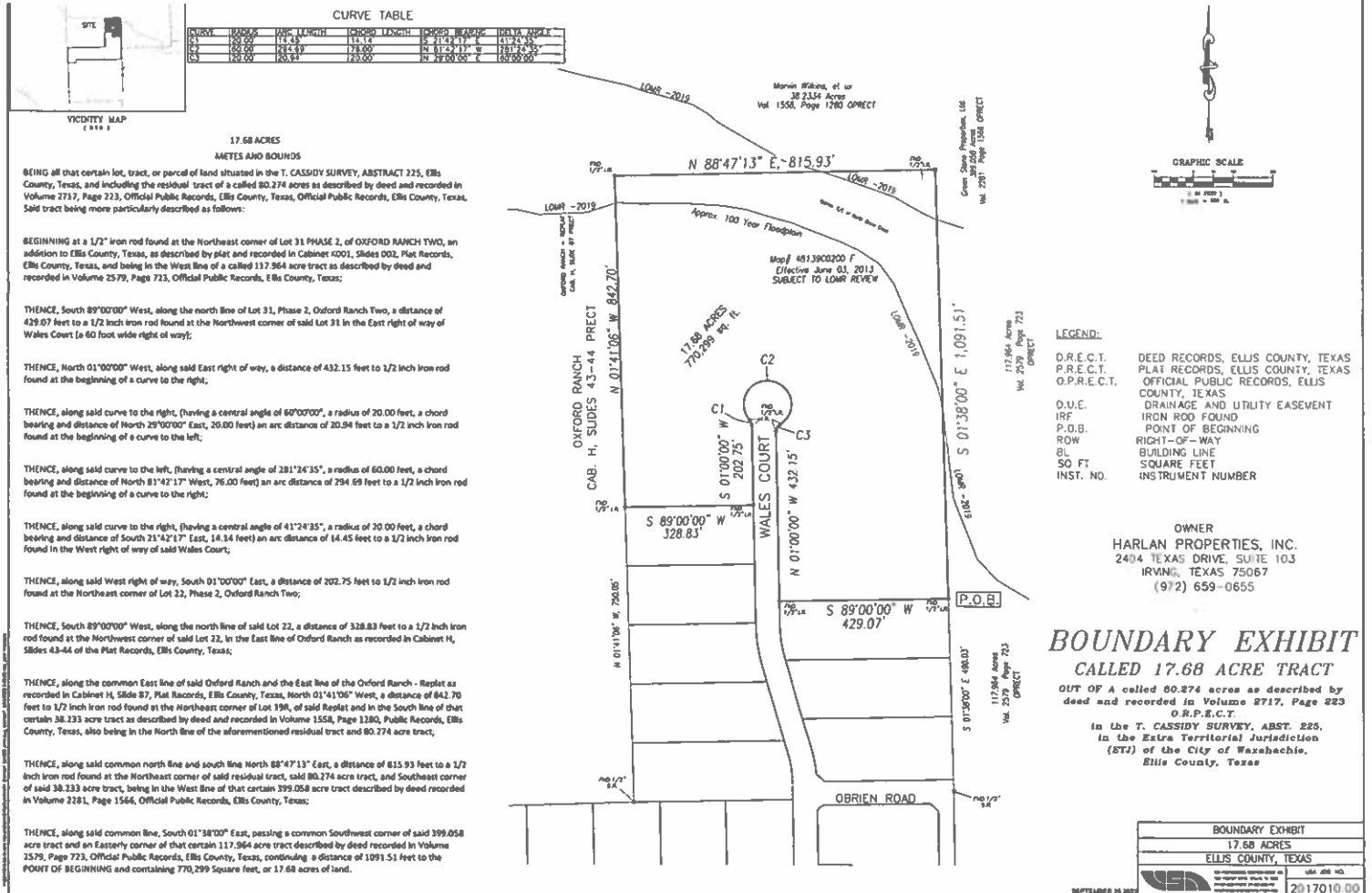
\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

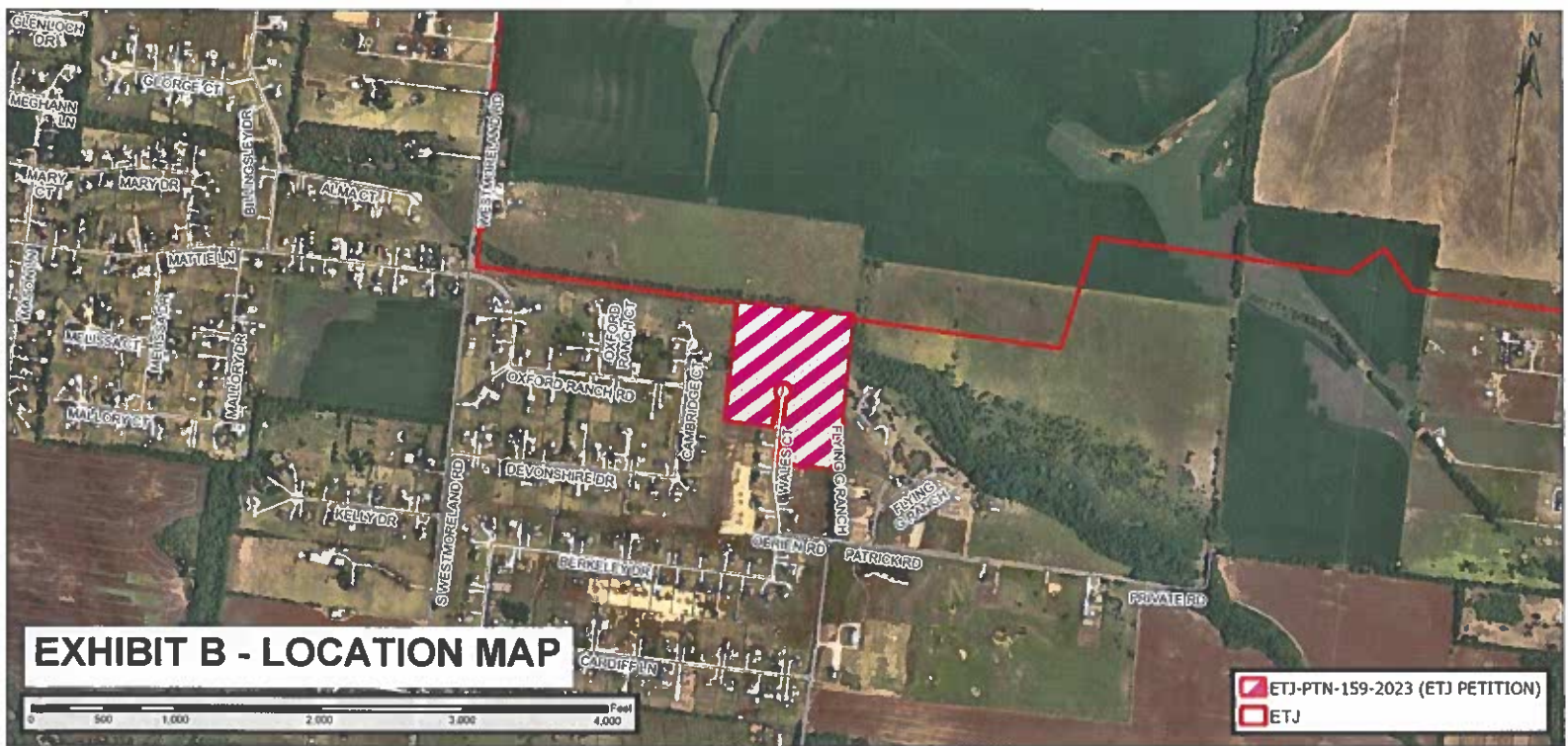
(5d)

## EXHIBIT A - BOUNDARY SURVEY





(5d)



(5e)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-182-2023



### MEETING DATE(S)

City Council:

December 18, 2023

### CAPTION

**Consider** proposed Ordinance approving a request by Johnny Fussell, for a **Petition for ETJ Release** for approximately 47.919 acres, located north of the intersection of Wilson Road and Ryder Lee Lane (Property ID 192131) – Owner: Fuquez Property Company No. 105, LLC (ETJ-PTN-182-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-182-2023, a request by Johnny Fussell for a Petition for ETJ Release for approximately 47.919 acres, located north of the intersection of Wilson Road and Ryder Lee Lane, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

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

### CASE INFORMATION

<b>Applicant:</b>	Johnny Fussell
<b>Property Owner(s):</b>	Fuquez Property Company No. 105, LLC
<b>Site Acreage:</b>	47.919 acres
<b>Number of Lots:</b>	0 lots
<b>Number of Dwelling Units:</b>	0 units

### SUBJECT PROPERTY

<b>General Location:</b>	North of the intersection of Wilson Road and Ryder Lee Lane
<b>Parcel ID Number(s):</b>	192131
<b>Current Zoning:</b>	ETJ
<b>Existing Use:</b>	Undeveloped Land
<b>Platting History:</b>	The subject property is not platted.
<b>CCN Service Area:</b>	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 December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

### **STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP

Senior Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

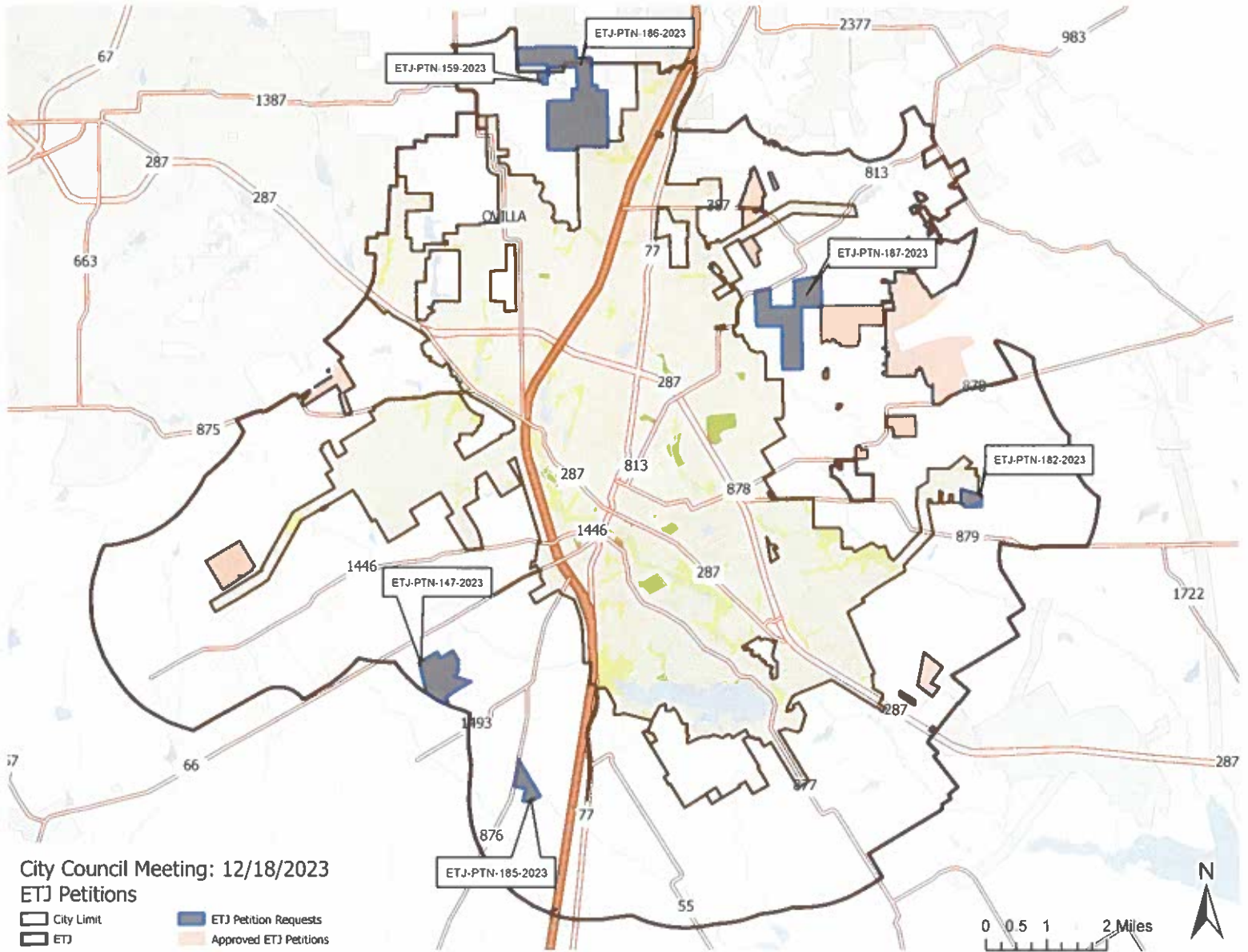
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(5e)





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 47.919 ACRE TRACT OF LAND, LOCATED NORTH OF THE INTERSECTION OF WILSON ROAD AND RYDER LEE LANE, KNOWN AS PROPERTY ID 192131, 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, case number ETJ-PTN-182-2023, 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

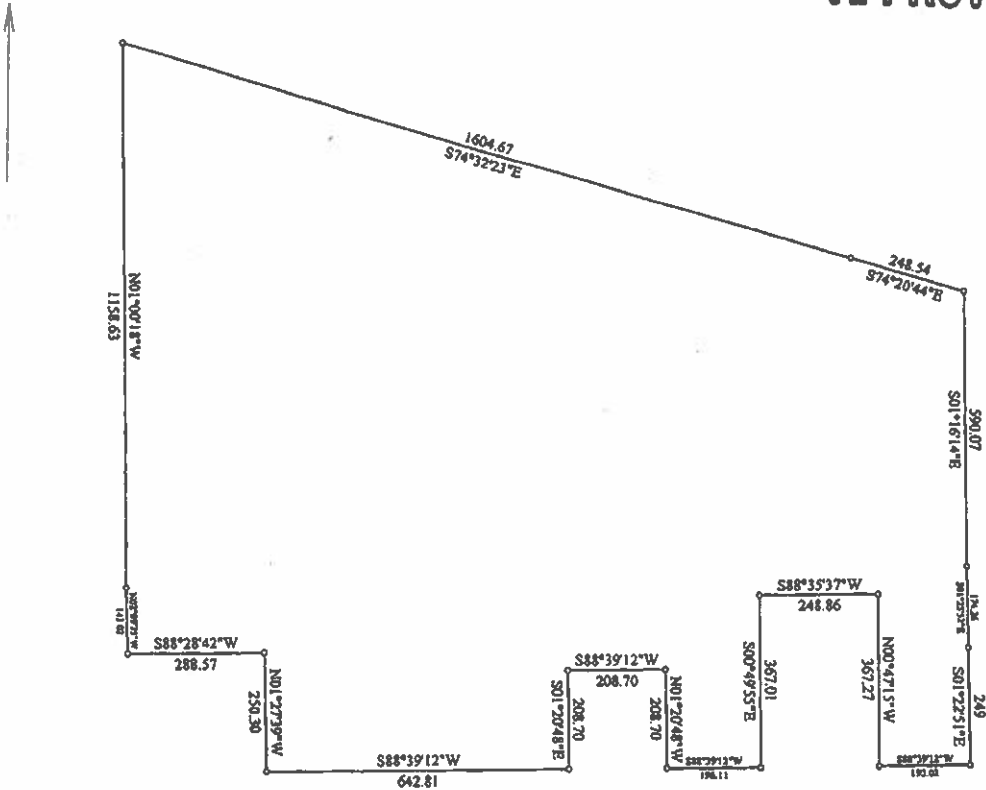
ATTEST:

\_\_\_\_\_  
City Secretary

Exhibit A - Legal Description

(5e)

APPROVED



Title:		Date: 06-10-2016
Scale: 1 inch = 300 feet	File:	
Tract 1: 47.583 Acres: 2072705 Sq Feet: Closure = ±52.2737e 0.07 Feet: Precision = 1/103983: Perimeter = 7347 Feet		
001=S88.3912W 193.02	008=S01.2048E 208.70	015=S74.2044E 248.54
002=N00.4715W 367.27	009=S88.3912W 642.81	016=S01.1614E 590.07
003=S88.3537W 248.86	010=N01.2739W 250.30	017=S01.2352E 174.26
004=S00.4955E 367.01	011=S88.2842W 288.57	018=S01.2251E 249
005=S88.3912W 196.11	012=N02.0925W 142.02	
006=N01.2048W 208.70	013=N01.0018W 1158.63	
007=S88.3912W 208.70	014=S74.3223E 1604.67	

**Exhibit A - Legal Description**

(5e)

GF#1604204

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Revised 09/2014

**TEXAS WARRANTY DEED  
(Long Form)**

Date: June 23, 2016 (THE EFFECTIVE DATE OF THIS INSTRUMENT IS JUNE 24, 2016)

Grantor: ALLEN R. SCHNEIDER and ELAINE SCHNEIDER

Grantor's Mailing Address (including county):

903 Wellington Drive  
Duncanville, Dallas County, TX 75137

Grantee: FUQUEZ PROPERTY COMPANY NO 105 LLC

Grantee's Mailing Address (including county):

2225 Southern Oaks  
Cedar Hill, Dallas County, TX 75104

Consideration: Ten and No/100 (\$10.00) and other good and valuable consideration

Property (including any improvements):

BEING all that certain lot, tract or parcel of land situated in the F.M. Woodward, Abstract No. 1120, in Ellis County, Texas, and being all of the residual of a called 51.982 acres "Second Tract" as conveyed to Allen R. Schneider by deed recorded in Volume 632, Page 702, Deed Records, Ellis County, Texas (DIRECT), and being more particularly described as follows:

BEGINNING at a P.K. Nail set in the center of Wilson Road (A County Road) for the southeast corner of the Schneider tract, and being the same for this tract, and also being the southwest corner of a called 1.488 acres tract described by deed recorded in Vol. 2690, Page 1709, Official Public Records, Ellis County, Texas (OPRECT), and from which point a 1/2" steel rod found for witness bears: N 01°22'51" W, 16.83', with the bearing basis for this description from GPS observation, Texas Co-Ordinate System, North Central Zone, with a beginning co-ordinate of: Northing = 6827935.043, Easting = 2510709.070;

THENCE South 88°39'12" West, 193.02 feet (Deed - S 89°14'00" W, 195.30') along a south line of the Schneider tract and this tract, and along Wilson Road to a P.K. Nail set for a southwest corner of the Schneider tract, and being the same for this tract, and being the southeast corner of a called 2.01 acres tract described by deed recorded in Volume 517, Page 365, DIRECT;

FILED FOR RECORD - ELLIS COUNTY, TEXAS  
INST NO. 1617282 FILING DATE/TIME JUN 27, 2016 at 01:24:00 PM

**Exhibit A - Legal Description**

THENCE North 00°47'15" West, 367.27 feet (Deed - N 00°46'60" W, 370.00') along a west line of the Schneider tract and this tract, and along the east line of said 2.01 acres tract to a 1/2" steel rod set for an interior corner of the Schneider tract, and being the same for this tract, and being the northeast corner of said 2.01 acres tract;

THENCE South 88°35'37" West, 248.86 feet (Deed - S 89°14'00" W, 250.00') along a south line of the Schneider tract and this tract, and along the north line of said 2.01 acres tract to a 1/2" steel rod set for an interior corner of the Schneider tract, and being the same for this tract, and being the northwest corner of said 2.01 acres tract;

THENCE South 00°49'55" East, 367.01 feet (Deed - S 00°46'00" E, 370.00') along an east line of the Schneider tract and this tract and along the west line of said 2.01 acres tract to a P.K. Nail set in Wilson Road for a southeast corner of the Schneider tract, and being the same for this tract, and being the southwest corner of said 2.01 acres tract;

THENCE South 88°39'12" West, 196.11 feet (Deed - S 89°14'00" W, 195.30') along a south line of said Schneider tract and this tract, and along Wilson Road to a P.K. Nail set for a southwest corner of the Schneider tract, and being the same for this tract, and also being the southeast corner of a called 1.00 acre tract described by deed recorded in Volume 1749, Page 1851, OPRECT;

THENCE North 01°20'48" West, 208.70 feet (Deed - N 00°46'00" W, 208.70') along a west line of the Schneider tract and this tract and along the east line of said 1.00 acres tract to a 1/2" steel rod set for an interior corner of the Schneider tract, and being the same for this tract, and being the northeast corner of said 1.00 acre tract;

THENCE South 88°39'12" West, 208.70 feet (Deed - S 89°14'00" W, 208.70') along a south line of the Schneider tract and this tract, and along the north line of said 1.00 acre tract to a 1/2" steel rod set for an interior corner of the Schneider tract, and being the same for this tract, and being the northwest corner of said 1.00 acre tract;

THENCE South 01°20'48" East, 208.70 feet (Deed - S 00°46'00" E, 208.70') along an east line of the Schneider tract and this tract, and along the west line of said 1.00 acre tract, at approximately 191.75 feet passing a 1/2" steel rod found for corner, and continuing a total distance of 208.70 feet to a P.K. Nail set in Wilson Road for a southeast corner of the Schneider tract, and being the same for this tract, and being the southwest corner of said 1.00 acre tract;

THENCE South 88°39'12" West, 642.81 feet (Deed - S 89°14'00" W) along a south line of the Schneider tract and this tract, and along Wilson Road to a P.K. Nail set in the south line of the Schneider tract for a southwest corner of this tract, and being the southeast corner of a called 1.604 acres tract described by deed recorded in Volume 1642, Page 639, OPRECT;

THENCE North 01°27'39" West, 250.30 feet entering said Schneider tract along a west line of this tract to a 1/2" steel rod found for an interior corner of this tract, and being the northeast corner of said 1.604 acres tract;

THENCE South 88°28'42" West, 288.57 feet along a south line of this tract and along the north line of said 1.604 acres tract to a 1/2" steel rod set in the west line of said Schneider tract for the southwest corner of this tract, and being the northwest corner of said 1.604 acres tract, and also being in an east line of Wilson Road;

THENCE North 02°09'25" West, 142.02 feet (Deed - N 00°32'00" W) along a west line of said Schneider tract and this tract, and along an east line of Wilson Road to a 1/2" steel rod found for corner, said point being a southeast corner of a called 263.615 acres tract described by deed recorded

## Exhibit A - Legal Description

(5e)

in Volume 2705, Page 685, OPRECT, and being at the intersection of the north line and the east line of Wilson Road;

THENCE North 01°00'18" West, 1158.63 feet (Deed - N 00°32'00" W, 1159.60') along a west line of the Schneider tract and this tract, and along an east line of said 263.615 acres tract to a 1/2" steel rod found for the northwest corner of the Schneider tract, and being the same for this tract, and being an interior corner of said 263.615 acres tract;

THENCE South 74°32'23" East, 1604.67 feet (Deed - S 73°55'00" E) along a northeast line of the Schneider tract and this tract, and along a southwest line of said 263.615 acres tract to a 1/2" steel rod found for corner, and being the southeast corner of said 263.615 acres tract, and the southwest corner of a called 27.8998 acres tract described by deed recorded in Volume 2637, Page 1395, OPRECT;

THENCE South 74°20'44" East, 248.54 feet (Deed - S 73°55'00" E) along a northeast line of said Schneider tract and this tract, and along the southwest line of said 27.8998 acres tract to a 1/2" steel rod found in the northeast line of said Schneider tract, and being the northeast corner of this tract, and being the northwest corner of a called 2.685 acres tract described by deed recorded in Instrument No. 1610952, OPRECT;

THENCE South 01°16'14" East, 590.07 feet through said Schneider tract along the east line of this tract, and along the west line of said 2.685 acres tract to a 1/2" steel rod found for and interior corner of said Schneider tract, and being the southwest corner of said 2.685 acres tract, and being the northwest corner of a called 1.501 acres tract described by deed recorded in Volume 2568, Page 2298, OPRECT;

THENCE South 01°23'52" East, 174.26 feet (Deed - S 00°45'00" E) along the east line of the Schneider tract and this tract, and along the west line of said 1.501 acres tract to a 1/2" steel rod found for corner, said point being the southwest corner of said 1.501 acres tract and the northwest corner of the aforesaid 1.488 acres tract;

THENCE South 01°22'51" East (Deed - S 00°45'00" E) along the east line of said Schneider tract and this tract, and along the west line of said 1.488 acres tract, at approximately 232.17 feet passing a 1/2" steel rod found for witness, and continuing a total distance of 249.00 feet to the POINT OF BEGINNING and containing approximately 47.584 acres of land.

Reservations from and Exceptions to Conveyance and Warranty:

SUBJECT, however, to all valid outstanding easements, rights-of-way, mineral and/or ground leases, mineral reservations, mineral conveyances, restrictive covenants of record, and to zoning laws, regulations and ordinances of municipal and other governmental authorities, if any.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

**Exhibit A - Legal Description**

(5e)

When the context requires, singular nouns and pronouns include the plural.

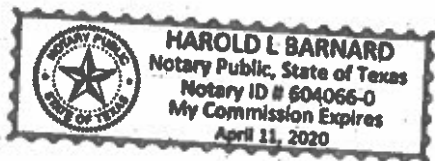
Allen R. Schneider  
ALLEN R. SCHNEIDER

Elaine Schneider  
ELAINE SCHNEIDER

**(Acknowledgment)**

STATE OF TEXAS  
COUNTY OF ELLIS

This instrument was acknowledged before me on the 24 day of June, 2016,  
by ALLEN R. SCHNEIDER and ELAINE SCHNEIDER.



Harold L. Barnard  
Notary Public, State of Texas  
Notary's name (printed):

Notary's commission expires:

AFTER RECORDING RETURN TO:

FUQUEZ PROPERTY COMPANY NO. 105 LLC  
2225 Southern Oaks  
Cedar Hill, TX 75104

PREPARED IN THE LAW OFFICE OF:

James R. Pitts  
Attorney at Law  
P. O. Box 561  
Waxahachie, TX 75168

Exhibit A - Legal Description

(5e)



SCANNED

Any provision herein which restricts the sale, rental, or use of this described real property because of color or race is invalid and unenforceable under federal law. I, the undersigned, hereby certify this instrument was filed on the date and time stamped herein and was duly recorded in the volume and page of the OFFICIAL PUBLIC RECORDS of Ellis County Texas and stamped hereon.



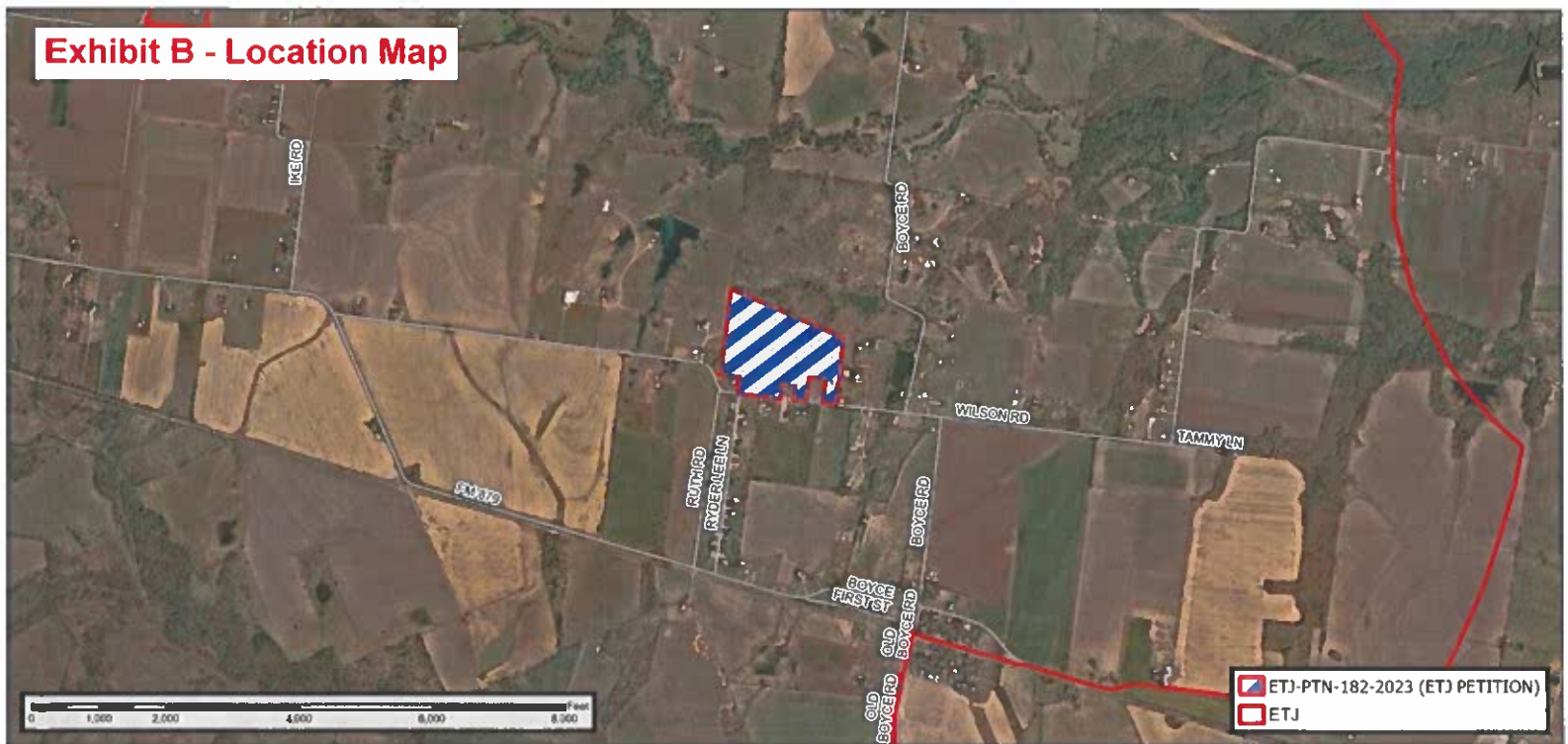
*Cindy Pollock*  
COUNTY CLERK ELLIS COUNTY, TEXAS

FILED FOR RECORD - ELLIS COUNTY, TX  
INST NO. 1617282  
ON JUN 27, 2016 AT 01:24:00 PM



(5e)

Exhibit B - Location Map





# Planning & Zoning Department

## Petition for ETJ Release

**Case: ETJ-PTN-185-2023**



### MEETING DATE(S)

City Council:

December 18, 2023

### CAPTION

**Consider** proposed Ordinance approving a request by Esher, LTD, for a **Petition for ETJ Release** for approximately 81.950 acres, located east of F.M. 876 and north of Grainery Road (Property ID 183342) – Owner: Esher, LTD (ETJ-PTN-185-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-185-2023, a request by Esher, LTD, for a Petition for ETJ Release for approximately 81.682 acres, located east of F.M. 876 and north of Grainery 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:** Esher, LTD

**Property Owner(s):** Esher, LTD

**Site Acreage:** 81.950 acres

**Number of Lots:** 1 lots

**Number of Dwelling Units:** 0 units

### SUBJECT PROPERTY

**General Location:** Located east of F.M. 876 and north of Grainery Road

**Parcel ID Number(s):** 183342

**Current Zoning:** ETJ

**Existing Use:** Undeveloped Land

**Platting History:** The subject property was not previously platted.

**CCN Service Area:** Buena Vista-Bethel 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 December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Metes and bounds (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

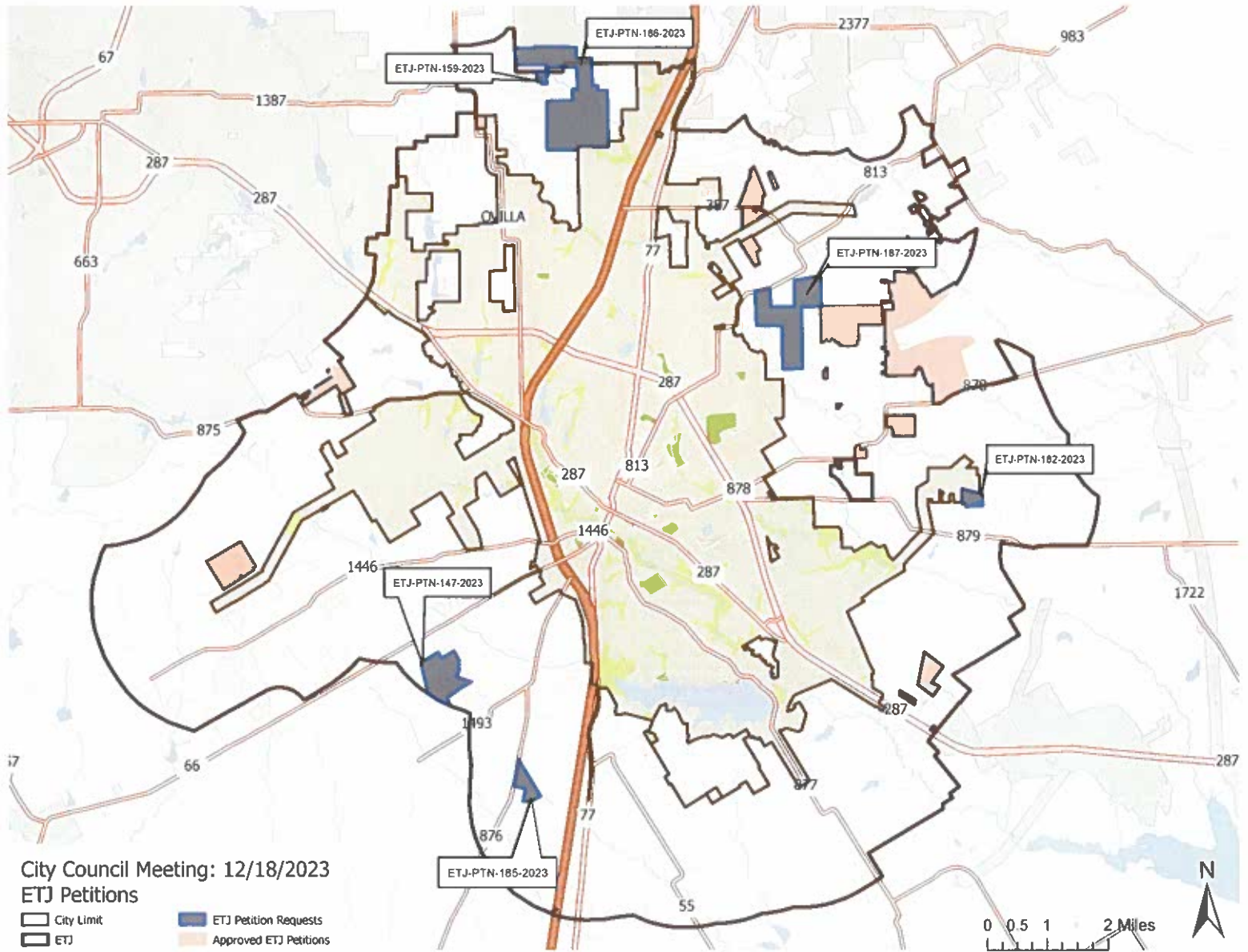
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5f)



(5f)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 81.682 ACRE TRACT OF LAND, LOCATED SOUTH OF F.M. 876 AND EAST OF GRAINERY ROAD, KNOWN AS PROPERTY ID 183342, 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, case number ETJ-PTN-185-2023, 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# EXHIBIT A - METES & BOUNDS (5f)

## JDS SURVEYING, INC.

T.B.P.E.L.S. Firm Registration No. 10194118  
159 W. MAIN - VAN, TX 75790 – Phone: (903) 963-2333

81.95 ACRES

All that certain lot, tract or parcel of land located within the A. Ferguson Survey, Abstract No. 350 of Ellis County, Texas, being all of the residue of a called 306.633 acre tract as described in a deed from Mary Jane Husted Henry to Ellen Elizabeth Husted Brown, et al, dated October 30, 2018 and recorded in Instrument No. 1832304 of the Official Public Records of Ellis County, Texas, and this 81.95 acre tract being more fully described as follows:

BEGINNING at a Point in Grainery Road and the North line of a called 158.01 acre tract, described as Tract 10 in a deed from Gary E. Buchholz and Kathryn K. Buchholz to GKB Ranches, L.P., dated January 1, 2021 and recorded in Instrument No. 2132292, and being at the Southeast corner of a called 11.916 acre tract as described in a deed from Ellen Elizabeth Husted Brown and Deborah Joan Husted to Thomas L. Nelson and Nancy Timmins Husted Nelson, dated November 5, 2018 and recorded in Instrument No. 1832303, from which a 1/2" Iron Rod Found in said Grainery Road, bears South 79 deg. 36 min. 46 sec. West, a distance of 235.51 feet;

THENCE North 12 deg. 28 min. 39 sec. East, with the East line of said 11.916 acre tract and a called 20.000 acre tract as described in a deed from Mary Lee Husted, et al. to Thomas L. Nelson and wife, Nancy Timmins Husted Nelson, dated May 20, 1999 and recorded in Volume 1574, Page 449, passing a 1/2" Iron Rod Found for reference at 31.17 feet, passing another 1/2" Iron Rod Found at the East common corner of said 11.916 acre tract and said 20.000 acre tract at 280.15 feet, and continuing for a total distance of 1,114.86 feet to a 1/2" Iron Rod Found at the Northeast corner of said 20.000 acre tract;

THENCE North 77 deg. 30 min. 24 sec. West, with the North line of said 20.000 acre tract, a distance of 1,043.44 feet to a 1/2" Iron Rod Found at the Northwest corner of same and being in the East right-of-way of Farm to Market 876;

THENCE with the West line of said residue tract and the East right-of-way of said Farm to Market 876, the following four (4) courses and distances:

North 12 deg. 59 min. 51 sec. East, a distance of 599.73 feet to a 1/2" Iron Rod Set for corner and being at the beginning of a curve to the left, having a delta angle of 04 deg. 20 min. 19 sec., a radius of 1,969.89 feet, and a chord bearing and length of North 10 deg. 49 min. 41 sec. East, 149.13 feet;

With said curve to left, an arc length of 149.17 feet to a 1/2" Iron Rod Set for corner;

North 08 deg. 36 min. 51 sec. East, a distance of 1,498.60 feet to a 1/2" Iron Rod Set for corner and being at the beginning of a curve to the right, having a delta angle of 01 deg. 54 min. 47 sec., a radius of 2,824.79 feet, and a chord bearing and length of North 09 deg. 34 min. 14 sec. East, 94.32 feet;

With said curve to the right, an arc length of 94.32 feet to a 3/8" Iron Rod Found at the North corner of said residue tract and being the West corner of a called 128.5118 acre tract as described in a deed from Hart Farm Venture to Ricardo Rosque and wife, Sandra Rosque, dated August 24, 2000 and recorded in Book 1721, Page 713, and being in the common line of said A. Ferguson Survey and the W. Stewart Survey, Abstract No. 956, from which a 1/2" Iron Rod Found, bears North 07 deg. 38 min. 25 sec. East, a distance of 0.58 feet;

81.95 ACRES  
Page 2 of 2

THENCE South 31 deg. 10 min. 56 sec. East, with the Southwest line of said 128.5118 acre tract and said survey line, a distance of 2,217.46 feet to a 1/2" Iron Rod Found at the South corner of same and being the West corner of a called 39.06 acre tract, described as Tract 14 in said Instrument No. 2132292;

THENCE South 30 deg. 28 min. 19 sec. East, with the Southwest line of said 39.06 acre tract and said survey line, a distance of 807.26 feet to a 1-1/2" Pipe Found at the South corner of same and being the West corner of a called 126.25 acre tract, described as Tract 9 in said Instrument No. 2132292;

THENCE South 31 deg. 04 min. 40 sec. East, with the Southwest line of said 126.25 acre tract and said survey line, a distance of 715.42 feet to a 1/2" Iron Rod Found in same and in said Grainery Road, and being at the Northeast corner of said 158.01 acre tract;

THENCE with the North line of said 158.01 acre tract and with said Grainery Road, the following five (5) courses and distances:

South 69 deg. 45 min. 20 sec. West, a distance of 81.25 feet to a Point for Corner and being at the beginning of a curve to the left, having a delta angle of 09 deg. 59 min. 50 sec., a radius of 2,000.00 feet, and a chord bearing and length of South 64 deg. 45 min. 25 sec. West, 348.53 feet;

With said curve to left, an arc length of 348.97 feet to a 1/2" Iron Rod Found;

South 59 deg. 45 min. 30 sec. West, a distance of 285.61 feet to a 1/2" Iron Rod Found and being at the beginning of a curve to the right, having a delta angle of 29 deg. 09 min. 05 sec., a radius of 600.00 feet, and a chord bearing and length of South 74 deg. 20 min. 03 sec. West, 301.99 feet;

With said curve to right, an arc length of 305.27 feet to a 1/2" Iron Rod Found;

South 88 deg. 53 min. 23 sec. West, a distance of 623.09 feet to the POINT OF BEGINNING AND CONTAINING 81.95 ACRES OF LAND.

See Map No. 3873 prepared in conjunction with these field notes. The bearings hereon were oriented to agree with Grid North and were derived by the use of G.P.S. equipment. (TX North Central Zone - NAD 83). I, Jace D. Scarbrough, do hereby state that the field notes hereon were prepared from a survey made on the ground under my supervision during the month of September, 2023.

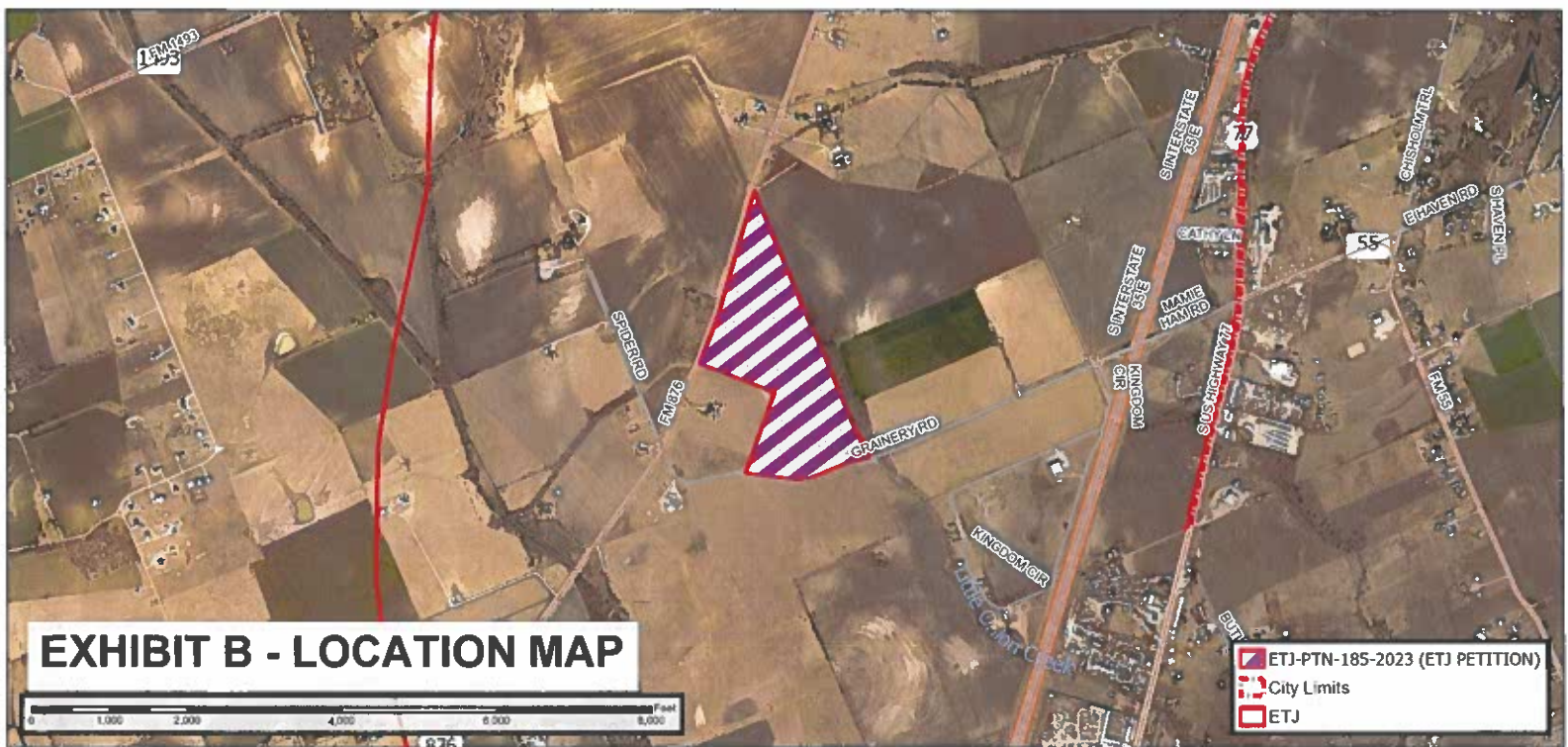
GIVEN UNDER MY HAND & SEAL, this the 28th day of September, 2023.

  
Jace D. Scarbrough  
Registered Professional Land Surveyor  
State of Texas No. 6289





(5f)



(5g)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-186-2023



#### MEETING DATE(S)

City Council:

December 18, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Butcher-Robnett Realty, LLC, for a **Petition for ETJ Release** for approximately 854.319 acres, located directly north of West Sterrett Road and east of Patrick Road (Property ID 184434, 184443, 271638, 284715, 290304) – Owners: Clayton Snodgrass, CSAS 269, LP, SRP SS, LLC, and Sterrett Road Partners, LP (ETJ-PTN-186-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-186-2023, a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 854.319 acres, located directly north of West Sterrett Road and east of Patrick 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

<b>Applicant:</b>	Clayton Snodgrass, Bluebonnet Capital Partners
<b>Property Owner(s):</b>	CSAS 269, LP, SRP SS, LLC, and Sterrett Road Partners, LP
<b>Site Acreage:</b>	854.319 acres
<b>Number of Lots:</b>	5 lots
<b>Number of Dwelling Units:</b>	0 units

#### SUBJECT PROPERTY

<b>General Location:</b>	Located directly north of West Sterrett Road and east of Patrick Road
<b>Parcel ID Number(s):</b>	184434, 184443, 271638, 284715, 290304
<b>Current Zoning:</b>	ETJ
<b>Existing Use:</b>	Undeveloped land
<b>Platting History:</b>	The subject property was not previously platted.
<b>CCN Service Area:</b>	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.

The subject property lies within City of Waxahachie ETJ and City of Oak Leaf ETJ; therefore, the application is strictly for the portion that is located within City of Waxahachie ETJ.

**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 of Waxahachie's ETJ.

**ATTACHED EXHIBITS**

1. ETJ Petition Map for December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

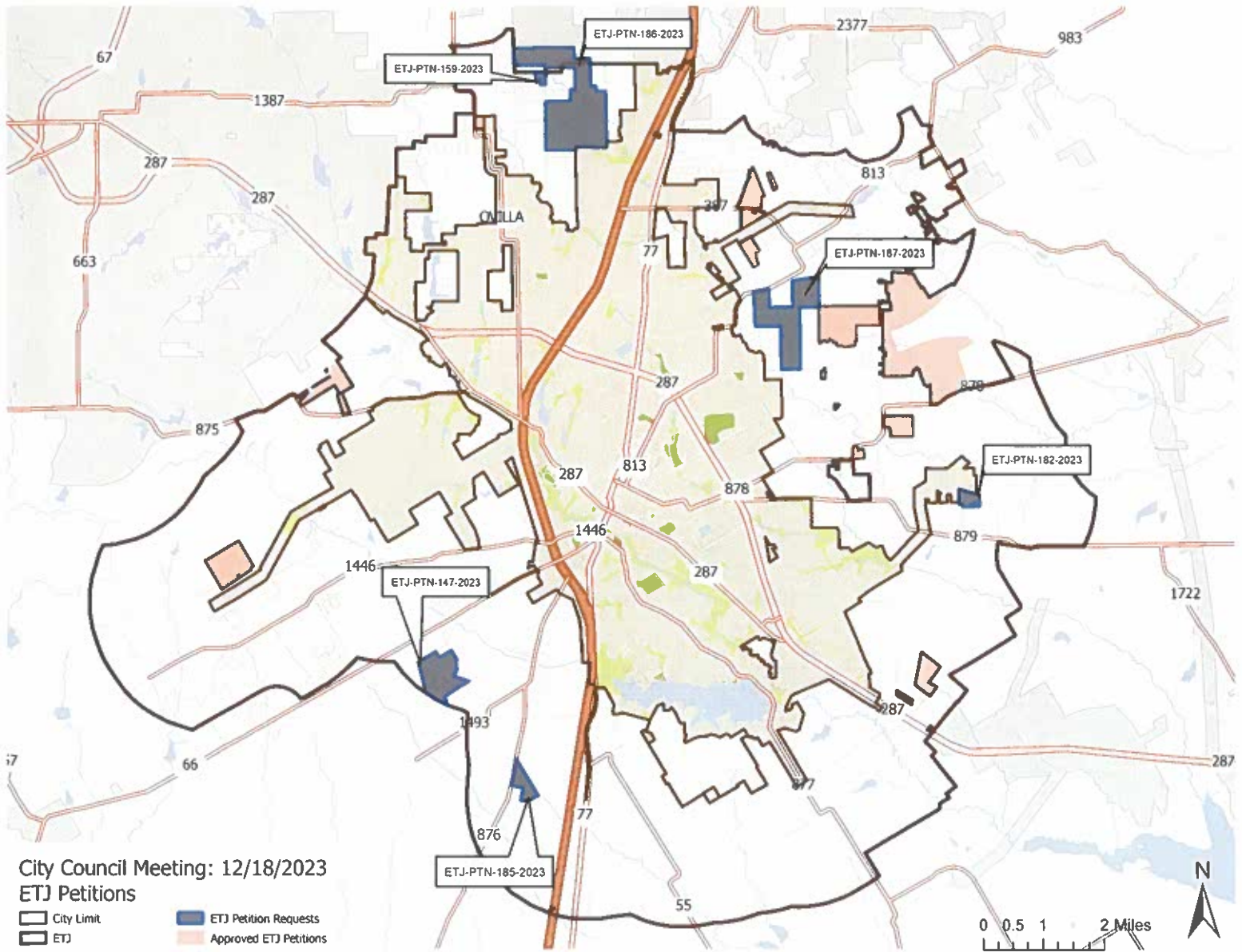
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(59)



(59)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 854.319 ACRE TRACT OF LAND, LOCATED NORTH OF WEST STERRETT ROAD AND EAST OF PATRICK ROAD, KNOWN AS PROPERTY ID 184434, 184443, 271638, 284715, 290304, 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, case number ETJ-PTN-186-2023, 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# **EXHIBIT A - LEGAL DESCRIPTION** (5g)

## **EXHIBIT "A-1"**

### **LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE EXTRATERRITORIAL JURISDICTION**

**[Please See Attached]**



(5g)

**EXHIBIT A**  
**585.143 ACRES**  
**STERRETT ROAD PARTNER, LP PROPERTY**  
**PAGE 1 OF 3**

**LEGAL DESCRIPTION**  
**(585.143 ACRES)**

BEING a tract of land located in the City of Waxahachie ETJ, Ellis County, Texas, a part of the Clement Goar Survey, Abstract Number 401, a part of the Carter H. Hurst Survey, Abstract Number 456, and being all of that called 360.00 acre tract of land described in deed to Sterrett Road Partners, LP recorded as Instrument No. 2033178, Deed Records, Ellis County, Texas, all of that called 124.27 acre tract of land described in deed to Sterrett Road Partners, LP recorded as Instrument No. 2033177, Deed Records, Ellis County, Texas and all of that called 100.998 acre tract of land described in deed to Sterrett Road Partners, LP recorded as Instrument No. 2048021, Deed Records, Ellis County Texas and being more particularly described as follows:

BEGINNING at a PK nail found for the southwest corner of said 124.27 acre tract, and being in the approximate centerline intersection of West Sterrett Road and Patrick Road;

THENCE North 00 degrees 02 minutes 28 seconds West along the west line of said 124.27 acre tract and the west line of said 360.00 acre tract, 4,250.15 feet to a five-eighths inch iron rod found for the northwest corner of said 360.00 acre tract, being the southwest corner of a called 48.580 acre tract of land described in deed to Claudia Jean Gaughan recorded AS Instrument No. 2201719, Deed Records, Ellis County, Texas, said point being on the east side of Patrick Road;

THENCE North 88 degrees 02 minutes 18 seconds East along the north line of said 360.00 acre tract and the south line of said 48.580 acre tract, 2,226.80 feet to a "SCC" monument found for the most southerly southeast corner of said 48.580 acre tract;

THENCE North 03 degrees 02 minutes 22 seconds West along the east line of said 48.580 acre tract and the east line of a called 1.700 acre tract of land described in deed to Daniel Villareal and Alba Marina Villareal recorded as Instrument No. 2201719, Deed Records, Ellis County, Texas, 972.41 feet to a five-eighths inch iron rod found in the approximate centerline of Patrick Road (east-west) for the northeast corner of said 1.700 acre tract, being in the south line of a called 117.984 acre tract of land described in deed to Claudia Jean Gaughan recorded in Volume 2579, Page 723, Deed Records, Ellis County, Texas;

THENCE North 89 degrees 52 minutes 34 seconds East along the south line of said 117.984 acre tract, 459.23 feet to a one-half inch iron rod found for corner, said point being the southeast corner of said 117.984 acre tract;

THENCE North 02 degrees 01 minutes 41 seconds West, along the east line of said 117.984 acre tract, 296.17 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, being the most southerly southwest corner of a called 398.961 acre tract of land described in deed to CSAS 289, LP recorded as Instrument No. 2107689, Deed Records, Ellis County, Texas;

THENCE North 89 degrees 00 minutes 40 seconds East along the south line of said 398.961 acre tract, 1,305.85 feet to a one-half inch iron rod with yellow cap stamped "4466" found for the southeast corner of said 398.961 acre tract, being the southwest corner of a called 14.060 acre tract of land described in deed to Serfin Ponce as recorded in Volume 1977, page 216, Deed Records, Ellis County, Texas;

THENCE North 88 degrees 36 minutes 44 seconds East along the south line of said 14.060 acre tract, 453.35 feet to a 100D nail found, being the northwest corner of a called 79.153 acre tract of land described to Moonbow, LLC as recorded in Volume 2681, Page 113, Deed Records, Ellis County, Texas, being the most northerly northeast corner of said 360.00 acre tract;

DATE  
09/15/2023

PROJECT  
BBC008

**JBI**  
**PARTNERS**

2121 Midway Road  
Suite 300  
Carrollton, Texas 75006  
972.248.7878  
TBP# No. F-438  
TBP, S. No. 1 (0071000)

(59)

**EXHIBIT A  
585.143 ACRES  
STERRETT ROAD PARTNER, LP PROPERTY  
PAGE 2 OF 3**

**LEGAL DESCRIPTION  
(CONTINUED)**

THENCE along the common lines of said 79.153 acre tract and said 360.00 acre tract as follows:

South 01 degrees 18 minutes 31 seconds East, 437.42 feet to a four-inch steel fence post found;

North 89 degrees 11 minutes 33 seconds East, 849.87 feet to a five-eighths inch bolt found;

South 00 degrees 57 minutes 44 seconds East, 1,693.99 feet to a three-fourths inch iron pipe found for the southwest corner of said 79.153 acre tract, being the northwest corner of a called 78.065 acre tract of land described in deed to the Desoto Gun Club as recorded in Volume 1931, Page 743, Deed Records, Ellis County, Texas;

THENCE South 01 degrees 22 minutes 35 seconds East along the west line of said 78.065 acre tract, 1,620.15 feet to a 6" wood fence post found for corner;

THENCE South 00 degrees 44 minutes 01 seconds East continuing along the west line of said 78.065 acre tract and the west line of a called 112.83 acre tract of land described in deed to James R. Pitts, Trustee recorded as Instrument No. 1723437, Deed Records, Ellis County, Texas, 1,624.01 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for the southeast corner of aforementioned 100.998 acre tract, being in the north line of a called 77.49 acre tract of land described in deed to Dallas Dowdy Partners, LLC recorded as Instrument No. 1934388, Deed Records, Ellis County, Texas said point being in the approximate projected centerline of West Sterrett Road;

THENCE North 89 degrees 16 minutes 10 seconds West along the south line of said 100.998 acre tract and the approximate centerline of West Sterrett Road, 2,693.70 feet to a five-eighths inch iron rod found in the east line of said 124.27 acre tract and being the at the approximate projected centerline intersection of West Sterrett Road and Solon Road; being the approximate centerline intersection of West Sterrett Road and Patrick Road;

THENCE South 01 degrees 06 minutes 57 seconds East along the east line of said 124.27 acre tract, along the approximate projected centerline of Solon Road, and along the approximate centerline of West Sterrett Road, 296.11 feet to a "PK" nail found for corner, said point being the southeast corner of said 124.27 acre tract, be the approximate centerline intersection of West Sterrett Road and Solon Road;

THENCE South 89 degrees 55 minutes 21 seconds West along the south line of said 124.27 acre tract and approximate centerline of West Sterrett Road, 2,638.73 feet to the POINT OF BEGINNING and containing 25,488,825 square feet or 585.143 acres of land.

**BASIS OF BEARING:** The basis of bearing is based on the coordinate system (north central zone 4202 state plane coordinates, NAD 83), distances shown hereon are grid distance values.

\*This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

DATE  
09/15/2023

PROJECT  
BBC008

**JBI**  
**PARTNERS**

2121 Midway Road  
Suite 300  
Carrollton, Texas 75006  
872.248.7878  
TBP# No. F-438  
TBP# S.No. 10070000

(59)

**EXHIBIT "A-2"**

**LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE  
EXTRATERRITORIAL JURISDICTION**

**[Please See Attached]**

(59)

**EXHIBIT A**  
**269.176 ACRES**  
**CSAS 269 LP PROPERTY**  
**PAGE 1 OF 3**

**LEGAL DESCRIPTION**  
**(269.176 ACRES)**

BEING a parcel of land located in Ellis County, Texas, being a part of the Thomas Cassidy Survey, Abstract Number 225, a part of the Andrew K. Gray Survey, Abstract Number 395 and being a part of that called 398.961 acre tract of land described in deed to CSAS LP as recorded in Instrument Number 2021-2107689, Official Public Records of Ellis County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "4466" found at the southeast corner of said 398.961 acre tract, said point being the southwest corner of that called 14.060 acre tract of land described in deed to Serafin Ponce as recorded in Volume 1977, Page 216, Official Public Records of Ellis County, Texas, said point also being in the north line that called 360.00 acre tract of land described in deed to Sterrett Road Partners, LP as described in Instrument Number 2020-2033178, Official Public Records of Ellis County, Texas;

THENCE along the south line of said 398.961 acre tract as follows:

South 89 degrees 00 minutes 40 seconds West, 1,305.85 feet to a one-half inch iron rod found at the most northerly northwest corner of said 360.00 acre tract, said point also being in the east line of that called 117.984 acre tract described in deed to Claudia Jean Gaughan as recorded in Volume 2579, Page 723, Official Public Records of Ellis County, Texas;

North 02 degrees 01 minutes 59 seconds West, 1,690.16 feet to a one-half inch iron rod found at the northeast corner of said 117.984 acre tract;

South 89 degrees 31 minutes 12 seconds West, 2,506.51 feet to a one-half inch iron rod found at the northwest corner of said 117.984 acre tract;

South 00 degrees 29 minutes 27 seconds East, 750.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

South 89 degrees 30 minutes 33 seconds West, 116.67 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

North 00 degrees 38 minutes 26 seconds West, 981.99 feet to a one-half inch iron rod found at the northeast corner of that called 37.277 acre tract of land described in deed to Marvin and Cathy Wilkins as recorded in Volume 1558, Page 1280, Official Public Records of Ellis County, Texas;

South 89 degrees 29 minutes 11 seconds West, 2,503.12 feet along the north line of said 37.277 acre tract to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said 398.961 acre tract, said point being in the east line of that called 0.302 acres acre tract of land described in deed to Rickie C. and Sandra Herron as recorded in Document Number 2005238, Official Public Records of Ellis County, Texas;

THENCE along the west line of said 398.961 acre tract as follows:

North 01 degrees 22 minutes 23 seconds West, 448.73 feet to a one-half inch iron rod with cap stamped "4466" found at the northeast corner of a tract of land described in deed to Marvin Wilkins as recorded in Volume 2216, Page 1035, Official Public Records of Ellis County, Texas;

South 89 degrees 20 minutes 49 seconds West, 204.09 feet along the north line of said Wilkins tract to a PK Nail set for corner in the eastern edge of Westmoreland Road;

North 00 degrees 59 minutes 37 seconds West, 1,007.93 feet along the eastern edge of Westmoreland Road to a PK Nail set for corner at the east edge of road;

North 89 degrees 59 minutes 46 seconds East, 1,744.47 feet to a one-half inch iron rod with cap stamped "4466" found at the southeast corner of Lot 2, Huguley Addition, an addition to Ellis County as recorded in Cabinet G, Slide 296, Official Public Records of Ellis County, Texas;

North 00 degrees 28 minutes 08 seconds West, 102.58 feet along the east line of said Lot 2 to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being the southwest corner of that called 129.875 acre tract of land described in deed to First Texas Homes, Inc. as recorded in Instrument Number 2021-2107893, Official Public Records of Ellis County, Texas;

SCALE:  
1" = 1000'

DATE  
09/15/2023

DRAWN  
RV

PROJECT  
BBC008

**JBI**  
**PARTNERS**

2821 Midway Road  
Suite 300  
Carrollton, Texas 75006  
972.248.7878  
TDPE No. F-438  
TDPLS No. 10078000

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**EXHIBIT A**  
**269.176 ACRES**  
**CSAS 269 LP PROPERTY**  
**PAGE 2 OF 3**

**LEGAL DESCRIPTION CONTINUED**  
**(269.176 ACRES)**

THENCE South 89 degrees 27 minutes 46 seconds East, 3,555.56 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner in the east line of said 398.961 acre tract, said point being the southeast corner of said 129.875 acre tract, said point also being in the west line of a 30 foot right-of-way dedication dedicated by Chapman Ranch, Phase 3 plat, an addition to Ellis County as recorded in Volume F, Page 54, Official Public Records of Ellis County, Texas;

THENCE along the east line of said 398.961 acre tract as follows:

South 01 degrees 31 minutes 11 seconds East, 977.52 feet to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said 30 foot wide right-of-way dedication;

North 88 degrees 47 minutes 50 seconds East, 1,348.69 feet to a one-half inch iron rod with yellow cap stamped "JBI" set in the west line of that called 75.419 acre tract of land described in deed to AK Gray, LP as recorded in Volume 2717, Page 1093, Official Public Records of Ellis County, Texas;

South 01 degrees 19 minutes 18 seconds East, 294.72 feet to a one-half inch iron rod found at the southwest corner of said 75.419 acre tract, said point also being the northwest corner of that called 10.011 acre tract of land described in deed to Joel Gonzalez and wife, Alma Gonzalez as recorded in Volume 1955, Page 1149, Official Public Records of Ellis County, Texas;

South 01 degrees 05 minutes 43 seconds East, 333.79 feet to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said Gonzalez tract, said point also being the northwest corner of that called 10.011 acre tract of land described in deed to Jose Galvan and wife, Martha Galvan as recorded in Volume 1840, Page 2398, Official Public Records of Ellis County, Texas;

South 01 degrees 20 minutes 01 seconds East, 333.94 feet to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said Galvan tract, said point also being the northwest corner of that called 10.011 acre tract of land described in deed to Rickey Cate as recorded in Document Number 1720563, Official Public Records of Ellis County, Texas;

South 01 degrees 17 minutes 30 seconds East, 334.02 feet to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said Cate tract, said point also being the northwest corner of that called 10.013 acre tract of land described in deed to David and Anali Zuniga as recorded in Volume 2795, Page 192, Official Public Records of Ellis County, Texas;

South 01 degrees 21 minutes 38 seconds East, 334.12 feet to a one-half inch iron rod with cap stamped "4466" found at the southwest corner of said Zuniga tract, said point being the northwest corner of that called 10.011 acre tract of land described in deed to Rickey Lewis as recorded in Volume 1979, Page 2375, Official Public Records of Ellis County, Texas;

South 01 degrees 20 minutes 58 seconds East, 798.66 feet to the POINT OF BEGINNING and containing 11,725.316 acres or 269.176 acres of land.

<sup>1</sup>This document was prepared under 22 TAC 663.23, does not reflect the results of or on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

SCALE 1" = 1000'	DATE 09/15/2023	DRAWN RV	PROJECT BBC008	<b>JBI</b> PARTNERS 2121 Midway Road Suite 300 Carrollton, Texas 75006 972.248.7878 TDP# No. F438 TDP# No. 10070000
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(5g)

**EXHIBIT "B-1"**

**DEPICTION OF AREA TO BE REMOVED FROM THE EXTRATERRITORIAL  
JURISDICTION**

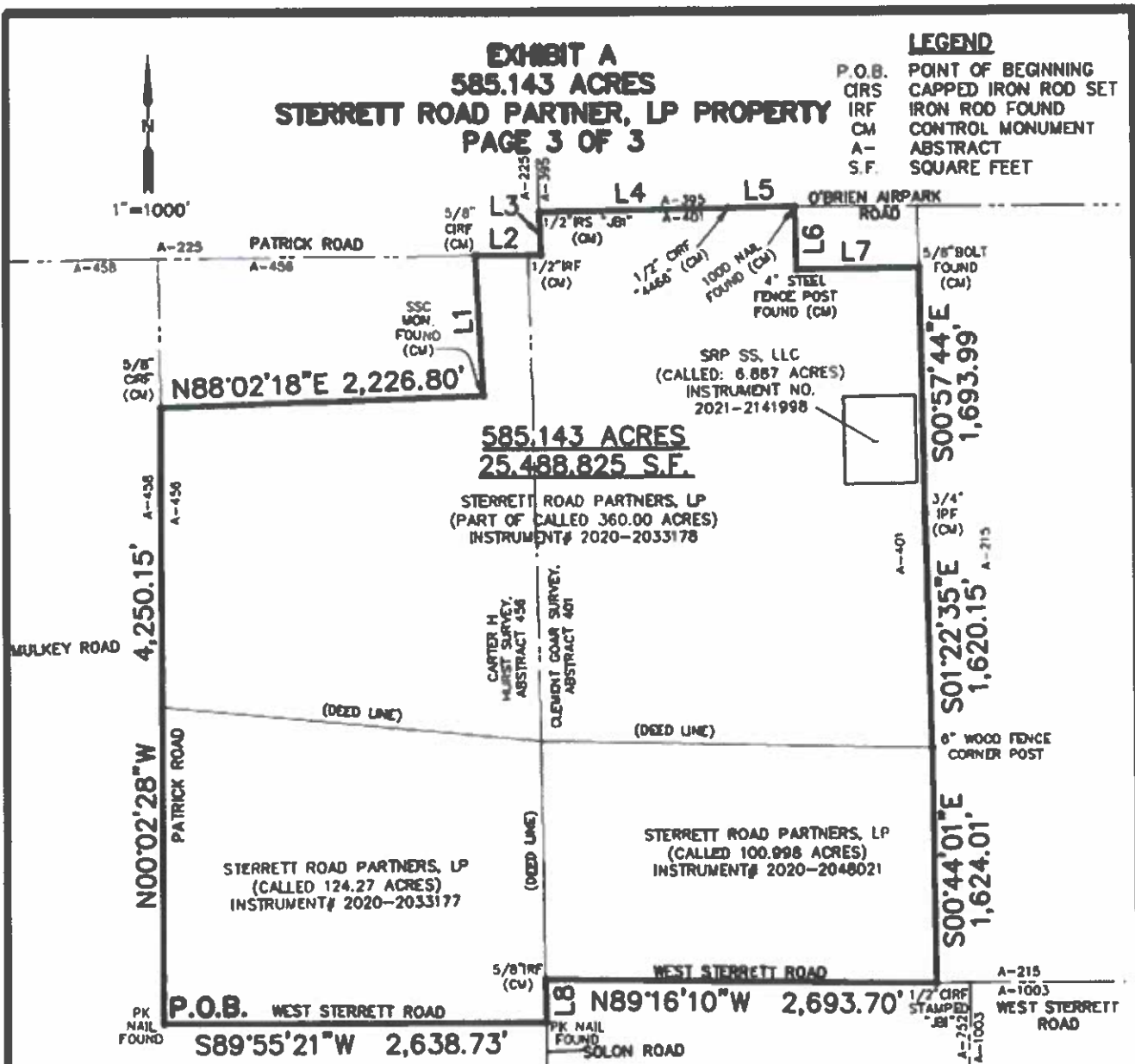
**[Please See Attached]**



(59)

**EXHIBIT A**  
**585.143 ACRES**  
**STERRETT ROAD PARTNER, LP PROPERTY**  
**PAGE 3 OF 3**

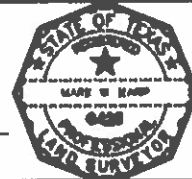
**LEGEND**  
P.O.B. POINT OF BEGINNING  
CIRS CAPPED IRON ROD SET  
IRF IRON ROD FOUND  
CM CONTROL MONUMENT  
A- ABSTRACT  
S.F. SQUARE FEET



LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	N3°02'22\"W	972.41'	L3	N2°01'41\"W	298.17'	L5	N88°36'44\"E	453.35'	L7	N89°11'33\"E	849.87'
L2	N89°32'34\"E	459.23'	L4	N89°00'40\"E	1305.85'	L6	S1°18'31\"E	437.42'	L8	S1°06'57\"E	298.11'

\*This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

MARK W. HARP, R.P.L.S. NO. 6425  
SEPTEMBER 15, 2023



SCALE:

1" = 1000'

DATE

09/15/2023

DRAWN

mwh

PROJECT

BBC008

**JBIPARTNERS**

2121 Midway Road  
Suite 300  
Carrollton, Texas 75006  
972.248.7878  
TBPE No. F-438  
TBPL No. 10578000

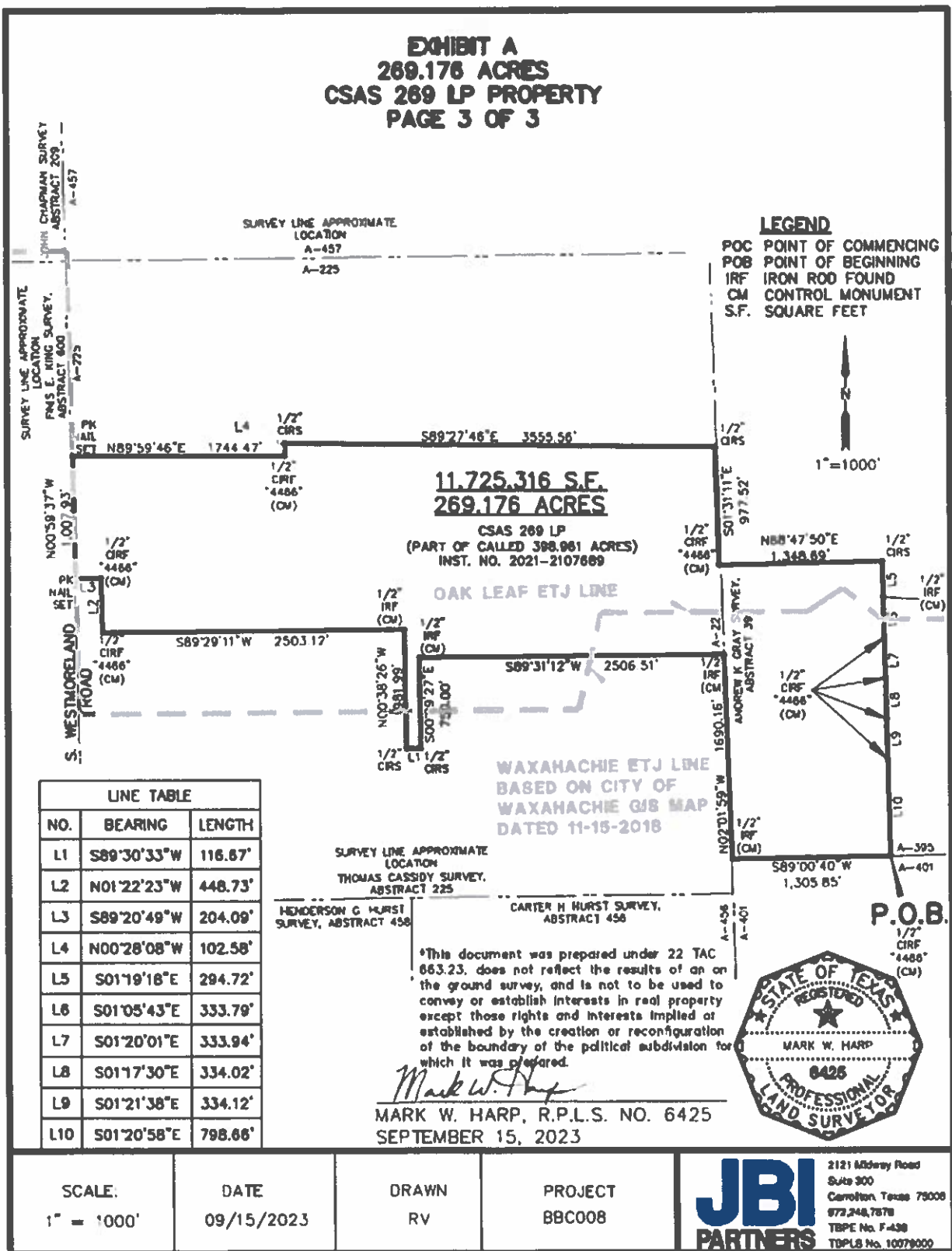
(5q)

**EXHIBIT "B-2"**

**DEPICTION OF AREA TO BE REMOVED FROM THE EXTRATERRITORIAL  
JURISDICTION**

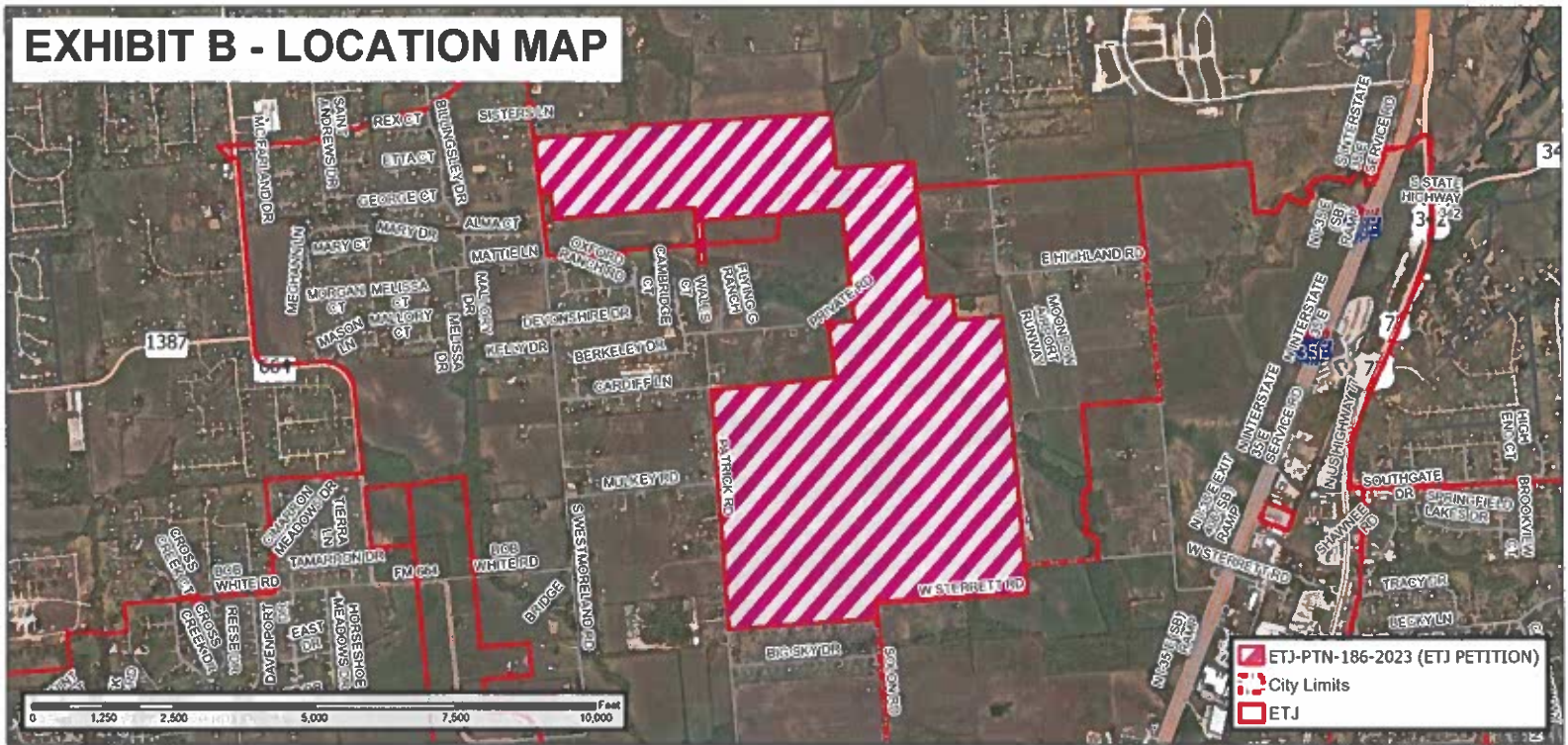
**[Please See Attached]**

**EXHIBIT A  
269.176 ACRES  
CSAS 269 LP PROPERTY  
PAGE 3 OF 3**



(5g)

## EXHIBIT B - LOCATION MAP



# Planning & Zoning Department

## Petition for ETJ Release

**Case: ETJ-PTN-187-2023**



### MEETING DATE(S)

City Council:

December 18, 2023

### CAPTION

**Consider** proposed Ordinance approving a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a **Petition for ETJ Release** for approximately 479.381 acres, located directly west of 813 Windham Road (Property ID 138308, 188546, 190063, 297156) – Owners: Wax 480 Partners, LLC and BBCP FTW 117, LLC (ETJ-PTN-187-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-187-2023, a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 479.381 acres, located directly west of 813 Windham 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

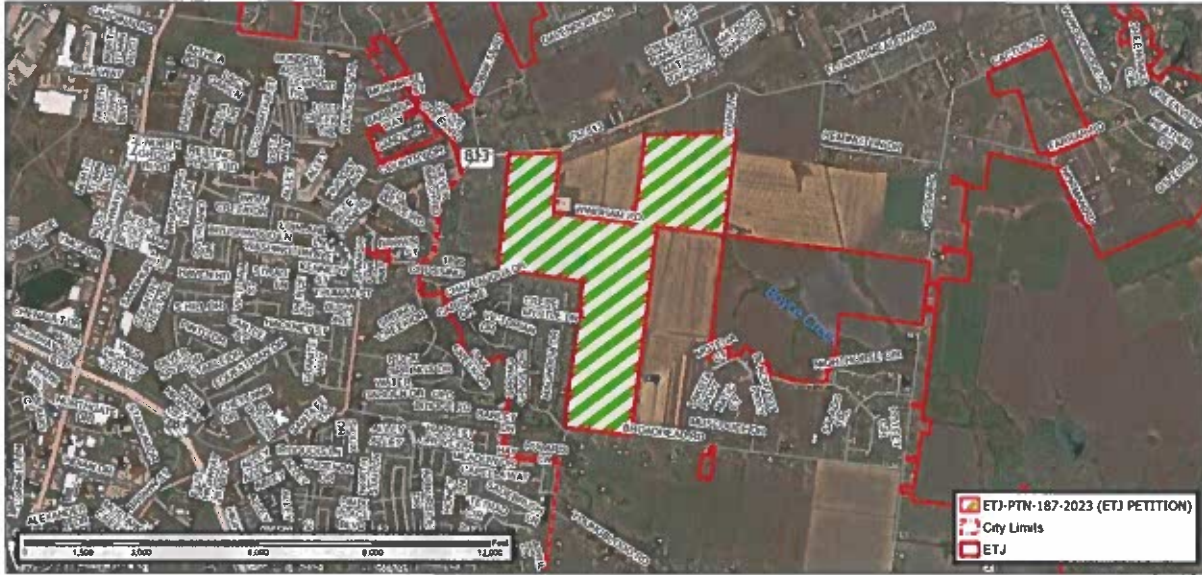
<b>Applicant:</b>	Clayton Snodgrass, Bluebonnet Capital Partners
<b>Property Owner(s):</b>	Wax 480 Partners, LLC and BBCP FTW 117, LLC
<b>Site Acreage:</b>	479.381 acres
<b>Number of Lots:</b>	4 lots
<b>Number of Dwelling Units:</b>	0 units

### SUBJECT PROPERTY

<b>General Location:</b>	Located west of 813 Windham Road
<b>Parcel ID Number(s):</b>	138308, 188546, 190063, 297156
<b>Current Zoning:</b>	ETJ
<b>Existing Use:</b>	Undeveloped land
<b>Platting History:</b>	The subject property was not previously platted.
<b>CCN Service Area:</b>	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 December 18, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

### **STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

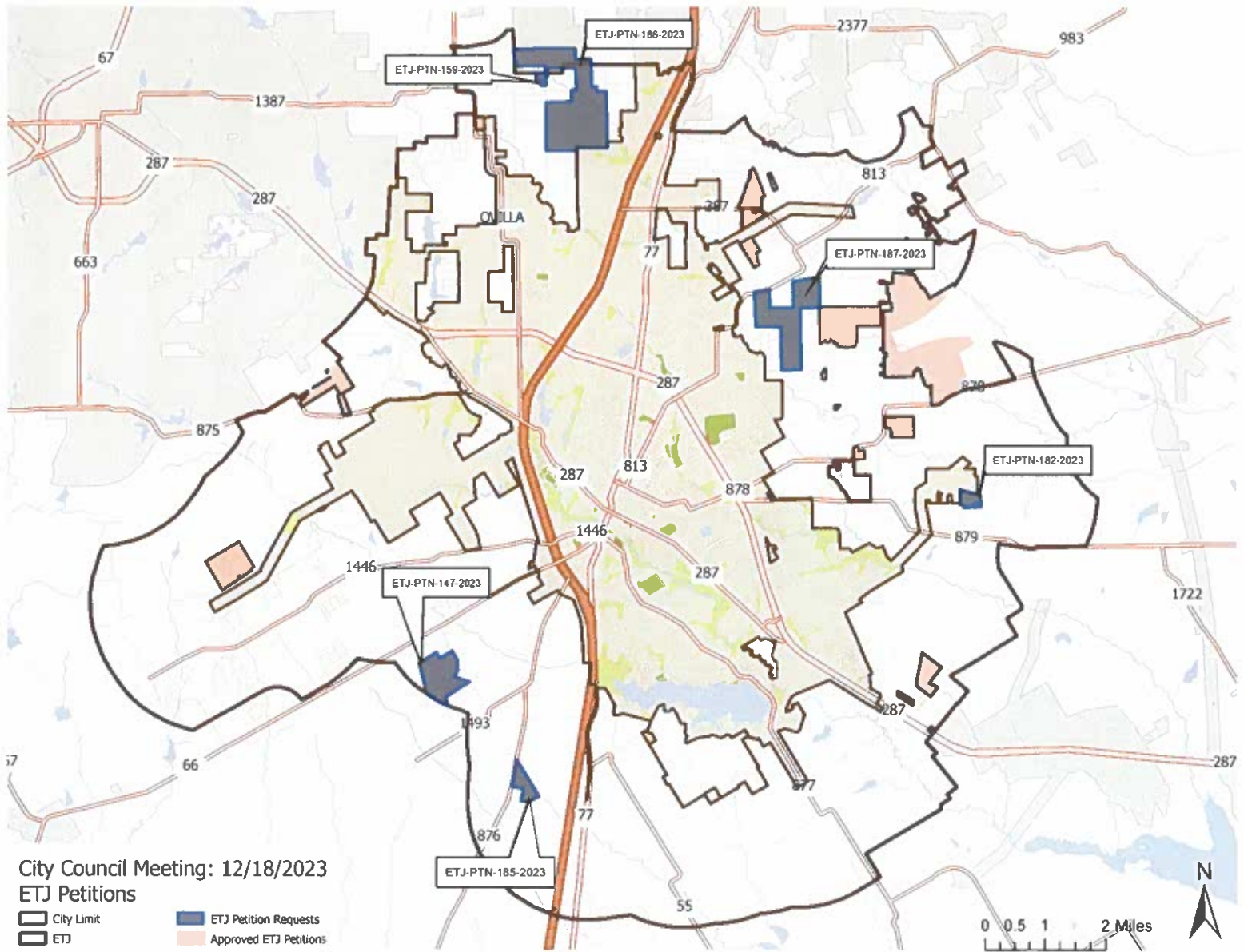
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(5h)



(5h)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 479.381 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 813 WINDHAM ROAD, KNOWN AS PROPERTY ID 138308, 188546, 190063, 297156, 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, case number ETJ-PTN-187-2023, 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(5h)

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE  
EXTRATERRITORIAL JURISDICTION**

**[Please See Attached]**

**LEGAL DESCRIPTION**

**(472.494 ACRES)**

BEING a tract of land located in Ellis County, being a part of the Nathan M. Newsome Survey, Abstract No. 801, being a part of the Elizabeth Rice Survey, Abstract No. 927, being a part of the Conrad Travis Survey, Abstract No. 1079, and being a part of that called 479.58 acre tract of land described in deed to WAX 480 PARTNERS LLC, as recorded in Instrument Number 2129155, Official Public Records of Ellis County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod found at the most northly northwest corner of said 479.58 acre tract, said point being the northeast corner of Lot 1, Block A, Mitchell Estates, an addition to Ellis County, Texas, as recorded in Cabinet I, Page 295, Official Public Records of Ellis County, Texas, said point also being in the south right-of-way line of F.M. Highway 813;

THENCE along the north line of said 479.58 acre tract and the south right-of-way line of F.M. Highway 813 as follows:

North 80 degrees 28 minutes 05 seconds East, 1,132.46 feet to a one-half inch iron rod with yellow cap stamped "GSW Surveyors" found for corner;

Northeasterly, 217.43 feet along a curve to the left, having a central angle of 14 degrees 30 minutes 40 seconds, a radius of 858.51 feet, a tangent of 109.30 feet, and whose chord bears North 73 degrees 11 minutes 56 seconds East, 216.85 feet to a one-half inch iron rod with yellow cap stamped "GSW Surveyors" found for corner, said point being approximately 2.5 feet west from the west edge of asphalt pavement for Windham Road;

THENCE along an east, south and west line of said 479.58 acre tract of land as follows:

South 01 degrees 27 minutes 36 seconds East, 1,591.30 feet to a one-half inch iron rod found for corner, said point being approximately 6.4 feet west from the projected west edge of pavement line for the portion of Windham Road that goes north/south and approximately 9.9 feet north of the projected north edge of pavement line for the portion of Windham Road that goes east/west;

North 89 degrees 25 minutes 38 seconds East, 941.61 feet to a one-half inch iron rod with cap stamped "4466" found for corner, said point being approximately north 6.7 feet from the north edge of pavement for Windham Road;

North 89 degrees 18 minutes 53 seconds East, 1,136.31 feet to a one-half inch iron rod with yellow cap stamped "GSW Surveyors" found for corner, said point being the southeast corner of that called 18.999 acre tract of land described in deed to Jaspinder Singh and Kulwant Cheema as recorded in Volume 2358, Page 2299, Official Public Records of Ellis County, Texas,

(5h)

said point also being approximately north 3.7 feet from the north edge of pavement for Windham Road;

North 00 degrees 47 minutes 45 seconds West, 2,303.14 feet to a one-half inch iron rod found for corner, said point being in the west line of that called 24.890 acre tract of land described in deed to Jaspinder Singh and Gurpreet Singh as recorded in Volume 2349, Page 1232, Official Public Records of Ellis County, Texas, said point also being the southwest corner of that called 47.915 acre tract of land described in deed to Charles H. Lyon and Mary C. Lyon as recorded in Volume 483, Page 404, Official Public Records of Ellis County, Texas;

North 80 degrees 16 minutes 56 seconds East, 2,368.36 feet along the south line of said 47.915 acre tract to a one-half inch iron rod found for corner, said point being the most northerly northeast corner of said 479.58 acre tract, said point being in the west line of that tract of land described in deed to Charles H. Lyon and Mary C. Lyon as recorded in Volume 604, Page 806, Official Public Records of Ellis County, Texas, said point also being in the approximate centerline of Lyon Lane;

THENCE along the east line of said 479.58 acre tract as follows:

South 00 degrees 59 minutes 09 seconds East, 2,687.79 feet to a five-eighths inch iron rod with cap stamped "PETTIT" found for corner, said point being the southwest corner of that tract of land described in deed to Joseph Maxwell as recorded in Volume 2747, Page 635, Official Public Records of Ellis County, Texas, said point being in the north line of that called 430.52 acre tract of land described in deed to Jack Frank Price as recorded in Volume 1047, Page 788, Official Public Records of Ellis County, Texas, said point also being at the approximate centerline intersection of Lyon Lane and Windham Road;

South 89 degrees 19 minutes 24 seconds West, 1,742.43 feet along the approximate centerline of Windham Road to a one-half inch iron rod found for corner, said point being the northwest corner of said 430.52 acre tract;

South 00 degrees 55 minutes 28 seconds East, at 22.37 feet passing a T-Post with PVC Pipe, and at 2,682.06 feet passing a T-Post with PVC Pipe, in all a total distance of 2,721.88 feet to a one-half inch iron rod with yellow cap stamped "GSW Surveyors" found for corner in the west line of said 430.52 acre tract;

South 00 degrees 40 minutes 05 seconds East, 2,721.42 feet to a 100 D Nail found for corner, said point being the most southerly southeast corner of said 479.58 acre tract, said point being the southwest corner of said 430.52 acre tract, said point also being in the asphalt pavement of Broadhead Road;

THENCE South 88 degrees 54 minutes 21 seconds West, at 1,517.32 feet passing a one-half inch iron rod called reference point in the asphalt pavement Broadhead Road, in all a total distance of 1,717.13 feet to a point for corner in Grove Creek, said point being the most southerly southwest corner of said 479.58 acre tract, said point also being the southeast corner of Lot 1, Block C, Spring Creek Grove, Phase 1, an addition to Ellis County, Texas, as recorded in Cabinet C, Slide 706, Official Public Records of Ellis County, Texas;

THENCE along the west line of said 479.58 acre tract as follows:

North 00 degrees 33 minutes 52 seconds West, 556.59 feet to a one-half inch iron rod found for corner, said point being the northeast corner of said Lot 1, Block C, said point also being the southeast corner of Lot 4, Block C, Spring Creek Grove, Phase II, an addition to Ellis

(5h)

County, Texas, as recorded in Cabinet D, Slide 395, Official Public Records of Ellis County, Texas;

North 01 degrees 23 minutes 44 seconds West, 139.62 feet to a one-half inch iron rod found for corner, said point being the northeast corner of said Lot 4, Block C, said point also being the southeast corner of Lot 5, Block C, of said Spring Creek Grove, Phase II Addition;

North 01 degrees 17 minutes 25 seconds West, 870.32 feet to a one-half inch iron rod found for corner, said point being the northeast corner of Lot 10, Block C, of said Spring Creek Grove, Phase II Addition, said point also being in the south line of Lot 11, Block C, Spring Creek Grove, Phase III, an addition to Ellis County, Texas, as recorded in Cabinet G, Slide 18, Official Public Records of Ellis County, Texas;

North 88 degrees 27 minutes 41 seconds East, 13.77 feet to a one-half inch iron rod found at the southeast corner of said Lot 11, Block C;

North 00 degrees 33 minutes 17 seconds West, 1,353.23 feet to a one-half inch iron rod with cap stamped "4466" found for corner, said point being the northeast corner of Lot 19, Block C, Spring Creek Grove, Phase IV, an addition to Ellis County, Texas, as recorded in Cabinet G, Slide 196, Official Public Records of Ellis County, Texas, said point being the southeast corner of Lot 20, Block C, of said Spring Creek Grove, Phase IV Addition, said point also being the southwest corner of that called 0.26 acre tract of land described in deed to Rockett S.U.D. as recorded in Volume 1504, Page 978, Official Public Records of Ellis County, Texas;

South 67 degrees 59 minutes 46 seconds East, 86.21 feet to a one-half inch rod found at the southeast corner of said 0.26 acre tract;

North 00 degrees 36 minutes 25 seconds West, 141.03 feet to a one-half inch rod found at the northeast corner of said 0.26 acre tract;

North 67 degrees 56 minutes 25 seconds West, 85.89 feet to a one-half inch rod found at the northwest corner of said 0.26 acre tract, said point being in the east line of said Lot 20, Block C;

North 00 degrees 32 minutes 27 seconds West, 731.56 feet to a one-half inch iron pipe found for corner, said point being an interior ell corner of said 479.58 acre tract, said point also being the northeast corner of Lot 22, Block C, of said Spring Creek Grove, Phase IV Addition;

THENCE along a south line of said 479.58 acre tract as follows:

North 89 degrees 29 minutes 41 seconds West, 1,514.97 feet to a one-half inch iron rod found for corner, said point being the northwest corner of Lot 11, Block E, of said Spring Creek Grove, Phase IV Addition, said point also being the north corner of Lot 32, Block 2, Spring Creek Crossing Phase 1, an addition to Ellis County, Texas, as recorded in Cabinet B, Slide 75, Official Public Records of Ellis County, Texas;

South 89 degrees 47 minutes 27 seconds West, 736.96 feet to a one-half inch iron rod found for corner, said point being the most westerly southwest corner of said 479.58 acre tract, said point being in the north line of Lot 36, Block 2, of said Spring Creek Crossing Phase 1 Addition, said point also being the southeast corner of that called 30.024 acre tract of land described in deed to Double T. Scarlett, LTD as recorded in Volume 1462, Page 135, Official Public Records of Ellis County, Texas;

THENCE North 02 degrees 17 minutes 49 seconds West, 2,997.85 feet along the west line of said 479.58 acre tract to the POINT OF BEGINNING and containing 20,881,843 square feet or

(5h)

479.381 acres of land.

**SAVE AND EXCEPT TRACT  
(6.887 ACRES)**

BEING a tract of land located in Ellis County, being a part of the Nathan M. Newsome Survey, Abstract No. 801, and being all of that called 6.887 acre tract of land described in deed to BBCP FTW 117 LLC as recorded in Instrument Number 2244213, Official Public Records of Ellis County, Texas and being further described as follows:

COMMENCING at a five-eighths inch iron rod with cap stamped "PETTIT" found for corner, said point being the most easterly southeast corner of that called 479.58 acre tract of land described in deed to WAX 480 PARTNERS LLC, as recorded in Instrument Number 2129155, Official Public Records of Ellis County, Texas, said point being the southwest corner of that tract of land described in deed to Joseph Maxwell as recorded in Volume 2747, Page 635, Official Public Records of Ellis County, Texas, said point being in the north line of that called 430.52 acre tract of land described in deed to Jack Frank Price as recorded in Volume 1047, Page 788, Official Public Records of Ellis County, Texas, said point also being at the approximate centerline intersection of Lyon Lane and Windham Road;

THENCE North 35 degrees 02 minutes 50 seconds West, 863.46 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the northeast corner of said 6.887 acre tract, said point also being the POINT OF BEGINNING of this tract of land;

THENCE South 00 degrees 40 minutes 35 seconds East, 600.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the southeast corner of said 6.887 acre tract;

THENCE South 89 degrees 19 minutes 25 second West, 500.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the southwest corner of said 6.887 acre tract;

THENCE North 00 degrees 40 minutes 35 seconds West, 600.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the northwest corner of said 6.887 acre tract;

THENCE North 89 degrees 19 minutes 25 seconds East, 500.00 feet to the POINT OF BEGINNING and containing 300,000 square feet or 6.887 acres of land.

**BASIS OF BEARING:** The basis of bearing is based on the coordinate system (North Central Zone 4202 state plane coordinates, NAD83), distances shown hereon are grid distance values.



(5h)



(51)



## Memorandum

To: Honorable Mayor and City Council  
From: Amber Villarreal, City Secretary  
Thru: Michael Scott, City Manager  
Date: December 18, 2023  
Re: Mobile Home License Renewal

**Recommended Motion:** "I move to approve the Mobile Home License renewals for January 1, 2024-December 31, 2024 as presented."

**Item Description:** Consider the annual renewal of Mobile Home Licenses for January 1, 2024-December 31, 2024.

**Item Summary:** Per Ordinance 0950, City Council approves Mobile Home Licenses annually. The fee for yearly renewal applications on each mobile home park shall be one dollar (\$1.00) per mobile home lot which is to be licensed; provided, however, that if any additional lots are to be added to the license, the same license fee shall be charged as for an initial license. The City Secretary's Office received the following renewals for January 1, 2024-December 31, 2024:

**MOBILE HOME PARK**

**NO. OF LOTS**

Grand Avenue Mobile Home M.H.C.  
312 N. Grand Avenue Trl.  
Waxahachie, Texas 75165

32

Vista Hills MHC, LTD.  
290 S. IH 35 East  
Waxahachie, TX 75165

275

Granite Pine Meadow Estates  
3455 South Interstate Highway 35E  
Waxahachie, Texas 75165

180



(5j)

## Memorandum

To: Honorable Mayor and City Council

From: April Ortiz, Director – Civic Center

Thru: Michael Scott, City Manager

Date: December 13, 2023

Re: Consider Approving a Service Agreement for an HVAC Compressor Replacement and Authorizing a Supplemental Appropriation to the FY23-24 Civic Center Budget

**Motion:** "I move to approve the service agreement from Daikin in the amount of \$69,651.77, and authorize a supplemental appropriation in the amount of \$76,620 as presented by staff, and authorize the City Manager to execute all necessary documents."

**Item Description:** Staff is recommending approving a proposal with Daikin in the amount of \$69,651.77, and authorizing a supplemental appropriation to the FY23-24 Civic Center budget in the amount of \$76,620, which includes a 10% contingency above the proposal amount, to cover any costs associated with replacing refrigerant lost during the installation process or any additional repairs needed for the electrical components related to the compressor.

**Item Summary:** The Civic Center has two McQuay magnetic bearing chillers as part of the HVAC chilled water system. The compressor in chiller #2 is not working, and has a fault alarm that will not reset. Daikin has performed tests and pulled the data from the computer for the compressor in chiller #2 and is recommending replacing the compressor due to it being demagnetized. It is important to note that normally the two chiller systems would cycle back and forth when both are working. Having chiller #2 non-operational is adding additional workload to chiller #1.

Staff solicited proposals for the replacement of the damaged HVAC compressor and were received as follows:

(5j)

- Moses Mechanical – No Bid
- Texas Air – No Bid
- Daikin (McQuay) - \$69,651.77

Daikin is identified as the best-value for the replacement of the compressor in the amount of \$69,651.77. The replacement of major HVAC components is within the Civic Center's Capital Improvement Plan, but not programmed until FY25. This replacement would be considered part of the FY25 assessment, but due to its current condition it needs to be replaced this year. Additionally, the lead time is currently less than 30 days and would require staff to coordinate installation around the schedule of events.

**Fiscal Impact:** The proposed supplemental appropriation would increase the GL account 208-520-54310 – Maintenance, Building (Upkeep) by \$76,620. The Waxahachie Community Development Corporation's unrestricted fund balance has sufficient capacity to cover the supplemental appropriation request.

**WCDC:** Please note that this item was presented to the WCDC Board on December 12, 2023 and it was approved unanimously

(7)

## Planning & Zoning Department Zoning Staff Report

Case: ZDC-82-2023



### MEETING DATE(S)

Planning & Zoning Commission:  
City Council:

December 12, 2023  
December 18, 2023

### CAPTION

**Public Hearing** on a request by Stephen Lin, P.E., CDS Muery, for a **Specific Use Permit (SUP)** for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage use (Holt CAT) within a Light Industrial-1 (LI-1) zoning district located at 550 Austin Road (Property ID: 254632) – Owner: PC5 Properties LLC (ZDC-82-2023) Staff: Zack King

### RECOMMENDED MOTION

*"I move to approve ZDC-82-2023, a Specific Use Permit for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage use, subject to the conditions the staff report."*

### ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on December 12, 2023, the Commission voted 5-0 to recommend approval of case number ZDC-82-2023, subject to the conditions of the staff report.

### APPLICANT REQUEST

The applicant requests a Specific Use Permit (SUP) to allow for a dedicated Outside Storage use and a Heavy Machinery and Equipment, Rental, Sales, or Storage use.

### CASE INFORMATION

<b>Applicant:</b>	Stephen Lin, P.E., CDS Muery
<b>Property Owner(s):</b>	PC5 Properties LLC
<b>Site Acreage:</b>	22.585 acres
<b>Current Zoning:</b>	Light Industrial-1 with SUP for Outside Storage (LI-1 w/SUP)
<b>Requested Zoning:</b>	Light Industrial-1 with SUP for Outside Storage and Heavy Machinery and Equipment, Rental, Sales or Storage (LI-1 w/SUP)

### SUBJECT PROPERTY

<b>General Location:</b>	550 Austin Road
<b>Parcel ID Number(s):</b>	254632
<b>Existing Use:</b>	The property is currently occupied by Austin Bridge & Road
<b>Development History:</b>	The SUP for Outside Storage on the subject property was approved in 2009 with Ordinance 2536. The subject property was platted in 2011.



**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	Future Development (FD)	Undeveloped
East	Light Industrial-1 (LI-1)	Undeveloped
South	Light Industrial-1 (LI-1)	J&G Concrete Products – Batch Plant
West	Planned Development - Light Industrial-1 (PD-LI-1)	Undeveloped

**Future Land Use Plan:** Industrial

**Comprehensive Plan:** Industrial uses vary from the technology industry to manufacturing. The designated locations for heavier industrial uses are intended to keep them away from residential categories. These are located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking is encouraged to be placed behind structures to keep these areas more readily able to redevelop into more urban places over time. When uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

**Thoroughfare Plan:** The subject property is accessible via Austin Road and a future connection to Solon Road.

**Site Image:****PLANNING ANALYSIS****Purpose of Request:**

The applicant, Holt CAT, proposes a Specific Use Permit (SUP) for a dedicated Outside Storage use and a Heavy Machinery and Equipment, Rental, Sales or Storage use at 550 Austin Road. Austin Bridge and Road currently occupy an existing 5,000-square-foot office and a 16,600-square-foot maintenance building on the site. There is an existing SUP for Outside Storage on the subject property that was approved in 2009, however, the current occupant is storing construction materials outside of the area approved for use with the existing SUP. The applicant proposes to return the area used for outside storage to its original location with this SUP.



Proposed Use:

The applicant is proposing to occupy and utilize the subject property in two phases as part of this SUP request. The applicant is proposing to construct an additional 8,700 square-foot building on the subject property in Phase 1, which will be utilized for parts sales. Adequate parking is proposed to support the new building. Additionally, the applicant is proposing to expand the existing concrete area on the subject property to cover an additional 5.03 acres. This additional concrete area will be used for outside storage of heavy equipment for Holt CAT and interim storage of construction materials for Austin Bridge and Road. Phase 1 will also include minor improvements such as the installation of a monument sign, a new driveway, and equipment displays.

Phase 2 is proposed to take place in March of 2025, when Austin Bridge and Road vacates the property. At this time Holt CAT will renovate and repurpose the existing buildings on site for use as a Sales Office and Maintenance Service Building. Additionally, the applicant is proposing to improve the rear of the site with cement-stabilized gravel for use as an outside storage area during Phase 2. Typically, a concrete surface is required for all outside storage areas that will house heavy equipment. However, the applicant has demonstrated that the proposed cement-stabilized gravel is more suitable for vehicles with steel tracks than a solid concrete surface. This is due to the tendency for tracked vehicles to "chew" solid concrete during operation. Due to the intent to house steel-tracked vehicles in the rear storage area, the staff is accepting the proposed cement-stabilized gravel. Notably, the entire outside storage area used by the current occupant is located on a dirt surface.

Landscaping

The applicant is proposing to meet all landscaping requirements for the site triggered by the addition of the Parts Sales Building. The applicant is also proposing to install evergreen Eastern Red Cedar trees along the eastern and northern property lines to serve as a living screen for outside storage areas and the maintenance building. The applicant is also proposing to install evergreen shrubs on top of an existing 6' earthen berm that extends along the western property line.

Screening

The Waxahachie Zoning Ordinance requires all outside storage areas to be screened with a screening wall at least 6' in height. Additionally, the screening wall is required to be flanked by evergreen shrubs at least 3' in height. The applicant is proposing to deviate from this requirement and make use of the existing fencing on-site and new landscaping for screening purposes.

A 6' chain-link fence with 3 strands of barbed wire currently extends around the front, rear, and eastern side of the property. An earthen berm topped with a 6' ornamental metal fence extends along the western side of the property. The earthen berm, and its associated landscaping, will provide adequate screening of the outside storage area from the future Solon Road extension along the western property line of the site. With Phase 1 of the development, the applicant is proposing to replace the chain-link fence along the front of the site with a 6' ornamental metal fence. However, the applicant is proposing to keep the existing 6' chain-link fence with barb wire strands along the eastern and rear property lines.

Building Design/Facade

The applicant proposes to utilize a combination of brick, stucco, and metal R-Panel for the new Parts Sales Building. Table 1 can be referenced for a summary of the materials proposed for each facade.

Table 1: Elevation/Façade Material Breakdown

<u>EAST ELEVATION - MATERIAL CALCULATIONS:</u>			<u>WEST ELEVATION - MATERIAL CALCULATIONS:</u>		
A.	MASONRY - BRICK (590 S.F.):	20.7%	A.	MASONRY - BRICK (202 S.F.):	6.7%
B.	METAL PANEL (981 S.F.):	44.9%	B.	STUCCO - TOWER / WALL (779 S.F.):	25.9%
C.	STUCCO - TOWER / WALL (1,280 S.F.):	34.4%	C.	METAL PANEL (2,030 S.F.):	67.4%
		100%			100%
<u>SOUTH ELEVATION - MATERIAL CALCULATIONS:</u>			<u>NORTH ELEVATION - MATERIAL CALCULATIONS:</u>		
A.	MASONRY - BRICK (1,078 S.F.):	30.6%	A.	METAL PANEL (1,991 S.F.):	67.7%
B.	STUCCO - TOWERS / WALL (2,444 S.F.):	69.4%	B.	STUCCO - TOWERS / WALL (803 S.F.):	32.3%
		100%			100%

**Storage Area – Equipment Height**

The applicant has not proposed specific standards regarding the allowable height of the equipment stored or displayed on site. Staff suggests that all equipment stay in a stowed position while stored or displayed on-site.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 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 RESPONSES**

Staff has received one (1) letter of support for the SUP request.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request subject to the conditions noted below.

**Conditions:**

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The equipment stored on site shall remain in a stowed position and shall not be extended while stored on site.
3. The property owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C - Landscape Plan and maintain the required landscaping at all times.
4. The property owner shall obtain all necessary permits from the City of Waxahachie Building Department prior to construction on the subject property.

**ATTACHED EXHIBITS**

1. Letter of Support
2. Development Agreement
3. SUP Ordinance
4. Exhibit A – Location Map
5. Exhibit B – Site Plan
6. Exhibit C – Landscape Plan
7. Exhibit D – Elevation/Façade Plan
8. Exhibit E – Floor Plan
9. Exhibit F – Sign Plan
10. Exhibit G – Operational Plan
11. Concept Photos & Site Photos

**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](mailto:zking@waxahachie.com)

**Reviewed by:**

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

# LETTER OF SUPPORT

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-82-2023  
◇◇◇◇

AUSTIN INTERNATIONAL VENTURES INC  
3535 TRAVIS ST STE 300  
Dallas, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 12, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 18, 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 Stephen Lin, P.E., CDS Muery, for a **Specific Use Permit (SUP)** for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage use within a Light Industrial-1 (LI-1) zoning district located at 550 Austin Road (Property ID: 254632) – Owner: PC5 Properties LLC (ZDC-82-2023) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-82-2023

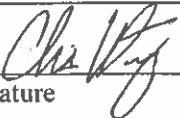
City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 6, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

  
Signature

Chris Wong, Director  
Printed Name and Title

11-29-2023  
Date

3535 TRAVIS ST., STE 300  
Address DALLAS, TX 75204

*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.*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED 550 AUSTIN ROAD, BEING PROPERTY ID 254632, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A OF THE AUSTIN INDUSTRIAL PARK SUBDIVISION, 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 LI-1; 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-82-2023. 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 LI-1 to LI-1, with a SUP in order to permit a Heavy Machinery and Equipment Rental, Sales or Storage use on the following property: Lot 1, Block A of the Austin Industrial Park subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, the Floor Plan attached as Exhibit E, the Sign Plan attached as Exhibit F, and the Operational Plan attached as Exhibit G.

### **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 HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-82-2023.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Floor Plan, Exhibit F – Sign Plan, and Exhibit G – Operational Plan.
4. The Owner 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.
5. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
6. 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.
7. 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.
8. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, the Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Floor Plan, Exhibit F – Sign Plan, and Exhibit G – Operational Plan. Where regulations are not specified in Exhibits B, C, D, E, F, G, this Zoning Ordinance, or the Development Agreement, the regulations of the Light Industrial-1 (LI-1) Zoning District shall apply to this development.
9. 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 18<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
MAYOR

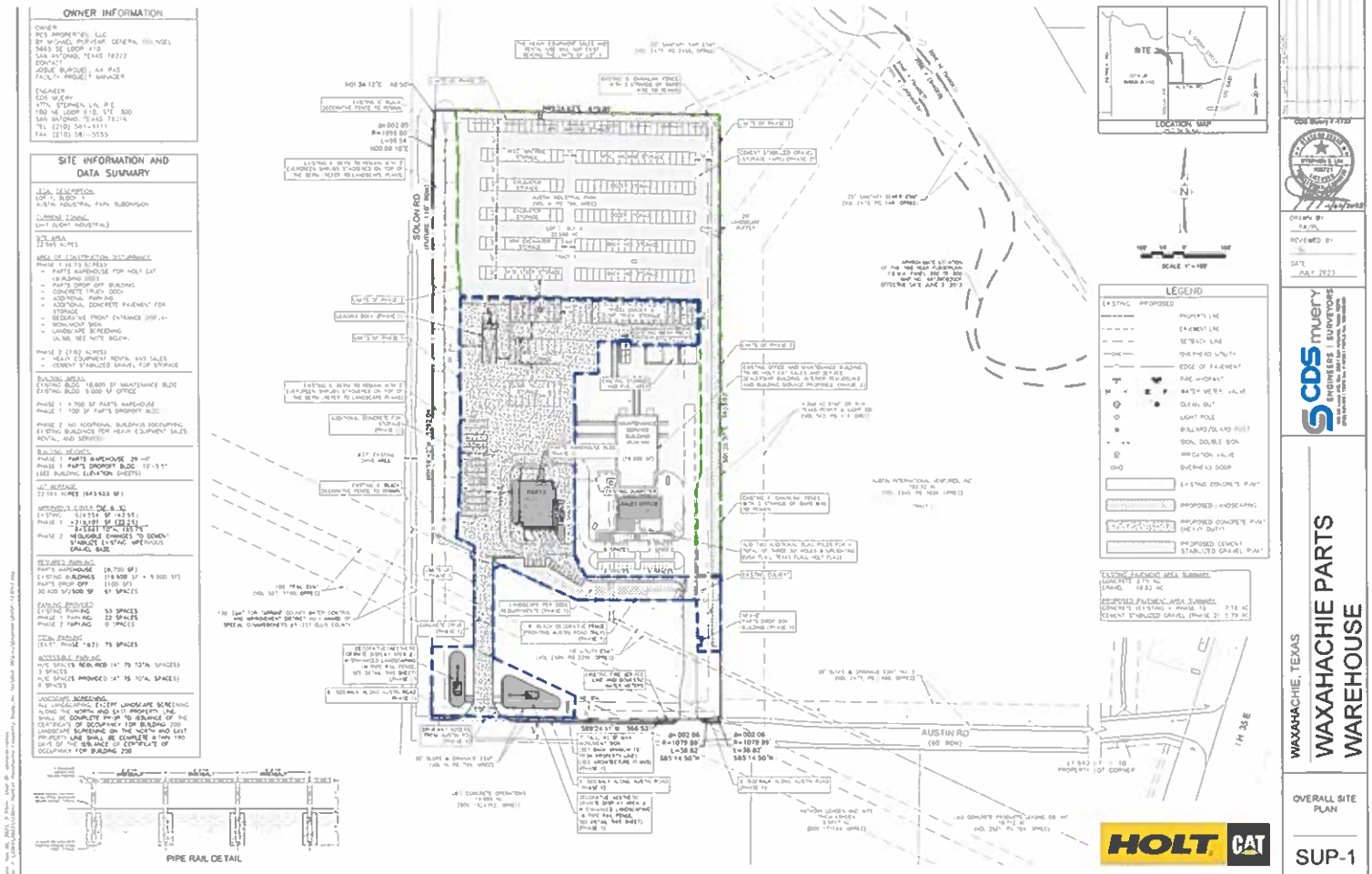
ATTEST:

\_\_\_\_\_  
City Secretary



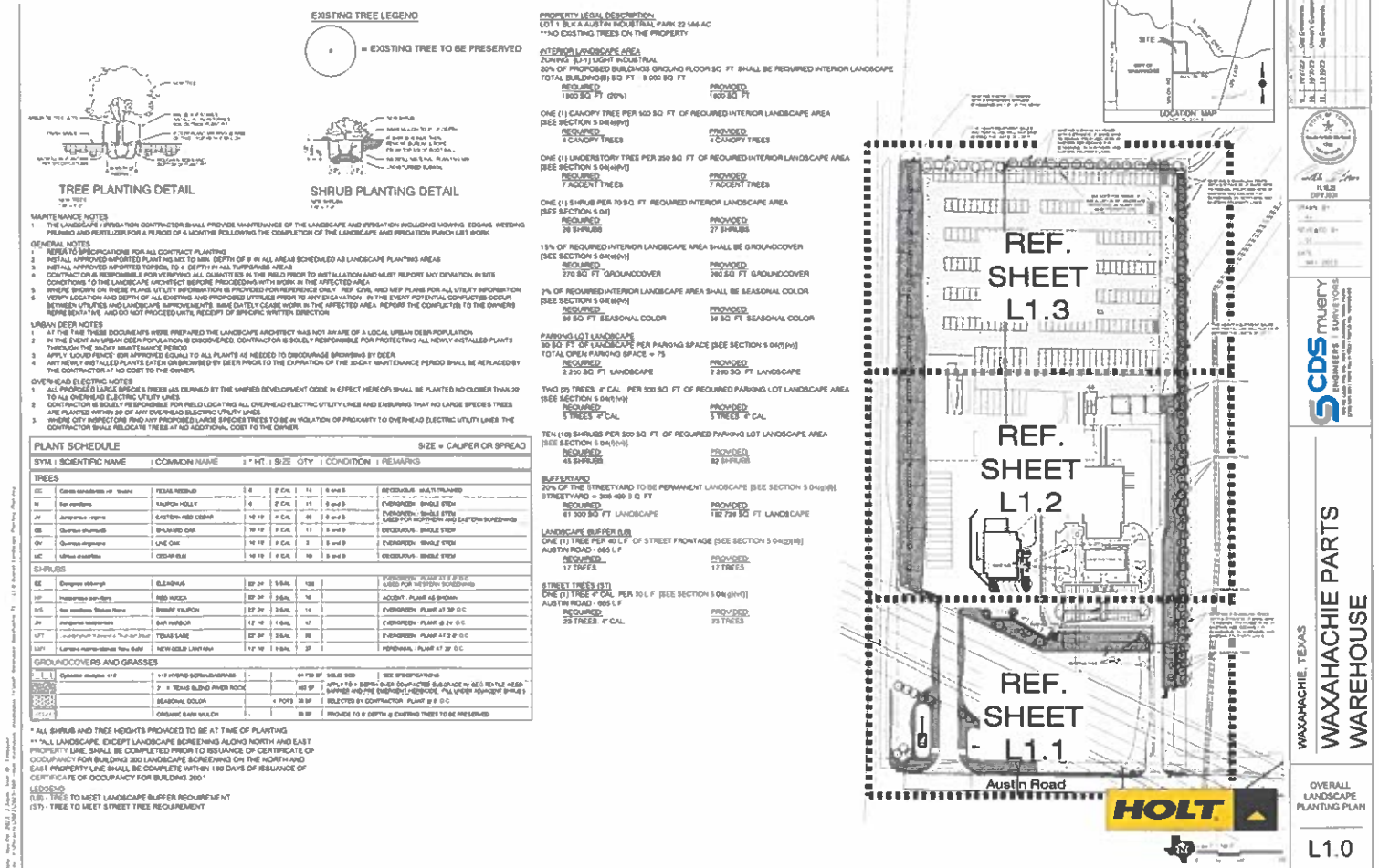


## EXHIBIT B - SITE PLAN

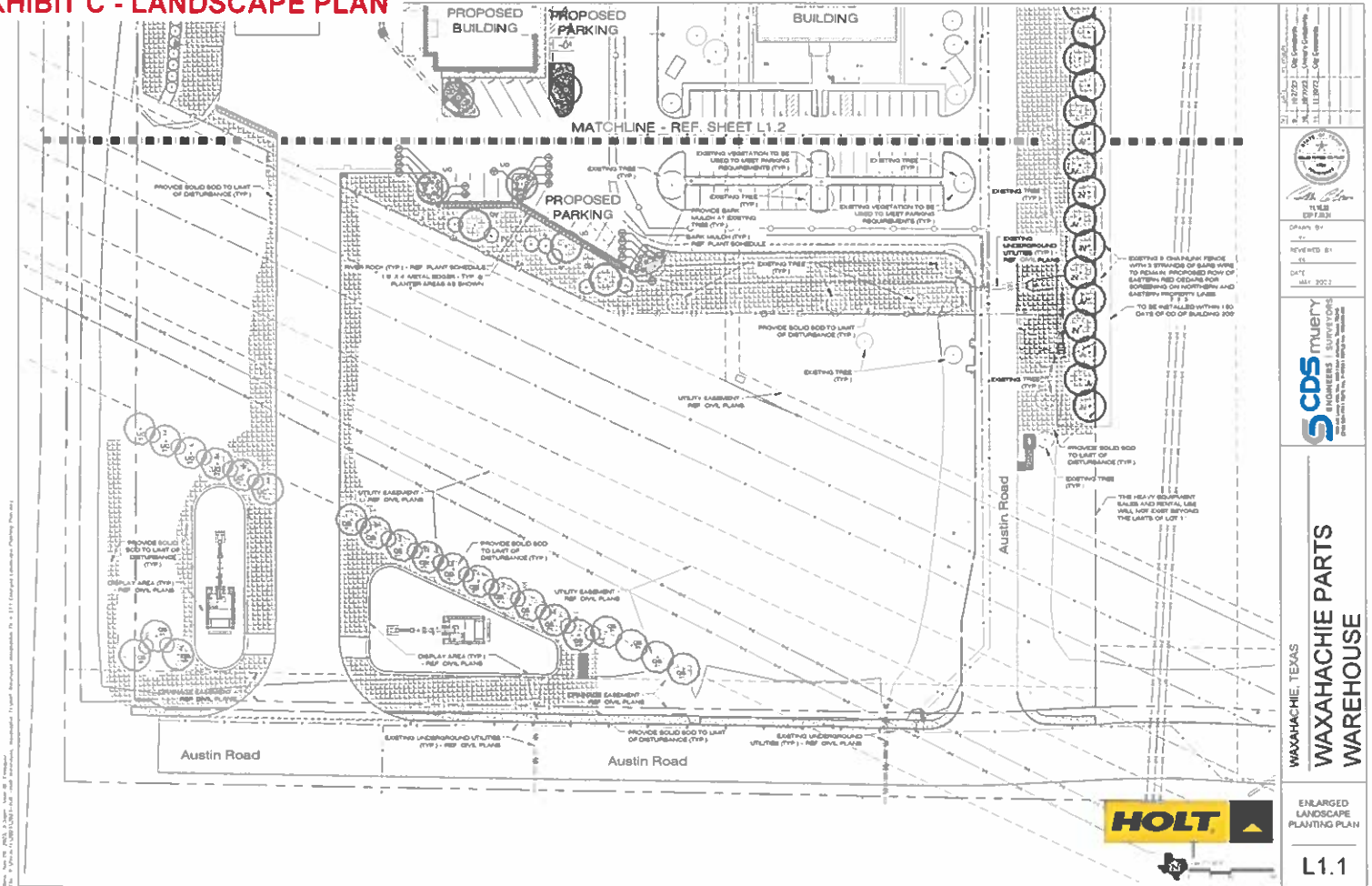


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## EXHIBIT C - LANDSCAPE PLAN

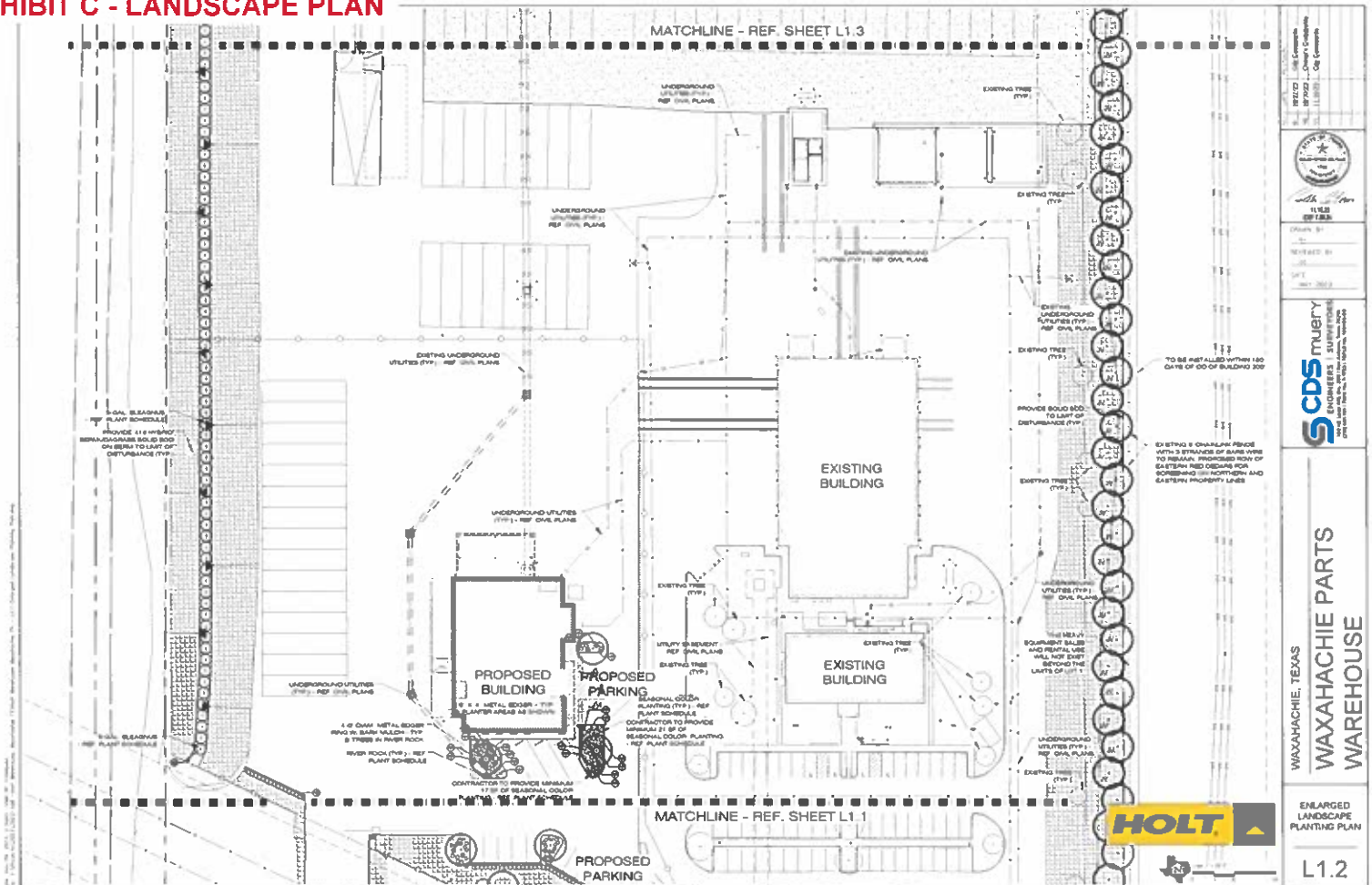


## EXHIBIT C - LANDSCAPE PLAN



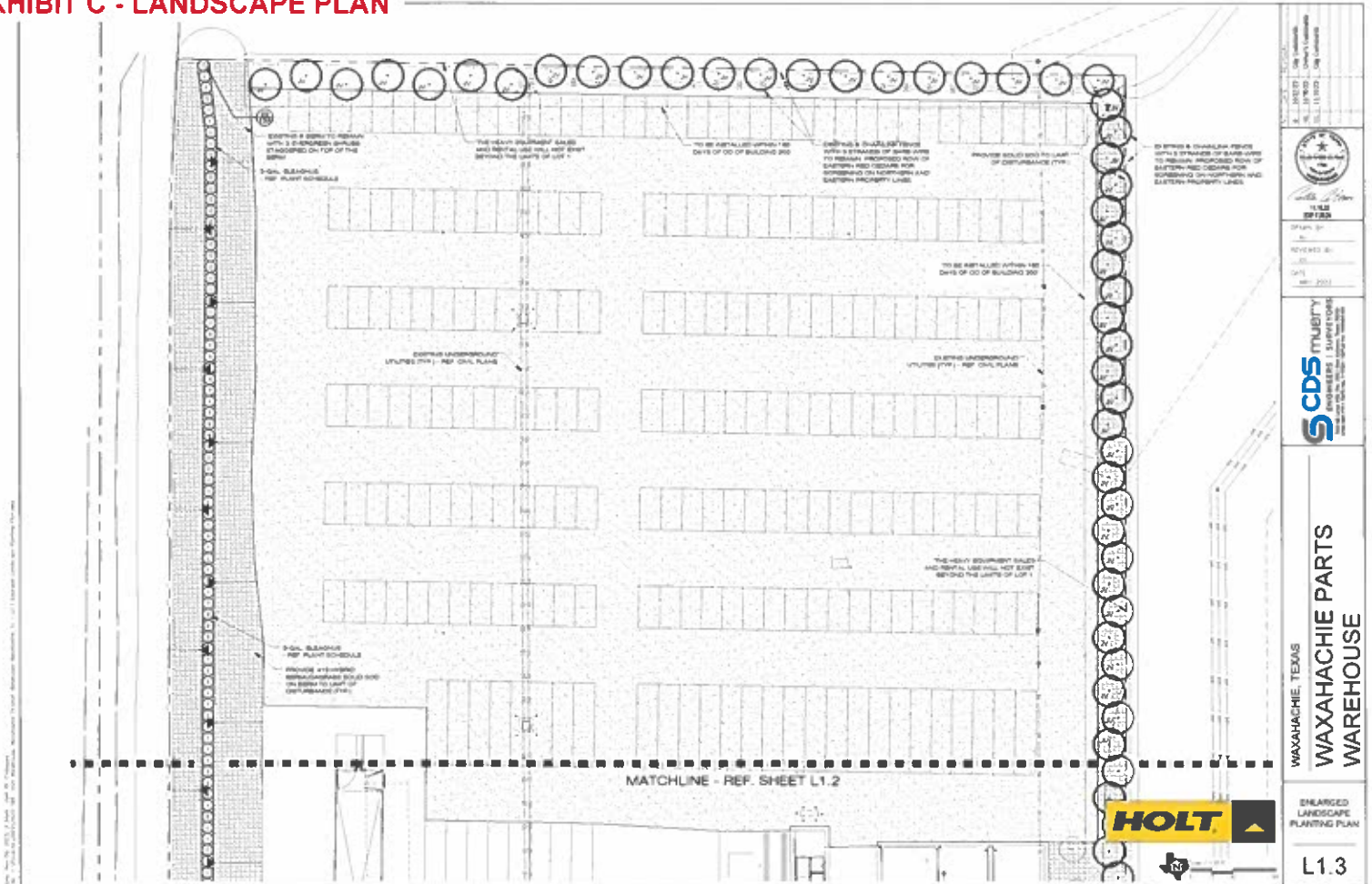


## EXHIBIT C - LANDSCAPE PLAN



(8)

EXHIBIT C - LANDSCAPE PLAN









## EXHIBIT D - ELEVATION/FACADE PLAN



**SP3**

**DIGITAL MATERIAL BOARD BLDG 200**

PHASE 2 HOLT CAT AND SERVICES DEALERSHIP BLDG.

**SCALE:**

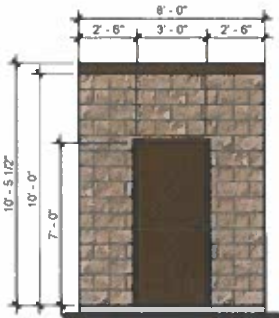
PROJECT NO. 23016



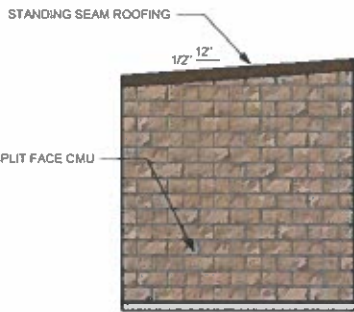
LUNA  
ARCHITECTURE

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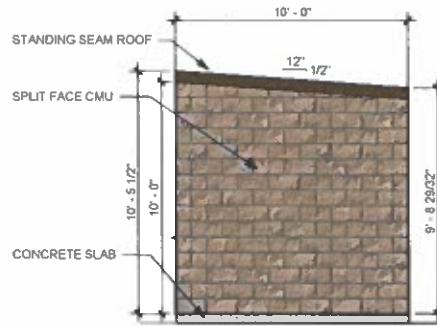
## EXHIBIT D - ELEVATION/FACADE PLAN



**1 PART DROP BOX**  
SP6 SCALE: 1/4" = 1'-0"



**3 PART DROP BOX**  
SP6 SCALE: 1/4" = 1'-0"



**2 PART DROP BOX**  
SP6 SCALE: 1/4" = 1'-0"



**4 PART DROP BOX**  
SP6 SCALE: 1/4" = 1'-0"

EXTERIOR FINISH	SURFACE AREA SF	PERCENTAGE
1/SP6 - CMU	59SF	25%
2/SP6 - CMU	98.33SF	25%
3/SP6 - CMU	98.33SF	25%
4/SP6 - CMU	77.33SF	25%
TOTAL SURFACE AREA		100%

\* CALCULATIONS EXCLUDE WINDOWS, DOORS & TRIM

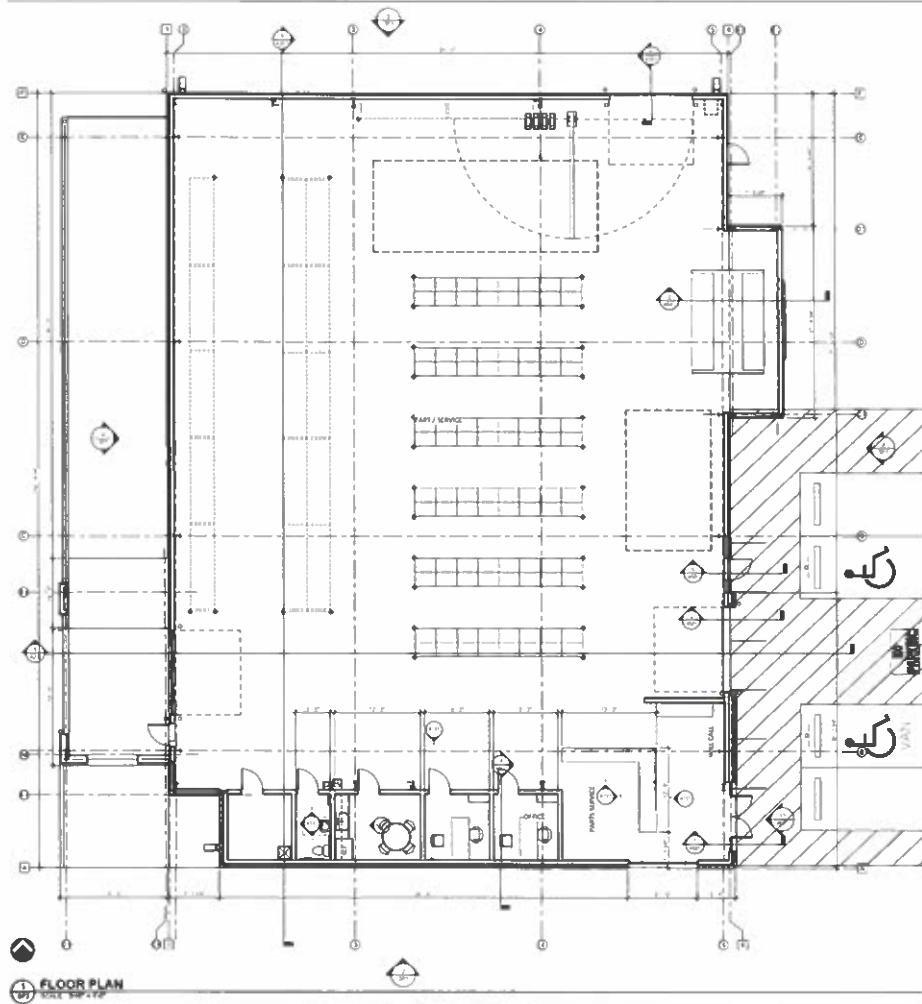
SP6

**PARTS DROP BOX**  
PHASE 2 HOLT CAT AND SERVICES DEALERSHIP BLDG.

SCALE: 1/4" = 1'-0"  
09/12/23 PROJECT NO. 23016

(8)

EXHIBIT E - FLOOR PLAN



SP2

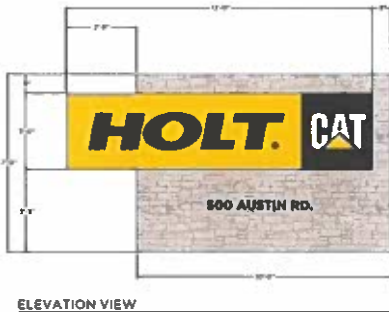
**CITY FLOOR PLAN ARTICULATION BLDG 200**  
PHASE 2 HOLT CAT AND SERVICES DEALERSHIP BLDG.

**LUNA**  
ARCHITECTURE

EXHIBIT F - SIGN PLAN



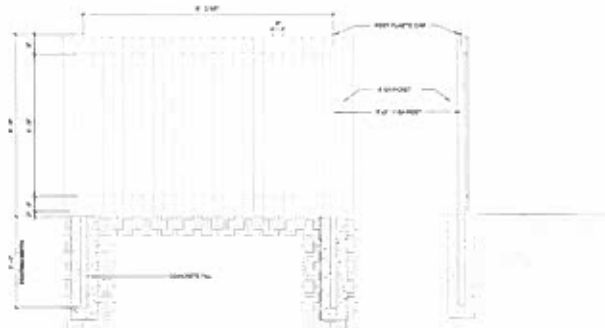
AUSTIN RD. MONUMENT SIGN  
78.25 SF



ELEVATION VIEW



PLAN VIEW



AMERISTAR ORNAMENTAL  
FENCE ELEVATION AND SECTION



NEW FENCING TO BE LOCATED TOWARDS THE SOUTH PROPERTY LINE,  
FRONTING AUSTIN RD. (REF. TO OVERALL SITE PLAN)

SP4

MONUMENT SIGNAGE & FENCE EXHIBIT  
PHASE 2 HOLT CAT AND SERVICES DEALERSHIP BLDG.

SCALE

08/17/23 PROJECT NO: 23016

**LUNA**  
ARCHITECTURE  
1600 Houston Pkwy, Suite 100, Houston, TX 77058 Tel: (281) 488-2888 Fax: (281) 488-2889 www.luna-arch.com  
© 2023, all rights reserved. All drawings and related documents are preliminary.



(8)

## EXHIBIT F - SIGN PLAN



BUILDING SIGNAGE & DIMENSION



SP5

CONCEPTUAL SIGNAGE BLDG. 100  
PHASE 2 HOLT CAT AND SERVICES DEALERSHIP BLDG.

SCALE: As indicated  
PROJECT NO. 23016

LUNA  
ARCHITECTURE



September 26, 2023  
(Revised October 30, 2023)

City of Waxahachie  
Planning Department  
408 S. Rogers Street  
Waxahachie, Texas 75168

**RE: OPERATIONAL PLAN**  
**Holt CAT Waxahachie – Phase 1 and 2**  
**550 Austin Road Waxahachie, Texas 75165**

Dear Mr. King:

The purpose of this letter is to provide the City of Waxahachie a summary of who Holt Cat is, the project location, its suitability for an equipment dealership, land use compatibility, and economic impact. Holt Cat recently purchased the Austin Industrial property at 550 Austin Road, located north of Austin Road and west of I-35E. The property owned by Holt includes approximately 92.8 acres of which 22.566 acres is platted as Lot 1, Block A, Austin Industrial Park.

## **PROJECT INTRODUCTION**

Lot 1 was previously owned by Austin Industries and currently operates as their contractor's yard with an office, service shop, and storage yard (through a lease back to Austin Industries effective through March 2025). The Holt team believes the location is ideal for a 'construction equipment dealership' and requests the City's support in obtaining a Specific Use Permit for a "Heavy Equipment Sales, Rental, and Storage." The proposed development will occur in two phases:

- Phase 1, beginning upon city approvals, will be for the construction of a Parts Warehouse Building and a small Parts Dropoff Building. The existing concrete pavement will be expanded an additional 5.03-acres size as part of the development of the Parts Warehouse building. A portion of this work may occur while the existing buildings are still being occupied by Austin Industries. Improvements include expanding the concrete storage area, a concrete loading dock, equipment display, new driveway to Austin Road and monument sign.
- Phase 2, is estimated to occur in March 2025, will take place when Austin Industries moves out and Holt re-occupies the facilities on Lot 1. Interior renovations to repurpose the building will occur and cement stabilized gravel will be installed for equipment storage.
- Once occupied by Holt, the hours of Operations will be Monday to Friday from 7AM to 6 PM with approximately 65 employees assigned to this location.
- Holt Cat intends to utilize Lot 1, the former Austin Industries facility, as a Holt Cat Caterpillar Equipment Dealership. Holt has no near-term plans for the remainder of undeveloped property.

## HOLT CAT IN WAXAHACHIE, TEXAS

HOLT CAT is the authorized Caterpillar heavy equipment and engine dealer for 118 counties in South, Central, North and East Texas. Established in 1933, HOLT sells, services and rents Cat equipment, engines, generators and trucks for construction, mining, industrial, petroleum and agricultural applications. HOLT sells Caterpillar used equipment worldwide and fabricates its own line of custom engineered products including land management products and water tankers. Holt Cat is the largest Caterpillar dealer in the United States. In addition to the Caterpillar heavy equipment business, Holt has the following additional business lines:

- Texas First Rentals
- Holt Industrial Rentals
- Holt Manufacturing
- Holt Renewables
- Holt Crane & Equipment
- Holt Truck Centers

Holt Cat has an existing Texas First Rentals Facility at 6820 N. Interstate 35 E., (near Sterrett Road) in Waxahachie, TX. Texas First Rentals only provides rental equipment such as, but not limited to, small dozers, skid streets, mini excavators, scissor lifts, and telescoping lifts. This business will remain in operation. In late 2022, Texas First Rentals received SUP approval for new rental store location on I-35, south of Austin Road (Lot 2, Block A). This latest location was to replace the location near Sterrett Road. This project is currently cost prohibitive and is on hold.

A Holt Cat Caterpillar equipment dealership is the flagship business line of Holt Cat. It is significantly larger than a Texas First Rentals store. A Holt Cat dealership includes parts, sales, service, and storage of large construction equipment such as, large dozers, excavators, motor graders, wheel loaders and belly scrapers. A Holt Cat dealership also has greater economic impact. The Waxahachie location is estimated to employ 65 people. This location is similar in size to a Holt Cat dealership in Little Elm. The Little Elm dealership generated over \$4.7 million in state and local tax revenue in 2022 and over the last two years, over \$7.5 million.

## DEVELOPMENT OVERVIEW

The development of the Holt Cat dealership on Lot 1 within the former Austin Industries facility will be executed through a two-phase approach. This approach is necessitated by the fact that Austin Industries has leased the current facility back for approximately 18 months.

Phase 1 entails the construction of a new parts warehouse spanning 8,700 square feet, along with corresponding site enhancements. The parts warehouse is intended to facilitate parts sales and customer pickups for Holt, thereby supporting the dealership's operations. Other enhancements planned for Phase 1 encompass the display of equipment, establishment of a concrete storage area, creation of a new driveway accessing Austin Road, installation of a black metal fencing along the Austin Road frontage, landscaping and natural screening, monument sign, and the incorporation of a parts drop box shed. For landscaping, all landscaping (except landscape screening along the north and east property line) shall be completed prior to issuance of the Certificate of Occupancy for the Parks Warehouse Building. Landscape screening on the north and east property line shall be completed within 180 days of the issuance of Certificate of Occupancy for the Parts Warehouse Building.

In Phase 2, the focus will shift towards reoccupying the pre-existing structures and storage yards to establish the Holt Cat dealership. This phase will come into play upon the expiration of Austin Industries' lease. Additional enhancements anticipated in Phase 2 involve conducting interior renovations of buildings and improving the storage areas with cement stabilized gravel pavement.

The City of Waxahachie's regulations classify a Holt Cat dealership as a heavy machinery and equipment rental, sales, or storage use. This classification necessitates the acquisition of a Specific Use Permit (SUP).

## Existing Zoning and Land Use

The entire 92 acres is zoned Light Industrial 1 (LI-1) and per the City's comprehensive plan, the future land use map designation for the property is Industrial. Lot 1 has an existing SUP that was approved in 2009 for office and outside storage for the existing Austin Industries facility. Heavy machinery and equipment rental, sales, or storage use is permitted in the LI-1 zoning district subject to SUP approval. The proposed land use of Lot 1 as a construction equipment dealership is consistent with the existing zoning on the property and the future land use map. The following are additional items in support of a construction equipment dealership land use at this location:

- Dealership located approximately 1,900 feet back from I-35E.
- Electric Transmission Lines on the south side and east side of the dealership location.
- Dealership located approximately 300 feet back from Austin Road due to existing water and electric transmission lines.
- Heavily wooded floodplain on the north side of the property.
- LI-1 Zoning to the south with existing concrete batch plant land use.
- LI-2 Zoning to the west with planned industrial warehouse and manufacturing.
- FD (future development zoning) and LI-2 to the north with existing trailer sales facility and undeveloped property.
- HI (heavy industrial) to the east with existing railroad car and truck yard, tank wash facility (Coal City Cob).
- All adjacent property identified as Industrial on Future Land Use Map.
- Note, Lot 2, Block A, is part of the SUP for Texas First Rentals. There are no current plans for the remaining 70-acres of unplatted portion owned by HOLT CAT.



Figure 1: Site Location, Adjacent Zoning and Land Use





Figure 2: View of Existing Austin Industries Facility from Austin Road/I-35 (+/- 1900 feet back from I-35)



Figure 3: View of Existing Austin Industries Facility from I-35 north of Austin Road (+/- 1900 feet back from I-35)

## Outside Storage and Display

To ensure the effectiveness of the dealership, Holt Cat requires the capacity to prominently exhibit specific construction equipment pieces. To achieve this objective, the project aims to establish two distinct construction equipment display zones at the front of Lot 1, facing Austin Road. These display areas will feature crushed decomposed granite surfaces, encircled by perimeter pipe rail fencing, and enhanced with carefully curated landscaping. The subsequent illustrations depict potential arrangements for these construction equipment displays.

## EXHIBIT G - OPERATIONAL PLAN (8)

The display area will be similar to displays found at automotive dealerships, where the sales equipment will be parked in front of the dealership. The heavy equipment will not be permanently affixed to the display area and can be moved or replaced accordingly by the dealership:



*Figure 4: Example Equipment Display Area*



*Figure 5: Adjacent to the dealership building it is possible that an antique tractor will be showcased on a display pad as shown in the picture below.*





Figure 6: Example Antique Tractor on display.

The Holt Cat dealership will require an outside storage area for construction equipment and associated appurtenances. The existing Austin Industries facility has approximately ten (10) acres of outside gravel storage on Lot 1.



Figure 7: Existing Austin Industries Gravel Storage Yard.

## EXHIBIT G - OPERATIONAL PLAN (8)

Based on the Phase 1 and 2 improvements for the Holt Cat dealership, the site will result in an additional 4.4-acres of outside storage on concrete pavement and 5.4-acres will be regraded and repaved with cement stabilized gravel pavement (See below).



Figure 8: Proposed Concrete and Cement Stabilized Gravel Pavement Storage Areas for Holt Cat Dealership.

The gravel base material will be cement stabilized to form a harder surface. The construction equipment at a Holt Cat dealership is much larger than a rental store. Many of the large pieces of equipment are on steel tracks which “chew” concrete. It is best for these pieces of equipment to travel on gravel pavement as much as possible. The cement stabilized gravel pavement will consist of a minimum of 12 inches of compacted engineered subbase material equivalent to crushed limestone or crushed reclaimed concrete per TXDOT Item 247, Type A or D, Gr 1-2. The upper 8 inches of the pavement will be a cement slurry over gravel with the slurry consisting of 6% cement by weight of gravel. Cement will be mixed in place with a pulverizing mixer or mixed with the gravel in a pug mill prior to placement. After mixing is complete, cement stabilized pavement will be compacted and rolled to a smooth uniform finish.



*Figure 9: Photograph of Cement Stabilized Gravel Pavement.*

To address and minimize outdoor storage concerns, the Specific Use Permit (SUP) suggests implementing the following strategies:

1. **Maintaining Existing Buffer and Landscape Screening:** To shield storage from public view along Austin Road, the existing buffer will be preserved, aligning with current utilities. Additional landscape screening will be introduced on the front west side, immediately north of the easements. It's important to note that both the planned equipment displays and constructed buildings, will further contribute to screening the storage area.
2. **Sustaining Berm on Solon Road:** The approximately 6-foot-tall berm along future Solon Road will be retained as a means of maintaining effective visual separation. Note, in terms of the Finished Floor Elevation (FFE) of the new Parts Warehouse building, the top of the berm, at an elevation of  $\pm 646.50$ , will be approximately 10.8-feet higher than the currently proposed FFE at  $\pm 635.70$ . Furthermore, additional shrubbery will be planted on the top of the berm.
3. **Natural Screening on North Side:** The property's northern boundary benefits from natural screening provided by a densely wooded floodplain. Notably, the land adjacent to Lot 1, spanning between the lot and the creek, is owned by Holt Cat. Additional screening will be provided with trees planted at 30-feet on center on the northern lot line, specifically Eastern Red Cedar species.
4. **Landscape Screening on East Side:** A proposal is set forth to introduce additional landscape screening along the eastern edge of Lot 1. This includes staggered Eastern Red Cedars at 20-feet on center along the eastern lot line.
5. **Fencing Adjustments:** Lot 1 is currently encircled by an existing black metal ornamental fence on the west perimeter, and a chain link fence with three strands of wire on the south, north and east sides. The existing fencing will remain intact, except chain link fence along the south property line fronting Austin Road will be replaced with a 6-foot black decorative metal fence.
6. **Enhanced Storage Yard Surface:** The enhancement plan encompasses the use of cement stabilization for sections of the storage yard that are currently covered with gravel pavement. This aims to improve the durability and functionality of these areas.

## EXHIBIT G - OPERATIONAL PLAN (8)

These proposed measures collectively aim to effectively manage and mitigate the visual impact of outdoor storage within the Holt Cat dealership premises.

The following images are examples of outside storage of existing Holt Cat dealerships. The storage yards are cement stabilized gravel pavement and consist mostly of construction equipment which are neatly organized.



*Figure 10: Example of outside storage of existing Holt Cat dealerships*



## EXHIBIT G - OPERATIONAL PLAN (8)



*Figure 11: Example of outside storage of existing Holt Cat dealerships.*

The following picture provided is the view of a storage yard of a Holt Cat dealership in Georgetown from street level. This storage yard is approximately 300 feet back from the street and the only landscape provided are the existing trees you see in the picture. The equipment is not very visible.



*Figure 12: Holt Cat dealership in Georgetown, Texas.*



# EXHIBIT G - OPERATIONAL PLAN (8)

Comparing this condition to the Waxahachie dealership location, storage areas will be even less visible for the following reasons:

- Over 1900 feet away from I-35
- Over 300 feet back from Austin Road
- Berm on west side
- Wooded floodplain on north side
- Landscape screening added to the east side and portions of the south side.
- Decorative equipment displays on south side screen storage areas from Austin Road
- Existing and proposed buildings screen storage areas from Austin Road

## Signage

Exterior building wall signs for both the parts warehouse and existing buildings will be provided as shown on the architectural elevations. Along Austin Road, Holt is proposing a 7-foot tall (80 SF Max Area) monument sign for Lot 1. The sign will be located outside of the existing easements and adjacent to Austin Road as shown on the site plan and architectural rendering.

## Traffic

A Holt Cat dealership does not generate significant traffic. The traffic in the AM and PM peak hours consists of employees arriving and departing from the facility similar to an office development. There will be periodic traffic from customers buying and renting equipment or picking up parts. Although there is not a specific ITE Code for a "Heavy Equipment Sales / Dealership," using the "best fitting" land uses from the ITE code results in the following:

Existing					
Building	Land Use	ITE Code	Square Feet	Rate	PHTs
Office	General Office Building	710	5,000	1.16 Per 1000 SF GFA	5.80
Maintenance Shop	General Light Industrial	110	16,600	0.70 Per 1000 SF GFA	11.62
TOTAL					17.42

Figure 13: Existing Traffic Generation (i.e., Peak Hourly Trips) Estimate

Proposed					
Building	Land Use	ITE Code	Square Feet	Rate	PHTs
Office	Construction Equipment Rental Store	811	5,000	0.99 Per 1000 SF GFA	4.95
Maintenance Shop	General Light Industrial	110	16,600	0.70 Per 1000 SF GFA	11.62
Parts Warehouse	Warehousing	150	8,700	0.17 Per 1000 SF GFA	1.48
Parts Dropoff	Warehousing	150	100	0.17 Per 1000 SF GFA	0.02
Yard Building	General Office Building	710	200	1.16 Per 1000 SF GFA	0.23
TOTAL					18.30

Figure 14: Proposed Traffic Generation (i.e., Peak Hourly Trips) Estimate

Based on ITE code and the tables above, the additional traffic generated from the construction of the Parts Warehouse, proposed small ancillary buildings, and the conversion of the office space to a dealership, will see an estimated peak hourly trip increase of less than one (1) trip. Additionally, there will be truck traffic on average of 10 to 15 heavy haul low boy trailers per day and two to three cargo trailers per day. I-35 and Austin Road provide an excellent means to serve the anticipated truck and normal vehicular traffic.

# EXHIBIT G - OPERATIONAL PLAN ( 8 )

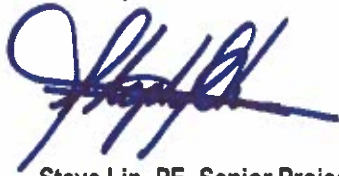
## Development of the Remaining Property

Holt Cat has no near-term plans for the remainder of the property (areas beyond the platted Lot 1). It is unknown at this time how it will be developed. In the event the Holt Cat dealership expanded, it would not take up the remaining undeveloped property.

## CONCLUSION

In closing, based on the project location and its suitability for an equipment dealership, land use compatibility and economic impact, the Holt team believes the location is ideal for a construction equipment dealership and requests the City's support to obtain a Specific Use Permit for heavy machinery and equipment rental, sales, and storage. We look forward to working with City staff on this specific use permit application request. As always, please do not hesitate to call me at (210) 581-1111 if you need any further information or have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Lin', with a stylized flourish extending from the end.

**Steve Lin, PE, Senior Project Manager**  
**CDS Muery**

(8)

## CONCEPT PHOTOS & SITE PHOTOS



Example of Entrance Heavy Equipment Display

(8)

## CONCEPT PHOTOS & SITE PHOTOS



Example of Entrance Heavy Equipment Display

(8)

## CONCEPT PHOTOS & SITE PHOTOS



Example of Static Equipment Display



(8)

## CONCEPT PHOTOS & SITE PHOTOS



**Photo of existing berm along western property line in relation to existing onsite buildings. This picture taken from the west side of the existing office building looking westerly. Berm fully screens the equipment from the roadway (Note, Solon Road is on the other side of the berm).**

(8)

## CONCEPT PHOTOS & SITE PHOTOS



**Photo of existing berm along western property line in relation to existing onsite buildings. This picture taken from the west side of the existing office building looking westerly. Berm fully screens the equipment from the roadway (Note, Solon Road is on the other side of the berm).**

## CONCEPT PHOTOS & SITE PHOTOS



Photo of existing berm along western property line in relation to existing rear storage area. This picture taken from more or less where the new Parts Warehouse will sit. The storage yard west of the proposed Parts Warehouse will be filled in with concrete up to the existing berm. Notice only the tops of trees on the other side of the berm can be seen from this view. Per SUP, additional plantings will be completed on the top of the berm.

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR HOLT CAT WAXAHACHIE
COUNTY OF ELLIS	§	

This Development Agreement for Holt CAT Waxahachie ("**Agreement**") is entered into between PC5 Properties LLC ("PC5") and the City of Waxahachie, Texas ("**City**"). PC5 and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

**Recitals:**

1. PC5 is the owner of approximately 22.585 acres of real property generally located at 550 Austin Road, Parcel Number 254632 in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Light Industrial-1 zoning to Light Industrial-1 with a Specific Use Permit ("**SUP**") zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP for a heavy machinery and equipment rental, sales or storage use reviewed on December 18, 2023.

2. The planned use of the Property is to create a Specific Use Permit to allow for a Heavy Machinery and Equipment Rental, Sales or Storage use for Holt CAT Waxahachie. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing PC5 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 PC5 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 **Ordinance No. (TBD)** (the "**Holt CAT Waxahachie SUP Ordinance**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Holt CAT Waxahachie.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Holt CAT Waxahachie SUP Ordinance as contractually-binding obligations between the City of Waxahachie and PC5, and to recognize PC5's reasonable investment-backed expectations in the Holt CAT Waxahachie SUP Ordinance and the planned development of Holt CAT Waxahachie.

**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 Holt CAT Waxahachie SUP Ordinance, which incorporate 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) A mutually agreed upon Development Agreement will be required for the property.
- (B) The Site Plan shall conform as approved by the City Council under case number ZDC-82-2023.
- (C) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Floor Plan, Exhibit F – Sign Plan, and Exhibit G – Operational Plan.
- (D) The Owner 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.
- (E) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (F) 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.
- (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.
- (H) Any zoning, land use requirement, or restriction not contained within this Development Agreement, the SUP Zoning Ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Floor Plan, Exhibit F – Sign Plan, and Exhibit G – Operational



(9)

Plan. Where regulations are not specified in Exhibits B, C, D, E, F, G, this Development Agreement, or the SUP Zoning Ordinance, the regulations of the Light Industrial-1 (LI-1) Zoning District shall apply to this development.

(I) City Council shall have the right to review the Specific Use Permit at any point, if needed.

In consideration of PC5's agreement in this regard, the City of Waxahachie agrees that PC5 has reasonable investment-backed expectations in the Holt CAT Waxahachie SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Holt CAT Waxahachie SUP Ordinance without impacting PC5'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 PC5 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 120<sup>th</sup> day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2271 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 2271 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 2271 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, 87<sup>th</sup> 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, 87<sup>th</sup> 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.

(9)

**{Signature Pages Follow}**

(9)

**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: \_\_\_\_\_



(9)

**: PC5 Properties LLC (Developer)**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**: PC5 Properties LLC (Owner)**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF TEXAS** §

**COUNTY OF ELLIS** §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of PC5 Properties 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: \_\_\_\_\_



## Memorandum

To: Honorable Mayor and City Council

From: Justin Stoker, Director of Public Works

Thru: Michael Scott, City Manager

Date: December 18, 2023

Re: Consider Ordinance Amending Appendix C Subdivisions, Section 7.2  
Schedule of Filing Fees

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**Motion:** "I move to approve the ordinance amending Appendix C Subdivisions, Section 7.2 Schedule of Filing Fees as presented, and authorize the City Manager and/or Mayor to execute all necessary documents."

**Item Description:** Consider an ordinance amending Appendix C Subdivisions, Section 7.2 Schedule of Filing Fees that revises public infrastructure inspection fees to comply with new state law H.B. 3492.

**Item Summary:** The City of Waxahachie, along with many other cities in the state, have historically based their infrastructure inspection fees on the cost to install the public infrastructure. During this year's legislation the Governor signed H.B. 3492 into law, effective September 1, 2023, that prohibits cities from using the cost of constructing public infrastructure in determining a value-based inspection fee.

City staff has evaluated the three approved options provided by state law and determined a method that bases the fee off of estimated direct time and materials of city employees to review, process, and inspect public infrastructure for land development.

For non-residential developments smaller than two-acres, a simplified process was established with a proposed flat fee of \$2,980. This flat fee is based off of an average of similar projects. Projects larger than two acres will be determined using a worksheet to estimate the number of hours inspection will take over the course of construction.

This ordinance will be retroactively effective September 1, 2023, when the state law became effective. There are currently three projects that have begun the inspection process and fees have been deferred until project closeout and the new fee assessment process is approved. This was explained to the customers and they are all in agreement.

**Fiscal Impact:** The inspection fee calculation provided was determined to be the best fit for the City and is an equitable approach between the City and developers in covering the cost of development.

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING APPENDIX C SUBDIVISIONS; SECTION 7.2 SCHEDULE OF FILING FEES; MAKING FINDINGS AND SETTING AN EFFECTIVE DATE OF SEPTEMBER 1, 2023.**

**WHEREAS**, on June 10, 2023 the Governor of Texas signed into law H.B. 3492 with an effective date of September 1, 2023, which prohibits cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and subdivision; and

**WHEREAS**, the City Council of the City of Waxahachie has adopted a fee schedule, which is to be amended with updated fees. This revision amends the existing Code of Ordinances Appendix C, Section 7.2 Schedule of Filing Fees; and

**WHEREAS**, while the existing Appendix C, Section 7.2 Schedule of Filing Fees of the City of Waxahachie remain intact, the fee schedule of Section 7.2 (i) Infrastructure Inspection Fee is to be amended accordingly to comply with state law.

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

**SECTION 1.** Existing Appendix C, Section 7.2 (i), of the “Schedule of Filing Fees,” of the Code of Ordinances of the City of Waxahachie, Texas, is hereby amended to read as follows:

**Appendix C, Section 7.2 – Schedule of Filing Fees.**

.....

- i. *Infrastructure Inspection Fee*: determined by the hourly rate of \$87.07 for the estimated direct time and materials of city employees to review, process the applications and perform the construction inspections as defined in the following table. Non-residential developments with a parcel size of less than two-acres shall be charged a flat rate of \$2,980.00.

DESCRIPTION	INSPECTION HOURS PER UNIT	UNIT
Project Setup and Documentation (up to 5 acres)	20	LS
Project Setup and Documentation (after initial 5 acres)	2	per 5 acres
SWPPP	5	LS
Paving, drive approach, alleys (concrete or asphalt)	2	per 100 sq-yards
Sidewalk (public sidewalk only)	0.5	per 100 linear feet
Pedestrian ramps/landings	0.5	per each
Curb and gutter, flumes (not associated with other paving)	0.75	per 100 linear feet
Water line installation, all inclusive (up to 12" diameter)	3.5	per 100 linear feet
Water line installation, all inclusive (greater than 12" diameter)	4	per 100 linear feet
Water service and meter, meter vault, backflow preventer, and fire hydrant assembly	1.5	per each
Sewer line, all inclusive (up to 12" diameter)	3.5	per 100 linear feet
Sewer line, all inclusive (greater than 12" diameter)	4	per 100 linear feet
Sewer service	0.25	per each
Sewer manholes/structures (up to 10-ft deep)	1.5	per each
Sewer manholes/structures (more than 10-ft deep)	2.5	per each
Special facilities (i.e. lift stations, flow meter station)	Custom*	LS
Grading, erosion, sediment, BMPs	0.75	per acre
Storm Headwall (pre-cast)	2	each
Storm Headwall (cast-in-place)	5	each
Storm (up to 18" diameter)	3.5	per 100 linear feet
Storm (greater than 18" diameter)	3.5	per 100 linear feet
Storm inlets, junction boxes, manholes, outlet structure	1.5	per each
Detention basins	0.5	per 100 cu-yards
Signs and striping	0.5	per acre
Traffic control	Custom*	LS
Conduit	0.75	per 100 linear feet
Retaining walls (up to 24" high)	0.25	per 20 linear feet
Pole bases	0.5	per each
Other (please specify)	Custom*	Custom*

\* - Inspection fees for custom items depends on the size and complexity of the proposed improvement. An estimate of inspection time will be provided once the civil plans are deemed acceptable.

**SECTION 2.** This Ordinance shall be effective from September 1, 2023, as required by law.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
WAXAHACHIE, TEXAS, ON THIS THE 18TH DAY OF DECEMBER 2023.**

APPROVED:

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DAVID HILL  
MAYOR

ATTEST:

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AMBER VILLARREAL  
CITY SECRETARY

APPROVED AS TO FORM:

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TERRENCE S. WELCH  
CITY ATTORNEY





## Memorandum

To: Honorable Mayor and City Council  
From: James Gaertner, Executive Director of Public Works & Utilities  
Thru: Michael Scott, City Manager  
Date: December 18, 2023  
Re: Award of a Construction Contract to Schofield Civil Construction, Inc. for the Robert W. Sokoll Water Treatment Plant Tube Settlers and Sodium Hypochlorite Tanks Replacement Project and the related supplemental appropriation

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**Motion:** "I move to approve the award of a construction contract to Schofield Civil Construction, Inc., in the amount of \$1,740,700 and the associated supplemental appropriation in the amount of \$913,867.50 for the Sokoll Water Treatment Plant Tube Settlers and Sodium Hypochlorite Tanks Replacement Project and authorize the City Manager to execute all necessary documents."

**Item Description:** The Robert W. Sokoll Water Treatment Plant's ("Sokoll") tube settlers in two flocculation/sediment basins and the two-sodium hypochlorite bulk storage tanks are nearing the end of the 15-year service life as recommended by the manufacturers. These tube settlers and tanks are showing signs of wear and tear and are indeed in need for replacement.

**Item Summary:** This project includes replacement of tube settlers in two existing flocculation/sedimentation basins and the replacement of two sodium hypochlorite tanks, as well as the associated piping system. Additionally, the project scope includes all necessary electrical and instrumentation work.

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The City received two sealed bids that were opened on October 12<sup>th</sup>, 2023. Schofield Civil Construction, Inc. was the lowest responsible bidder in the amount of \$1,740,700. Plummer Associates, Inc. (the project's Design Engineer) has reviewed Schofield's qualifications and their references. Plummer and City staff recommends awarding the construction contract to Schofield Civil Construction, Inc.

**Fiscal Impact:** This project was originally planned as a capital enhancement expense in the Sokoll's FY23 budget. However, due to delays during the design process, project construction was postponed to the FY24 budget year. The total construction cost will be shared equally through a joint cost-sharing agreement established between the City and the Rockett Special Utility District ("Rockett"). Specifically, half of the funding, representing \$913,867.50, will be allocated from the City's Water Fund through supplemental appropriation, with the remaining half to be paid by Rockett. This figure includes the total contract price plus a 5% contingency (of \$87,035) for a total construction budget of \$1,827,735 that is shared equally by the two partners.

The City staff recommends approving the award the construction contract to Schofield Civil Construction, Inc. in the amount of \$1,740,700. In addition, City staff recommends an additional \$87,035 contingency for any unforeseen conditions during construction, resulting in a total requested project budget of \$1,827,735. The Water Fund working capital has adequate funding for the City's portion of this request.



## Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: December 18, 2023

Re: Revised Agreement between Rockett Special Utility District and City of Waxahachie Amending the Administration Fees Associated with the Billing of Wastewater Service and Garbage Collection

---

**Motion:** "I move to approve the revised Agreement between Rockett Special Utility District and City of Waxahachie and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider approval of a revised agreement between the City of Waxahachie and Rockett Special Utility District (Rockett SUD) for the amendment of the administrative fees associated with billing for City wastewater service and the collection of garbage by the City's solid waste collection provider.

**Item Summary:** Rockett SUD currently collects the City's wastewater and garbage bills along with their monthly water bill. If a customer does not pay their combined water, wastewater, and garbage bill, then Rockett SUD can enforce the payment by adding late penalty fees, and eventually water shut-off.

The current Rockett SUD administration fee for billing the City's portion of the bill is \$1 per month, plus an initial \$5 account setup fee. This rate has not changed since early 2008. Rockett SUD requested to revise their administration fee to a percentage-based structure of 4% of the total wastewater and garbage monthly

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bill, plus an initial \$5 account setup fee. After reviewing the City's average bills, it would equate to approximately 2.19 times the current rate, but it is also slightly less than the city's average cost to send the bills to our own customers. This administrative fee includes recovery of credit card fees charged for customers who pay their bills by credit cards. The benefit to have Rockett SUD bill the wastewater and garbage on the city's behalf is the ability to enforce payment for all billed services (water, sewer, and garbage) thru turning off of their water service if necessary.

City staff contacted other cities and utility districts regarding their administrative fees. This revised fee is comparable to other surrounding entities and City staff recommends approval of this Agreement. Rockett SUD will take the Agreement to their board on December 19, 2024 and it is anticipated that the revised terms will be in effect for the January 2024 billing cycle.

**Fiscal Impact:** Rockett SUD will continue to collect the wastewater and garbage bills on the City's behalf and will send a check to the City monthly, after deducting the 4% administrative fee (and \$5 account setup fee for new accounts). There are no additional costs to the City's Operations budget related to this Agreement.



## Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: December 12, 2023

Re: Expansion of the Historic Overlay District

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**Motion:** "I move to **approve/deny** the inclusion of the City-owned property referenced as  (see parcel number below)  in the proposed Historic Overlay District expansion initiative and authorize the City Manager to submit the related ballot to the Heritage Preservation Officer accordingly."

**Item Description:** Consider the inclusion of five City-owned properties within the proposed Historic Overlay District expansion.

**Item Summary:** A request was presented to the Heritage Preservation Commission ("HPC") to consider the expansion of the Historic Overlay District to include a number of additional properties. After extensive review, consideration and discussion by the Commission, fifteen additional properties were identified for consideration in the process.

Each of the fifteen property owners were notified of their property being considered for inclusion in the District. Per the outlined process within Section 31 of the Code of Ordinances, 30 percent of the notified property owners must respond in favor of the expansion for the process to be continued. If that is the case, the HPC will hold a public hearing and make a recommendation to the Planning & Zoning Commission for a public hearing

before sending the recommendation to the City Council for public hearing and action.

The City of Waxahachie owns five properties within the proposed District expansion and is being asked to consider and vote to approve or deny the inclusion of the properties within the District. The results of these votes will be memorialized on the official ballot and returned to the Historic Preservation Officer to record.

**Staff Recommendation:** The following narrative is being provided by staff related to each of the properties to be considered as well as a unique recommendation for each:

1. 407 W. Jefferson (Parcel **193904**)– The Ellis County Women’s Building. Built in 1925, this structure in the Tudor Revival style of architecture, served as a respite stop for women who came to town with their families on market days. Recommendation: **Approve**
2. 455 S. College Street – a portion of Railyard Park. This includes the remainder of a parcel (parcel number **171053**) associated with the City’s Railyard Park facility and raw land to the east. The property is within the 100 year flood plain and do not include structures other than improvements related to the park and stage area. Staff does not see the benefit of including this in the District as it does not consist of a contributing structure nor can it in the future given the flood plain construction limitations. Recommendation: **Deny**
3. Portion of parcel number **252537**- portion of Railyard Park. This includes part of a larger parcel. The request includes some flat improvements and electrical transformer facilities associated with the Railyard Park as well as raw land extending to the east. This property is also within the 100 year floodplain and staff does not see the benefit of including this in the District as it does not consist of a contributing structure nor can it in the future given the flood plain construction limitations. Recommendation: **Deny**
4. 300 Smokey Lane – parcel with drainage structure. This property (parcel **289894**) was purchased for the purpose of providing adequate drainage for the College Street Drainage Improvement Project and was improved thru the installation of a drainage outfall structure to accommodate the increase storm runoff from College Street. Recommendation: **Deny**
5. 308 Smokey Lane – Texaco Bulk Plant facility. This parcel (parcel **189786**) contains the Texaco Bulk Plant facility that was constructed in



approximately 1925 and has not been in operation since 1989. With not knowing the intended purpose or use of this building and potentially the need to demolish some or all of the structure, staff recommends against including this property to keep more options open for repurposing the building. Recommendation: **Deny**

**Fiscal Impact:** While there is no immediate fiscal impact, additional preservation and renovation requirements could result of an increased financial impact in the future.



